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PROCLAMATION 4332

Emergency Medical Services Week, 1974

A Proclamation

By the President of the United States of America

Each week more than a thousand Americans die as a result of accidents, heart attacks, and other medical crises because emergency medical assistance is not available.

For many years, physicians and health professionals have been urging improved national facilities for emergency medical care. Last year the Congress passed the "Emergency Medical Services Systems Act of 1973" to create a national thrust toward that goal.

Two Federal agencies, the Department of Health, Education, and Welfare and the Department of Transportation, are now working closely with States and communities to improve medical emergency services. Although many cities enjoy satisfactory services, the great majority of our communities, especially in rural areas, still require considerable improvement.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 3, 1974, as Emergency Medical Services Week.

I call upon the Governors and mayors and all other State and local officials to assist hospital administrators and physicians, fire departments, and other public safety agencies in improving their emergency medical services.

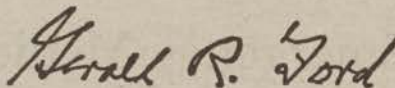
I call upon Federal agencies, especially the two Departments mentioned above, to continue, with renewed vigor, their assistance to States and communities in accelerating their efforts to help those in need of emergency medical assistance.

And I call upon all our people to lend their support to these efforts. We are a traveling nation and none of us knows when we might need help far from home.

THE PRESIDENT

Let us affirm that the first year of this national legislation is only the beginning of our effort to improve this part of our total health care system so that no individual in this country will lack help when he needs it.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

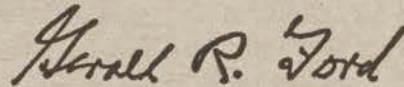


[FR Doc. 74-26213 Filed 11-5-74; 2:20 pm]

EXECUTIVE ORDER 11817

**Designating the United States Civil Service Commission as the Agent
To Concur With Agency Determinations Fixing the Age Limits
Within Which Original Appointments May Be Made With Respect
to Law Enforcement Officer and Firefighter Positions**

By virtue of the authority vested in me by section 3307(d) of title 5 of the United States Code, as added by the first section of the Act of July 12, 1974 (Public Law 93-350; 88 Stat. 355), I hereby designate the United States Civil Service Commission as the agency to concur with determinations made by agencies to fix the minimum and maximum limits of age within which an original appointment may be made to a position as a law enforcement officer or firefighter, as defined by section 8331 (20) and (21), respectively, of title 5 of the United States Code. The designation made by this order shall be effective as of October 15, 1974.



THE WHITE HOUSE,
November 5, 1974.

[FR Doc.74-26214 Filed 11-5-74;2:20 pm]

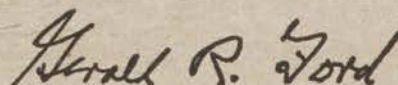
EXECUTIVE ORDER 11818

**Revoking Executive Order No. 11810 of September 30, 1974, and
Continuing in Effect Executive Order No. 11533 of June 4, 1970,
Relating to the Administration of Export Control**

By virtue of the authority vested in the President by the Constitution and statutes of the United States, including the statutes referred to herein, it is hereby ordered:

Section 1. Executive Order No. 11810 of September 30, 1974, issued under the authority of the act of October 6, 1917, as amended (12 U.S.C. 95a), is hereby revoked, except that this revocation shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that order which occurred during the period that order was in effect.

Sec. 2. Pursuant to Public Law 93-500 of October 29, 1974, effective as of the close of September 30, 1974, Executive Order No. 11533 of June 4, 1970, as continued in effect by Executive Order No. 11683 of August 2, 1972, and Executive Order No. 11798 of August 14, 1974, and all delegations, redelegations, rules, regulations, orders, licenses, and other forms of administrative action under those orders which were in effect on September 30, 1974, and which have not been revoked administratively or legislatively, are continued and shall be in full force and effect until amended, modified, or terminated by proper authority.



THE WHITE HOUSE,
November 5, 1974.

[FR Doc. 74-26215 Filed 11-5-74; 2:21 pm]

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MEMORANDUM OF OCTOBER 31, 1974

[Presidential Determination No. 75-5]

Finding and Determination Concerning Egypt

Memorandum for the Secretary of State; the Secretary of Agriculture

THE WHITE HOUSE, *Washington, October 31, 1974.*

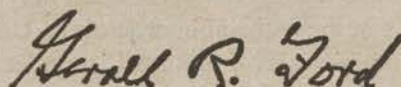
Finding and Determination under Sections 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as amended—Egypt.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d) (3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under Title I of the Act, of 200 thousand metric tons of wheat is in the national interest of the United States; and

(b) Determine, pursuant to Section 103(d) (4) of the Act, that the sale to Egypt of wheat in furtherance of such an agreement is in the national interest of the United States.

This Determination shall be published in the FEDERAL REGISTER.



STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

Egypt is central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In response to current Egyptian needs, it is proposed to export to that country 200 thousand metric tons of wheat financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480). This amount is based on Egypt's needs for not more than one fiscal year.

In order to enter into an agreement with the Government of Egypt for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d)(3) of Pub. L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). However, if such activities are limited to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States. Section 103(d)(4) also prohibits sales of commodities under Title I to Egypt unless the President determines such sales are in the national interest of the United States.

The considerations noted above, however, make the proposed sale important to the national interest of the United States notwithstanding the prohibitions contained in Sections 103(d)(3) and (4) of Pub. L. 480.

Section 410 of Pub. L. 480 prohibits sales under Title I of Pub. L. 480 to a country in violation of Section 620(e) of the Foreign Assistance Act of 1961, as amended, which concerns expropriation or nationalization of property of Americans without taking appropriate steps to discharge its obligations under international law. Egypt agreed to the establishment of a Joint Committee to discuss compensation of American nationals and, on July 15, Secretary Kissinger determined that such an agreement constituted appropriate steps under Section 620(e). The Committee continues active. Therefore, no waiver of that provision is required to permit this additional sale of wheat to Egypt under Title I of Pub. L. 480.

[FR Doc.74-26178 Filed 11-5-74;11:26 am]

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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show that one position of Secretary to the Associate Administrator for Center Operations is excepted under Schedule C.

Effective on November 7, 1974, § 213.3348(n) is added as set out below.

§ 213.3348 National Aeronautics and Space Administration.

(n) One Secretary to the Associate Administrator for Center Operations.
(5 U.S.C. secs. 3301, 3302) E.O. 10577 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-26083 Filed 11-6-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

SECURITIES CREDIT TRANSACTIONS

Suspension for a Six-Month Period of Limitation on Use of "Same-Day Substitution" Rule

The Board's securities credit regulations, Parts 207, 220, and 221 (Regulations G, T, and U), generally require that in the case of purchase-and-sale substitutions of securities in an undermargined account a specified portion of the sale proceeds must be used to strengthen the account; but until September 18, 1972, there was an exemption from that requirement when both the purchase and sale were executed on the same day. By amendments published in the FEDERAL REGISTER at 37 FR 13972, effective September 18, 1972, the Board narrowed the same-day exemption and limited it to accounts where the customer's equity was at least 40 percent.

The limitation in the September 18, 1972, amendments is now being suspended for a six-month period, from November 5, 1974, through May 5, 1975, while the Board reviews the appropriateness or inappropriateness in present circumstances of maintaining the 40 percent requirement with respect to the exemption of same-day substitutions.

The result of the Board's action in suspending the limitation will be to reinstate for a six-month period the rules which were in effect before September 18, 1972, permitting the substitution of collateral in all undermargined accounts, without using a portion of the sale proceeds to strengthen the account, when the substitution is effected by a purchase and sale executed on the same day.

To implement this suspension, the Board amends 12 CFR, Chapter II, Subchapter A, Parts 207, 220 and 221 as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. Part 207 (Reg. G), paragraph (f) of § 207.5 (the Supplement to Regulation G) is amended by adding a sentence giving notice of the suspension and its duration. The amended section reads as follows:

§ 207.5 Supplement.

(f) *Minimum equity ratio.* The minimum equity ratio of a credit subject to § 207.1 is 40 percent. For the period November 5, 1974, through May 5, 1975, all same-day substitutions of collateral permitted by § 207.1(j)(2) for credits in which the equity ratio equals or exceeds the minimum equity ratio shall also be permitted for all credits in which the equity ratio is less than the minimum equity ratio.

PART 220—CREDIT BY BROKERS AND DEALERS

2. Part 220 (Reg. T), § 220.8 (the Supplement to Regulation T) is amended by adding a new paragraph (g)(3) giving notice of the suspension and its duration as follows:

§ 220.8 Supplement.

(g) *Account subject to section 8(g).*

(3) For the period November 5, 1974, through May 5, 1975, all transactions permitted by §§ 220.3(b)(1) and 220.3(g) for accounts not subject to section 8(g) shall also be permitted in accounts subject to section 8(g).

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCK

3. Part 221 (Reg. U), paragraph (f) of § 221.4 (the Supplement to Regulation U) is amended by adding a sentence giving notice of the suspension and its duration. The amended section reads as follows:

§ 221.4 Supplement.

(f) *Minimum equity ratio.* The minimum equity ratio of a credit subject to § 221.1 is 40 percent. For the period November 5, 1974, through May 5, 1975, all same day transactions permitted by 221.1(c) for credits in which the equity ratio is equal to or exceeds the minimum equity ratio shall also be permitted for those credits in which the equity ratio is less than the minimum equity ratio.

These amendments are issued pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. section 78g).

The requirements of 5 U.S.C. section 553 with respect to notice, public participation and deferred effective date were not followed in connection with this suspension since it temporarily relieves a restriction and the Board found that to follow the requirements of section 553 would be impractical, unnecessary, and contrary to the public interest inasmuch as they would needlessly delay both observation of results of the suspension and appraisal of the appropriateness or inappropriateness of maintaining the restriction.

Effective date. These amendments are effective November 5, 1974.

By order of the Board of Governors, November 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26122 Filed 11-4-74;4:09 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. T2-WE-22-AD; Amdt. 39-2004]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 and Military C-9A and C-9B Airplanes

Amendment 39-1628 (38 FR 10253) AD 73-9-2, effective May 30, 1973, as amended by Amendment 39-1926 (39 FR 30108), effective August 26, 1974, requires inspection and repair or replacement of certain fuselage overwing frames on McDonnell Douglas Model DC-9-10 Series Airplanes and mandatory reporting of cracks found as a result of the inspections, directly to the Chief, Aircraft Engineering Division, FAA Western Region.

After issuing Amendment 39-1926, the agency was requested to reassess the necessity of reporting cracks found as a

result of inspections, in compliance with paragraph B.2.d. of the AD, when such reports were being furnished through the SDR/MRR system.

The agency has determined that sufficient data relevant to this service problem has been accumulated and the need for reporting per the AD no longer exists. The AD is being amended to delete this requirement. Operators subject to the SDR/MRR system reporting requirements are not relieved of that requirement by this action.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1628 (38 FR 10253), A.D. 73-9-2, as amended by Amendment 39-1926 (39 FR 30108) is further amended by deleting sub-paragraph B.2.d.

This amendment is effective November 13, 1974.

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

Issued in Los Angeles, California, on October 30, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc. 74-26038 Filed 11-6-74; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-10; Order No. 515]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Weekly Report of Coal Supplies of Electric Utilities

NOVEMBER 4, 1974.

Order requiring electric utilities to make weekly report of coal supplies by telephone, telecopier or comparable rapid data transmission system during the period November 3, 1974, through April 26, 1975.

This order directs the utilities listed in Appendix A to make weekly reports and projections of coal deliveries, coal stockpiles and coal consumption and system net generation on a company-by-company or system-by-system basis during the period November 1, 1974, through April 27, 1975. A worksheet is provided in Appendix B to allow organization of the information to be transmitted. The first report is due by noon, Tuesday, November 5, 1974, for the utility reporting week ending November 1, 2, or 3, 1974. The information provided in these reports will assist governmental and non-governmental assessments of the national energy situation during the critical winter and early spring months. The in-

formation to be used by Federal officials will also be made available to state and local governments for their use, and to the public.

A notice of proposed rulemaking was issued on October 15, 1974, and published in the FEDERAL REGISTER on October 21, 1974, 39 FR 37399.

Four utilities responded to the notice. Most comments dealt with the need to clarify ambiguous statements in the notice. Pacific Power and Light Co. suggested that "utilities which operate captive mines for their own plants and which do not obtain coal from any source other than their own captive mine" be exempted from reporting because (1) stocks, deliveries, and consumption are controlled by the Company and are not affected by national coal consumption or supply, (2) the captive mines does not sell coal elsewhere and the plant is not equipped to burn fuel from other sources, and (3) weekly reporting is a burden and duplicates information already supplied on Forms 4 and 423. While accepting the merit of the first two points, the Commission notes that system is interconnected with other utility systems and that electric power is exchanged through the interconnections. Thus, the Company does not operate in isolation from the rest of the Nation's energy supply and assessment of the regional energy situation would be incomplete without these data. Further, the information desired does not duplicate the detailed monthly plant information supplied on Forms 4 and 423, which is not generally available for six weeks or more. The information collected under this Order is a brief weekly system report provided on an expedited basis, to be published within 48 hours of transmittal to the Commission's Regional Offices.

There is desirability in allowing for variation in the time used as the end of the reporting week. Some systems regularly record fuel stocks as of Saturday midnight, others Sunday midnight. Therefore, data collected as of midnight on either Friday, Saturday, or Sunday is acceptable, but the time once selected should be maintained for subsequent reports. The data should be reported to the Regional Engineers by Tuesday noon. The Regional Offices will summarize the information for each region; national summaries are expected to be available in Washington by noon Wednesday.

This weekly reporting is not to be confused with, or used as a substitute for, reporting plant fuel emergencies on FPC Forms 237A and 237B. The Form 237 reports are to be filed independently of the weekly utility system coal status reports as directed by the instructions on the Form, generally when plant coal stocks have declined below 30 days.

The Commission finds. (1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner prescribed above are consistent with the procedural requirements prescribed in 5 U.S.C. 553.

(2) The amendment to Part 141 of Title 18 of the Code of Federal Regulations is necessary and appropriate in the administration of the Federal Power Act.

(3) Good cause exists that the amendment herein adopted become effective upon issuance of this order.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 201, 202, 304, and 309 (49 Stat. 847, 855-856, 858-859; 16 U.S.C. 824, 824a, 825c, 825h) orders:

(A) Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended effective upon issuance of this order by adding a new § 141.63 to read as follows:

§ 141.63 Weekly Report of Coal Supplies of Electric Utilities.

Every electric utility engaged in the generation of electric energy from coal shall report by Tuesday noon of each week to the appropriate Regional Office of the Commission, by telecopier, telephone, or comparable rapid data transmission system, during the period November 3, 1974, through April 26, 1975, the following information on a utility or system basis.

(a) Coal in stock Friday, Saturday, or Sunday midnight, start of reporting week as selected, tons;

(b) Coal deliveries during the reporting week, tons;

(c) Coal consumption during the reporting week, tons;

(d) Coal in stock Friday, Saturday, or Sunday midnight, end of reporting week, tons;

(e) Utility system net generation from all types of generation during the reporting week, megawatt-hours;

(f) Projected coal consumption during the week following the reporting week, tons; and

(g) Projected coal stocks, Friday, Saturday, or Sunday midnight, end of the week following the reporting week, tons.

(B) The first report filed on November 5, 1974, shall cover the first full reporting week ending on Friday midnight November 1, Saturday midnight November 2, or Sunday midnight November 3, 1974. Subsequent reports shall be for the succeeding same 7 day intervals.

(C) Each utility listed in Appendix A shall report to the Regional Engineer for the region in which it is listed. A utility operating a plant for several owners shall report the stockpiles, deliveries and consumption for the plant as part of its system. Reports may be transmitted through Reliability Councils, power pools or other industry organizations as long as the individual system data are preserved. Transmission of Reports through Reliability Councils, power pools or other industry organizations is utilized for convenience of reporting and in no way should be construed as relieving any utility enumerated in Appendix A from individual reporting upon request of the Regional Engineer.

(D) For telecopier transmission of individual system data it is preferred that the format provided in the Worksheet presented in Appendix B be used.

(E) The Secretary shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

ATLANTA REGIONAL OFFICE

Alabama Electric Cooperative, Inc.
Alabama Power Company.
Big Rivers Electric Corporation.
Carolina Power and Light Company.
Duke Power Company.
East Kentucky Rural Electric Cooperative.
Georgia Power Company.
Gulf Power Company.
Henderson Municipal Light Department, Kentucky.
Kentucky Utilities Company.
Mississippi Power Company.
Owensboro Municipal Utilities, Kentucky.
Savannah Electric and Power Company, Georgia.
South Carolina Electric and Gas Company.
South Carolina Public Service Authority.
Southern Electric Generating Company.
Tampa Electric Company.
Tennessee Valley Authority.
Virginia Electric and Power Company.

CHICAGO REGIONAL OFFICE

Ames Electric Utility, Iowa.
Austin Utilities, Minnesota.
Basin Electric Power Cooperative.
Black Hills Power & Light Company.
Cedar Falls Utilities, Iowa.
Central Electric Power Cooperative, Missouri.
Central Illinois Light Company.
Central Illinois Public Service Company.
Central Iowa Power Cooperative.
Cincinnati Gas and Electric Company.
Columbia Water & Light Department, Missouri.
Commonwealth Edison Company.
Commonwealth Edison Company of Indiana, Inc.
Consumers Power Company.
Corn Belt Power Cooperative.
Crawfordsville Electric, Light & Power, Indiana.
Dairyland Power Cooperative.
Dayton Power and Light Company.
Detroit Edison Company.
Detroit Public Lighting Commission.
Eastern Iowa Light & Power Cooperative.
Electric Energy Company.
Fort Wayne Municipal Light and Power, Indiana.
Frankfort Light & Power Department, Indiana.
Fremont Department of Utilities, Nebraska.
Grand Haven Board of Light and Power, Michigan.
Hamilton Department of Public Utilities, Ohio.
Hibbing Public Utilities Commission, Minnesota.
Holland Board of Public Works, Michigan.
Illinois Power Company.
Indiana Statewide Rural Electric Cooperative, Inc.—Hoosier Energy Division.
Indianapolis Power and Light Company.
Interstate Power Company.
Iowa Electric Light & Power Company.
Iowa-Illinois Gas & Electric Company.
Iowa Power & Light Company.
Iowa Public Service Company.
Iowa Southern Utilities Company.
Jasper Municipal Utilities, Indiana.
Lake Superior District Power Company.
Lansing Board of Water & Light, Michigan.

Logansport Municipal Utilities, Indiana.
Louisville Gas and Electric Company.
Madison Gas & Electric Company, Wisconsin.
Manitowoc Public Utilities, Wisconsin.
Marquette Board of Light and Power, Michigan.
Marshfield Electric & Water Department, Wisconsin.
Menasha Electric & Water Utilities, Wisconsin.
Michigan State University.
Minnesota Power and Light Company.
Minnesota Power Cooperative, Inc.
Moorhead Public Service Department, Minnesota.
Montana-Dakota Utilities Company.
Muscatine Power & Water Department.
Nebraska Public Power District.
New Ulm Public Utilities Commission, Minnesota.
Northern Indiana Public Service Company.
Northern Michigan Electric Coop, Inc.
Northern States Power Company.
Northwestern Public Service Company.
Omaha Public Power District.
Otter Tail Power Company.
Pella Municipal Power and Light Department, Iowa.
Peru Light Department, Illinois.
Peru Electric, Light & Power Department, Indiana.
Piqua Municipal Power Plant, Ohio.
Public Service Company of Indiana, Inc.
Richmond Power & Light Department, Indiana.
Rochelle Municipal Utilities, Illinois.
Rochester Public Utility Department, Minnesota.
Southern Illinois Power Cooperative.
Southern Indiana Gas and Electric Company.
Springfield Water, Light & Power Department, Illinois.
Traverse City Light and Power Department, Michigan.
Union Electric Company.
United Power Association.
Upper Peninsula Generating Company, Michigan.
Upper Peninsula Power Company, Michigan.
Virginia Department of Public Utilities, Minnesota.
Wilmar Municipal Utilities Commission, Minnesota.
Winnetka Municipal Electric & Water Department, Illinois.
Wisconsin Electric Power Company.
Wisconsin Power and Light Company.
Wisconsin Public Service Corporation.
Wyandotte Department of Municipal Services, Michigan.

FORT WORTH REGIONAL OFFICE

Associated Electric Cooperative, Inc.
Central Telephone & Utilities Corporation.
Colorado Springs Department of Public Utilities.
Colorado-Ute Electric Association, Inc.
Empire District Electric Company.
Independence Power and Light Department, Missouri.
Kansas City Board of Public Utilities, Kansas.
Kansas City Gas & Electric Company.
Kansas City Power and Light Company.
Kansas Power & Light Company.
Missouri Public Service Company.
N. W. Electric Power Cooperative, Inc.
Public Service Company of Colorado.
Public Service Company of New Mexico.
Springfield City Utilities, Missouri.
St. Joseph Light & Power Company, Missouri.
Texas Power and Light Company.

NEW YORK REGIONAL OFFICE

Appalachian Power Company.
Atlantic City Electric Company.
Baltimore Gas and Electric Company.
Beech Bottom Power Company.
Burlington Electric Department, Vermont.

Cardinal Operating Company.
Central Operating Company.
Cleveland Division of Light & Power, Ohio.
Cleveland Electric Illuminating Company.
Columbus and Southern Ohio Electric Company.
Columbus Division of Electricity, Ohio.
Connecticut Light & Power Company.
Consolidated Edison Company of New York, Inc.
Danville Water, Gas & Electric Department, Virginia.
Deepwater Operating Company, New Jersey.
Delmarva Power & Light Company.
Dover Electric Department, Ohio.
Duquesne Light Company.
Hartford Electric Light Company.
Holyoke Water Power Company.
Indiana and Michigan Electric Company.
Indiana-Kentucky Electric Corporation.
Jamestown Board of Public Utilities, New York.
Kentucky Power Company.
Metropolitan Edison Company.
Monongahela Power Company.
Montaup Electric Company.
Narragansett Electric Company.
New England Power Company.
New York State Electric and Gas Corporation.
Niagara Mohawk Power Corporation.
Ohio Edison Company.
Ohio Power Company.
Ohio Valley Electric Corporation.
Orange and Rockland Utilities, Inc.
Orrville Municipal Utilities, Ohio.
Painesville Electric Power Department, Ohio.
Pennsylvania Electric Company.
Pennsylvania Power and Light Company.
Pennsylvania Power Company.
Philadelphia Electric Company.
Potomac Edison Company.
Potomac Edison Company of Virginia.
Potomac Electric Power Company.
Public Service Company of New Hampshire.
Public Service Electric and Gas Company, New Jersey.
Rochester Gas & Electric Corporation.
Toledo Edison Company.
UGI Corporation, Luzerne Electric Division.
Vineland Electric Utility, New Jersey.
Western Massachusetts Electric Company.
West Penn Power Company.

SAN FRANCISCO REGIONAL OFFICE

Arizona Public Service Company.
Montana Power Company.
Nevada Power Company.
Pacific Power and Light Company.
Salt River Project Agricultural Improvement and Power District.
Southern California Edison Company.
Utah Power and Light Company.

APPENDIX B

FPC WORKSHEET, 18 CFR 141.53

Weekly Utility Report of Coal Stockpiles, Deliveries and Consumption During November 1, 1974 to April 27, 1975

For the week ending -----, 19--

Utility name -----

1. Coal in stock, Saturday midnight, start of reporting week (tons) -----
2. Coal deliveries during the reporting week (tons) -----
3. Coal consumption during the reporting week (tons) -----
4. Coal in stock, Saturday midnight, end of reporting week (tons) -----
5. Utility system net generation from all types of generation during the reporting week (Megawatt-hours) -----
6. Projected coal consumption during the week following the reporting week (tons) -----

7. Projected coal stocks, Saturday midnight, end of the week following the reporting week (tons) -----

[FR Doc.74-26187 Filed 11-6-74; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 274-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas; Approval and Disapproval of Compliance Schedules

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 the State plans for implementation of the national ambient air quality standards. During January, February, March, and April, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategies of Kansas. Accordingly, the Administrator proposed approval of these schedules on August 15, 1974 in the FEDERAL REGISTER 39 FR 29380. One schedule was published as a proposed disapproval. The proposed approval and disapproval of these schedules published in the August 15, 1974 FEDERAL REGISTER provided for a 30 day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator finds approvable. Pursuant to 40 CFR 51.8 the Administrator approves the schedules listed below, and disapproves one schedule listed below.

Certain schedules proposed in the August 15, 1974 FEDERAL REGISTER (39 FR 29380) have subsequently been revised. These revised schedules have been or will be repropounded in later publication. Those schedules are: S-G Metals Industries, Inc., Kansas City; Killough-Clark, Inc., Ottawa; C. K. Processing Company, Inc., Manhattan; McPherson County Highway Department, McPherson; North Central Foundry, Inc., Enterprise; Kansas Refined Helium Company, Otis; Cullor Limestone Company, Inc., Lincoln; Gulf Oil Chemicals Company, Pittsburg; Coal Burning Facilities; Neosho County Highway Department, Erie; Walton Foundry, Inc., Iola; New Era Milling Company, Arkansas City; Far-Mar-Company, Inc., Wichita, Elevator A—Rail Car Unloading, Elevator B—Rail Car Unloading,

Elevator A—Basement Conveyor, Elevator B—Basement Conveyor, Elevator C—Basement Conveyor, Elevator D—Basement Conveyor; Buffalo Industry, Inc., Garden City; Gold Bond Building Products, Medicine Lodge, Calcining Kettles (3).

The location of one source, Western Alfalfa Corporation, was incorrectly shown as Neosho. The correct location is Neodasha.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and compliance schedules are available for public

inspection at the Environmental Protection Agency, 1735 Baltimore, Kansas City, Missouri 64108.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rule because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: October 25, 1974.

JOHN QUARLES,
Acting Administrator.

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

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c) (1) is amended and paragraph (c) (2) is added to read as follows:

§ 52.876 Compliance schedules.

- (c) * * *
- (1) * * *

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Deitz Hill Development Co.; Primary and secondary crusher.	Kansas City	28-19-20	Dec. 14, 1973	Immediately	Apr. 1, 1975
Owens-Corning Fiberglas Corp.: J-6 forming plan B.	do.	28-19-20	Apr. 19, 1974	do.	July 31, 1975
J-5 glass furnace.	do.	28-19-20	Dec. 14, 1973	do.	July 1, 1974
J-5 forming plan B.	do.	28-19-20	Apr. 19, 1974	Immediately	July 31, 1975
K-3 forming plan A.	do.	28-19-20	Dec. 14, 1973	do.	Feb. 1, 1974
K-3 forming plan B.	do.	28-19-20	Apr. 19, 1974	do.	July 31, 1975
K-4 forming plan A.	do.	28-19-20	Dec. 14, 1973	do.	Feb. 1, 1974
K-4 forming plan B.	do.	28-19-20	Apr. 19, 1974	do.	July 31, 1975
No. 70 glass furnace.	do.	28-19-20	do.	do.	Oct. 31, 1974
No. 70 forming.	do.	28-19-20	Dec. 14, 1973	Immediately	July 1, 1975
No. 71 glass furnace.	do.	28-19-20	do.	do.	Apr. 1, 1975
No. 71 forming.	do.	28-19-20	do.	do.	Apr. 1, 1975
No. 72 glass furnace.	do.	28-19-20	do.	do.	June 1, 1975
No. 72 forming.	do.	28-19-20	do.	do.	Do.
I glass furnace.	do.	28-19-20	do.	do.	July 31, 1975
I oven stack.	do.	28-19-20	Apr. 19, 1974	do.	Sept. 30, 1974
H glass furnace.	do.	28-19-20	Dec. 14, 1973	do.	Mar. 1, 1975
Colt Industries: Cupolas Nos. 1 and 2.	do.	28-19-20	May 9, 1974	do.	Sept. 15, 1974
U.S. Industrial Chemicals Co.: acid plant.	Desoto	28-19-50	Dec. 14, 1973	Immediately	Do.
Certain-Teed Products Corp.: K-2 furnace plan A.	Kansas City	28-19-20	do.	do.	June 1, 1974
K-2 furnace plan B.	do.	28-19-20	do.	do.	Dec. 31, 1974
K-8 furnace plan A.	do.	28-19-20	do.	do.	June 1, 1974
K-8 furnace plan B.	do.	28-19-20	Dec. 14, 1973	Immediately	Dec. 31, 1974
K-2 forming plan A.	do.	28-19-20	Dec. 14, 1973	Immediately	Dec. 31, 1974
K-2 forming plan B.	do.	28-19-20	do.	do.	June 3, 1974
K-1 forming area plan A.	do.	28-19-20	do.	do.	June 1, 1974
K-1 forming area plan B.	do.	28-19-20	do.	do.	Dec. 31, 1974
K-8 curing section.	do.	28-19-20	do.	do.	July 31, 1975
Cooperative Farm Chemicals Association: No. 2 ammonium nitrate neutralizer and prilling tower.	Lawrence	28-19-20	do.	do.	July 31, 1975
No. 1 ammonium nitrate evaporator and prilling tower.	do.	28-19-20	Dec. 14, 1973	Immediately	July 31, 1975
Ismert-Hincke Milling Co.: Hammer mill suction filter.	Topeka	28-19-50	Dec. 14, 1973	Immediately	Do.
Wheat unloading pits suction.	do.	28-19-50	do.	do.	Do.
Kaw Dehydrating Co.: Alfalfa dehydrator.	Rossville	28-19-20	do.	do.	June 1, 1974
Lincoln Grain, Inc.: Grain cleaners.	Atchison	28-19-20	do.	do.	Apr. 1, 1974
Mid-American Dairymen, Inc.: Spray dryers.	Sabetha	28-19-20	Apr. 19, 1974	do.	Dec. 31, 1974
Midwest Solvents, Inc.: Gluten dryers.	Atchison	28-19-20	Dec. 14, 1973	do.	June 30, 1974
Starch dryers.	do.	28-19-20	do.	do.	Do.
Animal feed production.	do.	28-19-20	do.	do.	Feb. 1, 1974

RULES AND REGULATIONS

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Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
N. R. Hamm Quarry:					
Crusher No. 25-1	Perry	28-19-20	do	do	Apr. 1, 1974
Crusher No. 25-2	do	28-19-20	do	do	Oct. 1, 1974
Rodney Milling Co.:					
Wheat cleaning suction filter A	Topeka	28-19-50	do	do	June 30, 1974
Wheat cleaning suction filter B	do	28-19-50	do	do	Aug. 31, 1974
Wheat cleaning suction filter C	do	28-19-50	do	do	Oct. 31, 1974
Wheat cleaning suction filter D	do	28-19-50	do	do	Dec. 31, 1974
Milo mill suction:					
A and B house gallery suction system	do	28-19-50	do	do	Feb. 28, 1975
A and B house tunnel suction system	do	28-19-50	do	do	Do.
C house gallery and tunnel suction system	do	28-19-50	do	do	July 30, 1975
Thompson Dehydrating: Alfalfa dehydrator	Bellevue	28-19-20	Dec. 14, 1974	do	Oct. 1, 1974
Ransom Memorial Hospital: Incinerator	Ottawa	28-19-40	Jan. 18, 1974	do	Do.
Gulf and Western Industries: Taylor Forge Division	Paola	28-19-50	Apr. 19, 1974	do	June 1, 1974
Elwood USD No. 486: Incinerator	Elwood	28-19-50C	Feb. 8, 1974	do	Jan. 1, 1975
St. Peter and St. Paul High School: Open burning	Seneca	28-19-45	Feb. 8, 1974	do	July 31, 1975
Nemaha Valley Schools—USD No. 442: Incinerators (2)		28-19-40C	do	do	Jan. 1, 1975
Duckwall Stores, Inc.: Alco Store No. 45	Manhattan	28-19-40	Dec. 14, 1973	do	July 1, 1974
Bayer Construction Co.: Rock crushing plant		28-19-20	do	do	Feb. 1, 1974
C. K. Processing Co., Inc.: Alfalfa dehydrator	Salina	28-19-20	do	do	July 1, 1974
Clay Center Dehydrating Co.: Alfalfa dehydrator	Clay Center	28-19-20	do	do	Oct. 30, 1974
Gibson Products Co.: Incinerator	Junction City	28-19-40	do	do	July 1, 1974
Longford Mill Products, Inc.: Alfalfa dehydrator	Clay Center	28-19-20	do	do	Nov. 15, 1974
Solomon Electric Supply, Inc.: Open burning	Solomon	28-19-45	Dec. 14, 1973	Immediately	Feb. 1, 1974
Wyatt Manufacturing Co., Inc.: Gray iron foundry cupola	Salina	28-19-20	do	do	May 30, 1974
R-K Shopper, Inc.: Incinerator	Mankato	28-19-40C	Feb. 8, 1974	do	Sept. 1, 1974
Royal Brand Roofing: Roofing machine	Phillipsburg	28-19-50	Dec. 14, 1973	Immediately	Mar. 1, 1975
Acme Foundry & Machine Co.: Cupola furnace	Coffeyville	28-19-20	do	do	Sept. 21, 1974
Allen County Highway Department: Primary crusher and secondary crusher and screening	Iola	28-19-20	do	do	Apr. 1, 1974
Central Non-Ferrous, Inc.:					
Sweater furnaces (2)	Fort Scott	28-19-20	do	do	Dec. 1, 1974
Chlorination Processes (2)	do	28-19-20	do	do	Do.
Walker Products Co., Inc.: Alfalfa dehydrator	Lincoln	28-19-20	do	do	July 1, 1975
General Portland, Inc.:					
Rock crushing	Fredonia	28-19-20	Apr. 19, 1974	do	July 15, 1974
Clinker burning kilns	do	28-19-20	do	do	Aug. 1, 1974
Gulf Oil Chemicals Co.:					
Nos. 11 and 12 dupond nitric acid units	Pittsburg	28-19-50	Dec. 14, 1973	do	Jan. 1, 1975
Nos. 17, 18, and 19 ammonium nitrate	do	28-19-20	do	do	Mar. 1, 1974
Neutralizers	do	28-19-50	do	do	July 31, 1975
Jenest Products: Cupola furnace	Coffeyville	28-19-20	Dec. 14, 1973	Immediately	July 1, 1974
Kansas City Power & Light:					
Main boiler	La Cygne	28-19-31B	do	do	May 1, 1975
Startup boilers	do	28-19-50	do	do	May 1, 1974
Labette County Highway Department: Secondary crushing and screening	Oswego	28-19-20	do	do	Oct. 15, 1974
Longton Dehydrating and Milling Co.: Alfalfa dehydrator	Longton	28-19-20	do	do	July 1, 1975
Midwest Minerals, Inc.:					
Plant No. 1 (primary crusher, secondary crusher, tertiary crusher, re crusher, and fines mill)	Girard	28-19-20	do	do	July 1, 1974
Plant No. 2 (primary crusher, secondary crusher, re crusher, and fines mill)	do	28-19-20	do	do	Do.
Plant No. 3 (primary crusher, secondary crusher, tertiary crusher, re crusher, and fines mill)	do	28-19-20	do	do	Do.
National Alfalfa Dehydrating and Milling Co.: Alfalfa dehydrator	Fredonia	28-19-20	do	do	July 31, 1975
Pittsburg & Midway Coal Mining Co.: Coal-fired boilers	Hallowell	28-19-31	Dec. 14, 1973	do	May 31, 1975
Sherwin-Williams Co.: Black ash kiln	Coffeyville	28-19-50	Apr. 19, 1974	do	July 1, 1974
Western Alfalfa Corp.: Alfalfa dehydrator	Neodasha	28-19-20	Dec. 14, 1973	do	Aug. 1, 1974
U.S. Steel-Universal Atlas Cement:					
Clinker kilns (4)	Independence	28-19-20	Feb. 8, 1974	do	May 31, 1974
Rock dryers (3)	do	28-19-20	Feb. 8, 1974	do	May 31, 1974

RULES AND REGULATIONS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Mercy Hospital: Incinerator	Fort Scott	28-19-40	do	do	July 31, 1975
Mr. Z's IGA: Incinerator	Emporia	28-19-40	do	do	Jan. 1, 1975
Self Service Super Markets: Incinerator	Chanute	28-19-40	do	do	July 1, 1974
Sherwin-Williams Co.: ZnSO ₄ spray dryer	Coffeyville	28-19-50	do	do	Apr. 15, 1974
Benedict Rock and Lime Co.: Primary crusher	Benedict	28-19-20	Jan. 18, 1974	do	July 1, 1974
Secondary crusher and screening	do	28-19-20	do	do	Do.
Coffeyville Memorial Hospital: Incinerator	Coffeyville	28-19-40	do	do	May 1, 1974
Foodtown Store: Incinerator	Chanute	28-19-40	do	do	Mar. 1, 1974
Foodtown Store: Incinerator	Coffeyville	28-19-40	do	do	Do.
McAdam Construction Co.: Primary crusher	Garnett	28-19-20	do	do	July 15, 1974
Secondary crusher and screening	do	28-19-20	do	do	Do.
McAdam Construction Co.: Primary crusher	Mound City	28-19-20	do	do	Do.
Secondary crusher and screening	do	28-19-20	do	do	Do.
Pence Food Center: Incinerator	Chanute	28-19-40	do	do	Dec. 31, 1974
Do	Humboldt	28-19-40	do	do	Do.
Unified School District No. 445: Garfield Incinerator	Coffeyville	28-19-40	do	do	Sept. 1, 1974
Longfellow Incinerator	do	28-19-40	do	do	Do.
Edgewood Incinerator	do	28-19-40	do	do	Do.
Town and Country Supermarket (Wilow Corp.): Incinerator	Columbus	28-19-40	Apr. 19, 1974	do	May 15, 1974
Duckwall Stores, Inc.: Alco Discount Store	Newton	28-19-40	Dec. 14, 1973	do	July 1, 1974
Bert and Wetta Sales, Inc.: Alfalfa dehydrating	Maize	28-19-20	do	do	Nov. 1, 1974
Cargill, Inc.: Bean Dryer	Wichita	28-19-20	do	do	June 1, 1975
Rail Car Unloading Facility	do	28-19-20	do	do	Dec. 1, 1974
Cities Service Oil Co.: Hydrocarbon Storage Wells	Hutchinson	28-19-47C	do	do	June 1, 1974
Colman Alfalfa Milling Co.: Alfalfa dehydrating plant	Haven	28-19-20	do	do	July 1, 1974
George M. Myers, Inc.: Portable rock-crushing units	El Dorado	28-19-50	Dec. 14, 1973	Immediately	May 1, 1974
International Multi Foods: Hammer milling process	Hutchinson	28-19-20	do	do	July 15, 1974
Sunny Kansas Flour Mills: Truck unloading pits	Wichita	28-19-20	do	do	June 1, 1975
Rail car unloading facility	do	28-19-20	do	do	Apr. 1, 1975
Basement conveying system	do	28-19-20	do	do	June 1, 1974
Gallery conveying system	do	28-19-20	do	do	May 1, 1974
Western Alfalfa Corp.: Alfalfa dehydrating plant	Belle Plaine	28-19-20	do	do	Aug. 1, 1974
Western Alfalfa Corp.: Alfalfa dehydrating plant	Douglass	28-19-20	do	do	Do.
Western Alfalfa Corp.: Alfalfa dehydrating plant	do	28-19-20	do	do	July 31, 1975
Western Alfalfa Corp.: Alfalfa dehydrating plant	Mount Hope	28-19-20	do	do	Do.
Western Alfalfa Corp.: Alfalfa dehydrating plant	Oxford	28-19-20	do	do	Aug. 1, 1974
Western Grain, Inc.: Elevator Dust Collection System (Receiving Pit, North Gallery Upper Belt, South Gallery Upper Belt, North Gallery Lower Belt, South Gallery Lower Belt)	Wichita	28-19-20	do	do	Sept. 30, 1974
Far-Mar-Co., Inc.: Elevator A—Head house legs	do	28-19-20	do	do	June 15, 1974
Elevator B—head house legs	do	28-19-20	do	do	Do.
Elevators C and D—head house legs	do	28-19-20	do	do	Do.
Sam P. Wallingford, Inc.: Grain cleaner	do	28-19-20	do	do	June 30, 1974
Elevator receiving pits	do	28-19-20	do	do	July 1, 1975
Southwest elevator conveying system	do	28-19-20	do	do	June 30, 1974
West elevator conveying system	do	28-19-20	do	do	Do.
North elevator conveying system	do	28-19-20	do	do	Do.
East elevator conveying system	do	28-19-20	do	do	Do.
Collins Grocery: Incinerator	Hutchinson	28-19-40	Jan. 18, 1974	do	June 1, 1974
Newton Presbyterian Manor: Incinerator	Newton	28-19-40	do	do	July 1, 1974
Salem Hospital, Inc.: Incinerator	Hillsboro	28-19-41	Jan. 18, 1974	Immediately	Jan. 1, 1975
Walter Keeler Co., Inc.: Secondary Rock Crusher	Florence	28-19-20	Jan. 18, 1974	Immediately	July 1, 1974
Fines Mill	do	28-19-20	do	do	Do.
Alamo Chemical Co.: Flare	Richfield	28-19-45	Dec. 14, 1973	do	June 30, 1975
Amoco Production Co.: Flare	Kinsler	28-19-45	do	do	June 1, 1974
Amoco Production Co.: Flare	Ulysses	28-19-45	do	do	Do.
Bert and Wetta Sales, Inc.: Alfalfa Dehydrating	Larned	28-19-20	do	do	May 31, 1975
Bert and Wetta Sales, Inc.: Alfalfa dehydrating	Rozel	28-19-20	do	do	Do.
Cities Service Oil Co.: Evaporation lagoons	Satanta	28-19-45	do	do	June 1, 1974
Do	Scott City	28-19-45	do	do	Do.
Colorado Interstate Gas Co.: Flare	Lakin	28-19-45	do	do	Sept 15, 1974
Mesa Petroleum Co.: Flare pit	Ulysses	28-19-45	do	do	June 1, 1974
Mesa Petroleum Co.: Flare	do	28-19-45	do	do	Do.

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Gold Bond Building Products:					
Raymond mills (3)	Medicine Lodge	28-19-20	do	do	Oct. 1, 1974
Block grinders (2)	do	28-19-50	do	do	Apr. 1, 1975
Board end trimming	do	28-19-50	do	do	Do.
Rotary calenders (2)	do	28-19-20	do	do	June 1, 1975
O.K. Cooperative Grain Co.: Hay and barley milling.	Hay Kiowa	28-19-20	do	do	Jan. 1, 1975
Western Alfalfa Corp.: Alfalfa dehydrating plant.	Deerfield	28-19-20	do	do	July 31, 1975
Do.	Garden City	28-19-20	do	do	Aug. 1, 1974
Do.	Holcomb	28-19-20	do	do	Do.
Do.	Larned	28-19-20	do	do	Do.
Do.	Lowe	28-19-20	do	do	Do.
Do.	Peterson	28-19-20	do	do	Do.
Do.	Tice	28-19-20	do	do	July 1, 1975

(2) The compliance schedule submitted for the source identified below is disapproved as not meeting the requirements of § 51.4 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

KANSAS

Source	Location	Regulation involved	Date adopted
Chanute Manufacturing Co., Inc.: sand blasting	Chanute	28-19-50	Dec. 14, 1973

[FR Doc.74-25563 Filed 11-6-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Procurement of Special Items; Miscellaneous Amendment

This revision to AECPR 9-5.5205 recognizes the new name of Helium Operations, Bureau of Mines; makes minor changes to the statement to be included in direct orders from eligible private helium distributors; and, adds a requirement to furnish the Bureau of Mines a copy of such orders.

1. In Subpart 9-5.52, Procurement of Special Items, § 9-5.5205-5, *Methods of purchase*, paragraphs (a) and (c) are revised and paragraph (d) is added as follows:

§ 9-5.5205-5 *Methods of purchase.*

(a) Purchases may be made from the Secretary of the Interior for either AEC or cost-type contractors' requirements for helium by forwarding a purchase order in duplicate (Form AEC-103 or the cost-type contractor's purchase order properly identified as in the use of Government Sources of Supply) to: Bureau of Mines, Helium Operations, Box H 4372, Herring Plaza, Amarillo, Texas 79101.

(c) In all cases, except where purchase is made from the Bureau of Mines directly, the purchase orders shall contain the following statement:

Helium furnished under this contract shall be Bureau of Mines helium pursuant to Parts 1 and 2, Subchapter A, Chapter 1, Title 30, Code of Federal Regulations.

(d) One (1) copy of each procurement document issued pursuant to paragraph (b) (2) of this section shall be furnished to the address in paragraph (a) of this section.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486))

Effective date: This amendment is effective November 7, 1974.

Dated at Germantown, Maryland this 31 day of October, 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH, Director,
Division of Contracts.

[FR Doc.74-26074 Filed 11-6-74; 8:45 am]

SUPPLY SOURCES AND LABOR POLICIES; INSPECTION

Miscellaneous Amendments

The revision to AECPR 9-12.1, Basic Labor Policies, is being made in order to indicate that controls are to be established to assure that any use of an extended workweek schedule is in the best interest of the Government rather than requiring case-by-case approvals. The change made in AECPR 9-14, Inspection and Acceptance, adds a new section which essentially states that the Government may reinspect at destination, for conformance with contract specifications, supplies which it previously inspected at another location. The remaining changes are being made to update AECPR provisions requiring change to bring them into accord with recent FPR and organizational changes.

PART 9-5 SPECIAL AND DIRECTED SOURCES OF SUPPLY

1. In Part 9-5, Special and Directed Sources of Supply, the Table of Contents is amended as follows:

Subpart 9-5.10 [Reserved]

2. Subpart 9-5.10, Use of Excess Aluminum, is deleted and reserved.

PART 9-7—CONTRACT CLAUSES

3. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5006-52, *Priorities, allocations, and allotments*, is revised as follows:

§ 9-7.5006-52 *Priorities, allocations, and allotments.*

The contractor shall follow the provisions of DMS Regulation 1 and all other applicable regulations and orders of the Domestic and International Business Administration, Department of Commerce in obtaining controlled materials and other products and materials needed to fill this order.

PART 9-12—LABOR

4. In Subpart 9-12.1, Basic Labor Policies, § 9-12.102-4, *Approvals*, paragraphs (a) (1) and (2) are revised and paragraph (3) is deleted as follows:

§ 9-12.102-4 *Approvals.*

(a) (1) Establish controls to prevent excessive casual overtime and to assure that such overtime work is in the best interests of the Government. By casual overtime is meant (i) work in excess of the normal workweek (or in excess of an authorized extended workweek) which cannot be regularly scheduled in advance, or (ii) regularly scheduled work in excess of the normal workweek for a period of 4 consecutive weeks or less.

(2) Also establish controls to assure that any use of an extended workweek schedule is in the best interest of the Government. Extended workweek means a workweek regularly scheduled and established in excess of the normal workweek for a period in excess of 4 consecutive weeks.

PART 9-14—INSPECTION AND ACCEPTANCE

5. In Part 9-14, Inspection and Acceptance, the Table of Contents is amended as follows:

§ 9-14.105 *Places of inspection.*

6. In Part 9-14, Inspection and Acceptance, § 9-14.105, *Places of inspection*, is added as follows:

§ 9-14.105 *Places of inspection.*

Where a contract provides for delivery and acceptance at destination (see FPR 1-14.203) and the Government inspects the supplies at a place other than

destination, the supplies may be reinspected at destination for conformance with contract specifications.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486))

Effective date. This amendment is effective November 7, 1974.

Dated at Germantown, Maryland this 31st day of October, 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.74-26075 Filed 11-6-74;8:45 am]

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

SUBCHAPTER B—LAND RESOURCE
MANAGEMENT (2000)

[Circular No. 2364]

PART 2820—ROADS AND HIGHWAYS

Additional Use of Highway Right-of-Way

On page 10379 of the *FEDERAL REGISTER* of May 20, 1972, there was published a notice and text of a proposed amendment to Part 2820 of Title 43, Code of Federal Regulations. The purpose of the amendment is to delete those provisions of the Code of Federal Regulations whereby holders of highway rights-of-way granted under Title 23 U.S.C. and R.S. 2477 may grant other parties right-of-way within the highway right-of-way. Under the proposed amendment, such additional uses of highway rights-of-way would be granted by the government. Interested parties were given until June 26, 1972, within which to submit comments, suggestions, or objections to the proposed amendment. Fifteen comments were received. Most opposed the amendment stating that it will complicate historic methods for acquiring use of lands and questioning the Secretary's authority to restrict use of rights-of-way granted under R.S. 2477. One respondent stipulated that if the rights of the highway right-of-way holder were protected they had no objection.

In response to the comments, the following changes have been made:

(1) Rights-of-way granted for non-highway purposes will be subject to the highway grant. Any future relocation or change of the additional right-of-way made necessary by virtue of changes in the highway use will be accomplished at the expense of the additional right-of-way holder.

(2) Prior to the granting of an additional right-of-way the applicant therefor will submit to the Authorized Officer a written statement from the highway right-of-way grantee indicating any objections it may have thereto, and such stipulations as it considers desirable for the additional right-of-way.

In § 2822.2-2, as set forth in the notice of proposed rulemaking, the last sentence

is revised to include reference to paragraph (b) of § 2801.1-5. This provision had been omitted inadvertently from the 1970 recodification. The last sentence of § 2822.2-2 is revised to read: "Grants under R.S. 2477 are made subject to the provisions of § 2801.1-5 (b), (c), (d), (e), (i), and (k) of this chapter." This amendment is hereby adopted as set forth below and shall become effective December 9, 1974.

1. Section 2821.6 is revised to read as follows:

§ 2821.6 Additional rights-of-way within highway rights-of-way.

A right-of-way granted under this subpart confers upon the grantee the right to use the lands within the right-of-way for highway purposes only. Separate application must be made under pertinent statutes and regulations in order to obtain authorization to use the lands within such rights-of-way for other purposes. Additional rights-of-way will be subject to the highway right-of-way. Future relocation or change of the additional right-of-way made necessary by the highway use will be accomplished at the expense of the additional right-of-way grantee. Prior to the granting of an additional right-of-way the applicant therefor will submit to the Authorized Officer a written statement from the highway right-of-way grantee indicating any objections it may have thereto, and such stipulations as it considers desirable for the additional right-of-way.

2. Section 2822.1-2(b) is revised as follows:

§ 2822.1-2 Procedure when reserved land is involved; rights-of-way over reserved and reconveyed lands.

(b) *Revocation or modification of withdrawal.* Where reserved lands are involved, no rights to establish or construct the highway may be acquired before the reservation is revoked or modified to permit construction of the highway, subject to terms and conditions, if any, as may be deemed reasonable and necessary for the adequate protection and utilization of the reserve and for the protection of the natural resources and the environment.

3. Sections 2822.2, 2822.2-1, and 2822.2-2 are revised to read as follows:

§ 2822.2 Nature of interest.

§ 2822.2-1 Effective date of grant.

Grants of rights-of-way under P.S. 2477 are effective upon construction or establishment of highways in accordance with the State laws over public lands that are not reserved for public uses.

§ 2822.2-2 Extent of grant.

A right-of-way granted pursuant to R.S. 2477 confers upon the grantee the right to use the lands within the right-of-way for highway purposes only. Separate application must be made under pertinent statutes and regulations in order to obtain authorization to use the lands

within such rights-of-way for other purposes. Additional rights-of-way will be subject to the highway right-of-way. Future relocation or change of the additional right-of-way made necessary by the highway use will be accomplished at the expense of the additional right-of-way grantee. Prior to the granting of an additional right-of-way the applicant therefor will submit to the Authorized Officer a written statement from the highway right-of-way grantee indicating any objections it may have thereto, and such stipulations as it considers desirable for the additional right-of-way. Grants under R.S. 2477 are made subject to the provisions of § 2801.1-5 (b), (c), (d), (e), (i), and (k) of this chapter.

JACK O. HORTON,
Assistant Secretary
of the Interior.

OCTOBER 29, 1974.

[FR Doc.74-26107 Filed 11-6-74;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5441]

[Riverside 2127]

CALIFORNIA

Modification of Public Land Order No. 3221

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Public Land Order No. 3221 of September 4, 1963, reserving lands under the jurisdiction of the Department of the Interior for use of the Forest Service, United States Department of Agriculture, as a field testing area in connection with the Western Forest Fire Research Laboratory, is hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932 (1970), by Riverside County, California, over the following described lands, as delineated on a map on file with the Bureau of Land Management in Riverside 2127, for construction of a public road:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 1 E.,
Sec. 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 4 S., R. 1 E.,
Sec. 2, lots 2 and 3.

Containing approximately 8.89 acres in Riverside County.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 1, 1974.

[FR Doc.74-26102 Filed 11-6-74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY
OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-99]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Commandant, U.S. Coast Guard

The purpose of this amendment is to delegate to the Commandant of the

Coast Guard the authority vested in the Secretary by 14 U.S.C. 475 relating to leasing housing facilities at or near Coast Guard installations.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

In § 1.46, paragraph (p) is amended to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

(p) Carry out the functions vested in the Secretary by 14 U.S.C. 475 and Executive Order 11645, 3 CFR 371 (1973), 37 FR 2923, February 10, 1972, relating to the rental of housing facilities at or near Coast Guard installations.

Effective date. This amendment is effective June 13, 1970.

(Sec. 9(e), Department of Transportation Act, (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on October 30, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-26127 Filed 11-6-74; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1121—ABANDONMENT OF RAILROAD LINES

Order

In order to clarify instructions and insure consistency in the filing of an application under Subpart A, B, and C of Part 1121:

It is ordered, that 49 CFR Part 1121, Subpart A, § 1121.4 be amended by adding a paragraph (b) as follows:

§ 1121.4 Filing of application.

(b) Applicant must submit with the application a check or money order made out to the Interstate Commerce Commission for the filing fee.

Cross REFERENCE: § 1002.2(d) (17) of this chapter.

It is further ordered, that notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 4th day of November, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26139 Filed 11-6-74; 8:45 am]

Title 50—Wildlife

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

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective on November 7, 1974.

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of red fox on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,814 acres is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of red fox subject to the following conditions.

(1) Hunting is permitted from sunrise to sunset November 17, 1974, through January 31, 1975.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1975.

Dated: October 29, 1974.

JIM MATTHEWS,
Refuge Manager Arrowwood
National Wildlife Refuge, Ed-
munds, North Dakota.

[FR Doc.74-26119 Filed 11-6-74; 8:45 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on November 7, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and Hungarian partridge on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State reg-

ulations covering the hunting of sharp-tailed grouse and Hungarian partridge subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset on November 17, 1974, through December 15, 1974.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State Officers upon request.

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

Dated: October 29, 1974.

JIM MATTHEWS,
Refuge Manager Arrowwood
National Wildlife Refuge, Ed-
munds, North Dakota.

[FR Doc.74-26117 Filed 11-6-74; 8:45 am]

PART 32—HUNTING

Bosque Del Apache National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective November 7, 1974.

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

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of snow, blue, and Ross' geese only on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from December 28, 1974 through January 12, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, (Unit B) comprising 1,300 acres, is delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) An experimental program to evaluate field use of steel shot shells will be conducted this season by the U.S. Fish and Wildlife Service. Steel shot shells are available only in 12 gauge; therefore, shotguns of this gauge will be the only legal firearms used in this hunt.

(2) Each hunter, as he checks into the hunting area, shall purchase 4 steel shot shells. Shells are 4 for \$1.00, or 25¢ each. Hunters will be limited to the use of these four shells for each day's hunt. It will be illegal to possess any other shells within the hunt area. Unused shot shells will not be refundable.

(3) If more than 60 hunters are present prior to 5 a.m., a daily lottery, beginning at 5 a.m., will be held to determine which hunters will participate in the hunt.

(4) Hunters selected to participate in each day's hunt will be assigned their blind by lottery.

(5) Bag and possession limit: Two geese of the permitted species, which may not include more than one Ross' goose.

(6) Shooting hours shall be from sunrise until 12 noon.

(7) Hunting is permitted only from the assigned blind, with no more than three hunters per blind. Switching of blinds is prohibited.

(8) Hunters shall be present at the check station no later than 5 a.m. and must check out at the checking station in person no later than 12:30 p.m.

(9) The steel shot hunt program will continue throughout the 16 day hunt or until the refuge supply of steel shot shells is exhausted. Should this situation occur, hunting will then continue using lead shot, with hunters providing their own lead shot shells.

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 12, 1975.

Dated: November 1, 1974.

W. O. NELSON, JR.,
Regional Director, U.S. Fish and
Wildlife Service, Albuquerque,
New Mexico.

[FR Doc. 74-26116 Filed 11-6-74; 8:45 am]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on November 7, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from December 1, 1974, through March 23, 1975.

(2) The use of boats, without motors, is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas

generally which are set forth in Title 50, Part 33, and are effective through March 23, 1975.

Dated: October 29, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood
National Wildlife Refuge,
Edmunds, North Dakota.

[FR Doc. 74-26118 Filed 11-6-74; 8:45 am]

CHAPTER II—NATIONAL MARINE FISHERY SERVICES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 260—INSPECTION AND CERTIFICATION

Fees and Charges

OCTOBER 30, 1974.

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 FR 15627), it is proposed to amend §§ 260.70 and 260.71 of Part 260—Inspection and Certification related to Fees and Charges. The intent of this notice is to adjust rates to provide for full recovery to the Department for government costs attributable to the program for inspection and certification of fishery products in accordance with DAO 203-5. An 8.6 percent adjustment upward from the present rates is necessary due to (1) the increased overhead and administrative costs being incurred in conducting this program and (2) an automatic increase, as provided for in § 260.81 (a), due to a Federal Pay Act increase authorized by Presidential Executive Order, effective October 1, 1974. The new rates are effective October 13, 1974.

Interested persons may submit written comments in regard to these amendments to the regulations to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

ROBERT M. WHITE,
Administrator.

In § 260.70 paragraphs (b) (1), (2), and (3), and (d) (2) are revised as follows:

§ 260.70 Schedule of fees.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Type I—Official establishment and product inspection—contract basis.*

	Per hour
Regular time	\$13.90
Overtime	18.10
Sunday and legal holidays (2-hour minimum)	21.40

The contracting party shall be charged at an hourly rate of \$13.90 per hour for regular time; \$18.10 per hour for overtime in excess of 8 hours per shift per day; and \$21.40 per hour for Sunday and

national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) *Type II—Lot inspection—Officially and unofficially drawn samples.*

	Per hour
Regular time	\$20.85
Overtime	26.35
Sunday and legal holidays (2-hour minimum)	33.20
Minimum fee	15.65

For lot inspection services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday: \$20.85 per hour;

For lot inspection services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hour minimum): \$26.35 per hour;

For lot inspection services performed on Sunday and national legal holidays (2 hour minimum): \$33.20 per hour.

The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be \$15.65.

(3) *Type III—Miscellaneous inspection and consultative services.* When any inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, SIFE inspections, sampling, product evaluation, and label and product specification review, rendered is such that charges based on the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular time	\$17.40
Overtime	21.20
Sunday and legal holidays (2-hour minimum)	26.70
Minimum fee	13.05

For miscellaneous inspection and consultative services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday: \$17.40 per hour;

For miscellaneous inspection and consultative services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hour minimum): \$21.20 per hour.

For miscellaneous inspection and consultative services performed on Sunday and national legal holidays (2 hour minimum): \$26.70 per hour.

The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour shall be \$13.05.

(d) * * *

(2) Fees to be charged for any analysis performed at a government laboratory not specifically shown in this paragraph (d) will be based on the time required to perform such analyses at an hourly rate of \$13.90.

Section 260.71 is revised as follows:
§ 260.71 Fee for inauguration of inspection service on a contract basis.
 Prior to inauguration of inspection service, a fee of \$20.00 per contract hour

of inspection service will be charged and collected following completion of the final establishment survey and approval of it as an official establishment. The number of hours to which the fee for

inauguration applies is the minimum number of man-hours of inspection per week determined in accordance with § 260.97(a).

[FR Doc.74-26009 Filed 11-6-74;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 393]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Mendocino	Ukiah, city of	Oct. 30, 1974. Emergency			
Florida	Hernando	Brooksville, city of	do			
Illinois	Cook and Lake	Barrington, village of	do	Mar. 22, 1974		
Do	Cook	Brookfield, village of	do	Apr. 12, 1974		
Do	do	Merionette Park, village of	do	Mar. 15, 1975		
Michigan	Benzie	Frankfort, city of	do	May 31, 1974		
North Carolina	Randolph	Ramseur, town of	do	Feb. 15, 1974		
Oregon	Washington	Beaverton, city of	do	Feb. 1, 1974		
Pennsylvania	do	Elco, borough of	do			
Do	Allegheny	South Fayette, township of	do	Sept. 13, 1974		
Do	do	Springdale, borough of	do	Feb. 8, 1974		
South Dakota	Lawrence	Spearfish, city of	do	Mar. 29, 1974		
Texas	Dallas	Highland Park, town of	do	May 3, 1974		
Do	Hardeman	Quanah, city of	do	Aug. 9, 1974		
Utah	Davis	Syracuse, city of	do	June 28, 1974		
Virginia	Wise	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25985 Filed 11-6-74;8:45 am]

[Docket No. FI 397]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Cleburne	Heflin, city of	H 010043 01 through H 010043 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, City of Heflin, Heflin, Ala. 36264.	Nov. 1, 1974.
Do	De Kalb	Fort Payne, town of	H 010067 01 through H 010067 13	do	Mayor, City Hall, Town of Fort Payne, Ala. 35967.	Do.
Do	Lamar	Kennedy, town of	H 010136 01 through H 010136 02	do	Mayor, City Hall, Town of Kennedy, Kennedy, Ala. 35574.	Do.
Do	Marengo	Providence, town of	H 010159 01	do	Mayor, Route No. 1, Town of Providence, Linden, Ala. 36743.	Do.
Alaska	Valdez-Chitina, Whittier Division	Valdez, city of	H 020094 01 through H 020094 25	Department of Community and Regional Affairs, Division of Community Research and Planning, Pouch B, Juneau, Alaska 99801. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Mayor, Box 506, City of Valdez, Valdez, Alaska 99686.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Gila	Unincorporated areas.	H 040028 01 through H 040028 12	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Chairman, Gila County Board of Supervisors, Courthouse, Globe, Ariz. 85501.	Do.
Arkansas	Drew and Desha	Tillar, city of	H 050075 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Power Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, City of Tillar, Tillar, Ark. 71670.	Do.
Do.	St. Francis	Caldwell, town of	H 050185 01	do.	Mayor, Town of Caldwell, Caldwell, Ark. 72322.	Do.
California	Alameda	Unincorporated areas.	H 060001 01 through H 060001 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Public Works Bldg., Alameda County, 399 Elmhurst St., Hayward, Calif. 94544.	Do.
Do.	Contra Costa	do.	H 060025 01 through H 060025 31	do.	Chairman, Contra Costa County Board of Supervisors, County Courthouse, Martinez, Calif. 94553.	Do.
Do.	Imperial	do.	H 060065 01 through H 060065 16	do.	Chairman, Imperial County Board of Supervisors, 939 Main, El Centro, Calif. 92243.	Do.
Do.	Orange	Buena Park, city of	H 060215 01 through H 060215 05	do.	Mayor, City Hall, 6650 Beach Blvd., Buena Park, Calif. 90620.	Do.
Do.	San Mateo	Unincorporated areas.	H 060311 01 through H 060311 10	do.	Mayor, City Hall, 330 West 20th Ave., San Mateo, Calif. 94403.	Do.
Do.	Santa Clara	do.	H 060337 01 through H 060337 06	do.	Mayor, City Hall, P.O. Box 388, Santa Clara, Calif. 95050.	Do.
Do.	Los Angeles	Glendale, city of	H 065030 01 through H 065030 16	do.	Civil Defense Office, City of Glendale, City Hall, 613 East Broadway, Glendale, Calif. 91205.	Do.
Colorado	Adams	Thornton, city of	H 080007 01 through H 080007 08	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City Administrative Office, City Hall, Thornton, Colo. 80229.	Do.
Connecticut	New London	Franklin, town of	H 090154 01 through H 090154 07	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Mayor, Town Hall, Town of Franklin, New London, Conn. 06320.	Do.
Do.	Tolland	Ellington, town of	H 090158 01 through H 090158 11	do.	Mayor, Town Hall, Town of Ellington, Ellington, Conn. 06029.	Do.
District of Columbia		District of Columbia.	H 110001 01 through H 110001 18	District of Columbia Insurance Department, North Potomac Bldg., Room 512, 614 H St. NW., Washington, D.C. 20001.	Mayor, City Hall, City of Washington, Washington, D.C.	Do.
Florida	Broward	Miramar, city of	H 120048A 01 through H 120048A 07	Department of Community Affairs, 2571 Executive Center Circle, East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Building Department, City of Miramar, City Hall, Miramar, Fla. 33020.	Do.
Illinois	Cook	Elmwood Park, village of	H 170089 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Clerk, Village of Elmwood Park, Municipal Bldg., 11 Conti Parkway, Elmwood, Ill. 60635.	Do.
Do.	Kendall	Lisbon, village of	H 170342 01	do.	Mayor of Lisbon, Rural Route No. 1, Village of Lisbon, Newark, Ill. 60541.	Do.
Indiana	Johnson	Bargersville, town of	H 180112 01	Division of Water Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Chairman, Town Board of Bargersville, Town Hall, Bargersville, Ind. 46106.	Do.
Do.	Pulaski	Francesville, town of	H 180211 01	do.	Chairman, Area Plan Commission, Courthouse, Town of Francesville, Winamac, Ind. 46996.	Do.
Iowa	Appanoose	Mystic, city of	H 190010 01 through H 190010 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, City of Mystic, Mystic, Iowa.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Carroll	Dedham, town of.	H 190043 01	do.	Mayor, Town Hall, Town of Dedham, Dedham, Iowa.	Do.
Do.	Clayton	Farmersburg, city of.	H 190075 01	do.	Mayor, City Hall, City of Farmersburg, Clayton, Iowa 71326.	Do.
Do.	Dubuque	Sageville, town of.	H 190122 01	do.	Mayor, Town Hall, Town of Sageville, Sageville, Iowa.	Do.
Do.	do.	Worthington, town of.	H 190123 01	do.	Mayor, Town Hall, Town of Worthington, Worthington, Iowa.	Do.
Do.	Jasper	Reasnor, town of.	H 190167 01	do.	Mayor, Town Hall, Town of Reasnor, Reasnor, Iowa.	Do.
Kansas	Wyandotte	Kansas City, city of.	H 200363 01 H 200363 31	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 701 North 7th, Kansas City, Kans. 66101.	Do.
Louisiana	Calcasieu Parish	Lake Charles, city of.	H 220040 01 H 220040 08	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City of Lake Charles, City Hall, Lake Charles, La. 70601.	Do.
Do.	St. Charles	Unincorporated areas.	H 220160 01 H 220160 18 H 220042 01 H 220042 16	do.	Police Jury Office Bldg., St. Charles Parish, Box 302, Hahnville, La. 70057.	Do.
Maine	Cumberland	Brunswick, town of.	H 220160 01 H 220160 18 H 220042 01 H 220042 16	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Town of Brunswick, Brunswick, Maine 04011.	Do.
Do.	Knox	South Thomaston, town of.	H 230078 01 H 230078 06 H 230086 01 H 230086 11	do.	1st Selectman, Town of South Thomaston, South Thomaston, Maine 04858.	Do.
Do.	Lincoln	Waldoboro, town of.	H 230086 01 H 230086 11	do.	Town Manager, Town of Waldoboro, Waldoboro, Maine 04572.	Do.
Do.	Penobscot	Kenduskeag, town of.	H 230108 01 H 230108 05	do.	1st Selectman, Town Office, Town of Kenduskeag, Kenduskeag, Maine 04449.	Do.
Do.	do.	Patten, town of.	H 230115 01 H 230115 06 H 230118 01 H 230118 08	do.	Town Manager, Town of Patten, Patten, Maine 04765.	Do.
Do.	Sagadahoc	Bath, city of.	H 230115 06 H 230118 01 H 230118 08	do.	City Manager, J. Maxwell, City Hall, Bath, Maine 04530.	Do.
Do.	Somerset	Fairfield, town of.	H 230125 01 H 230125 11 H 230139 01 H 230139 15	do.	Town Manager, Town Office, Fairfield, Maine 04937.	Do.
Do.	Washington	Lubec, town of.	H 230125 11 H 230139 01 H 230139 15	do.	Town Manager, Town of Lubec, Lubec, Maine 04652.	Do.
Do.	Cumberland	Harpwell, town of.	H 230169 01 H 230169 11 H 230171 01 H 230171 09	do.	Mayor, Town Hall, Town of Harpwell, Cumberland, Maine 04021.	Do.
Do.	York	Kittery, town of.	H 230171 01 H 230171 09	do.	Town Manager, Town Hall, Kittery, Maine 03904.	Do.
Do.	Penobscot	Medway, town of.	H 230175 06 H 230187 01 H 230187 06	do.	Mayor, Town Hall, Town of Medway, Medway, Maine 04460.	Do.
Do.	Oxford	Sumner, town of.	H 230187 01 H 230187 06	do.	Mayor, Town Hall, Town of Sumner, Oxford, Maine 04270.	Do.
Maryland	Dorchester	Secretary, town of.	H 240123 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Town Hall, Town of Secretary, Secretary, Md. 21664.	Do.
Massachusetts	Berkshire	Peru, town of.	H 250036 01 H 250036 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Planning Board, Peru, Mass. 01235.	Do.
Do.	do.	Washington, town of.	H 250044 01 H 250044 12	do.	Chairman, Board of Selectmen, Washington, Mass. 01223.	Do.
Do.	Hampshire	Plainfield, town of.	H 250169 01 H 250169 07	do.	Chairman, Planning Board, Town Hall, Plainfield, Mass. 01070.	Do.
Do.	Plymouth	Middleborough, town of.	H 250275 01 H 250275 10 H 270559 01	do.	Chairman, Board of Selectmen, Town Hall, Middleborough, Mass. 02346.	Do.
Minnesota	Clearwater	Clearbrook, city of.	H 270559 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Clearbrook, Minn. 56634.	Do.
Do.	Brown	Cobden, city of.	H 270561 01	do.	Mayor, City Hall, City of Cobden, Cobden, Minn.	Do.
Do.	Carver	Cologne, city of.	H 270562 01	do.	Mayor, City Hall, City of Cologne, Cologne, Minn. 55322.	Do.
Do.	Olmstead	Dover, city of.	H 270566 01	do.	Mayor, City Hall, City of Dover, Dover, Minn. 55929.	Do.
Do.	Polk	Nielsville, city of.	H 270590 01	do.	Mayor, City of Nielsville, Nielsville, Minn. 56568.	Do.
Do.	McLeod	Plato, city of.	H 270596 01	do.	Mayor, City Hall, City of Plato, Plato, Minn. 55370.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Missouri	Audrain	Farber, city of	H 290016 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101.	Mayor, City of Farber, Farber, Mo. 63345.	Do.
Do.	Jefferson	Kimmswick, city of	H 290193 01	Missouri Insurance Commission, Division of Insurance, P.O. Box 600, Jefferson City, Mo. 65101.	City Hall of Kimmswick, 3rd St. at Elm St., P.O. Box 27, Kimmswick, Mo. 63053.	Do.
Do.	St. Louis	Oakland, city of	H 290373 01	do.	Mayor, City Hall, City of Oakland, Oakland, Mo. 63122.	Do.
Nebraska	Buffalo	Pleasanton, village of	H 310017 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509.	City Council, Village of Pleasanton, Pleasanton, Nebr. 68866.	Do.
Do.	Howard	Dannebrog, town of	H 310118 01	Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Dannebrog, Nebr. 68831.	Do.
Do.	Johnson	Elk Creek, village of	H 310125 01	do.	Chairman, Village Board, Elk Creek, Nebr. 68348.	Do.
Do.	Pawnee	Table Rock, village of	H 310172 01	do.	Mayor, Village of Table Rock, Table Rock, Nebr. 68447.	Do.
Do.	Richardson	Rulo, city of	H 310184 01	do.	Mayor, City of Rulo, Rulo, Nebr. 68431.	Do.
New Hampshire	Hillsborough	Manchester, city of	H 330169 01 through H 330169 15	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Mayor, City of Manchester, Manchester, N.H. 01349.	Do.
New Jersey	Atlantic	Mullica, township of	H 340517 01 through H 340517 17	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Township Clerk's Office, Township of Mullica, Municipal Bldg., White Horse Pike, Elwood, N.J. 08217.	Do.
Do.	Gloucester	Swedesboro, borough of	H 340519 01	do.	Chairman, Borough of Swedesboro, Swedesboro, N.J. 08085.	Do.
Do.	Hunterdon	Flemington, borough of	H 340520 01	do.	Chairman, Borough of Flemington, Flemington, N.J. 08822.	Do.
Do.	Sussex	Green, township of	H 340529 01 through H 340529 04	do.	Chairman, Board of Selectmen, Township of Green, Sussex, N.J. 07461.	Do.
Do.	Bergen	Teterboro, borough of	H 340537 01	do.	Chairman, Board of Selectmen, Borough of Teterboro, Teterboro, N.J. 07008.	Do.
New York	Greene	Ashland, town of	H 360284 01 through H 360284 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Ashland, Ashland, N.Y. 12407.	Do.
Do.	Lewis	New Bremen, town of	H 360373 01 through H 360373 04	do.	Town Board-New Bremen, Town Clerk, Town of New Bremen, New Bremen, N.Y. 13412.	Do.
Do.	do.	Watson, town of	H 360377 01 through H 360377 14	do.	Town Board-Watson, Town Clerk, Town of Watson, Star Route, Lowville, N.Y. 13367.	Do.
Do.	Montgomery	Minden, town of	H 360451 01 through H 360451 07	do.	Supervisor, 77 Canal St., Town of Minden, Fort Plain, N.Y. 13339.	Do.
Do.	Onandaga	Cicero, town of	H 360572 01 through H 360572 15	do.	Cicero Town Clerk, Cicero Town Hall, 8236 South Main St., Cicero, N.Y. 13039.	Do.
Do.	Oswego	Hastings, town of	H 360553 01 through H 360553 08	do.	Town Supervisor, Town Hall, R.D., Town of Hastings, Central Square, N.Y. 13036.	Do.
Do.	St. Lawrence	Fowler, town of	H 360698 01 through H 360698 07	do.	Town Supervisor, Fowler Town Hall, Fowler, N.Y.	Do.
Do.	Tioga	Owego, town of	H 360839 01 through H 360839 13	do.	Enforcement Officer, Town of Owego, 111 East Main St., Apalachin, N.Y. 13732.	Do.
Do.	Dutchess	LaGrange, town of	H 361011 01 through H 361011 12	do.	Mayor, Town Hall, Town of LaGrange, LaGrange, N.Y. 12540.	Do.
Do.	Lewis	Lyons Falls, village of	H 361065 01	do.	Mayor, Village of Lyons Falls, Lyons Falls, N.Y. 13368.	Do.
Do.	Suffolk	Bellport, village of	H 361069 01	do.	Bellport Village Office, 144 South Country Rd., Bellport, N.Y. 11713.	Do.
Do.	Chautaugua	Stockton, town of	H 361081 01 through H 361081 04	do.	Mayor, Town Hall, Town of Stockton, Stockton, N.Y. 14784.	Do.
Do.	Allegany	Bolivar, town of	H 361097 01 through H 361097 09	do.	Mayor, Town of Bolivar, Bolivar, N.Y. 14715.	Do.
Do.	Herkimer	Norway, town of	H 361110 01 through H 361110 10	do.	Mayor, Town Hall, Town of Norway, Herkimer, N.Y. 13350.	Do.
Do.	do.	Russia, town of	H 361121 01 through H 361121 05	do.	Mayor, Town Hall, Town of Russia, Russia, N.Y.	Do.
Do.	Dutchess	Washington, town of	H 361147 01 through H 361147 06	do.	Mayor, Town Hall, Town of Washington, Washington, N.Y.	Do.
Do.	Rensselaer	Grafton, town of	H 361150 01 through H 361150 12	do.	Mayor, Town Hall, Town of Grafton, Grafton, N.Y. 12052.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Essex	Keene, town of	H 361151 01 through H 361151 36	do.	Mayor, Town Hall, Town of Keene, Keene, N.Y. 12942.	Do.
Do.	Rensselaer	Hoosick, town of	H 361154 01 through H 361154 16	do.	Mayor, Town Hall, Town of Hoosick, Hoosick, N.Y. 12089.	Do.
Do.	St. Lawrence	Madrid, town of	H 361181 01 through H 361181 14	do.	Mayor, Town Hall, Town of Madrid, Madrid, N.Y. 13660.	Do.
Do.	do.	Rossie, town of	H 361186 01 through H 361186 14	do.	Mayor, Town Hall, Town of Rossie, Rossie, N.Y. 13646.	Do.
Do.	Saratoga	Edinburg, town of	H 361189 01 through H 361189 17	do.	Mayor, Town Hall, Town of Edinburg, Edinburg, N.Y. 12134.	Do.
Do.	Stueben	Jasper, town of	H 361212 01 through H 361212 14	do.	Mayor, Town Hall, Town of Jasper, Jasper, N.Y. 14855.	Do.
Do.	Westchester	Lewisboro, town of	H 361227 01 through H 361227 11	do.	Mayor, Town Hall, Town of Lewisboro, Lewisboro, N.Y.	Do.
Do.	Washington	Kingsbury, town of	H 361235 01 through H 361235 10	do.	Mayor, Town Hall, Town of Kingsbury, Kingsbury, N.Y.	Do.
Do.	Orange	Highlands, town of	H 361251 01 through H 361251 09	do.	Mayor, Town Hall, Town of Highlands, Highlands, N.Y. 10928.	Do.
Do.	Oswego	Volney, town of	H 361266 01 through H 361266 15	do.	Mayor, Town Hall, Town of Volney, Oswego, N.Y. 13126.	Do.
Do.	do.	Williamstown, town of	H 361267 01 through H 361267 10	do.	Mayor, Town Hall, Town of Williamstown, Williamstown, N.Y. 13493.	Do.
Do.	do.	Worcester, town of	H 361283 01 through H 361283 14	do.	Mayor, City Hall, Town of Worcester, Worcester, N.Y. 12197.	Do.
Do.	Ontario	Manchester, town of	H 361301 01 through H 361301 11	do.	Mayor, City Hall, Town of Manchester, Manchester, N.Y. 14504.	Do.
Do.	Columbia	Canaan, town of	H 361313 01 through H 361313 10	do.	Mayor, City Hall, Town of Canaan, Canaan, N.Y. 12029.	Do.
Do.	do.	Greenport, town of	H 361319 01 through H 361319 04	do.	Mayor, City Hall, Town of Greenport, Greenport, N.Y. 11944.	Do.
Do.	Cortland	Scott, town of	H 361328 01 through H 361328 06	do.	Mayor, City Hall, Town of Scott, Cortland, N.Y. 13045.	Do.
Do.	Dutchess	East Fishkill, town of	H 361336 01 through H 361336 09	do.	Mayor, City Hall, Town of Fishkill, East Fishkill, N.Y. 12524.	Do.
Do.	Tioga	Waverly, village of	H 361343 01 through H 361343 03	do.	Waverly Village Hall, 358 Broad St., Waverly, N.Y. 14892.	Do.
North Dakota	Cass	Mapleton, city of	H 380023 01 through H 380023 02	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Auditor's Office, City of Mapleton, Mapleton, N. Dak. 58059.	Do.
Oklahoma	Kiowa	Mountain View, town of	H 400087 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Mountain View, Okla. 73062.	Do.
Do.	do.	Roosevelt, town of	H 400088 01	do.	Mayor, City Hall, Roosevelt, Okla. 73564.	Do.
Do.	Le Flore	Poteau, city of	H 400093 01 through H 400093 12	do.	Mayor, City Hall, Poteau, Okla. 74953.	Do.
Oregon	Coos	Unincorporated areas.	H 410042 01 through H 410042 46	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Department of Commerce, 158 12th NE., Salem Ore. 97310.	Chairman, Coos County Commissioners, County Court House, Coquille, Ore. 97423.	Do.
Do.	Lincoln	Yachats, city of	H 410135 01	do.	Mayor, City of Yachats, Yachats, Ore. 97498.	Do.
Do.	Marion	Detroit, city of	H 410157 01	do.	Mayor, City Hall, Detroit, Ore. 97342.	Do.
Pennsylvania	Bedford	Coaldale, borough of	H 420118 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Coaldale, Six Mile Run, Pa. 16679.	Do.
Do.	Butler	West Liberty, borough of	H 420225 01 through H 420225 02	do.	Mayor, Borough of West Liberty, Rural Delivery No. 1, Box 170, Slippery Rock, Pa. 16057.	Do.
Do.	Clinton	Porter, township of	H 420333 01 through H 420333 02	do.	Secretary, Porter Township, Rural Delivery No. 2, Township Road 321, Mill Hall, Pa. 17751.	Do.
Do.	Montour	Washingtonville, borough of	H 420715 01	do.	Mayor, Washingtonville, Pa. 17884.	Do.
Do.	Susquehanna	Hop Bottom, borough of	H 420812 01	do.	Mayor, Hop Bottom, Pa. 18824.	Do.
Do.	do.	Little Meadows, borough of	H 420814 01 through H 420814 02	do.	Mayor, Little Meadows, Pa. 18830.	Do.
Do.	Berks	Centre, township of	H 421056 01 through H 421056 04	do.	Chairman, Board of Supervisors, Township of Centre, Route No. 1, Mohrsville, Pa. 19541.	Do.
Do.	North Hampton	Washington, township of	H 421156 01 through H 421156 06	do.	Municipal Bldg., Township of Washington, Box 100, Ackermanville, Pa. 18010.	Do.
Do.	Columbia	Mifflin, township of	H 421167 01 through H 421167 06	do.	Township Clerk's Office Township of Mifflin, Mifflin, Pa. 17058.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Montgomery	Lower Saco, township of.	H 421170 01 through H 421170 06	do.	Mrs. Loretta Romanowski, Township Secretary, Township of Lower Saco, 311 Alumni Ave., Harleysville, Pa. 19438.	Do.
Do.	Washington	Buffalo, township of.	H 421200 01 through H 421200 02	do.	Chairman, Board of Supervisors, Township of Buffalo, Rural Delivery No. 1, Claysville, Pa. 15323.	Do.
Do.	Erie	Springfield, township of.	H 421369 01 through H 421369 06	do.	Chairman, Board of Supervisors, Township of Springfield, West Springfield, Pa. 16443.	Do.
Do.	Schuylkill	Orwigsburg, borough of.	H 421204 01 through H 421204 05	do.	Orwigsburg Borough Hall, North Warren St., Orwigsburg, Pa. 17061.	Do.
Do.	Berks	Long Swamp, township of.	H 421380 01 through H 421380 06	do.	Chairman, Board of Supervisors, Township of Longswamp, R.D., Mertztown, Pa. 19539.	Do.
Do.	Bradford	Litchfield, township of.	H 421400 01 through H 421400 05	do.	Chairman, Board of Supervisors, Township of Litchfield, Rural Delivery No. 2, Athens, Pa. 18810.	Do.
Do.	do.	Pike, township of.	H 421403 01 through H 421403 08	do.	Chairman, Board of Supervisors, Township of Pike, Rural Delivery No. 1, Rome, Pa. 18837.	Do.
Do.	do.	Stevens, township of.	H 421407 01 through H 421407 02	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, Stevensville, Pa. 18845.	Do.
Do.	Butler	Jefferson, township of.	H 421421 01 through H 421421 06	do.	Chairman, Board of Supervisors, Township of Jefferson, Rural Delivery No. 4, Butler, Pa. 16001.	Do.
Do.	Cambria	Lilly, borough of.	H 421430 01	do.	Mayor, 575 George St., Lilly, Pa. 15388.	Do.
Do.	Centre	Benner, township of.	H 421460 01 through H 421460 09	do.	Chairman, Board of Supervisors, Township of Benner, R.F.D. No. 1, Bellefonte, Pa. 16823.	Do.
Do.	Chester	Newlin, township of.	H 421486 01 through H 421486 02	do.	Chairman, Board of Supervisors, Township of Newlin, Rural Delivery No. 4, Coatesville, Pa. 19320.	Do.
Do.	do.	West Vincent, township of.	H 421499 01 through H 421499 06	do.	Chairman, Board of Supervisors, Township of West Vincent, Rural Delivery No. 2, Chester Springs, Pa. 39425.	Do.
Do.	Columbia	Beaver, township of.	H 421547 01 through H 421547 10	do.	Chairman, Board of Supervisors, Township of Beaver, Zion Grove, Pa. 17985.	Do.
Do.	do.	Fishing Creek, township of.	H 421550 01 through H 421550 10	do.	Chairman, Board of Supervisors, Township of Fishing Creek, Rural Delivery No. 2, Orangeville, Pa. 17859.	Do.
Do.	do.	Greenwood, township of.	H 421551 01 through H 421551 09	do.	Chairman, Board of Supervisors, Township of Greenwood, Rural Delivery No. 2, Millville, Pa. 17846.	Do.
Do.	Crawford	Troy, township of.	H 421572 01 through H 421572 04	do.	Chairman, Board of Supervisors, Township of Troy, Rural Delivery No. 4, Titusville, Pa. 16354.	Do.
Do.	Franklin	Lurgan, township of.	H 421652 01 through H 421652 11	do.	Chairman, Board of Supervisors, Township of Lurgan, Box 31, Lurgan, Pa. 17240.	Do.
Do.	Greene	Morgan, township of.	H 421674 01 through H 421674 04	do.	Chairman, Board of Supervisors, Township of Morgan, Rural Delivery No. 1, Waynesburg, Pa. 15370.	Do.
Do.	do.	Washington, township of.	H 421678 01 through H 421678 03	do.	Chairman, Board of Supervisors, Township of Washington, Rural Delivery No. 2, Prosperity, Pa. 15329.	Do.
Do.	Lehigh	Upper Milford, township of.	H 421815 01 through H 421815 02	do.	Chairman, Board of Supervisors, Township of Upper Milford, Rural Delivery No. 1, Emmaus, Pa. 18049.	Do.
Do.	Luzerne	New Columbus, borough of.	H 421819 01 through H 421819 03	do.	Mayor, Board of New Columbus, Rural Delivery No. 1, Stillwater, Pa. 17878.	Do.
Do.	do.	West Hazleton, borough of.	H 421821 01 through H 421821 04	do.	West Hazleton Borough Bldg., South 4th St., West Hazleton, Pa. 18201.	Do.
Do.	Lycoming	Penn, township of.	H 421848 01 through H 421848 09	do.	Chairman, Board of Supervisors, Township of Penn, Rural Delivery No. 2, Hughesville, Pa. 17737.	Do.
Do.	McKean	Ceres, township of.	H 421853 01 through H 421853 03	do.	Mr. Clifton Schooner, Township of Ceres, Box 14, Ceres, Pa. 14721.	Do.
Do.	Montgomery	Souderton, borough of.	H 421906 01 through H 421906 03	do.	Souderton Borough Hall, 117 Main St., Souderton, Pa. 18964.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Douglass, township of.	H 421911 01 through H 421911 06	do.	Douglass Township Municipal Bldg., 19 Municipal Dr., Gilbertsville, Pa. 19525.	Do.
Do.	do.	Marlborough, township of.	H 421913 01 through H 421913 06	do.	Marlborough Township, Rural Delivery, No. 1, Green Lane, Pa. 18054.	Do.
Do.	do.	New Hanover, township of.	H 421914 01 through H 421914 06	do.	New Hanover Township Bldg., Rural Delivery No. 1, Gilbertsville, Pa. 19525.	Do.
Do.	do.	Worcester, township of.	H 421919 01 through H 421919 07	do.	Chairman, Board of Supervisors, Worcester, Pa. 19490.	Do.
Do.	North Hampton	Pen Argyl, borough of.	H 421926 01 through H 421926 04	do.	Mayor, 21 South Schanck Ave., Pen Argyl, Pa. 18072.	Do.
Do.	Northumberland	Washington, township of.	H 421945 01 through H 421945 06	do.	Chairman, Board of Supervisors, Township of Washington, R.D., Dornisfe, Pa. 17823.	Do.
Do.	Schuylkill	Mechanicsville, borough of.	H 421994 01	do.	Mayor, Borough of Mechanicsville, 902 1st St., Pottsville, Pa. 17901.	Do.
Do.	do.	Schuylkill, township of.	H 422020 01 through H 422020 04	do.	Chairman, Board of Supervisors, Township of Schuylkill, Brockton, Pa. 17925.	Do.
Do.	Snyder	Beaver, township of.	H 422032 01 through H 422032 03	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, Beavertown, Pa. 17833.	Do.
Do.	do.	West Perry, township of.	H 422042 01 through H 422042 10	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, Richfield, Pa. 17086.	Do.
Do.	Somerset	Shade, township of.	H 422054 01 through H 422054 10	do.	Chairman, Board of Supervisors, Township of Shade, Cairnbrook, Pa. 15924.	Do.
Do.	Tioga	Duncan, township of.	H 422095 01 through H 422095 07	do.	Chairman, Board of Supervisors, Township of Duncan, Rural Delivery No. 1; Wellsboro, Pa. 16901.	Do.
Do.	Union	West Buffalo, township of.	H 422106 01 through H 422106 13	do.	Chairman, Board of Supervisors, Township of West Buffalo, Rural Delivery No. 1, Millinburg, Pa. 17844.	Do.
Do.	Washington	Deemston, borough of.	H 422132 01 through H 422132 04	do.	Mayor, Borough of Deemston, Rural Delivery No. 1, Fredericktown, Pa. 15533.	Do.
Do.	do.	North Charleroi, borough of.	H 422137 01	do.	Mayor, 528 Monongahela Ave., North Charleroi, Pa. 15022.	Do.
Do.	do.	Speers, borough of.	H 422138 01 through H 422138 02	do.	Mayor, Borough of Speers, 606 Speers Ave., Charleroi, Pa. 15022.	Do.
Do.	do.	Chartiers, township of.	H 422144 01 through H 422144 08	do.	Chairman, Board of Supervisors, Township of Chartiers, 425 North Main St., Houston, Pa. 15342.	Do.
Do.	Westmoreland	Hyde Park, borough of.	H 422179 01	do.	Mayor, Chesnut St., Hyde Park, Pa. 15641.	Do.
Tennessee	Madison	Jackson, city of.	H 470113 01 through H 470113 16	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219.	Planning Department, City of Jackson, 105 North Church St., Municipal Court Bldg., Jackson, Tenn. 38301.	Do.
Texas	Bell	Killeen, city of.	H 480031 01 through H 480031 07	Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219. Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, 2d and Avenue C, Killeen, Tex. 76540.	Do.
Do.	Bexar	Grey Forest, city of.	H 480039 01	do.	Mayor, City Hall, City of Grey Forest, P.O. Box 258, Helotes, Tex. 78023.	Do.
Do.	Denton	Denton, city of.	H 480104 01 through H 480104 15	do.	Municipal Bldg., City of Denton, Denton, Tex. 76201.	Do.
Do.	Hill	Blum, city of.	H 480350 01	do.	Mayor, Blum, Tex. 76627.	Do.
Do.	Smith	Winona, city of.	H 480573 01	do.	Mayor, City Hall, Winona, Tex. 75792.	Do.
Do.	Starr	Unincorporated areas.	H 480575 01 through H 480575 05	do.	Roma City Hall, Starr County, Roma, Tex. 78584.	Do.
Do.	Tarrant	Haslet, city of.	H 480600 01 through H 480600 02	do.	Mayor and Corporation Court Judge, P.O. Box 66, Haslet, Tex. 76052.	Do.
Do.	Harris and Waller	Waller, city of.	H 480641 01	do.	Mayor, City of Waller, Waller, Tex. 77484.	Do.
Do.	Bosque	Iredell, town of.	H 481072 01	do.	County Judge, Bosque County Commissioners, County Court House, Meridian, Tex. 76665.	Do.
Utah	Salt Lake	Riverton, city of.	H 490104 01 through H 490104 04	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, 12891 South 1700 West, Riverton, Utah 84065.	Do.
Vermont	Windsor	Stockbridge, town of.	H 500155 01 through H 500155 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Mayor, City Hall, Town of Stockbridge, Stockbridge, Vt. 05772.	Do.
Do.	Chithenden	South Burlington, city of.	H 500195 01 through H 500195 07	do.	Mayor, City Hall, City of South Burlington, South Burlington, Vt. 05401.	Do.
Do.	Grand Isle	Isle LaMotte, town of.	H 500224 01	do.	Mayor, City Hall, Town of Isle LaMotte, Isle LaMotte, Vt. 05463.	Do.
Do.	Orleans	Newport, town of.	H 500256 01 through H 500256 04	do.	City Manager, Town of Newport, Municipal Bldg., Newport, Vt. 05855.	Do.

RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Windsor	Pomfret, town of.	H 500297 01 through H 500297 03 H 510026 01 through H 510026 39	do.	Mayor, City Hall, Town of Pomfret, Windsor, Vt. 05089.	Do.
Virginia	Buckingham	Unincorporated areas.		Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Buckingham County, Board of Supervisors, Arvonla, Va. 23004.	Do.
Do.	Mecklenburg	Clarksville, town of.	H 510209 01 through H 510209 05	do.	Mayor, City Hall, Town of Clarksville, Clarksville, Va. 23027.	Do.
Do.	Pittsylvania	Hurt, town of.	H 510219 01 through H 510219 02	do.	Mayor, City Hall, Town of Hurt, Hurt, Va. 24563.	Do.
Do.	Prince Williams	Quantico, town of.	H 510232 01	do.	Mayor, City Hall, Town of Quantico, Quantico, Va. 22134.	Do.
Do.	Accomack	Belle Haven, town of.	H 510242 01 through H 510242 04	do.	Mayor, Town Hall, Town of Belle Haven, Belle Haven, Va. 23306.	Do.
Do.	Page	Shenandoah, town of.	H 510248 01	do.	Mayor, City Hall, Town of Shenandoah, Shenandoah, Va. 22849.	Do.
Washington	Chelan	Entiat, town of.	H 530018 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town Hall, Entiat, Wash. 98922.	Do.
West Virginia	Kanawha	South Charleston, city of.	H 540223 01 through H 540223 09	Office of Federal-State Relations, Room W115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	City Hall, City of South Charleston, 4th Ave. and D St., South Charleston, W. Va. 25303.	Do.
Wisconsin	Sheboygan	Plymouth, city of.	H 550428 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Mayor, City Hall, Plymouth, Wis. 53073.	Do.
Wyoming	Converse	Douglas, town of.	H 560013 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Douglas Town Council, Town of Douglas, Douglas, Wyo. 82633.	Do.

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

Issued: October 25, 1974.

[FR Doc.74-25982 Filed 11-6-74; 8:45 am]

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

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 rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Pemoline in Schedule IV

On August 19, 1974, the Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Administrator of the Drug Enforcement Administration:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

AUGUST 19, 1974.

Mr. JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration
1405 I Street, NW.,
Washington, D.C. 20537

DEAR MR. BARTELS: The Food and Drug Administration expects to complete its evaluation of a New Drug Application for Cylert (pemoline, Abbott Laboratories) in the near future.

This letter is to request that Cylert be controlled in Schedule IV of the Controlled Substances Act (PL 91-513) concomitant with its New Drug Application approval.

Cylert is a central nervous system stimulant which will be indicated only for children with certain learning or behavioral disorders. It is not anticipated that proper therapeutic use will lead to problems of abuse of Cylert.

However, the pharmacological profile of pemoline, reports of its abuse, and its recent appearance in the illicit market indicate that the drug should be controlled in the interest of public health.

Control in Schedule IV is recommended pursuant to the following evaluation of Cylert:

1. Cylert has a low potential for abuse relative to the drugs or other substances in Schedule III. Its actual potential for abuse has not been determined in appropriately controlled clinical trials.

2. A New Drug Application for Cylert has been submitted to the FDA. Should this application be approved, Cylert would have a currently accepted medical use in the United States.

3. Abuse of Cylert may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Attached is a summary of the information on which this report is based. Should members of your staff wish clarification or additional information, please feel free to contact the Food and Drug Administration.

Sincerely yours,

CHARLES C. EDWARDS, M.D.,
Assistant Secretary for Health.

Upon receipt of this letter, the Drug Enforcement Administration undertook

a review of the following: (1) Materials submitted to DEA by the Department of Health, Education, and Welfare with the letter of August 19, 1974; (2) materials submitted to the Food and Drug Administration (FDA) in connection with the New Drug Application on this drug; (3) published scientific and medical literature from the United States and other nations regarding this drug; (4) selected investigatory files compiled for law enforcement purposes by the Drug Enforcement Administration; and (5) the legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, pemoline has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Pemoline will, upon the approval of New Drug Application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of pemoline may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator proposes that, upon approval of the New Drug Application for Cylert by FDA, § 1308.14 of Title 21 of the Code of Federal Regulations (CFR) be amended to read:

§ 1308.14 Schedule IV.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(3) Pemoline (including organometallic complexes and chelates thereof), 1530.

All interested persons are invited to submit their comments or objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Department of Justice, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than December 9, 1974.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail that a hearing on these objections will be held as soon as the matter may be heard at the Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: November 1, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-26073 Filed 11-6-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service (Agricultural Adjustment)

[7 CFR Part 725]

FLUE-CURED TOBACCO

Determinations on Marketing Quotas for the 1975-76 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing to determine and announce the amount of the national marketing quota, the national average yield goal and the national acreage allotment for flue-cured tobacco for the 1975-76 marketing year.

The Act (7 U.S.C. 1314(d)) provides that the national marketing quota, national acreage allotment and national yield goal for the 1975-76 marketing year shall be determined and announced on or before December 1, 1974. Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for the 1974-75, 1975-76, and 1976-77 marketing years (38 FR 23935).

The Act (7 U.S.C. 1301(b)) defines "Reserve supply level" as normal supply plus 5 percent. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal carry-over. A "Normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "Normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The reserve supply level for the 1974-75 marketing year was determined to be 2,877 million pounds, calculated from a normal year's domestic consumption of 690 million pounds and a normal year's exports of 510 million pounds (39 FR 3273). The proposed reserve supply level for the 1975-76 marketing year is 3,015 million pounds, calculated from a normal year's domestic consumption of 705 million pounds and a normal year's export of 565 million pounds.

The Act (7 U.S.C. 1301(b)) defines "Total supply" as the carry-over at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1974-75 marketing year is 2,913 million pounds, composed of carry-over of 1,607 million pounds and estimated production of 1,306 million pounds.

The Act (7 U.S.C. 1314(a)) defines the "National marketing quota" as the amount of tobacco produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 percent of such estimated utilization and exports.

The amount of flue-cured tobacco produced in the United States and estimated to have been utilized in the United States during the 1973-74 marketing year was

703 million pounds, and the amount exported was 598 million pounds, farm-sales weight basis. The amount of the national marketing quota for the 1974-75 marketing year is 1,297 million pounds based upon estimated utilization in the United States of 695 million and estimated exports of 500 million pounds, with an upward adjustment of 102 million pounds for the purpose of maintaining an adequate supply (39 FR 3273). For the 1975-76 marketing year, utilization in the United States is estimated to be about 755 million pounds and exports are estimated to be about 580 million pounds. The total supply for the 1974-75 marketing year is 102 million pounds less than the proposed reserve supply level, but the amount of the upward adjustment desirable for maintaining an adequate supply is still being considered.

The Act (7 U.S.C. 1314(a)) defines the "National average yield goal" as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant. The national average yield goal for the 1965-66 and each subsequent marketing year was determined to be 1,854 pounds, and no change is proposed for the 1975-76 marketing year.

The Act (7 U.S.C. 1314(a)) defines the "National acreage allotment" as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1974-75 marketing year was determined to be 699,568.50 acres (39 FR 3273).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by taking the national acreage allotment minus the reserve for new farms and old farm corrections and adjustments and dividing the sum of the 1974 allotments for 1975 old farms prior to adjustments for overmarketing or undermarketing and reductions required for violations. The national acreage factor for the 1974-75 marketing year was 1.10 (39 FR 3273).

A national yield factor will be obtained by dividing the national average yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketing, undermarketing or reductions required for violations and dividing the sum of the products by the national acreage allotment. The national yield factor for the 1974-75 marketing year was .9312 (38 FR 18234).

The Act (7 U.S.C. 1314(e)) provides that for each marketing year for which acreage-poundage quotas are in effect a reserve may be established from the national acreage allotment in an amount equivalent to not more than one percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjust-

ing inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 300 acres was established for the 1974-75 marketing year (38 FR 18234). A similar reserve is proposed for the 1975-76 marketing year.

The Act (7 U.S.C. 1314(g)) provides that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N₂ tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which the tobacco was produced. This has never been authorized under the acreage-poundage program and is not proposed for the 1975-76 marketing year.

The subjects and issues involved in the proposed determination are: (1) The amount of the reserve supply level.

(2) The amount of the national marketing quota for the 1975-76 marketing year.

(3) The amount of the national average yield goal.

(4) The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.

(5) Whether the Secretary should implement the provision relating to N₂ or other grades of tobacco not eligible for price support.

The amount of the national acreage allotment, the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph.

The community average yields, as computed in 1965 (30 FR 6207, 9875, 14487), will be used for the 1975-76 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 6763, South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than November 22, 1974.

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

KENNETH E. FRICK,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[FR Doc. 74-26154 Filed 11-6-74; 8:45 am]

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P 13]

POTATOES

Limits on Position and Daily Trading for Future Delivery

The Commodity Exchange Commission has issued orders under section 4a of the Commodity Exchange Act (7 U.S.C. 6a), establishing maximum limits on positions and daily trading in potatoes for future delivery on any one market at 300 carlots in any one future and 350 carlots in all futures combined, provided that no person may buy or sell during any one business day, nor may any person hold or control a net long or a net short position, in excess of (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

Section 150.10 of the orders of the Commodity Exchange Commission (issued November 17, 1964, 29 FR 15570, 17 CFR 150.10) was amended in 1970 to apply separately to the maximum positions and daily trading in Maine Round White Potatoes and Idaho Russet Burbank Potatoes (Jan. 22, 1970, 35 FR 880).

At the time these orders were issued, the contracts for the Maine Round White Potatoes traded on the New York Mercantile Exchange and for the Idaho Russet Burbank potatoes traded on the Chicago and New York Mercantile Exchanges specified carlot units of 50,000 pounds. A recent rule change by the Chicago Mercantile Exchange caused potatoes on that contract market to be traded in carlot units of 80,000 pounds. Because the present limits are stated in terms of carlots with no reference to weight, this rule change by the Chicago Mercantile Exchange effectively increases by 60 percent the amount of potatoes which may be held and traded daily by any one person on that contract market. Moreover, this action by the Chicago Mercantile Exchange caused to be permitted 60 percent larger daily trading and positions in potatoes on that exchange, than what is permitted on the New York Mercantile Exchange, where a 50,000 pound carlot continues to be the trading unit.

The administrative officials of the Commodity Exchange Authority believe that the maximum amount of potatoes which may be held and traded daily by any person should not be raised. They therefore propose that the existing limits on positions and daily trading be restated in terms of weight, so that the actual amount of potatoes which may be held and traded daily by any person, will be the same as it was before the recent rule change mentioned above.

Accordingly, notice is hereby given that it is proposed by the Commodity Exchange Authority that the Commodity Exchange Commission revise § 150.10 to read as follows:

§ 150.10 Limits on position and daily trading in potatoes for future delivery.

The following limits on the amount of trading under contracts of sale of Round

White Potatoes originating in Maine, and under contracts of sale of Russet Burbank Potatoes originating in Idaho, for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after [date to be inserted at time of issuance of order]:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in any one type of potato contract specified in the first paragraph of this section, on or subject to the rules of any one contract market, is 150,000 cwt. in any one future and 175,000 cwt. in all futures combined: Provided, that no person may hold or control a net long or net short position in any one such type of contract in excess of (1) 75,000 cwt. in the March potato future, (2) 75,000 cwt. in the April potato future, or (3) 75,000 cwt. in the May potato future.

(b) *Daily trading limit.* The limit on the maximum amount of potatoes under any one type of contract specified in the first paragraph of this section, which any person may buy, and on the maximum amount of potatoes under any one such type of contract which any person may sell, on or subject to the rules of any one contract market during any one business day is 150,000 cwt. in any one future and 175,000 cwt. in all futures combined: Provided, that no person may buy or sell during any one business day in any one such type of contract more than (1) 75,000 cwt. in the March potato future, (2) 75,000 cwt. in the April potato future, or (3) 75,000 cwt. in the May potato future.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefore, addressed to the Administrator, Commodity Exchange Authority, U.S. Depart-

ment of Agriculture, Washington, D.C. 20250, on or before December 23, 1974.

Written statements with reference to the subject matter of this proposal may be submitted by an interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to December 23, 1974.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: November 1, 1974.

ALEX C. CALDWELL,

Administrator,

Commodity Exchange Authority.

[FR Doc. 74-26064 Filed 11-6-74; 8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.5]

RURAL RENTAL HOUSING

Proposed Loan Policies, Procedures and Authorizations

Notice is hereby given that Farmers Home Administration has under consideration amending Subpart D of Part 1822, Title 7, Code of Federal Regulations (37 FR 18700; 38 FR 14671; 38 FR 20440; 39 FR 20803). The major proposed changes are as follows:

1. A new § 1822.83(h) is added to define a project.

2. Section 1822.83(i) is revised to permit inclusion as a development cost, up to 2 percent of the initial operating expense, for nonprofit organizations and State or local public agencies.

3. A new § 1822.83(r) is added to define a limited partnership.

4. Section 1822.84(a)(2) is revised to except the credit elsewhere requirement for State or local public agencies.

5. Section 1822.84(a)(2)(iii) is added to clarify that assets of individual members of nonprofit organizations will not be considered.

6. Section 1822.84(a)(4) is revised to permit loans on leasehold interests.

7. Section 1822.84(a)(8)(ii) is revised to reflect changes in the HUD section 23 leasing program.

8. Section 1822.84(a)(9) is revised to clarify eligibility for private nonprofit organizations.

9. A new § 1822.84(a)(10) is added to require that in the case of limited partnership, the general partners maintain a minimum of 5 percent financial interest in the organization and to clarify that new partners brought into the organization must receive approval by the Government.

10. Section 1822.85(a) is revised to eliminate the general policy of giving preference to the financing of new housing and to no longer require prior National Office review of loan dockets for other than new construction.

PROPOSED RULES

11. A new § 1822.85(b) (1) and (2) are added to define the requirements for a loan to purchase an existing building less than 1-year old.

12. Section 1822.86(a) is revised to remove the limitation of \$750,000 on loans.

13. A new § 1822.86(a) (3) is added to limit loan funds to 80 percent of appraised value for purchase of existing buildings less than 1-year old.

14. Section 1822.87(b) is revised to set the term of the repayment period not to exceed 40 years except for senior citizen housing.

15. A new § 1822.88(l) is added to require tenant certifications to be executed for all families occupying the rental units.

16. Section 1822.88(k) is revised to increase the per annum return on the initial investment for limited profit applicants and to further clarify what may be included in the initial investment.

17. Section 1822.88(l) is revised to permit subleasing of units to a housing authority (HA) in connection with a section 23 leasing program providing the State Director makes certain determinations.

18. A new § 1822.88(m) is added to require that projects that exceed 25 units will comply with the provisions of Office of Management and Budget Circular A-95 concerning the formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development.

19. A new § 1822.88(n) is added to require that projects that exceed 25 units will comply with the provisions of guidelines for preparing environmental impact statements.

20. A new § 1822.88(o) is added to require that projects will comply with the provisions of the National Flood Insurance Act of 1968.

21. Section 1822.89(a) is revised to eliminate the requirement that a second mortgage be taken on a site developed with prior RRH loan funds when an additional project is built immediately adjacent to the initial site.

22. Section 1822.91(a) is revised to adopt the use of Standard Form AD-621, "Preapplication for Federal Assistance," and Form AD-622, "Notice of Preapplication Review Action."

23. Section 1822.92(a) is revised to provide for the use of Form AD-625, "Application for Federal Assistance" (Short Form).

24. Section 1822.92(c) is revised to eliminate the use of County Committees to review RRH loans.

25. Section 1822.93(b) (2) (ii) is revised to provide for notifying the applicant of approval of the loan.

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before December 9, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the

Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m.-4:45 p.m.)

Dated: October 30, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

As proposed, Subpart D is amended to read as follows:

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

Sec.	
1822.81	General.
1822.82	Objectives.
1822.83	Definitions.
1822.84	Eligibility requirements.
1822.85	Loan purposes.
1822.86	Limitations.
1822.87	Rates and terms.
1822.88	Special conditions.
1822.89	Security.
1822.90	Technical, legal and other services.
1822.91	Processing preapplications.
1822.92	Preparation of completed loan docket.
1822.93	Loan approval.
1822.94	Actions subsequent to loan approval.
1822.95	Loan closing.
1822.96	Subsequent RRH loans.
1822.97	Coding loans as to initial or subsequent.
1822.98	Complaints regarding discrimination in use and occupancy of RRH housing.

EXHIBITS¹

(RRH loan to broadly based nonprofit corporation) loan resolution of	19	A
(RRH insured loan to profit type corporation) loan resolution of	19	B
Loan agreement (RRH loan to individual)		C
Information to be submitted with pre-application for RRH loan		F-6
Information to be submitted with application for Federal assistance (short form)		F-7
(RRH loan to profit corporation operating on a limited profit basis) loan resolution of	19	G
Loan agreement (RRH loan to individual operating on a limited profit basis)		H
Interest credits on insured RRH and RRH loans		J

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1822.81 General.

This subpart sets forth the policies and procedures and delegates authority for making Rural Rental Housing (RRH) loans under sections 515 and 521 of the Housing Act of 1949.

§ 1822.82 Objectives.

The basic objective of RRH loans is to provide eligible occupants economically designed and constructed rental housing and related facilities suited to their living requirements.

¹ Exhibits D, E, F, and I available from agency.

§ 1822.83 Definitions.

(a) *Family*. One person, or two or more persons related by blood, marriage or operation of law who maintain or will maintain one household.

(b) *Senior citizens*. A person who is 62 years of age or over and in the case of a married couple may be either the wife or husband. A person younger than 62 years of age may reside with a senior citizen provided the person is considered a member of the family of the senior citizen, or his occupancy can be shown to be necessary for the well being of the senior citizen.

(c) *Low or moderate income family*. Families having incomes within the limits of the maximum adjusted income.

(d) *Plan I and Plan II*. The two interest credit plans as outlined in Exhibit J.

(e) *Eligible occupants*. (1) For the purpose of a loan developed under Plan I:

(i) A senior citizen with a low or moderate income, or

(ii) Any family with a low income.

(3) For the purpose of all other loans including those developed under Plan II:

(i) A senior citizen without regard to income.

(ii) Any family with a low or moderate income.

(f) *Housing*. Structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide independent living on a rental basis. They may include "related facilities" where appropriate.

(g) *Related facilities*. Community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, and other essential service facilities such as central heating, sewerage, light systems, ranges and refrigerators, clothes washing machines and clothes dryers, and a safe domestic water supply. Under special conditions a project may have an infirmary. When ranges, refrigerators, washing machines, and dryers are included they will be attached to the real estate in a manner to prevent easy removal.

(h) *Project*. A project means the total number of rental housing units to be built or to be purchased by one applicant in one market area at any one time. Subsequent loans may be made to complete the units started with the initial loan. Additional units or additional projects in the same market area may be developed on a contiguous or separate tract of land at a later time if it can be shown that there is a need for this project in the market area and if the project already developed is operating successfully.

(i) *Development cost*. The cost of constructing, purchasing, improving, altering, or repairing housing and related facilities and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees and charges. For nonprofit organizations and

State or local public agencies the development cost may include initial operating expenses up to 2 percent of the aforementioned costs. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(j) *Rural area.* Includes rural communities of 10,000 persons or less which are not part of or associated with urban areas and are further defined in § 1822.3 (c) of this chapter.

(k) *Individual.* A natural person.

(l) *Organization.* A profit corporation, nonprofit corporation, consumer cooperative, association, State or local public agency, trust, partnership, or limited partnership.

(m) *Private nonprofit corporation.* A corporation which is controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation or its members, is legally precluded from distributing to its members any gains or profits during its existence, and in the event of its dissolution, is legally bound to transfer its net assets to a nonprofit corporation of a similar type or to a municipal corporation which will operate the housing for the same or similar purposes.

(n) *Profit corporation.* A corporation which is controlled by private persons or interests, whose organization permits the making of gains or profits for the corporation or its members, which is authorized to do business in the State, and which can legally carry out the purposes of the loan.

(o) *Consumer cooperative.* A corporation which is organized as a cooperative, will operate the housing on a nonprofit basis solely for the benefit of the occupants, and is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(p) *Limited profit basis.* An individual or organization applicant who, in order to obtain interest credit assistance, will agree to limit the amount of profit to be obtained. Applicants operating on this basis will be permitted to receive a return on their initial investment in accordance with the requirements outlined in § 1822.88(k). The applicant will legally obligate itself to regulate rents, charges, rate of return, and methods of operation.

(q) *Profit basis.* An individual or organization applicant who will operate the housing at rental rates low- and moderate-income families and senior citizens can afford.

(r) *Limited partnership.* A partnership consisting of one or more general partners, jointly and severally responsible as ordinary partners, and by whom the business is conducted, and one or more special partners, contributing in cash payments a specific sum as capital

to the common stock, and who are not liable for the debts of the partnership beyond the fund so contributed.

(s) *Owner-builder.* A qualified builder-applicant who is capable of and will build the RRH project.

(t) *Security value.* As used in this Subpart, the security value means the present market value of the real estate offered as security for the loan as determined by the loan approval official less the unpaid principal balance plus past-due interest on any other liens against it. Other liens will include any prior liens and any junior liens to be or likely to be taken or subordinated at or immediately after loan closing.

(u) *Gains or profits.* For the purpose of paragraphs (m) and (n) of this section, gains and profits do not include dividends payable on stock which is non-voting, limited as to the amount of dividends that can be paid thereon, and limited as to liquidation value in the event of corporate dissolution.

(v) *Members and membership.* Includes stockholders and stock where appropriate.

(w) *Board and directors.* The governing body and members of the governing body of an organization.

(x) *Note.* Bond or other form of obligation.

(y) *Mortgage.* Includes any appropriate form of security instrument.

(z) *Office of the General Counsel (OGC).* The Regional Attorney or the attorney in charge who provides legal services to the Farmers Home Administration (FmHA) for the particular State.

§ 1822.84 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an RRH loan, the applicant must:

(1) Be either an individual who is a citizen of the United States, or an organization defined in § 1822.83(1) which will provide housing for eligible occupants as defined in § 1822.83(e).

(2) Be unable to provide the housing from its own resources and with the exception of a State and local public agency, be unable to obtain the necessary credit from private or cooperative sources on terms and conditions that would enable the applicant to rent the units for amounts that are within payment ability of eligible low- and moderate-income or senior citizen occupants.

(i) For an individual, the assets of both the applicant and spouse will be considered.

(ii) For profit organizations, the assets of the individual members or stockholders and their spouses will be considered.

(iii) For nonprofit organizations, the assets of the individual members and their spouses need not be considered.

(3) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made. This is not intended to preclude the leasing of the housing in accordance with paragraph (a)(8)(ii) of this section.

(4) Own the housing and related land or become the owner when the loan is closed. An owner may include in addition to the owner of full marketable title a lessee of a tract of land owned by a State, political subdivision, public body or public agency, or Indian tribal lands which are not available for purchase. It may also include land where the State Director determines that long-term leasing of sites by nonpublic bodies is a well established practice and such leaseholds are fully marketable. The guidelines as outlined in FmHA Instruction 444.1, will be used for making loans on leasehold interests.

(5) Have or be able to obtain initial operating capital and other assets needed for a sound loan. RRH loans made to nonprofit organizations and to State or local public agencies may include up to 2 percent of the development cost for initial operating expenses.

(i) Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if an organization, utility hookup deposits, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. The initial operating capital required will be at least 2 percent of the total cost of the project.

(ii) When the applicant is to provide other movable equipment and furnishings, the initial capital will be increased sufficiently to cover the cost of these items.

(6) Possess the ability, experience, and the legal capacity to incur and carry out the undertakings and obligations required for the loan.

(7) Agree to comply with all requirements of the FmHA such as those set forth in the loan resolutions, loan agreement, the form of note, the mortgage, and FmHA directives.

(8) Concerning management: (i) Be an individual or an organization which will provide for the necessary management to assure the successful operation of the project. Management services may be provided by the applicant, a management firm or an agent. If the borrower or a member of the borrower organization does not live in the community where the housing is located, or close enough to the project to provide the general supervision, he must retain a management firm or an individual located in close proximity who is experienced and has full authority to act on behalf of the owner; or

(ii) Be an individual or organization that, with approval of FmHA, will lease the entire project or a percentage of the units to a public housing authority pursuant to the Department of Housing and Urban Development (HUD) section 23 leasing program. Management will be in accordance with FmHA and HUD management requirements and the units rented to eligible occupants as defined in § 1822.83(e) and HUD regulations. Such loans will be subject to the requirements outlined in § 1822.88(1).

(9) In the case of a private nonprofit organization:

(i) If operating in one community and its trade area, meet the following additional requirements: (A) Each member must be limited to one vote in the affairs of the organization.

(B) A majority of the members must reside in the community or the trade area where the housing will be located.

(C) The board of directors must number not less than 5.

(D) The directors must be members of the organization.

(E) Not less than five of the directors must be recognized as leaders in community, civic, governmental, fraternal, and religious organizations of the community where the housing will be located.

(F) The organization must have and maintain a broadly-based membership representing or reflecting a variety of interests in the community. For a loan of less than \$100,000, the organization should have at least 25 members. The number of members should be increased for larger projects with the organization having at least one member from the local community for each individual apartment. Factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan are vitally important. The "broadly-based membership" requirement may vary, depending upon whether the applicant is a well established or a new corporation, its financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of the amount of the loan to the appraised value of the security.

(G) The organization must adopt articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the appropriate FmHA State requirement. The State Director, with the assistance of OGC, will develop a model set of articles of incorporation and bylaws for his State which will be consistent with the provisions of this Subpart modified as appropriate in accordance with the State law.

(ii) If operating in more than one community or on a county or regional basis and providing or planning to provide rental housing in more than one community, meet the following requirements in addition to those in paragraph (a) (9) (i) of this section with the exception of paragraph (a) (9) (i) (C):

(A) The membership base should be representative of the area being served with at least one member from each community for each individual apartment unit to be built in that community. Each member must be limited to one vote in the affairs of the organization.

(B) The board of directors should be representative of each community or trade area where the housing is located.

(C) The total number of directors should not be less than 5 and the directors must be members of the organization.

(D) The organization's articles of incorporation and bylaws must include the

requirements outlined in paragraph (a) (9) (ii) (A) and (B) of this section.

(10) In the case of a limited partnership:

(i) The general partners will be required to maintain a minimum of 5 percent financial interest in the organization.

(ii) The general partners must agree that new partners can be brought into the organization only with the consent of the Government as outlined in the loan resolution.

(b) *Authorized representative of applicant.* The FmHA will deal only with the applicant or a bona fide representative of the applicant and the representative's technical advisers. An authorized representative of a nonprofit applicant must have no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.85 Loan purposes.

RRH loans may be made to qualified applicants to:

(a) Construct new housing.

(b) Purchase, improve, alter, or repair housing provided the State Director determines that the housing meets the requirements of § 1822.88(a) and the housing will be equivalent to new construction in quality, design, and all other respects.

(1) A loan on existing buildings less than 1-year old, will be limited to 80 percent of the appraised value.

(2) For a loan on existing buildings less than 1-year old, the seller will be required to furnish copies of the plans and specifications used, certify that the construction was completed in accordance with the plans and specifications, and provide evidence of compliance with State and local building codes. If the cost exceeds \$100,000, an engineering or architects certification will be required indicating that all utility systems are operable.

(c) Purchase or improve the necessary land on which the housing will be located.

(1) The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal in accordance with applicable FmHA requirements.

(2) Loan funds will not be used to buy land from a member of an applicant-organization, or from another organization in which any member of the applicant-organization has an interest, without prior approval of the State Director.

(3) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when:

(i) The cost of the excess land is a reasonable portion of the loan.

(ii) The applicant cannot acquire only the needed land at a fair price, can justify the acquisition, agrees to sell the land as soon as practicable and apply proceeds on the loan and has legal au-

thority to acquire and administer the land.

(d) Develop and install water supply, sewage disposal, streets, and heat and light systems necessary in connection with the housing. If the facilities are located offsite, the following requirements must be met: (1) The applicant will hold the title to the facility or have a legally assured right to use of the facility for at least the life of the loan and such title or right can be transferred to any subsequent owner of the site.

(2) The facilities are provided for the exclusive use of the RRH project or funds are limited to the prorated part of the total cost of the facility according to the use and benefit to the project. The applicant will agree in writing to the application as extra payments on the RRH loan of any subsequent collection by the borrower from other users or beneficiaries of the facility.

(3) Adequate security can be obtained with or without a mortgage on the off-site facilities.

(e) Develop other related facilities in connection with the housing such as:

(1) Maintenance workshop and storage facilities.

(2) Recreation center including lounge if the project is large enough to justify such a facility.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only when justified.

(5) Laundry room and equipment if not provided in the individual units.

(6) Appropriate recreational facilities, and other facilities to meet essential needs.

(f) Construct office and living quarters for the resident manager and other operating personnel if such facilities would be to the advantage of the project and the Government. The State Director should make a determination and the justification will be included in the docket.

(g) Construct fallout shelters or similar structures.

(h) Purchase and install ranges, refrigerators, clothes washers and clothes dryers. Clothes washers and clothes dryers may be installed in individual rental units if the inclusion of such items in individual units is customary in the area for the type of housing involved and consistent with the requirement that the construction involved be undertaken in an economical manner and not constitute elaborate or extravagant items. Otherwise, the clothes washers and clothes dryers must be installed, if at all, in a central laundry room. Whenever possible, this equipment should be attached to the real estate in a manner to prevent easy removal.

(i) Purchase and install essential equipment which upon installation becomes a part of the real estate.

(j) Provide landscaping, foundation planting, seeding or sodding of lawns, or

other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(k) Pay related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services. Such fees and charges may be paid to an applicant or to an officer, director, trustee, stockholder, member, or agent of the applicant provided such fees and charges are reasonable and typical for that area and are earned. Ordinarily, the FmHA will furnish the needed guidance for the development of an RRH loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State Director determines that:

(1) Either the applicant, with available FmHA assistance cannot meet all requirements for a sound loan without the services, or the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering the amount and the purpose of the loan, the payment ability of the borrower, and the cost of similar services in the same or similar rural areas.

(l) Pay interest which will accrue on the RRH loan during the estimated construction period.

(m) Pay interest and other customary charges necessary to obtain interim financing.

(n) Pay initial operating expenses up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

§ 1822.86 Limitations.

(a) *Loan limits.* For all applicants, the amount of the RRH loan or loans will be subject to the following requirements:

(1) For private nonprofit corporations, consumer cooperatives and other nonprofit organizations, the amount of the RRH loan or loans will be limited to the development cost or the security value of each project, whichever is less.

(2) For all other applicants, the amount of the RRH loan or loans will be limited to no more than 95 percent of the development cost or 95 percent of the security value of each project, whichever is less.

(3) For the purchase of existing buildings less than 1-year old, the loan will be limited to 80 percent of the appraised value in accordance with § 1822.85(b).

(b) *Limitations on use of loan funds.* Loans will not be made for: (1) Housing or related facilities which are elaborate or extravagant in design or materials.

(2) Nursing or medical facilities other than a small emergency-care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the

occupants are not readily accessible elsewhere.

(3) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(4) Housing to be used for any transient or hotel purposes. No rental term will be for less than 30 days.

(5) Nursing, special care, or institutional-type homes.

(6) Any facility not essential to the needs of the tenants.

(7) Refinancing debts of the applicant except as authorized in § 1822.94(a).

(8) Housing which the applicant plans to sell in the near future.

(9) Housing which the applicant plans to lease to another operator except as provided in § 1822.84(a) (8) for leases to public housing authorities.

(10) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(11) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as provided in §§ 1822.85 (c) (2) and (k) and 1822.90 (d).

(c) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the County Supervisor will advise the applicant not to start construction or incur any indebtedness until the loan is closed, with the exception of those cases involving interim financing, and then the guideline outlined in § 1822.94(a) will apply. If nevertheless, the applicant incurs debts for work, materials, or land purchase before the loan is closed, the State Director may authorize the use of loan funds to pay such debts when he finds that all the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts, materials, construction, and any land purchased meet FmHA standards and requirements.

(5) Payment of the debts will remove any liens which have attached, and any basis for liens that may attach to the property on account of such debts.

§ 1822.87 Rates and terms.

(a) *Interest.* Loans will be made at interest rates specified in Subpart A of Part 1810 of this chapter.

(b) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured taking into account the probable depreciation of the security. The pay-

ment period will not exceed 40 years from the date of note, except that a loan to provide housing for senior citizens only, will not exceed 50 years.

§ 1822.88 Special conditions.

(a) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction and not of elaborate or extravagant design or materials;

(2) As a general rule, consist of multi-unit type housing with two or more family units and any appropriate related facilities;

(3) Be residential in character and location and be designed to meet the needs of eligible occupants who are capable of caring for themselves;

(4) Have consideration given to safety, convenience, and comfort;

(5) Be located in residential areas as a part of a community where essential facilities and services such as schools, medical services, shopping, and generally central sewer and water systems are readily available;

(6) Based upon the demand shown by a market analysis, it may include "efficiency" type or one or more bedroom units; and

(7) Contain bathroom and kitchen facilities in each unit.

(b) *Deferred principal payments.* The necessary and advisable, smaller than regular payments of principal or no payments of principal may be provided for the first and second installments after loan closing. However, accrued interest must be paid, at least annually.

(c) *Refinancing RRH loans.* Each borrower must agree to refinance the unpaid balance of his RRH loan at the request of the FmHA whenever it appears to the FmHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at rates and terms which the FmHA considers reasonable.

(d) *Loan resolution or loan agreement.* A loan resolution or loan agreement provides for the maintenance of certain accounts and the pledge of housing income as security. It contains regulatory provisions governing and giving the FmHA power to impose requirements regarding the housing and related operations of the applicant. The form of loan resolution or loan agreement contains provisions of policy and procedure which should be carefully read and fully understood by the applicant. This is particularly important for applicants operating on a limited profit basis. If any provisions are not appropriate to a particular case, proposed substitute language will be approved by OGC. Forms of loan resolutions and loan agreements are contained as exhibits to this Subpart and will be executed as follows:

(1) Exhibit A will be used for all nonprofit organizations.

(2) Exhibit B will be used for profit type organizations.

(3) Exhibit C will be used by individuals operating on a profit basis when the total of the loan exceeds \$150,000 or when required by the State Director if the loan is for less.

(4) Exhibit G will be used by organizations operating on a limited profit basis.

(5) Exhibit H will be used by individuals operating on a limited profit basis.

(e) *Multiple advances.* Loan funds will be disbursed in accordance with the provisions outlined in § 1822.94.

(f) *Interest credits.* Borrowers may receive interest credits provided the loan was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis, is to be repaid, unless an exception is made by the National Office, over a period of 40 years; 50 years for a senior citizen's loan, and meets the other requirements outlined in Exhibit J and the following limitations: (1) Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

(2) Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, and to profit organizations and individuals operating on a limited profit basis.

(g) *Nondiscrimination in use and occupancy.* The borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin, and will comply with Part 1816 of this chapter.

(h) *Eligibility for occupancy.* Loans will be made on the basis of the housing being occupied by eligible occupants as defined in § 1822.83(e). The following policies will apply: (1) When a family consists of only one person, an additional person or persons may reside in the unit providing the unit has adequate space for their total needs and provided the separate income of each occupant does not exceed the levels set for the project in accordance with § 1822.83(e) and as defined in guidelines for the maximum adjusted income for low- and moderate-income families available in all FmHA offices. If the borrower receives interest credits, the rent paid for the unit will be based on the combined incomes of the occupants.

(2) Ineligible persons may occupy the housing for temporary periods in order to protect the interest of the Government with written prior approval of the State Director.

(3) For housing projects financed with RRH loans and limited to eligible senior citizen applicants, the State Director is authorized to permit the borrower to rent units to eligible nonsenior citizens, provided such units will be rented on a temporary basis and only until they can be rented to eligible senior citizens.

(i) *Tenant certification.* Initial certifications and recertifications will be executed on Form FmHA 444-8, "Tenant Certification," as follows: (1) Initial certifications will be executed for each family when it initially occupies the housing. Borrowers will promptly provide the County Supervisor with an executed copy of these forms.

(2) Recertification will be completed by having a new Form FmHA 444-8 executed every other year during November or December by each tenant, whether the borrower is receiving interest credits or not, and regardless of whether there has been a change in occupancy. The biennial certification forms will be obtained by the borrower and: (1) For Plan II, a copy will be provided to the County Supervisor prior to December 31 to verify the amount of interest credit given to the borrower.

(2) For Plan I and all others, the certifications will be kept in the borrower's records. Prior to December 31, the borrower will provide the County Supervisor with a certification similar to Exhibit J-3 which indicates that he has obtained Form FmHA 444-8 executed by each tenant, that the tenants are eligible occupants and that these records may be examined at any time.

(j) *Supervisory assistance.* Supervision will be provided borrowers, in accordance with Subpart G of Part 1802 of this chapter, to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

(k) *Limited profit determinations.* Applicants agreeing to operate on a limited profit basis will be permitted a return not to exceed 8 percent per annum on the initial investment. The initial investment may include the following:

- (1) Any cash contribution.
- (2) Any cash savings, or equity resulting from construction by the owner-builder method.
- (3) The initial operating capital that the applicant is required to provide in accordance with § 1822.84(a)(5)(i).
- (4) Value of architectural, engineering, or legal services needed for the project that are provided by the applicant in lieu of cash contribution.
- (5) Value of the building site or essential related facilities contributed by the applicant. Value will be determined by an appraisal in accordance with applicable FmHA requirements on an "as is" basis by the FmHA employee authorized to make the appraisal for the project less any amount owed on the property.

(1) *Conditions necessary for the approval of RRH loans made to finance projects in connection with the section 23 leasing program.* Applicants may sublease the entire project or a percentage of the units to a Housing Authority (HA) in connection with a section 23 leasing program, provided the State Director determines that it is a feasible project and that there is a present and anticipated future market demand for rental housing units without the support of the section 23 leasing program. Interest credits may be granted for the units not rented under section 23. The State Director will have the OGC review the lease and other materials to assure that the FmHA and the borrower are adequately protected.

(m) *Implementation of OMB Circular A-95 concerning formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development.* When

projects exceed 25 units the provisions of Subpart M of Part 1823 of this chapter will be applicable.

(n) *Guidelines for preparing environmental impact statements.* When projects exceed 25 units the provisions of Part 1824 of this chapter will be applicable.

(o) *National flood insurance.* The provisions of the National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 are applicable to FmHA authorities permitting financing of rental housing now located in or to be located in special flood or mudslide-prone areas as designated by the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development (HUD). Subpart B of Part 1806 of this chapter will be applicable.

§ 1822.89 Security.

Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, except as indicated in paragraph (a) of this section will be taken on the property purchased or improved with the loan. A mortgage should be taken on only that part of the land which is necessary to provide adequate security for the loan as determined by the appraisal, except when excess land is purchased as authorized in § 1822.85(c)(3).

(a) A second mortgage will be taken on the site developed with prior RRH loan(s) when the subsequent loan is to complete or finish out units on the site.

(b) Personal liability will not be required for the members or stockholders of any corporation. Personal liability will be required of all members of a partnership unless the State Director determines that this personal liability must be waived to obtain needed rental housing in the community. For such cases, the State Director will obtain the advice of the Regional Attorney as to any modifications needed in the Promissory Note and mortgage.

§ 1822.90 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FmHA employee authorized to make real estate appraisals. If the security does not involve more than two rental units, the property will be appraised in accordance with the policies outlined in Part 1809 of this chapter. For security involving more than two rental units, the appraisal will be made in accordance with Subpart B of Part 1809 of this chapter. Form FmHA 426-1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant is an organization or an individual with special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the OGC. In other cases, provisions of Subpart A of this

Part regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* (1) Housing and related facilities will be planned and developed in accordance with Subpart A and D of Part 1804 of this chapter. The housing will be designed to meet the needs of the types of occupants who will likely occupy it.

(2) A written contract for Architectural and Engineering Services will be required as outlined in Subpart A of Part 1804 of this chapter.

(d) *Construction and development policies.* Construction and development will be performed in accordance with Subpart D of Part 1804 of this chapter, except § 1804.5(h) (3) of Part 1804 of this chapter will not apply to projects constructed by the owner-builder method. These projects will be governed by the following: (1) The development cost may include a typical builders fee. The typical builders fee may be determined by local investigation and also from HUD data for the area.

(2) The development cost cannot exceed that which is typical for similar type projects in the area.

(3) The development cost for each individual case will be determined by the Multiple Family Housing Coordinator with the advice of the State Architect.

(4) The total development cost cannot exceed the appraised value as determined by FmHA.

(5) The plans and specifications must be specific and complete so that there is a clear understanding as to how the facility will be constructed and the materials that will be used.

(e) *Compliance with local codes and regulations.* Planning construction, zoning, and operation of housing financed with the RRH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(f) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts will be subject to review and approval by the FmHA and, therefore, should be submitted to the FmHA before execution by the applicant. Contracts will provide for the types of services to be performed and the amount of the fees to be paid, either in lump-sum on the completion of all services or in installments as services are performed.

(g) *"How to Bring Rental Housing to Your Town" Manual.* Exhibit F may be used as a guide for organization applicants applying for loans to finance projects of substantial size. Extra copies may be obtained from the Finance Office for applicants after preliminary discussions indicate that a loan may be developed. The sample forms included as Exhibits F-1 through F-5 may be adapted for use as State forms so that adequate supplies will be available to applicants.

(h) *Technical services by consultant organizations.* Technical services by con-

sultant organizations will be governed by § 1822.85.

(i) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the County Supervisor will have Form FmHA 440-35, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(j) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower for eligible loan purposes may be deposited in accordance with Part 1803 of this chapter. Collateral for deposit of funds will be pledged in accordance with § 1803.4 of this chapter. Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the project, for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(k) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Subpart A of Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or required when appropriate to obtain liability insurance.

(l) *Bonding.* (1) The provisions of Subpart A of Part 1804 of this chapter pertaining to surety bonds are applicable to RRH loans.

(2) If the applicant is an organization, it will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. The United States will be named co-obligee in the bond if not prohibited by State law. Form FmHA 440-24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.91 Processing preapplications.

(a) *Preapplication.* Form AD-621, "Preapplication for Federal Assistance," with the additional information outlined in Exhibit F-6, will be submitted to the County Supervisor. This information is used to determine the applicant's eligibility and eliminate any proposals which have little or no chance for funding. The applicant should be instructed not to prepare an application until he is notified to proceed.

(b) *Actions by County Supervisor.* The preapplication with attachments, will be reviewed by the County Supervisor. The

preapplication, including the comments and recommendations of the County Supervisor and District Director and any additional material considered necessary will be forwarded to the State Director.

(c) *Actions by State Director.* (1) If the applicant is an organization adopting without change the "Articles and By-laws" prescribed by State regulations, the preapplication need not be submitted to the OGC.

(2) In all other cases involving loans to organizations, the docket, with any questions or comments of the State Director will be submitted to the OGC for preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this subpart.

(3) When the State Director considers it necessary, any preapplication may be sent to the National Office for evaluation and instructions.

(4) The State Director, after completing his review, will notify the County Supervisor of his determination and authorize the County Supervisor to prepare and execute Form AD-622, "Notice of Preapplication Review Action." The County Supervisor will forward the original to the applicant, a copy to the State Office, and a copy to the case file.

§ 1822.92 Preparation of completed loan docket.

(a) *Information needed.* If the applicant has been requested to file an application, Form AD-625, "Application for Federal Assistance (Short Form)," with the additional information as outlined in Exhibit F-7, will be submitted to the County Supervisor.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant. The County Supervisor will review and verify the information furnished for correctness, adequacy, and completeness. He will determine that the market survey is adequate and that the market survey report is accurate. The County Supervisor will inspect the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management.

(c) *County Committee certification.* County Committees will not be used to review Rural Rental Housing loan applications.

(d) *Assembly, review, and distribution of complete loan docket items.* When all items required for the complete loan docket have been furnished, they will be examined thoroughly to make sure they are properly and accurately prepared, and are complete in all respects, including dates and signatures. The loan docket will include the forms and documents listed in regulations available in all FmHA offices.

(e) *Submission of docket to State Office.* The complete loan docket with any comments from the County Supervisor, will be submitted to the State Office for review. The State Director, with the advice of OGC if required or needed, will

prepare a memorandum to the County Supervisor requesting additional information, if the material submitted is inadequate, or setting forth the conditions of approval.

(f) *Submission of docket to National Office.* If the State Director considers it necessary, after completing his review of the docket, he may submit his recommendations, a copy of his proposed memorandum of approval, and the complete loan docket to the National Office for review and recommendations. If the docket was required to be reviewed (or was reviewed) by the OGC, the comments of that office will be included.

(g) *Press release.* When it is determined that the loan can be approved, a press release will be prepared in accordance with FmHA requirements.

§ 1822.93 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove loans in accordance with this Subpart and Subpart B of Part 1810 of this chapter. The State Director may redelegate loan approval in writing to State Office employees other than District Directors.

(b) *Loan approval action.*—(1) *Responsibilities of loan approval official.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations. In making this review, the loan approval official will determine that: (i) The applicant is eligible.

(ii) The funds are requested for authorized purposes.

(iii) The proposed loan is sound.

(iv) The security is adequate.

(v) All pre-approval requirements have been met.

(vi) All other requirements will be met.

(2) *Approval or disapproval of a loan.*

(i) *Approval.* When a loan is approved, the approval official will: (A) Prepare Form FmHA 440-3, and indicate on all copies any conditions that must be met at or before the time the loan is closed. Such conditions could include the amount of surety, fidelity bond coverage, other insurance, the title evidence, and any other special requirements, if more space is needed, the form will be supplemented by a memorandum.

(B) Sign the original of Form FmHA 440-3 and insert his title in the space provided; all copies will be conformed.

(C) Sign the original and one copy of Form FmHA 440-1 and insert his title in the space provided. An executed Form FmHA 440-1 will be forwarded to the applicant on the same date the loan is approved, that is, on the same date it is forwarded to the Finance Office.

(ii) *Disapproval.* If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original Form FmHA 440-3. Form FmHA 440-3 will be initialed and dated. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor. The disapproved docket will then be handled in

accordance with appropriate FmHA regulations.

(3) *Review by OGC.* For a loan to an organization, or for a loan to an individual in special cases, the approved loan docket, including any title evidence, will be sent to the OGC for preparation of closing instructions and any special legal documents required for closing. A certified copy of a required loan resolution or the original executed, witnessed loan agreement must be supplied by the applicant in time to be included in the loan docket. No docket will be considered which fails to include such a required resolution or agreement. The OGC will route the docket, including closing instructions and any such legal documents, to the County Office through the State Office for review and for inclusion of any further instructions needed in closing the loan.

§ 1822.94 Actions subsequent to loan approval.

(a) *Interim financing from commercial sources.* In all cases of RRH loans exceeding \$50,000 when it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained to preclude the necessity for multiple advances of FmHA funds. When interim commercial financing is used:

(1) The docket will be processed to the stage where the FmHA loan would normally be closed immediately prior to the start of construction. FmHA loan funds will be obligated before the applicant proceeds with the final arrangements for interim commercial financing.

(2) The FmHA State Director or County Supervisor may deliver a copy of Form FmHA 440-1 as evidence of the FmHA commitment, if necessary, or a letter stating that funds in specified amounts have been obligated and will be available to retire the interim financing if the applicant complies with the approval conditions. See guidelines available in any FmHA office for a sample letter that may be used.

(3) FmHA will assume the same responsibilities as if FmHA funds had been advanced from the standpoint of approving construction contracts and the supervision of construction.

(4) The supervised bank account will normally not be used for funds obtained through interim commercial financing. However, the County Supervisor will approve Form FmHA 424-18, "Partial Payment Estimate," to insure that funds are used for authorized purposes.

(5) When the interim financing funds have been expended, the FmHA loan will be closed and permanent instruments will be issued to evidence the FmHA indebtedness. The FmHA loan proceeds will be used to retire the interim commercial indebtedness.

(6) Before the FmHA loan is closed, the applicant will be required to provide the County Supervisor with statements from the contractor(s), engineer and at-

torney that they have been paid in full accordance with their contracts or other agreements and that there are no unpaid obligations outstanding in connection with the construction of the project.

(b) *Multiple advances of RRH loan funds.* In the event interim commercial financing is not available, multiple advances will be used for all loans in excess of \$50,000 subject to the following:

(1) In those cases where relatively large amount of funds are to be expended for purchasing of real estate or for other reasons at the time of closing, separate checks for such purposes may be ordered and endorsed by the borrower to the seller or other appropriate party. This will preclude the necessity for depositing such loan funds in the supervised bank account and reduce the amount of required collateral.

(2) Except as indicated in paragraph (b) (1) of this section, advances will be made only as needed to cover disbursements required by the borrower for a 30-day period. Normally, the advances should not exceed 24 in number or extend longer than 2 years beyond loan closing. The retained percentage withheld from the contract to assure that construction will be completed in accordance with the contract documents will ordinarily be included in the last advance. Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay costs of construction, land purchase, legal, engineering, or architectural costs, interest, and other expenses, as needed. The borrower will prepare Form FmHA 440-11, "Estimate of Funds Needed for 30-day Period Commencing _____," modified as needed, to show the amount of funds required during the 30-day period. This form will be approved by the County Supervisor. After the County Supervisor determines that the estimate prepared by the borrower is adequate, he will request the advance by executing and forwarding to the Finance Office, St. Louis, Missouri, Form FmHA 440-3. As an example, for a loan of \$100,000, the advances may be made as follows: Assuming that the loan will be closed on July 1, the borrower will complete Form FmHA 440-11 in sufficient time so that the funds will be available on the day of loan closing. The estimates should be broken down for the first advance in a manner similar to the following:

Construction	\$30,000
Land acquisition	5,000
Architectural	4,000
Legal	1,000
Total	\$40,000

An advance in the amount of \$40,000 would then be available on July 1, the date of loan closing. The second advance will also be based on the borrower's estimate prepared on Form FmHA 440-11, and will be prepared in sufficient time so that the estimated amount of funds will be available on August 1. This estimate of funds might be broken as follows:

Construction -----	\$20,000
Architectural -----	1,000
Total -----	\$21,000

A copy of Form FmHA 440-3 specifying the amount then will be forwarded to the Finance Office. The same routine will be followed for each advance until the project is completed.

(3) Any deviation from the multiple advance procedure must have the prior approval of the National Office.

(c) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date for loan closing has been agreed upon, the County Supervisor will determine the amount of funds needed in accordance with either paragraphs (a) or (b) of this section. He will then order the loan check so that it will be available on or just before the date set for loan closing.

(d) *Increase or decrease in the amount of the loan.* If it becomes necessary for the amount of the loan to be increased or decreased prior to loan closing, the loan approval official or County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed, except that if the amount of the loan has been decreased and there is no substantial change in the planned improvements, a new Form FmHA 440-2 need not be obtained.

(e) *Cancellation of loan.* Loans may be canceled after approval and before loan closing as follows: (1) The County Supervisor will prepare Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," in an original and two copies (3 copies if the check is received in the County Office from the Regional Disbursing Office). The original and copies will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, he will forward the original request to the Finance Office after making appropriate adjustments in the records to control loan allocations. A copy or copies of Form FmHA 440-10 will be returned to the County Office.

(2) If the loan check is received in the County Office, the County Supervisor will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, Missouri 64142, with a copy of Form FmHA 440-10.

(3) All interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(f) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this chapter.

(g) *Property insurance.* Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter.

§ 1822.95 Loan closing.

(a) *Applicable instructions.* RRH loans to individuals will be closed in accordance with applicable provisions of Part 1807 of this chapter and supplementing State requirements with the assistance

of the designated attorney, representative of the title insurance company or OGC, whichever is appropriate. Loan dockets for an organization and loan dockets for an individual in special cases will be sent to the OGC for closing instructions. An organization may use its attorney to close the loan in accordance with the closing instructions received from the OGC. The applicant's attorney may be a designated attorney or a local private attorney.

(b) *Mortgage.* Unless the OGC determines the form to be inappropriate in any case, real estate mortgage Form FmHA 427-1 (State), "Real Estate Mortgage for -----" will be used. For loans to organizations, Form FmHA 427-1 will be modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgement.

(1) The mortgage or other instrument will contain the following covenant:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of (Date), which is hereby incorporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

Occupancy of the housing and related facilities on the property will be limited to eligible occupants as defined in the regulation of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests. Revenue from the housing shall be first used to pay operation and maintenance costs of such housing and to make adequate provision to meet required payments as they become due on the FmHA rural rental housing loan.

(c) *Promissory note.* (1) The total amount to be shown in the note will be shown on Form FmHA 440-3. The note

will be dated the date of loan closing except as authorized in § 1807.2(f)(8) of this chapter.

(2) Payments on RRH loans will be scheduled on the note in accordance with the requirements for the type of Promissory Note to be used. Monthly payments will be implemented. As provided in § 1822.88(b), the first year's installment or the first two years' installments may be less than a regular annual installment. If the first annual installment or first two annual installments are less than a regular annual installment, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) For a loan to an individual, Form FmHA 440-16, "Promissory Note," will be used. Instructions for preparation of monthly installments will be followed in accordance with the guide available in all FmHA offices for preparation of this form. Form FmHA 440-16 may be used for a partnership with modification as approved by the OGC. For loans of over \$50,000, type on the reverse of the form a Record of Advances such as is printed on the reverse of Form FmHA 440-22, "Promissory Note (Association or Organization)," and complete this part in accordance with instructions for Form FmHA 440-22.

(4) Form FmHA 440-22 will be used for all loans to organizations if legally acceptable as determined by OGC. If Form FmHA 440-22 is not legally acceptable, the opinion from OGC and the loan docket will be submitted to the National Office for further instructions. Payments will be made on a monthly basis on the loan and the borrower will be required to agree to this in writing.

(5) The note(s) will be signed in accordance with Part 1807 of this chapter.

(6) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing. Any funds included in the loan for the payment of interest will be collected and applied as a regular payment at the time of loan closing.

(7) Immediately after loan closing, a conformed copy of the note will be sent to the Finance Office.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage conformed as to all matters except the recording date will be delivered to the borrower.

(e) *Date of closing—establishment of account.* (1) An RRH loan is considered closed when the security instrument is filed of record, or, if no security instrument is filed of record, when the loan funds are deposited in the supervised

bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

(2) After the loan is closed, the account and case folder will be established in accordance with appropriate regulations.

§ 1822.96 Subsequent RRH loans.

A subsequent RRH loan is a loan made to an applicant or borrower to complete the units planned with the initial loan.

§ 1822.97 Coding loans as to initial or subsequent.

A borrower may obtain financing for more than one project subject to the limitation of \$750,000 per project. Each project will be coded as an initial loan when the total number of units are built or purchased at one place at one time. A subsequent loan will be so coded when an additional loan or loans are necessary to complete the units planned with the initial loan as outlined in § 1822.96. As an example, the borrower may obtain initial loans for more than one project in the same county, in different counties under the same county office jurisdiction, or in more than one county office jurisdiction. Codes to be used will be in accordance with the guide available in all FmHA offices for preparation of Form FmHA 440-1, Form FmHA 440-3, and Form FmHA 444-5.

§ 1822.98 Complaints regarding discrimination in use and occupancy of RRH housing.

Any occupant or applicant for occupancy or use of such RRH housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office.

(a) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(b) The County Supervisor or State Director will acknowledge receipt of the complaint and promptly forward it to the National Office.

(c) Attached to the written complaint should be a statement from the County Supervisor or State Director as to whether the security instrument or other document executed by the borrower contains a nondiscrimination agreement. The statement also should include any other information which the State Director or County Supervisor has pertaining to the complaint. The County Supervisor or State Director should delay a

comprehensive investigation of any complaint until requested to do so by the National Office.

(d) The National Office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(e) If it is found that the complaint is without substance, the parties concerned will be so notified.

(f) If it is found that the borrower's discrimination agreement in the security instrument or elsewhere was violated, the Farmers Home Administration will inform the parties of such findings and advise the violator to take action necessary to correct the violation and to give appropriate assurance of future compliance.

(g) If the borrower should fail to take such action and assure future compliance, the Administrator may take further appropriate action.

(RRH LOAN TO BROADLY BASED NONPROFIT CORPORATION)

LOAN RESOLUTION OF _____, 19__

RESOLUTION OF THE BOARD OF DIRECTORS OF _____ PROVIDING FOR BORROWING \$_____ TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND/OR FAMILIES OF LOW OR MODERATE INCOME, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS.

Whereas _____ (herein referred to as the "Corporation") is a nonprofit corporation duly organized and operating under

(authorizing State statute)

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural areas. The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill;

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of \$_____ from the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, (herein called "the Government") pursuant to sections 515 (b) and 521 (a) of the Housing Act of 1949. The loan shall be used solely for the specific eligible occupants as defined by the Government, in order to provide rental housing and related facilities for eligible occupants as defined by the Government. Such housing and facilities and the land constituting the site are herein called "the housing."

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of _____ years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note and any supplemental agreement re-

quired by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment or security interest in the rents and profits as collateral security to be enforceable in the event of any default by the Corporation and containing other terms and conditions prescribed by the Government.

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause," and (c) Farmers Home Administration Form FmHA 400-4 entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act 1964)," a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of \$_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.¹ Amounts in the supervised bank account exceeding \$20,000 shall be secured by the depository bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account; an Operation and Maintenance Account; a Debt Service Account; and a Reserve Account. Funds in said accounts shall be deposited in a bank or insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount

¹ Only loan funds and borrowers funds to be used for an eligible loan purpose may be deposited in the supervised bank account.

of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of \$----- All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 7 or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and, until so used, shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than \$-----² annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of \$-----³ and shall be resumed at any

time when necessary, because of disbursement from the Reserve Account, to restore it to said sum.

Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation, nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance

of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in Section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than ---- days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing of Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is expressly understood and agreed that any loan made will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security, and may enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could

²In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

³The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

legally have been foregone, or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) The resolution may be cited in the security instrument and any other instruments or agreements as the "Loan Resolution of _____ 19____.

(date of this resolution)

The undersigned, _____, the Secretary of the Corporation identified in the foregoing loan Resolution, hereby certifies that the foregoing is a true copy of a resolution of the Board of Directors of the Corporation passed on _____ 19____, which has not been altered, amended, or repealed.

(Date)

(Secretary)

[SEAL]

(RRH INSURED LOAN TO PROFIT TYPE CORPORATION)

LOAN RESOLUTION OF _____, 19 ____

RESOLUTION OF THE BOARD OF DIRECTORS OF _____ PROVIDING FOR BORROWING \$_____ TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND OTHER PERSONS AND FAMILIES WITH LOW OR MODERATE INCOMES IN RURAL AREAS, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS

Whereas _____ (herein referred to as the "Corporation") is a corporation duly organized and operating under _____ (authorizing State Statute);

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural areas;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill:

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of \$_____ through the facilities of the United States of America acting through the Farmers Home Administration, United States Department of Agriculture (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

NOTE.—The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan,

payable in installments over a period of ____ years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the Corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds \$10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400-4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)" a copy of which is attached hereto and made a part hereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of \$_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government. Amounts in the supervised bank account exceeding \$20,000 shall be secured by the depository bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts,

which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of \$_____. All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in sections 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be

¹ Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than \$----- annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of \$----- and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With prior consent of the Government funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements for extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, provided the board determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for the purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Govern-

ment to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than -- days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.*

(a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole dis-

cretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are representations to the Government, to induce the Government, to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment or amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of -----"

(date of this resolution) 19 --,"

CERTIFICATE

The undersigned, -----, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors on ----- 19--, which has not been altered, amended, or repealed.

(Date) (Secretary)
(Seal)

LOAN AGREEMENT

(RRH INSURED LOAN TO INDIVIDUAL)

1. *Parties and Terms Defined.* This agreement dated ----- of the Undersigned -----, herein called "Borrower" whether one or more, whose post office address is -----, with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of \$----- made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument, and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing,

*In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

*The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

(b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds \$10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400-4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964), a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to law-ful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of \$----- to be contributed from Borrower's own funds shall be deposited in a "supervised bank account" as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of \$----- All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in section 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable Borrower to pay from the Operation and Maintenance Account the actual reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably neces-

sary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and until so used shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than \$-----¹ annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of \$-----² and shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) For any purpose desired by Borrower, provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required

¹In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

²The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required by the Government, revise the accounts herein provided for, or establish new accounts to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(e) Submit for the housing the following to the Government for prior review not less than ---- days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of

the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of 19--".

(date of this agreement)

Witness	Borrower
Witness	Borrower

INFORMATION TO BE SUBMITTED WITH PRE-APPLICATION FOR RURAL RENTAL HOUSING (RRH) LOAN

The following information is to be submitted with Form AD 621, "Preapplication For Federal Assistance":

1. Eligibility:

a. Financial Statement—A current, dated, and signed financial statement, showing assets and liabilities, with information on the status and repayment of each debt. If the applicant is a partnership or a profit corporation, a current financial statement will be required from each partner, member, or stockholder who holds an interest in the organization in excess of 10 percent. In any case in which a financial statement is required from an individual, it will also include the financial interests and signature of the spouse. A dated and signed financial statement will be required of all general partners who hold an interest in the partnership. The applicant must have initial operating capital and other assets needed for a sound loan. The initial operating capital required will amount to at least 2 percent of the total cost of the project to cover these costs. Loan funds may be included in the loan to pay the initial operating expense up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

b. Evidence of Inability to Obtain Credit from Other Sources except for State and local public agencies.

c. Statement of Applicant's Experience in Operating Rental Housing and Related Business with a statement on the proposed method of operation and management.

d. For an Organization Applicant—A copy of or an accurate citation to the specific provisions of State law under which the applicant is or is to be organized; a copy of the applicant's charter, Articles of Incorporation, Bylaws, and other basic authorizing documents; the names and addresses of the applicant's members, directors, and officers; and if a member or subsidiary of another organization, its name, address, and principal business, if available.

2. Need and Demand:

a. A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of rental housing and the number of eligible applicants living in the area willing and able to pay the proposed rental rates.

3. Site. a. Size of tract.

b. A map showing the location and other supporting information on its neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, schools, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

c. Site owned or optioned.

4. General Description of the Housing Planned: including the following:

a. Preliminary plot plan and building plans, if available.

b. Type of construction.

c. Estimated total cost per living unit.

d. If apartments, number and type of units per building.

e. Type of utilities such as water, sewer, gas, and electricity and whether each is public, community, or individually owned.

INFORMATION TO BE SUBMITTED WITH APPLICATION FOR FEDERAL ASSISTANCE (SHORT FORM)

The following information is to be submitted with Form AD-625, "Application for Federal Assistance (Short Form)":

1. A plot plan, detailed preliminary plans and specifications, and any special design features for senior citizens as prescribed in the construction guide.

2. A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, architectural and legal fees, and both on- and off-site improvements. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

3. Information on the method of construction and on the architectural, engineering, and legal services to be provided.

4. Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

5. A market survey report which should be based on the number of eligible occupants in the area who are willing and financially able to occupy the housing at the proposed rental levels. This does not preclude occupancy by some who are receiving welfare assistance. However, the economic justification for the housing should be based principally on the prospect of eligible occupants with incomes which are not subject to fluctuations such as those that may occur in welfare assistance payments. A market survey report will include:

a. For a proposed project which will contain 10 or fewer units and will be in a community where an effective demand for rental housing obviously exists, statements supported by statistical data describing and explaining the basis for expecting a continued effective demand for the rural rental housing over the period of the loan. Such information may be assembled from census reports, county

market evaluations made by the Department of Housing and Urban Development and other published data that shows the number of occupants living in the town or trade area who are eligible to occupy the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

b. For a proposed project that will include more than 10 units and for any smaller project where there is any doubt concerning the demand, a complete market analysis showing the need and demand for rural rental housing in the area based on the best information available. It will include:

(1) An estimate of number of houses or apartments in the area for rent or sale. Exhibit F-2 or a similar form should be used for this purpose.

(2) Characteristics of available rental housing such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(3) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, male or female, size of family, number of senior citizens and non-senior citizens, and income and financial condition.

(4) Present living arrangements of eligible occupants in the area and the extent to which inadequate housing is associated with health or financial reasons.

(5) Estimate of the number of eligible occupants who are willing and financially able to occupy the proposed housing.

c. If the housing is located in an area where there are relatively few eligible occupants, or for any other reason there is a question as to whether the housing will be fully occupied, signed expressions of interest in occupancy from a sufficient number of eligible occupants will be obtained so as to clearly indicate that full occupancy will occur soon after construction is completed. Exhibit F-3 or a similar form may be used for this purpose.

6. A description and justification of any related facilities to be financed with the loan.

7. A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

8. A current dated and signed financial statement showing the debt structure of the applicant. (See item 1a of Exhibit F-6.)

9. Detailed operating budgets for the first year's operation and a typical year's operation. The first year's budget should show that the applicant has sufficient operating capital on hand or sufficient planned income to pay all operating costs and meet scheduled payments on debts during the planning and construction period prior to occupancy. The typical year's budget should show there will be ample income to pay essential operating costs, meet required debt payments, and permit accumulation of required reserves. Exhibit F-5 or a similar form may be used for this purpose.

a. The budgets in estimating rental income will include an approximately 10 percent allowance for the following: vacancies, nonpayment of rent, and contingency expense.

b. The budgets should provide for accumulating a reserve at the rate of one percent per annum of the value of the buildings and related facilities financed wholly or partially with the loan until a reserve equal to 10 percent of their value is reached. Budgets should not include an additional item for depreciation since the purpose of a reserve account is to provide funds for this purpose.

PROPOSED RULES

c. All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identified. If the applicant considers itself tax-exempt, evidence of exemption must be included in the loan docket before the loan is closed. In case of a nonprofit organization whose articles of incorporation and bylaws conform to Exhibits D and E, evidence of exemption from Federal income tax need not be obtained before the loan is closed if the applicant applies for a determination of exemption and agrees in writing to make any changes in its organizational documents that may be required by the Internal Revenue Service (IRS). Information as to Federal income tax exemption may be obtained from the District Office of the IRS. An eligible nonprofit organization should ordinarily be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

10. A statement in narrative form outlining the proposed manner of management of the housing, such as whether by owner or hired manager. Experience and other factors pertaining to the qualifications of the manager will be taken into consideration.

11. A statement of policy regarding management and operation including method of selecting tenants, a copy of the proposed form of lease or rental agreement to be offered tenants, outline of duties and responsibilities of officers and employees, and a copy of any rules or regulations governing administration and occupancy.

12. When land is being purchased or a building site will be part of a tract owned by the applicant, or in any other case when necessary to clearly identify the property, satisfactory survey of the land to be given as security prepared by a licensed surveyor will be included in the loan docket. If necessary, a new survey will be obtained.

FmHA Instruction 444.5
Exhibit G

(RRH LOAN TO PROFIT TYPE CORPORATION OPERATING ON A LIMITED PROFIT BASIS)

LOAN RESOLUTION OF _____, 19__

Resolution of the Board of Directors of _____ providing for borrowing \$_____ to finance rental housing and related facilities in a rural area for senior citizens and other persons and families with low or moderate incomes in rural areas, the collection, handling, and disposition of income, the issuance of installment promissory note and real estate security instrument, and related matter.

Whereas _____ (herein referred to as the "Corporation") is a corporation duly organized and operating under (authorizing State statute);

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural area;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill;

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of \$_____ through the facilities of the United States of America acting through the Farmers Home Adminis-

tration, United States Department of Agriculture, (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

Note: The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2 and "stockholders" in item 9(b)(5) when required.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of _____ years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds \$10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400-4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part thereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of \$_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.¹ Amounts in the supervised bank account exceeding \$20,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account,

all funds therein shall, until duly expended, collateralize the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of \$_____. All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and until so used shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation by pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include in-

¹ Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

tial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than \$-----² annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of \$-----³ and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, of up to 8% per annum of the borrowers initial investment of -----⁴ provided the board determines that after

such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of borrower's initial investment of -----⁴ the Government may require that the borrower reduce rents the following year and/or refund the excess return on investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(d) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(f) Submit for the housing the following to the Government for prior review not less than ---- days before the effective dates, and for prior approval by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

⁴The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(g) If required by the Government, modify and adjust any matters covered by clause (f) of this section.

(h) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(i) Not alter, amend, or repeal without the Government's consent this resolution or the by laws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(j) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of -----" (date of this

resolution) 19 --"

CERTIFICATE

The undersigned, -----, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors

²In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

³The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

on _____ 19____, which has not been altered, amended, or repealed.

(Date)

[SEAL]

(Secretary)

LOAN AGREEMENT (RRH LOAN TO INDIVIDUAL OPERATING ON A LIMITED PROFIT BASIS)

1. *Parties and Terms Defined.* This agreement dated _____ of the Undersigned _____ herein called "Borrower" whether one or more, whose post office address is _____ with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of \$_____. made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site as herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination on the use and occupancy of housing, (b) Farmers Home Administration Form 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds \$10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400-4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part hereof and any other understandings and agreements required by the Government pursuant to lawful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of \$_____, to be contributed from Borrower's own funds shall be deposited in a "supervised bank account," as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds there shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall

be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, and Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of \$_____. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in sections 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable borrower to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and, until so used, shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than \$_____¹ annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of \$_____² and

¹ In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

² The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgement of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay in dividends to the Borrower of up to 8 percent per annum of the borrower's initial investment of \$_____,³ provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of Borrower's initial investment for \$_____,³ the Government may require that the Borrower reduce rents the following year and/or refund the excess return on investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited

³ The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(d) If required by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(f) Submit for the housing the following to the Government for prior review not less than _____ days before the effective dates, and for prior approval if such approval is required by the Government.

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(g) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(h) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire

amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of _____, 19____"

(date of this agreement)

Borrower

Borrower

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

OFFICE OF THE ADMINISTRATOR
WASHINGTON, D.C.

INTEREST CREDITS ON INSURED RRH AND
RCH LOANS

I. *Purpose:* This Exhibit outlines the policies and conditions under which interest credits will be made on insured Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) loans.

II. *Definitions:* As used in this Exhibit.

A. "Interest Credit" means the amount of assistance the Farmers Home Administration (FmHA) may give a borrower toward making its payments on an insured RRH or RCH loan.

B. "Interest Credit Agreement" means an agreement between FmHA and the borrower providing for interest credits on the insured RRH or RCH loan. This agreement will be on Form FmHA 444-7, "Interest Credit Agreement (RRH and RCH Loans)."

C. "Project" means the housing and related facilities financed with the RRH or RCH loan.

D. "Basic Rental" means a unit rental charge determined on the basis of operating the project with payments of principal and interest on a loan to be repaid over a 40- or 50-year period at 1 percent per annum.

E. "Market Rental" means a unit rental charge determined on the basis of operating the project with the payments of principal and interest which the borrower is obligated to pay under the terms of the promissory note.

F. "Overage" means the amount by which total payments paid by the tenants of a project exceed the total basic monthly charge. The amount of overage will be computed as interest in excess of a 1 percent rate.

III. *Eligibility:* Borrowers may receive interest credits provided the loan (1) was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis (2) is repaid over a period of 40 years; 50 years for a senior citizens loan, and (3) meets the other requirements of this Exhibit subject to the following limitations:

A. Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

B. Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, or to profit organizations and individuals operating on a limited profit basis.

IV. *Options of borrowers:* An eligible borrower may choose Plan I or Plan II, as described below, for determining interest credits on its loan. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted income where utilities are included or 20 percent of the tenant's monthly adjusted income where utilities are not included.

A. *Plan I.*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low-income nonsenior citizens and low and moderate-income senior citizens.

2. A borrower under Plan I generally must:

a. Determine that there is a firm market and continuing demand for rental housing by families within the applicable income limits.

b. Prepare a budget on the basis of a 3 percent loan.

c. Determine rentals to be charged.

B. *Plan II.*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low- and moderate-income nonelderly and senior citizens of any income. Under Plan II interest credits are based on the cost of operating the project and the size and income of the occupant families.

2. A borrower under Plan II, generally must:

a. Prepare two budgets, one on the basis of a 1 percent interest rate loan to determine basic rental, and a second budget on the basis of a loan at the interest rate shown in the promissory note to determine market rental.

b. Determine both basic rental and market rental for the different units based on the two budgets. (See Exhibit J-1)

c. Determine adjusted family income of each tenant and have each tenant complete Form FmHA 444-8, "Tenant Certification." Determine the monthly rent to be paid by each tenant family.

d. Assign a unit of appropriate size for each eligible tenant family based on the number, relationship, and sex of the persons in the household. A family should not be assigned a larger unit than is actually needed.

e. Determine monthly rental payments and interest credits for the total units developed with any one RRH loan. Interest credits will be computed separately for each loan. (See Exhibit J-2.)

f. Execute Form FmHA 444-9, "Certification and Payment Transmittal," each month.

3. The Finance Office will credit the borrower's account with the amount of the interest credit to which the borrower is entitled.

V. *Determining the amount of interest credit:*

A. *Plan I.* The amount of interest credit will be determined by the completion of Form FmHA 444-7. Under this plan, the amount of interest credit will be the difference between the amortized payment shown on the note and the amortized payment computed at 3 percent. Use the amortization factor for the same number of years for the interest credit that was used for computing the regular installment on the note. This same principle will be followed at any time computations are necessary to determine the appropriate interest credit.

B. *Plan II.* The amount of interest credit to be granted will be calculated using the general format as shown in the examples included in Exhibits J-1 and J-2. A State form should be developed similar to Exhibit J-3. The National Finance Office will compute the actual amount of interest to be paid as payments are received.

VI. Special conditions:

A. Leases.

1. Monthly or annual leases will be executed with each family occupying a rental unit. The State Director should issue state instructions covering any State laws, special conditions or local customs affecting leasing arrangements that may exist in the state. The lease form, for projects operating under Plan II, in addition to other statements outlining the conditions of the lease, should contain the following statement: "I understand and agree that the monthly rental payment under this lease will be \$----- I also understand and agree that my monthly rental payment under this lease may be raised or lowered, based on changes in my income and changes in the number and age of family members living in my household. The rental payment will not, however, be less than \$-----

(Basic Rental)

nor more than \$----- during the terms of this lease.

2. Loans will be made on the basis of the units being rented to eligible occupants under Plan I or Plan II as described in paragraph IV of this Exhibit. If in connection with the servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, the State Director may authorize the borrower in writing to rent units to ineligible persons subject to his determining that:

a. The borrower has made a diligent but unsuccessful effort to rent the units to eligible occupants.

b. The borrower will continue to try to find eligible occupants.

c. The units will be rented on a monthly basis and only until they can be rented to eligible persons.

d. The ineligible tenants will be charged a rental surcharge as described in paragraph VI B of this Exhibit.

B. Rental Surcharges to Ineligible Occupants. If a unit is rented under paragraph VI A 2 above to an occupant who is ineligible because his income exceeds the maximum income limits, the ineligible occupant will:

1. Under Plan I, be charged a 25 percent rental surcharge. To illustrate, if the unit normally rents for \$60 per month, this ineligible occupant would pay \$75 per month. The 25 percent surcharge, or \$15 in this illustration, would be paid on the account and would be included with, but in addition to, the regular payment on the loan. The monthly interest credit by the FmHA to the Borrower's account would be reduced by the amount of the surcharge.

2. Under Plan II, be charged the market rental.

C. Vacancies.

1. When construction is completed and all the units are ready for occupancy, vacant units will be assumed to be rented at the basic monthly rental in computing the interest credits.

2. When all construction is not completed but some of the units are ready for occupancy, and the contractor consents in writing to permit occupancy, the incomplete units will be assumed to be rented at the market monthly rentals in computing the interest credits.

D. Interest Credit for Projects Under the Department of Housing and Urban Development (HUD) section 23 Leasing Program. When all the rental units in an RRH project are leased under the section 23 leasing program, no interest credit will be provided on the loan. When only a part of the units are leased under the section 23 leasing program,

interest credits may be given for the units not so leased. In such cases, the units under the section 23 lease will be assumed to be rented at the market monthly rental in computing the interest credit. The names and amount of income of the tenants occupying the units under the section 23 lease are not required in making this computation.

E. Special Cases. Cases and situations not covered by this Exhibit will be handled on an individual case basis with instructions from National Office.

F. Understanding Eligibility. The borrower should understand the eligibility requirements for occupancy of the housing and that the housing is or will be rented only to eligible occupants unless authorized, in writing, by FmHA. The borrower should understand and agree that with each annual report, described in paragraph X C of FmHA Instruction 430.2, it will include a certification that the housing is occupied only by eligible occupants.

VII. Execution of agreements:

A. Initial Interest Credit Agreement. Interest credits may become effective at the beginning of the month in which construction is completed on a structure and the units are ready for occupancy. When the project consists of more than one structure, interest credits may become effective for each structure as it is completed and ready for occupancy. When the borrower knows the date the interest credit should become effective, he should notify the County Supervisor and execute Form FmHA 444-7. A separate interest credit Agreement will be executed for each loan the borrower receives.

B. Change in Interest Credit Plan. A borrower under Plan I or Plan II may change, if it can meet the requirements of the other plan, by executing a new Interest Credit Agreement during the month of November or December preceding the year in which the new plan will be in effect. Form FmHA 444-7 will be executed during November or December, but will not be effective until the following January 1.

C. Borrowers Who Are Not Receiving An Interest Credit. If an eligible borrower did not execute an Interest Credit Agreement in accordance with paragraph VII A above, it may do so during the month of November or December preceding the year for which the Interest Credit is to be received. Form FmHA 444-7 will be executed during November or December, but will not be effective until the following January 1.

VIII. Tenant Certification: Tenant certification and recertification for interest credit borrowers will be in accordance with paragraph VIII I of FmHA Instruction 444.5.

IX. Loan payments:

A. Plan I.

1. The borrower will make monthly payments in an amount necessary to repay the

loan as if the loan carried a 3 percent interest rate. The transmittal of these collections will be handled in accordance with FmHA Instruction 451.2, except that when a rental surcharge is collected as described in paragraph VI B of this Exhibit, the surcharge will be included and will be credited as interest to the account as a regular payment. The special handling of payments involving rental surcharges is explained in paragraph IX A 2 below.

2. When a payment is made for any month that involves a rental surcharge, item II of Form FmHA 444-9 will be completed with the amount of the surcharge being inserted in the blank space. This form should be completed and the amount of the interest credit reduced, regardless of whether the surcharge is actually collected by the borrower. The form will be dated and signed by the FmHA representative transmitting the payment to the Finance Office with the original of the form being attached to the transmittal and the copy retained in the County Office file.

B. Plan II.

1. The borrower will make monthly payments in an amount necessary to pay the difference between the amount that would be necessary to repay the loan amortized at the interest rate shown in the promissory note and the amount of interest credit as computed.

2. The interest to be credited for any payment period is the difference between the note rate and one percent per annum (1 percent) plus overage. For example, if the computed amount of overage for any payment period is equal to $\frac{1}{2}$ percent per annum ($\frac{1}{2}$ percent) of the unpaid balance on a loan with a note rate of $7\frac{1}{4}$ percent per annum ($7\frac{1}{4}$ percent), the borrower would pay $1\frac{1}{2}$ percent per annum ($1\frac{1}{2}$ percent) interest on the loan for that period and receive an interest credit of $5\frac{1}{4}$ percent per annum ($5\frac{1}{4}$ percent) for that period.

3. With each payment made, the borrower will complete item IA of Form FmHA 444-9. The FmHA representative handling the transmittal to the Finance Office will complete item II of the form. The form will be executed in accordance with the requirements of the Forms Manual Insert.

X. Servicing: Any unusual case that cannot be serviced in accordance with this Exhibit should be submitted to the National Office with the facts involved and the State Director's recommendations.

EXAMPLE OF INTEREST CREDIT DETERMINATION FOR RRH OR RCH PROJECTS (PLAN II)

\$100,000 RRH LOAN—APPROVED DURING 1971 FISCAL YEAR PROJECT CONTAINS FIVE 1-BEDROOM UNITS AND FIVE 2-BEDROOM UNITS

Budgets ¹			
Budget for market rent		Budget for basic rent	
Operating, maintenance, vacancy and contingency allowance, and reserve. ²	\$4,524	Operating, maintenance, vacancy and contingency allowance, and reserve.	\$4,524
Loan repayment at $7\frac{1}{4}$ percent interest.....	7,476	Loan repayment at 1 percent interest	2,551
		\$100,000 \times 0.02551. ³	
Total annual cost.....	12,000	Total annual cost.....	7,075
\$12,000 \div 12 = \$1,000 cost per month.		\$7,075 \div 12 = \$590.00 cost per month.	
Market rent for 2-bedroom units = \$106.		Basic rent for 2-bedroom units = \$65.	
Market rent for 1-bedroom units = \$94.		Basic rent for 1-bedroom units = \$53.	
(\$106 \times 5) + (\$94 \times 5) = \$1,000 = monthly income.		(\$65 \times 5) + (\$53 \times 5) = \$590 = monthly income.	

¹ 2 complete and accurate budgets must be prepared. 1 for the market rent and 1 for the basic rent. (The expense items in the budgets shown in this illustration are only for illustration purposes and are not itemized.)

² The borrower has the option of paying all utility costs for units except for telephone. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted family income where utilities are not included.

³ Factor for 50 years. If the regular installment on the note was amortized using a factor for less than 50 years, substitute the appropriate factor for a corresponding number of years.

FmHA INSTRUCTION 444.5—EXHIBIT J-2.—Report on RRH or RCH projects (plan II)¹

I. Summary:

Apartment No.	Type	Occupant	Basic monthly rental	Market monthly rental	25 percent of adjusted monthly family income ²	Tenant's monthly rental payment ³	Overage
1	1-BR	Jones	\$53	\$94	\$52	\$53	\$0
2	1-BR	Smith	53	94	60	60	7
3	1-BR	Brown	53	94	75	75	22
4	1-BR	Wilson	53	94	45	53	0
5	1-BR	Bryant	53	94	48	53	0
6	2-BR	Fong	65	106	75	75	10
7	2-BR	Doe	65	106	60	65	0
8	2-BR	(Vacant)	65	106	50	65	0
9	2-BR	Jackson	65	106	80	80	15
10	2-BR	Morales	65	106	55	65	0
Total			590	1,000	600	644	54

¹ This example of a summary report is for the same project shown in exhibit J-1.² This information is taken from executed copies of form FmHA 444.8, "Tenant Certification." This column should reflect the borrower's option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted family income where utilities are not included.

II. Interest credit calculations:

A. Payment on loan will be amount of payments on 1 percent loan plus overage.

(1) Payment on loan at 1 percent interest.....\$2,551

(2) Monthly overage (\$94) X 12.....648

Total annual payment.....3,199

B. Interest credit granted will be different between annual payments by borrower and payment on 7½ percent loan.

(1) Amortization factor (0.07476) X loan (\$100,000) = \$7,476 payment on 7½ percent loan.

(2) \$7,476 - \$3,199 = \$4,277 annual interest credit.

[FR Doc.74-25684 Filed 11-6-74;8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

LARGE VOLUME PARENTERAL DRUGS IN
PLASTIC CONTAINERS AND INTENDED
FOR INTRAVENOUS HUMAN USE

Compatibility Studies; Warning Statement

There are on the market a number of large volume parenteral drug products intended for intravenous use which are packaged in plastic containers. These containers present potential problems such as leaching and migration from the plastic into the drug product as well as drug adsorption and absorption by the plastic container. Since a parenteral drug product packaged in plastic is not generally recognized as safe and effective, it is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act. Therefore, the Food and Drug Administration has always required an approved new drug application as a condition for marketing.

It is common medical practice to add other drugs to the large volume parenteral drug products for single administration to a patient. There are established medical advantages to this practice as well as increased patient comfort because fewer separate injections are required. However, there is insufficient information regarding the effect that the plastic container may have on these added drugs. While holders of the approved new drug applications for large volume parenteral drug products have demonstrated the suitability of plastic containers for specific parenteral drug products, little or no information is available as to the reactivity between the plastic container and drugs added subsequently. In view of the questions of

safety and effectiveness regarding the addition of other drugs to large volume parenterals in plastic containers and at the recommendation of the Surgical Drugs Advisory Committee, the Commissioner of Food and Drugs has determined that applicants must conduct compatibility studies with drugs known to be commonly added to large volume parenteral drug products packaged in plastic containers.

This proposal, issued pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act, provides that all holders of approved new drug applications for large volume parenterals for intravenous use in plastic containers shall, within the specified time periods, submit to the Food and Drug Administration a notice of intent to perform compatibility studies with the listed drug products, protocols for the conduct of these studies, and additional data in the form of records and reports. These requirements have been and will be applied to pending and future new drug applications for large volume parenteral drugs for intravenous use in plastic containers.

A review of these data will facilitate a determination of whether there is a ground for requiring revised labeling to warn against adding incompatible drugs, restricting the new drug approval so as to preclude addition of certain of these other drugs, or withdrawing approval of the intravenous drug under section 505(e) of the act. Failure to submit the required records and reports is itself a violation of the act, justifying withdrawal of approval of the new drug application.

Until these studies are completed and the data evaluated, the Commissioner, at the recommendation of the Surgical Drugs Advisory Committee, proposes that a warning regarding the possible incompatibility of added drugs, as well as in-

struction for thorough mixing of these drugs and prohibition against storage of the mixed solutions, be included in all labeling and on the immediate containers of the parenterals packaged in plastic. Such information is essential to fully advise prescribing physicians and allow them to exercise their best medical judgment. Failure to include this information may render the drug misbranded.

The conclusions concerning the above, as reached by the Surgical Drugs Advisory Committee during their June 28, 1973 meeting are on display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701(a); 52 Stat. 1040-1042, as amended, 1050-1053, as amended, 1055; 21 U.S.C. 321, 352, 355, 371(a)) and under authority delegated to him, (21 CFR 2.120), the Commissioner proposes that Part 310 be amended by adding a new section to Subpart E as follows:

§ 310.509 Large volume parenteral drug products in plastic containers and intended for intravenous human use.

(a) Containers fabricated from various types of plastic material are used as immediate containers for large volume parenteral drugs intended for intravenous use in humans. It is critical that the suitability of containers be demonstrated under conditions of normal use of the drugs. Of particular concern with use of plastic containers are leaching and/or migration of components of the plastic into the drug solution as well as drug adsorption or absorption by the plastic material. Any parenteral drug product packaged in plastic is not generally recognized as safe and effective, is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act, and requires an approved new drug application as a condition for marketing. A "Notice of Claimed Investigational Exemption for a New Drug" (Form FD-1571) set forth in § 312.1 of this chapter is required to cover clinical investigations designed to obtain evidence of safety and effectiveness.

(b) It is common medical practice to add various drugs to containers of large volume parenteral drug products for single administration to the patient. This practice is medically advantageous and reduces patient discomfort resulting from multiple injections. Since it is necessary to determine the safety and effectiveness of adding other drugs to large volume parenteral drug products for intravenous use in plastic containers, the Commissioner is requiring full investigation of the compatibility of large volume parenteral drugs for intravenous use which are packaged in plastic with other drugs that may be added regularly to the parenteral system (section 505(j) of the act). This will facilitate a determination of the need for either revised labeling for the parenteral products which would

restrict the addition of one or more drugs, or withdrawal of approval of the drug product under section 505(e) of the act.

(c) Marketing of large volume parenteral drug products for intravenous use in plastic containers may be continued only under the following conditions:

(1) An approved new drug application is in effect for the drug product so packaged.

(2) The applicant submits to the Food and Drug Administration on or before (30 days after the effective date of a final regulation published in the FEDERAL REGISTER) a statement that the applicant intends to conduct compatibility studies of the large volume parenteral drug product in its plastic container with the drugs listed in paragraph (d) of this section and furnishes the results of such studies to the Food and Drug Administration.

(3) The applicant submits to the Food and Drug Administration on or before (60 days after the effective date of a final regulation published in the FEDERAL REGISTER) the protocol which the applicant proposes to follow in conducting these compatibility studies. The protocol for such studies and any requests to waive the requirement for such studies of drugs listed in paragraph (d) of this section should be discussed with the Bureau of Drugs, Division of Surgical-Dental Products, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. The tests shall not be initiated before the applicant is notified by the Food and Drug Administration that the protocol has been accepted.

(4) Reports regarding the compatibility studies shall be submitted to the Food and Drug Administration as follows:

(i) Status reports of the ongoing studies at 3-month intervals beginning 90 days after the applicant has received an acceptance of the protocol.

(ii) The final report at the completion of the compatibility studies within 18 months following acceptance of the protocol by the Food and Drug Administration.

(d) The following drugs shall be included in compatibility studies with any large volume parenteral drug product for intravenous use in a plastic container. The Commissioner, upon a showing by the applicant that compatibility studies are unnecessary for any of the listed drugs, may waive the requirement for studies with such drugs:

Aminophylline	Gentamicin
Amphotericin	Heparin
Ampicillin	Hydrocortisone sodium succinate
Calcium gluconate	Insulin
Carbenicillin	Isoproterenol
Cephalosporins	Kanamycin
Chloramphenicol	Levarterenol
Chloramphenicol sodium succinate	Lidocaine
Clindamycin phosphate	Lincomycin
Cyclophosphamide	Magnesium sulfate
Cytarabine	Metaraminol
Diphenhydramine	Methicillin
Erythromycin	Methotrexate
Fluorouracil	Methylidopa
	Oxacillin

Oxytocin
Penicillin G
Potassium chloride
Sodium bicarbonate
Sodium chloride

Tetracyclines
Vitamins (single-entity and multiple vitamin products)

(e) Until the results of the compatibility studies can be evaluated and included, as appropriate, in the labeling for large volume parenteral drug products for intravenous use in plastic containers, or until other action concerning a new drug application is taken, there shall be a warning on the immediate container and in the labeling of such products, alerting health care professionals that the compatibility of drugs added to the large volume parenteral drug product is not known. On or before (60 days after the effective date of a final regulation published in the FEDERAL REGISTER) all such products shall bear a prominently placed warning as follows:

WARNING

Additives may be incompatible. Complete information is not available. Those additives known to be incompatible should not be used. Consult with pharmacist, if available.

If, in the informed judgment of the physician, it is deemed advisable to introduce additives to this solution, use aseptic technique.

Thorough and careful mixing of any additive is mandatory.

Do not store solutions containing additives.

(f) Applicants for pending of future new drug applications may either submit results of compatibility studies with the protocols for such studies with the original submission of the new drug application or submit the additional data in the form of records and reports as required by the act.

Interested persons may, on or before January 6, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-26046 Filed 11-6-74; 8:45 am]

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Representation of Parties; Time Limit for Petitioning for Approval of Attorney Fees

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

The proposed amendments provide: (1) For administrative review of initial approvals of attorney fees subsequent to the expiration of the time limitation for requesting such review and (2) for the establishment of a time limitation on the filing of petitions for approval of fees when past-due benefits are being withheld.

The present regulations preclude any administrative review of a fee determination upon failure on the part of either the representative or the claimant to request such review within the prescribed 30-day time limit under any circumstances. The proposed amendment makes this provision more flexible and permits review upon showing of good cause for not filing the request timely. Examples of what constitutes "good cause" are also included.

The present regulations do not provide a time limitation for filing a petition for approval of a fee, so that, technically a portion of past-due benefits must be withheld indefinitely. In disability cases the amount withheld can be a substantial amount. The proposed amendment remedies this by providing that if a petition is not filed within 60 days of the notice of a favorable determination, the attorney representing the claimant will be notified that if he does not file a petition or a request for extension of time within 20 days of the date of such notice, the funds withheld will be released to the claimant. If no such petition is filed upon the expiration of the 20-day period or the period for which an extension of time was granted, the Social Security Administration may release the funds.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before December 9, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are issued under the authority of sections 205, 206, and 1102; 53 Stat. 1368, as amended; 68 Stat. 1082, as amended; 49 Stat. 647, as amended; 42 U.S.C. 405, 406 and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: October 16, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 1, 1974.

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

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.975 is amended by revising paragraph (e) to read as follows:

§ 404.975 Fee for services performed for an individual before the Social Security Administration.

(e) *Administrative review of fee determination.* (1) *Request timely filed.* Administrative review of a fee determination will be granted if either the representative or the claimant files a written request for such review at an office of the Social Security Administration within 30 days after the date of the notice of the fee determination. The party requesting the review shall send a copy of the request to the other party. An authorized official of the Administration who did not participate in the fee determination in question will review the determination. Written notice of the decision made on the administrative review shall be mailed to the representative and the claimant at their last known addresses.

(2) *Request not timely filed.* Where the representative or the claimant files a request for administrative review, in accordance with paragraph (e) (1) of this section, but more than 30 days after the date of the notice of the fee determination, the person making the request shall state in writing the reasons why it was not filed within the 30-day period. The Social Security Administration will grant the review only if it determines that there was good cause for not filing the request timely. For purposes of this section, "good cause" is defined as any circumstance or event which would prevent the representative or the claimant from filing the request for review within such 30-day period or would impede his efforts to do so. Examples of such circumstances include the following:

- (i) The representative or claimant was seriously ill or had a physical or mental impairment and such illness prevented him from contacting the Social Security Administration in person or in writing;
- (ii) There was a death or serious illness in the individual's family;
- (iii) Pertinent records were destroyed by fire or other accidental cause;
- (iv) The representative or claimant was furnished incorrect or incomplete information by the Social Security Administration about his right to request review;
- (v) The individual failed to receive timely notice of the fee determination;
- (vi) The individual transmitted the request to another government agency in good faith within such 30-day period and the request did not reach the Social Security Administration until after such period had expired.

The Social Security Administration assumes no responsibility for the payment of a fee based on a revised determination where the request for administrative review was not filed timely. (See § 404.977(b) for payment of attorney fees authorized by the Administration.)

2. Section 404.977 is amended by revising paragraph (b) (1) and adding paragraph (c) to read as follows:

§ 404.977 Payment of fees.

(b) *Fees authorized by the Administration.* (1) *Attorneys.* Except as provided in paragraph (c) of this section, in any case where the Social Security Administration makes a determination favorable to a claimant who was represented by an attorney as defined in § 404.972(a) in a proceeding before the Social Security Administration and as a result of such determination past-due benefits, as defined in § 404.975(c), are payable, the Social Security Administration shall certify for direct payment to the attorney, out of such benefits, whichever of the following is the smallest:

- (i) 25 percent of the total of such past-due benefits;
- (ii) The amount of the attorney's fee set by the Administration, or
- (iii) The amount agreed upon between the attorney and the claimant.

(c) *Time limit for filing petition for approval of attorney fee.* In order for an attorney to receive direct payment of a fee authorized by the Social Security Administration from a claimant's past-due benefits (see paragraph (b) of this section), the petition for approval of a fee, or written notice of the intent to file a petition, should be filed with the Social Security Administration within 60 days of the date the notice of the determination favorable to the claimant is mailed. Where no such petition is filed within 60 days after the date such notice is mailed, written notice shall be sent to the attorney and the claimant, at their last known addresses, that the Social Security Administration will certify for payment to the claimant all the past-due benefits unless the attorney files within 20 days from the date of such notice a written petition for approval of a fee pursuant to § 404.976(a), or a written request for an extension of time. The attorney shall send to the claimant a copy of any request for an extension of time. Where the petition is not filed within this time, or by the last day of any extension approved, the Social Security Administration may certify the funds for payment to the claimant. Any fee charged thereafter remains subject to Social Security Administration approval but collection of any such approved fee shall be a matter between the attorney and his client.

[FR Doc.74-26123 Filed 11-6-74;8:45 am]

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Special Payments at Age 72

Correction

In FR Doc. 74-21900, appearing at page 33804 in the issue for Friday, Septem-

ber 20, 1974, in § 404.377(b), in the second line, the word "is" should be changed to read "if".

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-31; Notice No. 74-7A]

DEFINITION OF GATHERING LINE

Extension of Comment Period

This notice extends the period for comment to Notice 74-7 published at 39 FR 34569 on September 26, 1974. Notice 74-7 proposes to clarify the existing definition of the term "gathering line" in Part 192. Interested persons were given until November 8, 1974, to submit written comments.

The American Petroleum Institute (API) has requested that the comment period be extended for at least 30 days. API alleges that the proposal in Notice 74-7 presents significant problems to gas producers and gatherers and that the additional time is necessary to develop technical information for the docket.

The Office of Pipeline Safety (OPS) encourages all interested persons to submit as much technical data as they deem essential for OPS consideration before final rule-making action is taken. However, because of the nature of the proposal in this case, while some additional time is not unreasonable, a full 30 days besides the time already provided does not appear warranted for preparation of technical information.

Therefore, the period for public comment to Notice 74-7 is hereby extended to November 22, 1974. Late filed comments will be considered so far as practicable.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC section 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 29, 1974.

JOSEPH C. CALDWELL,
Director, Office of
Pipeline Safety.

[FR Doc.74-26051 Filed 11-6-74;8:45 am]

[49 CFR Part 192]

[Docket No. OPS-30, Notice No. 74-6A]

OFFSHORE PIPELINE FACILITIES

Extension of Comment Period

This notice extends the period for comment to the advance notice of proposed rule making on offshore gas pipeline facilities published at 39 FR 34568 on September 26, 1974 (Notice 74-6).

Notice 74-6 invites public comment by November 22, 1974, on a variety of problem areas related to amending Part 192 to provide better safety regulation of pipeline facilities used in the transportation of gas offshore.

The American Society of Mechanical Engineers' (ASME) Gas Piping Standards Committee has requested that the period for comment be extended to the middle of December 1974. The Committee states that its Task Group, consisting of representatives of offshore operators and contractors, is developing recommended standards for offshore facilities which should be complete with justifications by early December. To allow sufficient time for submission of the proposals being developed, the ASME request is hereby granted.

The new deadline for public comment is December 13, 1974. Late filed comments will be considered so far as practicable.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC section 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 29, 1974.

JOSEPH C. CALDWELL,
Director, Office of
Pipeline Safety.

[FR Doc.74-26050 Filed 11-6-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 270-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

National Ambient Air Quality Standards; California

On May 14, 1973 (38 FR 12702), the Administrator promulgated certain portions of the implementation plan for the State of California for attainment and maintenance of national ambient air quality standards in accordance with the Clean Air Act, as amended (42 USC § 1857 et seq.). Among the regulations promulgated was 40 CFR 52.233(g), a regulation for review of new sources and modifications. Paragraph (g) (1) of that section provides that the regulation is applicable to any "stationary source" in the specified portions of the regions listed in that subsection, while paragraph (g) (2) provides that an owner or operator must secure the approval of the Administrator before constructing or modifying any "new source" after the effective date of the regulation.

A question has arisen whether the meaning of the term "new source" as used in § 52.233(g) (2) is identical with

the definition of the term as provided in section 111(a) (2) of the Clean Air Act, or whether the term is being used in its common definitional sense. The preamble to the FEDERAL REGISTER notice in which § 52.233(g) (2) was promulgated makes it clear that paragraph (g) (2) was intended to apply to all stationary sources in the counties in California which did not possess adequate procedures for the review of new or modified sources, and was not intended to restrict review to "new sources" as defined in section 111(a) (2) of the Act. Nonetheless, to eliminate any confusion concerning the scope of the applicability of § 52.233(g) (2), it is proposed to amend the subsection to delete the term "new source" which is the cause of the confusion and to substitute the term "stationary source" which is used elsewhere in the regulation.

Interested persons are encouraged to submit written comments on the proposed amendment. Such comments will be accepted for consideration on or before December 9, 1974. Comments should be addressed to Director, Enforcement Division, at:

Environmental Protection Agency, Region IX
100 California Street, Room 400
San Francisco, California 94111

All comments will be available for public inspection during business hours at the above address. The regulation is not stayed during the comment period and remains in full force and effect as it has been consistently interpreted and applied by the Agency.

(42 USC 1857c-5(c))

Dated: October 31, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.233(g) (2) is amended as follows:

§ 52.233 Review of new sources and modifications.

* * * *

(g) (2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

* * * *

[FR Doc.74-26012 Filed 11-6-74;8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 74-1144]

FEDERAL SAVINGS AND LOAN INSURANCE CORP.

Withdrawal of Proposed Amendment Relating to Fiscal Year End Audits

Whereas, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Cor-

poration, by Resolution No. 72-1465, dated December 14, 1972, and duly published in the FEDERAL REGISTER on December 20, 1972 (37 FR 28079) proposed to amend Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) for the purpose of requiring insured institutions to be audited as of the close of their fiscal year-ends; and

Whereas, a substantial period of time has elapsed since the date of said proposal:

It is hereby resolved, that the Board determines to withdraw from consideration the amendment proposed by said Resolution No. 72-1465.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). 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.

[FR Doc.74-26092 Filed 11-6-74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 708]

MERGERS OF CREDIT UNIONS

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to revise the entire Part 708 (12 CFR Part 708) as set forth below.

The purpose of the proposed revision of Part 708 (12 CFR Part 708) is to update the merger procedures in light of Title II of the Federal Credit Union Act (12 U.S.C. 1781, et seq.).

Interested persons are invited to submit written comments, suggestion, or objections regarding the proposed amendment to the Administrator, National Credit Union Administration, 2025 M St. NW., Washington, D.C. 20456. Comments received prior to January 2, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

HERMAN NICKERSON, Jr.,
Administrator.

OCTOBER 30, 1974.

PART 708—MERGERS OF CREDIT UNIONS

- | | |
|-------|---|
| Sec. | |
| 708.0 | Scope. |
| 708.1 | Definitions. |
| 708.2 | When permissible. |
| 708.3 | Special provisions for National Credit Union Share Insurance. |
| 708.4 | Preparation of merger plan. |
| 708.5 | Submission of merger proposal to Administration. |
| 708.6 | Approval of merger proposal by Administrator. |
| 708.7 | Approval of merger proposal by members. |
| 708.8 | Certification of vote on merger proposal. |
| 708.9 | Completion of merger. |

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 708.0 Scope.

This part prescribes the procedures that enable two or more Federal credit unions to merge into a single Federal credit union, or two or more state credit unions to merge with a Federal credit union to form a single Federal credit union, or two or more state credit unions, where at least one state credit union is federally-insured, to merge into one federally-insured state credit union.

§ 708.1 Definitions.

- (a) As used herein:
- (1) The continuing credit union is that credit union which will continue in operation after the merger.
 - (2) The merging credit union is that credit union which will cease to exist as an operating credit union at the time of the merger.

§ 708.2 When permissible.

- (a) When the requirements enumerated herein have been met, merger may be effected if:
- (1) There has been compliance with NCUA chartering policies (where the continuing credit union is a Federal credit union); or
 - (2) Permitted by state law or authorized by the state supervisory authority (where the continuing or merging credit union is federally-insured).
- (b) In any case where the continuing credit union is federally-insured, and the merging credit union is not insured, a determination shall be made by the Administrator as to the potential risk to the National Credit Union Share Insurance Fund (NCUSIF).

§ 708.3 Special provisions for National Credit Union Share Insurance.

- (a) Where the continuing credit union is not federally-insured, but the share accounts of the merging credit union are so insured, such insurance ceases as of the effective date of the merger. Members of the merging credit union shall be notified accordingly prior to any required voting activity to approve the merger.
- (b) When a credit union's insurance is terminated in accordance with paragraph (a) of this section, it is not entitled to a rebate of premiums, but the credit union shall be entitled to a refund of the unused portion of the premiums.
- (c) Where the merging credit union is federally-insured, the continuing credit union is not so insured, but desires to be insured as of the date of the merger, an application shall be submitted to the Administrator when the merging credit union requests his approval of the merger proposal.
- (d) An insurance premium will be assessed on the additional share accounts insured as a result of the merger. The amount of the premiums will be prorated as of the effective date of the merger on these additional share accounts.

§ 708.4 Preparation of merger plan.

- (a) Upon the approval of a proposition for merger by the boards of directors of the credit unions, a plan for the proposed merger shall be prepared. The plan shall include:
- (1) Current financial reports;
 - (2) Current delinquent loan schedules annotated to reflect collection problems;
 - (3) Combined financial report;
 - (4) Analyses of share values;
 - (5) Explanation of any proposed share adjustments;
 - (6) Explanation of any provisions for reserves, undivided earnings or dividends;
 - (7) Provisions with respect to notification and payment of creditors;
 - (8) Explanation of any changes relative to insurance of member accounts;
 - (9) Provisions for insuring that all assets and liabilities of the continuing credit union will conform with the requirements of the Act (where the continuing credit union is a Federal credit union); and
 - (10) Proposed charter amendments (where the continuing credit union is a Federal credit union).

§ 708.5 Submittal of merger proposal to Administration.

- (a) Upon approval of the merger plan by the boards of directors of any federally-insured credit union(s), the following information will be submitted to the Regional Director:
- (1) The merger plan, as described in this part;
 - (2) Resolution of the boards of directors;
 - (3) Proposed Merger Agreement;
 - (4) Proposed Notice of Special Meeting of the Members (for merging Federal credit unions);
 - (5) Copy of the form of Ballot to be sent to the Members (for the merging Federal credit unions);
 - (6) Evidence that the state's supervisory authority is in agreement with the merger proposal (for state credit unions);
 - (7) Application and Agreements for Insurance of Member Accounts (for continuing state credit unions desiring to become federally-insured).
- (b) The Regional Director will review the proposal and forward it, with his recommendations, to the Administrator.

§ 708.6 Approval of merger proposal by Administrator.

- (a) If the Administrator finds that the merger proposal complies with this and other parts of these regulations, he may approve the proposal subject to such other specific requirements as may be prescribed to fulfill the intended purposes of the proposed merger.
- (b) Any proposed charter amendments for a continuing Federal credit union will be approved contingent upon the completion of the merger.

§ 708.7 Approval of the merger proposal by members.

- (a) When the merging credit union is a Federal credit union, the members shall:
- (1) Have the right to vote on the merger proposal in person at the annual meeting, if within 120 days after the Administrator's approval, or at a special meeting to be called within 120 days of such approval, or by mail ballot postmarked no later than the date and time announced for the annual meeting or the special meeting called for that purpose.
 - (2) Be given advance notice of the meeting at which the merger proposal is to be submitted, in accordance with the provisions of Article V, Meetings of Members, Federal Credit Union Bylaws. The notice shall:
 - (i) Specify the purpose of the meeting and time and place;
 - (ii) Include a summary of the merger plan, which shall contain, but not necessarily be limited to, current financial reports for each credit union, combined financial reports for each credit union, analyses of share values, explanation of any proposed share adjustments, explanation of any changes relative to insurance of member accounts.
 - (iii) State reasons for the proposed merger;
 - (iv) Provide name and location (to include branches) of the continuing credit union;
 - (v) Inform the members that they have the right to vote on the merger proposal in person at the meeting or by written ballot to be postmarked no later than the date and time announced for the annual meeting or the special meeting called for that purpose;
 - (vi) Be accompanied by a Ballot for Merger Proposal.
 - (b) The merger proposal must be approved by a majority of the members of the merging Federal credit union.

§ 708.8 Certification of vote on merger proposal.

The board of directors of the merging Federal credit union shall promptly certify the results of the membership vote to the Regional Director.

§ 708.9 Completion of merger.

- (a) Upon approval of the merger proposal by the Administrator, and by the members of each credit union where required, action may be taken to complete the merger. The boards of directors shall:
- (1) Promptly certify the completion of the merger to the Regional Director; and
 - (2) Forward, along with the certification, the following documents:
 - (i) Financial reports for each credit union before and after the completion of merger;
 - (ii) The charters of merging Federal credit unions;
 - (iii) Insurance certificates for merging federally-insured credit unions.
 - (b) If the Administrator is satisfied that the merger has been accomplished

in accordance with the approved plan, he shall cancel the charters of the Federal credit unions which have lost their identity in the merger.

[FR Doc.74-26015 Filed 11-6-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Request for Information from Interested Parties with Respect to the Size Standard for Purpose of Sales of Government-Owned Timber

1. Section 121.3-9(b) (2) of the Small Business Size Standards Regulation (Part 121, Chapter I, Title 13 of the Code of Federal Regulations) provides, in part, that in the case of Government sales of timber reserved for or involving preferential treatment of small business when the Government timber being purchased is to be resold, a bidder, in order to qualify as small business, must agree that it will not sell to a concern which is not small business more than 30 percent (50 percent in Alaska) of such timber.

Utilization of Government timber by industry in Alaska has been increasing, and it has been suggested that under current industry practices the 50 percent "resell" limitation for Alaska is excessive and should be revised to the 30 percent applicable elsewhere. In order to acquire information upon which it may determine what action to take, the Small Business Administration hereby requests the views of interested parties as to whether it would be appropriate to reduce the Alaska percentage to 30 percent and, accordingly, to delete from § 121.3-9(b) (2) (ii) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations all words subsequent to the word "timber" and also to delete Schedule E of such Part 121.

2. The term "sell" for the purpose of the above rule is interpreted as including an exchange of timber for timber on a product-for-product basis (i.e., poles for poles; sawlogs for sawlogs, etc.) with or without monetary adjustment. Accordingly,

any delivery of timber to a large business in exchange for other timber from such large business is currently considered as a sale of such timber to the large business and must be included in applying the 30 percent limitation.

It has been suggested that there may be certain timber sales under which, because of the mixed species and/or grades of timber being sold, it would be desirable to permit a small business concern to exchange timber for timber on a product-for-product basis without such exchange being charged against the 30 percent limitation.

In order to determine what action to take, the Small Business Administration hereby requests the views of interested parties as to whether it would be appropriate to adopt a rule under which a concern could apply to the SBA for permission to make certain exchanges without having such timber charged against the 30 percent limitation and, accordingly, whether § 121.3-9(b) (2) (ii) should be revised to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

* * *

(b) * * *

(2) * * *

(ii) It agrees that it will not sell to one or more concerns which are not small business within the meaning of this paragraph more than 30 percent of such timber, provided, however, that an exchange of timber for timber on a product-for-product basis (i.e., poles for poles; sawlogs for sawlogs, etc.) without monetary adjustment made pursuant to an exchange agreement in writing approved in advance of the exchange by the Chief, Prime Contracts and Property Sales Division, Small Business Administration, shall not be charged against such 30 percent limitation.

3. Currently, the Small Business Size Standards Regulation does not define a "nonmanufacturer" for the purpose of sales of Government timber. Since such a definition is of significance in determining the "base average share" for small business, the Small Business Administration requests the views of interested parties as to whether it would be appropriate to revise the definition of a nonmanufacturer in § 121.3-2(r) to read as follows:

mining the "base average share" for small business, the Small Business Administration requests the views of interested parties as to whether it would be appropriate to revise the definition of a nonmanufacturer in § 121.3-2(r) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * *

(r) "Nonmanufacturer" means any concern which, in connection with a specific Government procurement contract other than a construction or service contract, does not manufacture or produce the products required to be furnished under such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement. For the purpose of Government sales of timber, a nonmanufacturer is a concern which (including its affiliates and its use of leased facilities, and including concerns with whom it or its affiliates subcontract for the manufacture of one or more products) manufactured or contracted for the manufacture of less than 50 percent of its timber production during the preceding calendar year.

* * *

Comments in response to the above requests may be filed with the Small Business Administration on or before December 9, 1974. The Agency also will be pleased to receive recommendations for other approaches to the problems discussed above. All correspondence shall be addressed to:

William L. Pellington, Director, Office of Industry Studies and Size Standards, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: October 25, 1974.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-26027 Filed 11-6-74;8:45 am]

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with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding these convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Anderson, Darrell Gene, 1826A Bell, Sheboygan, Wisconsin, convicted on February 3, 1972, in the Menominee County Court, Shawano, Wisconsin.

Ayers, Ronald E., 4837 Canterbury, Shawnee Mission, Kansas, convicted on October 27, 1961, in the United States District Court, Western District of Missouri.

Brown, Jr., Harry Britton, 800 Dublin, Wichita, Kansas, convicted on June 26, 1970, in the United States District Court, District of Kansas.

Carbone, Michael, R.D. No. 2 Taft Avenue, Frankfort, New York, convicted on October 26, 1931, in the Herkimer County Court, Herkimer, New York, and on February 7, 1936, in the Onondaga County Court, Utica, New York.

Coleman, John Thomas, 318 N. Brown Street, Paw Paw, Michigan, convicted on or about May 4, 1970, in the Circuit Court for Van Buren County, Michigan.

Collins, Jr., Lincoln, 6717 Lozier Street, Apt. No. 2, Houston, Texas, convicted on November 23, 1971, in the 174th District Court of Harris County, Texas.

Ebersole, Stewart D., 178 South Franklin Street, Red Lion, Pennsylvania, convicted on November 26, 1956, in the Court of Quarter Sessions of York County, York, Pennsylvania.

Eckhoff, Jerome L., R.R. No. 1, Spicer, Minnesota, convicted on September 10, 1962, in the Eighth Judicial District Court, Kandiyohi County, Minnesota.

Enlow, David M., 1211 Emerson Street, Beloit, Wisconsin, convicted on February 28, 1972, in the Rock County Court, Branch No. 3, Beloit, Wisconsin.

Golden, William H., 1303 Avenue A, Apt. No. 35, South Houston, Texas, convicted on June 13, 1972, in the 178th District Court of Harris County, Texas.

Goo, Melvin F., 3609 Kumulani Street, Honolulu, Hawaii, convicted on September 29, 1961, in the Circuit Court of the First Circuit, State of Hawaii.

Larson, Douglas Ronald, 3401 College View Road, Rochester, Minnesota, convicted on September 28, 1970, in the Third Judicial District Court, Dodge County, Minnesota.

Leach, Jr., Edward Meryl, 1107 Oriole, Duncanville, Texas, convicted on June 9, 1972, in the Criminal District Court No. 2, Dallas County, Texas.

Ligon, David L., 2705 N. Rader, Indianapolis, Indiana, convicted on May 16, 1969, in the United States District Court, Southern District of Indiana.

Mewes, Gary Lee, Kanawha, Iowa, convicted on April 24, 1972, in the District Court, Wright County, Iowa.

Moes, Lionel D., 1462 South Prospect, Tacoma, Washington, convicted on December 12, 1963, in the Superior Court of the State of Washington, Thurston County.

Parenti, Raymond A., 2510 Raspberry Street, Erie, Pennsylvania, convicted on November 19, 1962, in the Court of Quarter Sessions of the Peace of Erie County, Pennsylvania.

Root, Robert R., Box 12, Spirit Lake, Idaho, convicted on May 2, 1969, in the Superior Court of the State of Washington in and for the County of Whitman.

Stanford, Robert Leland, Route 1, Franklin, Kentucky, convicted on December 14, 1972, in the United States District Court, Western District of Kentucky.

Trent, Jimmy Joe, Post Office Box 215, Bono, Arkansas, convicted on April 22, 1954, in the Circuit Court of Greene County, Missouri.

Verduco, Louis A., 2123 Robinwood, Saginaw, Michigan, convicted on October 19, 1959, in the 10th Judicial Circuit Court, Saginaw, Michigan.

Waddell, William C., Little Acres Mobile Home Park, Space No. 16, Globe, Arizona, convicted on May 19, 1967, in the Superior Court, County of Gila, Arizona.

Winkler, Joseph L., Box 200, Potosi, Wisconsin, convicted on June 21, 1972, in the Circuit Court, Grant County, Wisconsin.

Signed at Washington, D.C., this 25th day of October, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol,
Tobacco and Firearms.

[FR Doc.74-26091 Filed 11-6-74; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR UNIVERSITY BOARD OF VISITORS, AIR FORCE INSTITUTE OF TECHNOLOGY SUBCOMMITTEE

Notice of Meeting

OCTOBER 31, 1974.

The Air Force Institute of Technology Subcommittee of the Air University Board of Visitors will hold an open meeting at 11 a.m. on November 19, 1974, in the Commandant's Conference Room, Building 125, Wright-Patterson Air Force Base, Ohio. The purpose of the meeting is to give the Subcommittee opportunity to present to the Commandant, Air Force Institute of Technology (AFIT), a report of findings and recommendations concerning the Institute's educational programs. Specific agenda items include the status of recommendations made by the 1973 AFIT Subcommittee accreditation of the Institute's continuing education programs, the forthcoming accreditation by the engineering programs conducted by the AFIT school of engineering, and academic rank for the Institute's continuing education facility. Also, the Subcommittee will present findings on other areas it investigates at its discretion during the meeting. For further information on this meeting contact Lt. Col. Gary L. Silcott, Chief, Degree Programs Division, Directorate of Educational Plans and Operations Air Force Institute of Technology, telephone 513-255-4219 or 513-255-5402.

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

[FR Doc.74-26011 Filed 11-6-74; 8:45 am]

Defense Civil Preparedness Agency UNITED STATES CIVIL DEFENSE CORPS Continuation

Pursuant to authority contained in subsection 401(c) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2253 (c)) the Administrator of the Federal Civil Defense Administration by regulation published in the FEDERAL REGISTER on July 12, 1952 (17 FR 6247) authorized States empowered by State authority to establish civil defense organizations to qualify them as civil defense corps to be known collectively as the United States Civil Defense Corps. The regulations (now codified as 32 CFR Part 1805) provided minimum standards for State and local civil defense organizations.

Authority under subsection 401(c) as affected by Reorganization Plan No. 1 of 1958 (72 Stat. 1799-1801), which transferred the authority to the President, has now been delegated to the Secretary of Defense by Executive Order 10952 of July 20, 1961 (26 FR 6577) and by him redelegated to the Director, Defense Civil Preparedness Agency (37 FR 18636).

In view of the manner in which civil defense has developed at the national, state and local levels since the issuance of the United States Civil Corps regulations, it is now considered no longer necessary to provide minimum standards for State and local organizations which are units of the United States Civil Defense Corps, or minimum standards for membership of persons in these units. The objectives for which the standards were issued are being met in other ways. Withdrawal of Part 1805 of Title 32, Code of Federal Regulations, is now under consideration.

Nevertheless the continuance of the United States Civil Defense Corps as a collectivity of State and local civil defense organizations and the members thereof is considered to serve valid purposes under the Federal Civil Defense Act of 1950, as amended, and under State civil defense laws and other State laws, particularly those relating to workmen's compensation for civil defense volunteers.

Subject to such regulations as may now or hereafter appear in other parts of Chapter XVIII of Title 32, Code of Federal Regulations, the United States Civil Defense Corps, as heretofore established and organized is continued. As authorized by a State, the units which are components of the United States Civil Defense Corps shall consist of State or local civil defense organizations established pursuant to law and in good standing under State law. Membership of individuals in such units shall be as established by the State or local civil defense organization in accordance with applicable State laws and regulations provided that members shall provide services on a voluntary and uncompensated basis. To the extent that such organizations still exist at the state or local level, the Ground Observer Corps may be considered an element of the United States Civil Defense Corps.

Members of the United States Civil Defense Corps shall not be deemed by reason of such membership to be appointees or employees of the United States.

Effective date: October 30, 1974.

JOHN E. DAVIS,
Director, Defense Civil
Preparedness Agency.

[FR Doc. 74-26101 Filed 11-6-74; 8:45 am]

Department of the Navy
ACADEMIC ADVISORY BOARD, U.S.
NAVAL ACADEMY

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Academic Advisory Board, United States Naval Academy, will have a meeting from 8 a.m. to 3 p.m. on November 25, 1974, at the United States Naval Academy, Annapolis, Maryland.

The agenda will consist of matters pertaining to advice and assistance to the Superintendent of the Naval Academy concerning the education of the midshipmen.

Dated: October 31, 1974.

MERLIN H. STARRING,
Rear Admiral, JAGC, U.S. Navy
Judge Advocate General.

[FR Doc. 74-26097 Filed 11-6-74; 8:45 am]

Office of the Secretary
DEFENSE INTELLIGENCE AGENCY
SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a closed Panel meeting of the DIA Scientific Advisory Committee will be held at Pomponio Plaza, Roslyn, Virginia on:

Thursday & Friday, 21-22 November 1974.

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in section 552(b), Title 5 of the U.S. Code, therefore will be closed to the public.

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

NOVEMBER 4, 1974.

[FR Doc. 74-26093 Filed 11-6-74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHICKALOON, ALASKA

Eligibility of Unlisted 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 30, 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 February 22, 1974, his Final Decision determining the eligibility of the Native village of Chickaloon, said decision appearing in 39 FR 6741 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc., Philip R. Holdsworth, the State of Alaska, the Sierra Club, Alaska Chapter, Matanuska-Susitna Borough (appellants herein).

The appellants brought forth, to the Ad Hoc Board, a Withdrawal of Protest. The Board therefore dismissed the appeals and thereby notified the Director that his Final Decision certifying the unlisted village of Chickaloon as eligible for benefits under the Alaska Native Claims Settlement Act shall become final upon the personal approval by the Secretary of the Interior.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on October 4, 1974 determined the unlisted Native village of Chickaloon, pursuant to section 11(b) (3) of said Act, 43 U.S.C. section 1610(b) (3), is now eligible to receive land benefits under sections 14 (a) & (b).

In accordance with the Ad Hoc Board's decision, approved on October 23, 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 Chickaloon as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of Chickaloon is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native village of Chickaloon a certification of eligibility.

CLARENCE ANTIOQUIA,
Director.

[FR Doc. 74-26113 Filed 11-6-74; 8:45 am]

COUNCIL, ALASKA

Eligibility of Unlisted 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 February 22, 1974, his Final Decision determining the eligibility of the Native village of Council said decision appearing in 39 FR 6743 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Philip R. Holdsworth, the State of Alaska and the Sierra Club, Alaska Chapter. On May 31, 1974 the Ad Hoc Board issued a Notice and Order directing that a hearing be conducted by an Administrative Law Judge. Pursuant thereto a hearing was held in Nome, Alaska on July 8, 1974 and in Council, Alaska on July 9, 1974.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on September 11, 1974 determined the unlisted Native village of Council, pursuant to section 11(b) (3) of said Act, 43 U.S.C. section 1610(b) (3), is now eligible to receive land benefits under sections 14 (a) and (b).

In accordance with the Ad Hoc Board's decision, approved on September 24, 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 Council as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of Council is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native village of Council a certification of eligibility.

JOSEPH E. KAHKLEN,
Acting Director.

[FR Doc. 74-26115 Filed 11-6-74; 8:45 am]

KNIK, ALASKA

Eligibility of Unlisted 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 30, 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 February 26, 1974, his Final Decision determining the eligibility of the Native village of Knik said decision appearing in 39 FR 7472 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc., Philip R. Holdsworth, the State of Alaska, the Sierra Club, Alaska Chapter, Matanuska-Susitna Borough and Eklutna, Inc., (appellants herein). The appellants brought forth, to the Ad Hoc Board, a Withdrawal of Protest. The Board therefore dismissed the appeals and thereby notified the Director that his Final Decision certifying the unlisted village of Knik as eligible for benefits under the Alaska Native Claims Settlement Act shall become final upon the personal approval by the Secretary of the Interior.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on October 4, 1974 determined the unlisted Native village of Knik, pursuant to section 11(b)(3) of said Act, 43 U.S.C. section 1610(b)(3), is now eligible to receive land benefits under sections 14(a) & (b).

In accordance with the Ad Hoc Board's decision, approved on October 23, 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 Knik as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of Knik is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native village of Knik a certification of eligibility.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74-26114 Filed 11-6-74; 8:45 am]

**Bureau of Land Management
ARIZONA PHOENIX DISTRICT ADVISORY
BOARD**

Notice of Meeting

A meeting of the Grazing Advisory Board for the Phoenix District will be held at 9:30 a.m. on November 19, 1974 in the Bureau of Land Management

Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona.

The agenda will include (1) grazing applications for the 1975 grazing year; (2) range improvement programs; (3) ownership or control of state and private lands used in conjunction with National Resource Lands in grazing allotments; (4) grazing administration.

The meeting will be open to the public in as far as space will allow. Oral statements may be made by members of the public concerning the matters listed above. Any written statements for consideration by the Board should be sent to the Chairman of the Board, c/o Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Dated: October 29, 1974.

RILEY E. FOREMAN,
District Manager.

[FR Doc.74-26067 Filed 11-6-74; 8:45 am]

[5-912, 4114.14]

**CANON CITY DISTRICT ADVISORY BOARD
Notice of Meetings**

OCTOBER 31, 1974.

Notice is hereby given that meetings of the Canon City District Advisory Board will be held on December 3, 1974, and December 19, 1974, commencing at 10 a.m., in the Conference Room, Canon City District Office, 3080 East Main Street, Canon City, Colorado.

The agenda for the initial meeting includes organization of the Board, selection of district officers, discussion of 1975 grazing season, allotment transfers, grazing applications, current workload emphasis, including planning system and project work progress, and the Federal Advisory Committee Act of October 6, 1972.

The agenda for the second meeting will include hearing of protests on any action determined or considered adverse during the initial meeting and reports of district programs and planning progress with emphasis on the Arkansas Planning Unit.

The meetings will be open to the public. Those members of the public wishing to make an oral statement should advise the Advisory Board Chairman, James L. Curtis, Jr., c/o Bureau of Land Management, P.O. Box 311, Canon City, Colorado 81212, prior to the meeting. Oral statements will be heard at 1 p.m. Written statements may also be filed with Mr. Curtis for consideration.

CHARLES W. LUSCHER,
Acting State Director.

[FR Doc.74-26109 Filed 11-6-74; 8:45 am]

[N-7100]

NEVADA

Notice of Application

NOVEMBER 1, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act

of 1920, as amended (30 U.S.C. 185), the Calnev Pipeline Company has applied for a gasoline, jet fuel and diesel fuel pipeline right-of-way across the following lands:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 59 E.,
Secs. 1, 12, 13, 23, 24, 26, 35.
T. 26 S., R. 59 E.,
Secs. 2, 3, 10, 15, 22, 27, 34.
T. 27 S., R. 59 E.,
Secs. 4, 9, 16.
T. 25 S., R. 60 E.,
Sec. 6.
T. 23 S., R. 60 E.,
Sec. 36.
T. 24 S., R. 60 E.,
Secs. 1, 2, 10, 11, 15, 16, 20, 21, 29, 30, 31.
T. 23 S., R. 61 E.,
Secs. 5, 8, 17, 19, 20, 30, 31.
T. 22 S., R. 61 E.,
Secs. 8, 17, 20, 29, 32.
T. 21 S., R. 61 E.,
Sec. 32.

The pipeline will convey gas, jet fuel and diesel fuel from the California-Nevada border in sec. 16, T. 27 S., R. 59 E., to sec. 32, T. 21 S., R. 61 E., Mount Diablo Meridian, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the District Manager, Bureau of Land Management, Box 5400, Las Vegas, Nevada 89102.

WILLIAM J. MALENCIK,
Chief, Division of
Technical Services.

[FR Doc.74-26106 Filed 11-6-74; 8:45 am]

[N-6986, etc.]

NEVADA

Order Opening Public Lands; Correction

In FR Doc. 74-22952 appearing on page 35690 of the issue for Thursday, October 3, 1974, the reconveyed land in sec. 36, T. 18 N., R. 19 E., is corrected to read as N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

WILLIAM J. MALENCIK,
Chief, Division of
Technical Services.

[FR Doc.74-26111 Filed 11-6-74; 8:45 am]

[NM 23615]

NEW MEXICO

Notice of Application

OCTOBER 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for a 4 $\frac{1}{2}$ -inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$.

This pipeline will convey natural gas across 0.431 mile of national resource land and 0.389 mile of national forest land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-26103 Filed 11-6-74;8:45 am]

[NM 23442]

NEW MEXICO
Notice of Application

OCTOBER 29, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4 $\frac{1}{2}$ -inch natural gas pipelines rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 3, Lot 3, 6, and 11.

These pipelines will convey natural gas across 0.506 mile of natural resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-26108 Filed 11-6-74;8:45 am]

NEW MEXICO GRAZING DISTRICT 3
ADVISORY BOARD
Notice of Meeting

Notice is hereby given that the Las Cruces District Grazing Advisory Board will hold a regular meeting December 11, 1974, beginning at 9 a.m. at the District Office located at 1705 North Valley Drive, Las Cruces, New Mexico.

The agenda for the meeting will include: Recommendations on all types of grazing applications, ranch transfers,

range improvement applications, organization of the Advisory Board, branding and licensing regulations, Automated Data Processing system, proposed projects, range condition report, term permits, Bureau Planning System progress on Caballo and Las Uvas Planning Units.

The meeting will be open to the public. Any interested person wishing to meet with the Advisory Board should inform the Advisory Board Chairman, c/o Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88001. Written statements may also be filed for consideration at the above address. Notice is given also, should a protest meeting be necessary pursuant to the Board's action on December 11, and the grazing regulations herein specified, that such protest meeting will be held at the same place and time of day on January 3, 1974.

W. K. BARKER,
District Manager.

OCTOBER 18, 1974.

[FR Doc.74-26105 Filed 11-6-74;8:45 am]

SAFFORD DISTRICT ADVISORY BOARD
Notice of Meeting

Notice is hereby given that the Safford District Advisory Board will hold a special meeting at 9 a.m. on December 17, 1974, at the Safford District Office, 1707 Thatcher Blvd., Safford, Arizona.

The agenda will include recommendations on grazing applications for the 1975-76 grazing season. Discussion of the Range Management Automated System and Project Work Schedule for Soil and Watershed and Range Improvements.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the board for its consideration. They should be sent to the Chairman, District Advisory Board, c/o District Manager, Bureau of Land Management, 1707 Thatcher Boulevard, Safford, Arizona 85546.

Dated: October 30, 1974.

WILLIAM S. EARP,
District Manager.

[FR Doc.74-26110 Filed 11-6-74;8:45 am]

SOCORRO DISTRICT ADVISORY BOARD
Notice of Meeting

OCTOBER 29, 1974.

Notice is hereby given that the Socorro District Advisory Board will hold meetings on November 26, 1974, and December 17, 1974, at 9 a.m. in the Conference Room of the Socorro District Office, 200 Neel Avenue, Socorro, New Mexico.

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; transfer

of grazing privileges, District Boundary modifications; and a progress report on district programs.

The agenda for the second meeting will include hearing protests on adverse Advisory Board recommendations and a review of proposed work projects for FY 1976, and a review of work being done in FY 1975.

The meetings will be open to the public. Any interested person wishing to meet with the Board should inform the Advisory Board Chairman, William M. Seis prior to meeting. Written statements should be addressed to the Advisory Board Chairman, Mr. William M. Seis, c/o District Manager, Bureau of Land Management, P.O. Box 1456, Socorro, New Mexico 87801.

ARLEN P. KENNEDY,
District Manager.

OCTOBER 29, 1974.

[FR Doc.74-26104 Filed 11-6-74;8:45 am]

SALT LAKE DISTRICT U-1 & U-2
GRAZING BOARDS
Notice of Meeting

OCTOBER 30, 1974.

Notice is hereby given that the Grazing Boards of Districts U-1 and U-2 of the Salt Lake District will hold a joint formal meeting on November 26, 1974. The formal meeting will convene November 26, at 9 a.m. at the Ramada Inn, 1000 South State Street, Salt Lake City, Utah. This meeting will be on a combined basis except for those matters of concern to a single Board, at which time the Boards will hold concurrent sessions. The agenda for the meeting will include Advisory Board recommendations on winter grazing applications and §4115.2-2(b) transfers. The Boards will also consider any protests to the Board that resulted from Boards action at the September 20, 1974 meeting held in Wendover, Nevada.

The meeting will be open to the public. Time will be available for limited comments by members of the public. Those wishing to make an oral statement should inform the Chairman of either Board prior to the meeting of the Board. Any interested person may file a written statement with the joint Boards for their consideration. The Advisory Board Chairman for U-1 is Norman Weston, and for the U-2 Board it is C. Garnett Player. Written statements may be submitted at the meeting or mailed to either Mr. Weston or Mr. Player c/o District Manager, Bureau of Land Management, 1745 West 1700 South, Rm. 214, Salt Lake City, Utah 84104. Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Salt Lake District Office, (801) 524-5348. Minutes of the meeting will be available for public inspection thirty days after the meeting at the District Office, 1745 West 1700 South, Salt Lake City, Utah 84104.

GERALD E. HILLIER,
District Manager.

[FR Doc.74-26112 Filed 11-6-74;8:45 am]

Office of the Secretary

[Int FES 74-47]

PROPOSED ELLIS UNIT, SMOKY HILL DIVISION, KANSAS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Ellis Unit, Smoky Hill Division—Pick-Sloan Missouri Basin Program, Kansas.

The environmental statement concerns proposed construction of Round Mound Dam and Reservoir for purposes of furnishing municipal and industrial water to the City of Hays, Kansas; storing and regulating flood flows in Big Creek; and providing water quality control, recreation, and fish and wildlife conservation for the counties of Trego, Ellis, and Russell.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology

Room 7626, Bureau of Reclamation, Department of the Interior
Washington, D.C. 20240
Telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch

Engineering & Research Center, Denver Federal Center
Denver, Colorado 80225
Telephone (303) 234-3017

Office of the Regional Director, Bureau of Reclamation

Building 20, Denver Federal Center
Denver, Colorado 80225
Telephone (303) 234-4441

Project Manager, Kansas River Projects
Bureau of Reclamation
P.O. Box 737
McCook, Nebraska 69001

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

Dated: August 15, 1974.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc. 74-26071 Filed 11-6-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL TOBACCO ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the National Tobacco Advisory Committee on November 19, 1974, in Room 218-A of the Administration Building, United States Department of Agriculture, Washington, D.C. at 1 p.m., e.s.t. The meeting will continue at 9 a.m., on

November 20 in Room 6962 South Building, United States Department of Agriculture.

The purpose of the meeting is to discuss the supply and demand outlook for the several kinds of tobacco and program policies and recommendations for the 1975-76 marketing year. The committee sessions will be open to the public.

The names of committee members, summary of the meeting, and other information pertaining to the meeting may be obtained from William L. Lanier, Director, Tobacco and Peanut Division, ASCS, Room 6741 South Building, Washington, D.C., Telephone: 202-447-5988.

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

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-26155 Filed 11-6-74; 8:45 am]

Farmers Home Administration

[Designation No. AO85]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Missouri:

Barry	Stone
Cedar	Taney
Dade	Webster
Laclede	Wright

The Secretary has found that this need exists as a result of natural disasters consisting of excessive rainfall between March 1 and June 10, 1974; drought between June 10 and August 15, 1974; and freeze March 23-24, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 27, 1974, for physical losses and July 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 31st day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 74-26063 Filed 11-6-74; 8:45 am]

Forest Service

PETIT JEAN UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Petit Jean Unit Plan, Ouachita National Forest, USDA-FS-R8-DES (Adm.)—75-9.

This environmental statement concerns the proposed management, administration and utilization of the forest resources of the Petit Jean Unit, Ouachita National Forest, from July 1, 1975 to June 30, 1985. The 140,187 acre Petit Jean Unit is in Logan, Scott and Yell Counties, Arkansas.

Actions involved are the management of human resources, environmental protection, natural resource management, and protection and administration of the Petit Jean Unit. Major actions are regenerating commercial timber stands on approximately 16,200 acres, thinning timber on approximately 39,640 acres, increasing wildlife habitat, providing minimum needs for expected recreation users, managing the range resource, and constructing 102 miles of road by timber purchasers.

This draft environmental statement was filed with CEQ October 23, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg. Rm. 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
District Ranger
Cold Springs Ranger District
Booneville, Arkansas 72927

USDA, Forest Service
1720 Peachtree Rd., NW, Rm. 804
Atlanta, GA 30309

USDA, Forest Service
District Ranger
Fourche Ranger District
Hwy. 10 East
Danville, Arkansas 72833

A limited number of single copies are available upon request to Forest Supervisor Alvis Z. Owen, Ouachita National Forest, P.O. Box 1270, Hot Springs, Arkansas 71901.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest

Supervisor Alvis Owen, Ouachita National Forest, P.O. Box 1270, Hot Springs, Arkansas 71901. Comments must be received by December 23, 1974 in order to be considered in the preparation of the final environmental statement.

F. LEROY BOND,
Regional Forester.

OCTOBER 23, 1974.

[FR Doc.74-26095 Filed 11-6-74; 8:45 am]

PINEY RIVER UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Piney River Unit Plan, George Washington National Forest, USDA-FS-R8-DES (ADM.)—75-10.

This environmental statement concerns the proposed 10-year plan for the Piney River Unit on the Pedlar Ranger District, George Washington National Forest. The Unit contains 27,456 acres of National Forest land in Nelson and Amherst Counties, Virginia.

Management direction includes projects and actions for soils, watershed, recreation, wildlife, fisheries, timber, Crabtree Falls and Crabtree Meadows, minerals, scenery, fire, lands, transportation, Appalachian National Scenic Trail, public information and special uses.

This draft environmental statement was filed with CEQ October 31, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, DC 20250
USDA, Forest Service
1720 Peachtree Rd., NW, Rm. 804
Atlanta, GA 30309
USDA, Forest Service
District Ranger
Pedlar Ranger District
Buena Vista, VA 24416

A limited number of single copies are available upon request to Forest Supervisor George M. Smith, George Washington National Forest, Federal Building, Harrisonburg, VA 22801.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest

Supervisor George M. Smith, George Washington National Forest, Federal Building, Harrisonburg, VA 22801. Comments must be received by December 30, 1974 in order to be considered in the preparation of the final environmental statement.

Dated: October 31, 1974.

F. LEROY BOND,
Regional Forester.

[FR Doc.74-26096 Filed 11-6-74; 8:45 am]

Soil Conservation Service

NEW JERUSALEM WATERSHED PROJECT

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 the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the New Jerusalem Watershed project in southwestern San Joaquin County, California.

The environmental assessment of this Federal action indicates that the remaining, uncontracted portion of the project known as South Unit B 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. George H. Stone, State Conservationist, Soil Conservation Service, USDA, P.O. Box 1019, Davis, California 95616, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and agricultural drainage. The planned works of improvement include conservation land treatment supplemented by installation of 5.7 miles of drainage collector pipelines in South Unit B.

The environmental assessment file is available for inspection during regular working hours at Soil Conservation Service Offices at:

1313 W. Robinhood Drive, Suite 8, Stockton, CA 95207,
2828 Chiles Road, Davis, CA 95616

and at the New Jerusalem Drainage District office at:

1011 Parker Avenue, Tracy, CA 95376

No administrative action on implementation of the uncontracted project work will be taken until November 22, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources Soil Conservation
Service.

OCTOBER 29, 1974.

[FR Doc.74-26094 Filed 11-6-74; 8:45 am]

OKFUSKEE TRIBUTARIES WATERSHED 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 the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for 29 single purpose floodwater retarding structures and the remaining land treatment measures in the Okfuskee Tributaries Watershed Project, Creek, Okfuskee, and Okmulgee Counties, Oklahoma.

The environmental assessment of this Federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. 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 action.

The project concerns a plan for watershed protection, flood prevention, irrigation, municipal water supply, and recreation. The planned works of improvement include conservation land treatment, two multiple-purpose structures, 33 single purpose floodwater retarding structures, and 14 miles of channel work. The two multiple-purpose structures and four of the single-purpose floodwater retarding structures have been built. This negative declaration covers only the remaining 29 single-purpose floodwater retarding structures and the remaining conservation land treatment measures.

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

No administrative action on implementation of the proposal will be taken until November 22, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

OCTOBER 31, 1974.

[FR Doc.74-26008 Filed 11-6-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

(File No. 26(71)-23]

COMPAGNIE GABONAISE D'AFFRETEMENT

Order Temporarily Denying Export Privileges

In the matter of Compagnie Gabonaise d'Affrètement, Aérien B.P. 484 (Affrètement), Libreville, Republic of Gabon, Respondent.

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, pursuant to § 388.11 of the Export Administration Regulations, has applied to the Hearing Commissioner for an order against the above respondent temporarily denying all United States export privileges. The Hearing Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with a recommendation that the application be granted and that a temporary denial order be issued for sixty days.

On the evidence presented there is reasonable basis to believe the following: In October 1972, Export License No. 016075 was issued authorizing the sale and export of U.S.-origin Douglas DC8-55F "Jet Trader" aircraft, Serial Number 45821 to the Company Gabonaise d'Affrètement Aérien, (Affrètement) Libreville, Republic of Gabon. Prior to the issuance of the export license written assurances were received from the General Manager of Affrètement to the effect that the aircraft would not be utilized in any traffic with Southern Rhodesia or in any action contrary to United Nations sanctions against that territory. In the sixth report of the Security Council Committee Established in Pursuance of Resolution 253 (1968) Concerning the Question of Southern Rhodesia dated January 9, 1974, from pages 96 to 128, there is cataloged and documented a series of activities which support the conclusion that the aircraft was being used regularly in Rhodesian trade despite the assurances to the contrary and is continuously involved in transactions clearly violative of both UN sanctions against Southern Rhodesia and the export regulations of the United States.

The investigation relating to respondent's participation in the above transactions is continuing. I find that it is reasonably necessary to protect the public interest and until final disposition of the investigation to issue an order against respondents denying all US export privileges for a period of sixty days.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors, assigns, representatives, agents, and employees hereby are denied all privileges

of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall become effective forthwith and shall remain in effect for a period of 60 days unless it is hereafter extended, modified, or vacated in accordance with the provisions of the United States Export Administration Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data

exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner, Washington, D.C., at the earliest convenient date. This order shall become effective immediately.

Dated: October 21, 1974.

RAUER H. MEYER,

Director,

Office of Export Administration.

[FR Doc. 74-26069 Filed 11-6-74; 8:45 am]

[Case No. 423]

D. K. CHAN

Order Conditionally Restoring Export Privileges

In the matter of D. K. Chan, 96, Pokfulam Road, B2, 11th Floor, Hong Kong, Respondent.

By order effective July 27, 1971 (36 FR 14408), the above named respondent D. K. Chan of Hong Kong was denied U.S. export privileges for a period of five years. The order included a provision to the effect that three years after the date thereof the above respondent might apply for modification of the denial order. Respondent by letters dated July 25, 1974 and September 19, 1974, has filed such application. The application was referred to the Hearing Commissioner and considered by him. He has reported that it appears from said respondent's representations and otherwise from information in possession of the Compliance Division, Office of Export Administration that conditional restoration of said respondent export privileges is consistent with the purpose of the Export Administration program. The Hearing Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondent and placing him on probation until July 27, 1976.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of D. K. Chan's export privileges and placing him on probation until July 27, 1976 is consistent with the purposes of the U.S. Export Administration Act of 1969 as amended and regulations thereunder.

Accordingly, it is hereby ordered:

That the export privileges of D. K. Chan are hereby restored conditionally and the said respondent is placed on probation until July 27, 1976.

The conditions of probation are that said respondents: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 as amended and regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Administration, or a representative of the U.S. Government, acting on its behalf, promptly disclose fully the details of his participation in any and all transactions involving U.S. origin commodities or technical data including information as to the disposition or intended disposition of such commodities or technical data and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondent shall promptly disclose the names and addresses of his partners, agents, represents, employees, and other persons associated with him in trade or commerce.

Upon finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by him, that said respondent has failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny to him all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of East-West Trade from taking further action for any violation as may be warranted.

This order shall become effective October 23, 1974 and supersedes the denial order against the respondent effective July 27, 1971 (36 FR 14408) insofar as the latter is inconsistent with the terms of this order.

Dated: October 23, 1974.

RAUER H. MEYER,
Director, Office of
Export Administration.

[FR Doc. 74-26070 Filed 11-6-74; 8:45 am]

Foreign-Trade Zones Board
[Order No. 102]

**KANSAS CITY INTERNATIONAL AIRPORT,
KANSAS CITY, MISSOURI**

**Approval For Establishment of Foreign-
Trade Zone Site**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zones No. 15 and No. 17, has applied to the Board for authority to establish, operate, and maintain an additional zone site adjacent to the Kansas City International Airport, Kansas City, Missouri;

Whereas, the application was accepted for filing on May 14, 1974, and notice

inviting public comments was given in the FEDERAL REGISTER on May 20, 1974 (39 FR 17797);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the additional zone site would provide needed special Customs services for air freight related activities at the new Kansas City International Airport; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the grantee is authorized to establish, operate and maintain an additional zone site adjacent to the Kansas City International Airport, Kansas City, Missouri, in conformity with the application filed May 14, 1974. The new site shall be considered Site 3 under the grant for Zone No. 15, issued March 23, 1973. The authority given in this order is subject to local approval of the District Director of Customs and the District Army Engineer regarding compliance with their requirements relating to foreign-trade zones. The grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the new site.

Signed at Washington, D.C. this 25th day of October 1974.

[SEAL] FREDERICK B. DENT,
Secretary of Commerce, Chair-
man and Executive Officer,
Foreign-Trade Zones Board.

ATTEST:
JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc. 74-26068 Filed 11-6-74; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration
[FAP 3B2881]

EMERY INDUSTRIES, INC.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued.

In accordance with § 121.52, *Withdrawal of petitions without prejudice*, of the procedural food additive regulations (21 CFR 121.52), Emery Industries, Inc., 4900 Este Ave., Cincinnati, OH 45232, has withdrawn its petition (FAP 3B2881), notice of which was published in the FEDERAL REGISTER of March 30, 1973 (38 FR 8291), proposing that § 121.2562, *Rubber articles intended for repeated use* (21 CFR 121.2562), be amended to provide for safe use of di(2-ethylhexyl) azelate as a plasticizer in

rubber articles intended for repeated use in contact with food.

Dated: October 31, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 74-26047 Filed 11-6-75; 8:45 am]

[FAP 3B2862]

SHERWIN WILLIAMS CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 3B2862) has been filed by The Sherwin Williams Co., 10909 Cottage Grove Ave., Chicago, IL 60628, proposing that § 121.2514, *Resinous and polymeric coatings* (21 CFR 121.2514), be amended to provide for safe use of trimellitic anhydride as a crosslinking agent for epoxy resins utilized as components of coatings intended to contact foods.

Dated: October 31, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 74-26048 Filed 11-6-74; 8:45 am]

**SUBMISSION OF SUPPLEMENTAL
APPLICATIONS**

**Holders of Approved New Drug
Applications**

Section 314.8 of Title 21 of the Code of Federal Regulations provides that, after a new drug application (NDA) has been approved, the holder of the approved NDA shall submit a supplemental application for any changes beyond the variations provided for in the application including, but not limited to, changes in product formulation, labeling revisions, and revisions in manufacturing or control procedures. Some of these changes require prior approval by the Food and Drug Administration before implementation, while others may be placed into effect without the approval of the supplemental application after it is submitted to the Food and Drug Administration.

The Food and Drug Administration has received a number of abbreviated new drug applications (ANDAs) from manufacturers who are holders of approved NDA's for these same drug products; whereas, such holders should have submitted supplemental applications pursuant to the provisions of § 314.8. Further, any approval of such ANDA's would create the confusing aspect of applicants holding two approved applications for the same drug product, namely an approved NDA and an approved ANDA.

Therefore, the Commissioner of Food and Drugs hereby notifies all holders of approved NDA's that the Food and Drug Administration will not process an ANDA for changes in labeling, formulation, manufacturing or control procedures, or any other changes provided for

in § 314.8, if the applicant holds an approved NDA for the drug product. Any pending ANDA for a drug product already subject to an approved NDA and any such ANDA submitted after November 7, 1974, will be processed as a supplemental application to the approved NDA.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-26043 Filed 11-6-74;8:45 am]

TOPICAL FLUORIDE PREPARATIONS FOR REDUCING THE INCIDENCE OF DENTAL CARIES

Amendment to Notice of Status

The Commissioner of Food and Drugs announced in a notice published in the FEDERAL REGISTER of May 14, 1974 (39 FR 17245), as corrected in the FEDERAL REGISTER of June 26, 1974 (39 FR 23081), conclusions regarding the status of certain topical fluoride preparations for reducing the incidence of dental caries. This notice was based on the unanimous recommendations of the Dental Drug Products Advisory Committee.

At its meeting on August 21, 1974, this Committee recommended to the Commissioner an addendum to the notice to provide for directions for use and a warning statement on the labels of those preparations that are intended to be applied to the teeth as a rinse. The Committee recommended that the portion of the label that remains on the immediate container after dispensing to the patient contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished vigorously in the mouth for approximately 1 minute and the warning "DO NOT SWALLOW" be prominently displayed.

The Commissioner agrees with the recommendations of the Committee. Therefore, in FR Doc. 74-11076 appearing at page 17245 in the FEDERAL REGISTER of May 14, 1974, paragraph No. 5 in column 2 and paragraph Nos. 6 and 7 in column 3 are amended by adding a sentence at the end of each paragraph so that the paragraphs now read as follows:

5. Aqueous solutions of 0.2 percent sodium fluoride with a pH of approximately 7.0 are safe and effective in reducing the incidence of dental caries when applied to the teeth as a rinse once a week or once every 2 weeks. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product. That portion of the label that remains on the immediate container after dispensing to the patient shall contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished around vigorously in the mouth

for approximately 1 minute, and the warning "DO NOT SWALLOW," be prominently displayed.

6. Aqueous solutions of 0.05 percent sodium fluoride with a pH of approximately 7 are safe and effective in reducing the incidence of dental caries when applied once daily to the teeth as a rinse. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product. That portion of the label that remains on the immediate container after dispensing to the patient shall contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished around vigorously in the mouth for approximately 1 minute and the warning "DO NOT SWALLOW," be prominently displayed.

7. Aqueous solutions of acidulated phosphate sodium fluoride with a pH of approximately 4, that yield a fluoride ion concentration of approximately 0.02 percent, are safe and effective in reducing the incidence of dental caries when applied once daily to the teeth as a rinse. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product. That portion of the label that remains on the immediate container after dispensing to the patient shall contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished around vigorously in the mouth for approximately 1 minute, and the warning "DO NOT SWALLOW," be prominently displayed.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-26049 Filed 11-6-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act Pub. L. 92-463 that meetings of two committees of the National Advisory Council on Extension and Continuing Education will be held on November 21, 1974, in Room 509 of the Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C. The Committees will meet jointly beginning at 9 a.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President and to the Secretary of Health, Education and Welfare on the administration and effectiveness of all federally supported extension and con-

tinuing education programs, including community service programs.

The meetings of these committees will be open to the public, although meeting space will be limited. The agenda will be devoted (1) to a discussion of the Advisory Council's analysis of the Higher Education Act of 1965 and plans for implementation of its recommendations toward the Act's reauthorization, and (2) the formulation of a proposed policy statement regarding continuing education. All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street, NW., Washington, D.C.

Dated: November 1, 1974.

RICHARD F. MCCARTHY,
Associate Director.

[FR Doc.74-26121 Filed 11-6-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-74-298]

ADMINISTRATOR, NEW COMMUNITY ADMINISTRATION

Designation to Act During Absence or Vacancy

Otto G. Stolz, the Administrator, New Community Administration, is designated first assistant to the General Manager of the New Community Development Corporation and is authorized to exercise the authority of the General Manager during absence or vacancy in the latter position with all the powers, duties, and responsibilities of the General Manager.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); 5 U.S.C. 3349)

Effective date. This designation shall be effective October 31, 1974.

JAMES T. LYNN,
Secretary of Housing
and Urban Development.

[FR Doc.74-26077 Filed 11-6-74;8:45 am]

[Docket No. D-74-297]

NEW COMMUNITY DEVELOPMENT CORP.

Board of Directors, Appointment of Member

Pursuant to section 729(b)(3) of the Housing and Urban Development Act of 1970 (Pub. L. 91-609), there is hereby appointed as a member of the Board of Directors of the New Community Development Corporation, Otto G. Stolz, Administrator, New Community Administration, Department of Housing and Urban Development.

Dated: October 21, 1974.

JAMES T. LYNN,
Secretary of Housing and
Urban Development.

[FR Doc.74-26076 Filed 11-6-74;8:45 am]

[Docket No. D-74-296]

REGIONAL ADMINISTRATOR ET AL.
Redelegation of Authority Regarding
Property Disposition

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16106, October 14, 1970, as amended, is further amended by revising section C to read as follows:

Sec. C. Additional authority redelegated. Each Reconditioning/Contracting Specialist, Property Disposition program, in each Area and Insuring Office is designated a contracting officer and is authorized to exercise the authorities redelegated in paragraph 8 of section A. (Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This amendment to the redelegation of authority is effective November 7, 1974.

H. R. CRAWFORD,
Assistant Secretary for
Housing Management.

[FR Doc.74-26078 Filed 11-6-74;8:45 am]

[Docket No. D-74-300]

DIRECTOR, OFFICE OF LOAN
MANAGEMENT

Redelegation of Authority and Assignment
of Functions

The redelegation of authority and assignment of functions to the Director, Office of Loan Management et al., published at 35 FR 4019, March 3, 1970, as amended, is further amended as follows:

In section A, paragraph 4 is revoked. (Secretary's delegation of authority published at 36 FR 5005, March 16, 1971)

Effective date. This redelegation of authority is effective November 7, 1974.

H. R. CRAWFORD,
Assistant Secretary for
Housing Management.

[FR Doc.74-26079 Filed 11-6-74;8:45 am]

[Docket No. D-74-299]

DIRECTOR, OFFICE OF HOUSING
PROGRAMS, ET AL.

Redelegation of Authority

Section A. Authority redelegated. The Director and Deputy Director, Office of Housing Programs, each is authorized to service loans and grants for college housing under Title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749-1749c), except the power and authority specified in section B.

Sec. B. Authority excepted. There is excepted from the authority redelegated in section A the power to:

1. Sue and be sued.
2. Establish the rate of interest on Federal loans and advances.
3. Issue notes or other obligations for purchase by the Secretary of the Treasury.

4. Issue rules and regulations.
5. Exercise the power and authority under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).

(Secretary's delegation of authority published at 36 FR 5005, March 16, 1971)

Effective date. This redelegation of authority is effective as of December 9, 1973.

H. R. CRAWFORD,
Assistant Secretary for
Housing Management.

[FR Doc.74-26080 Filed 11-6-74;8:45 am]

DEPARTMENT OF
TRANSPORTATION

National Highway Traffic Safety
Administration

[Docket No. EX74-4; Notice 2]

AM GENERAL CORP.

Petition for Temporary Exemption From
Motor Vehicle Safety Standard

This notice grants the petition of AM General Corporation for a temporary exemption of 300 electric delivery vans from the defrosting system requirements of Motor Vehicle Safety Standard No. 103, for a period of 1 year, on the grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

On August 26, 1974, notice of AM General's petition was published in the FEDERAL REGISTER (39 FR 30853). The company has contracted with the U.S. Postal Service to produce 350 electric delivery vans. According to contract specifications only 50 will be equipped with both a windshield defroster and defogger, while the remaining vehicles will have only a defogger. These latter 300 vehicles are intended for use in the Los Angeles region which petitioner argues "is not a winter-climate area," in which a defroster is needed.

The NHTSA in publishing the notice commented:

The petition presents an issue of first impression upon which public comment is invited. Heretofore petitions for exemption have been submitted by manufacturers unable to immediately comply. Under the contract in question, both conforming and non-conforming vehicles are to be produced. Thus there is no question that petitioner has the ability to manufacture a conforming vehicle. The issue is whether an exemption in this situation would facilitate the development or field evaluation of a low-emission motor vehicle as intended by Congress, and whether such an exemption is in the public interest and consistent with the objectives of the Traffic Safety Act.

In response to NHTSA's comments, AM General explained that in wishing to determine the feasibility of a low-emission vehicle, the Los Angeles region was chosen "because this is a high automotive exhaust pollutant area having high population density where usage of such a vehicle would contribute greatly to the public welfare and health." It notes that, were the vehicle equipped with a gasoline burning heating/defrosting system, this "would contribute to the overall air pollution and would detract from the

adaptability evaluation." Such systems would also add weight to a vehicle already penalized by use of an on-board charger resulting in a vehicle weight 1,100 pounds greater than a correspondingly sized gasoline-powered vehicle. Finally, the company believes that installation of heating/defrosting systems would be an unnecessary expense in a time of inflation.

The petition was supported by Sebring-Vanguard, Inc., a manufacturer of electric-powered vehicles, which reiterated AM General's concern on undue weight penalties. Sebring asked that particular attention be given AM General's request "because it is the first time a major auto manufacturer" has taken a positive step toward future production of electric vehicles. The Vehicle Equipment Safety Commission (VESC) also supported the petition although it was concerned that ultimate disposition of the vehicles might result in their transfer and use outside the Los Angeles area. To this point, AM General has replied that "Since these vehicles are a General Services Administration experimental procurement, close control and monitoring of these units throughout their useful service life is insured and will not be utilized outside of the Los Angeles area." No other comments were received.

Even though AM General has the ability to produce a vehicle that conforms with Standard No. 103, NHTSA has concluded that an exemption would facilitate the development and field evaluation of low-emission motor vehicles by providing comparative data between two sets of vehicles identical except for heating/defrosting systems. If the weight penalty of the 50 conforming vehicles proves costly by comparison with the 300 exempted ones, the company should be encouraged to develop a system that is more cost-effective. The AM General defrosting system for future non-exempted production might also eventually prove adaptable to other electric vehicles such as the Zagato Elcar and Sebring-Vanguard which have both received exemptions from Standard No. 103 because of their present inability to incorporate defrosting systems. While the NHTSA shares VESC's concern about operation outside the Los Angeles area, it is willing to accept AM General's assurances of GSA monitoring and control. Finally, it is impressed with Sebring-Vanguard's comment pointing out that AM General is the first American manufacturer of size to produce an electric vehicle, and should be encouraged in its project. For the above reasons the NHTSA has concluded that an exemption of approximately 1 year is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, AM General Corp. is granted NHTSA Exemption No. 74-4 for 300 electric delivery vans, exempting it from the requirement of paragraph S4.1 of 49 CFR § 571.103, Motor Vehicle Safety Standard No. 103, that a defrosting system be provided. The exemption is effective as of the date

of issuance and expires on November 1, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 USC 1410); delegation of authority at 49 CFR 1.51).

Issued on November 1, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc. 74-26056 Filed 11-6-74; 8:45 am]

ATOMIC ENERGY COMMISSION FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Proposed Second Memorandum of Understanding Regarding Implementation of Certain AEC/EPA Responsibilities

The Environmental Protection Agency (EPA) has regulatory authority pursuant to the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, (hereinafter "the FWPCA") over, among other things, discharges into the navigable waters of certain pollutants from nuclear power plants and other facilities or activities requiring an Atomic Energy Commission (AEC) license or permit which are subject to the requirements of 10 CFR Part 51. The AEC, pursuant to the National Environmental Policy Act of 1969 (NEPA), also has certain responsibilities and authority to consider and take action with respect to the environmental impact of the same discharge of pollutants.

Both the EPA and the AEC have recognized that the implementation of their respective authorities involve some similar factual questions and decisions regarding the impact of discharges of pollutants. Facilities must in many cases provide the same information to both EPA and the AEC with respect to the actual and future discharges.

In late 1973, the Chairman of the Council on Environmental Quality (CEQ) wrote to the Chairman of the Atomic Energy Commission (AEC) and the Administrator of the Environmental Protection Agency (EPA) suggesting steps that might be taken "to make the analysis of the water quality impact of nuclear power plants more effective and more meaningful and, at the same time, reduce the demands for data being placed upon applicants for licenses."

In summary, CEQ suggested that AEC and EPA: (1) Explore mechanisms available to AEC and EPA to assure that applicant's environmental reports to AEC contain sufficient data to satisfy EPA requirements on water quality matters; (2) consider the possibility of preparing a single impact statement to meet AEC's requirements under the National Environmental Policy Act (NEPA) and EPA's requirements under the Federal Water Pollution Control Act (FWPCA); and (3) consider the possibility of unified hearings. In response to CEQ's suggestions, AEC and EPA have developed the following proposed Second Memorandum

of Understanding regarding their respective responsibilities under NEPA and FWPCA:

In Summary, the proposed Memorandum:

1. Specifies the statutory authority of both agencies for entering into the Memorandum.

2. Defines those licensing and regulatory activities to which the Memorandum shall be applicable;

3. Specifies that AEC and EPA will work together to identify needed environmental information for early evaluations related to impact from the identified activities on water quality and biota;

4. Provides for EPA to exercise its best efforts to evaluate impacts on water quality and biota as far as possible in advance of the issuance of AEC's final environmental impact statement for any covered activity and specifies that EPA and AEC will maintain close working relationships during the entire environmental review process.

5. Specifies that EPA will undertake to develop regulations establishing a procedure for issuance to the applicant, where appropriate, of a "preliminary determination" as far as possible in advance of authorization by the AEC of any commencement of construction or issuance by AEC of a license, whichever is applicable, or early site approval.¹ Such "preliminary determinations" will specify the terms and conditions proposed for a section 402 discharge permit pursuant to sections 316 (a) and (b) of the FWPCA. The purpose of the "preliminary determination" is to assure to the extent possible that considerations regarding impacts on water quality and biota will not result in the need for significant changes in plant design or location subsequent to the completion of AEC's environmental review.

6. Specifies that EPA and AEC will consider the feasibility of holding combined or concurrent hearings on EPA's preliminary determinations and AEC's proposed issuance of construction permits or other activities where appropriate.

Notice is hereby given that the AEC and the EPA, with the concurrence of the CEQ, propose to enter into the following memorandum of understanding.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed Memorandum of Understanding should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by December 23, 1974.

Copies of all comments received may be examined at the AEC's Public Document Room at 1717 H Street NW., Washington, D.C.

¹ Proposed legislation authorizing a method of early site approval is under consideration by the Congress.

Dated at Washington, D.C. this 1st day of November 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

PROPOSED SECOND MEMORANDUM OF UNDERSTANDING REGARDING IMPLEMENTATION OF CERTAIN AEC-EPA RESPONSIBILITIES

The Environmental Protection Agency (EPA) has regulatory authority pursuant to the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, (hereinafter "the FWPCA") over, among other things, discharges into the navigable waters of certain pollutants from nuclear power plants and other facilities or activities requiring an Atomic Energy Commission (AEC) license or permit which are subject to the requirements of 10 CFR Part 51. The AEC, pursuant to the National Environmental Policy Act of 1969 (NEPA), also has certain responsibilities and authority to consider and take action with respect to the environmental impact of the same discharges of pollutants. Requirements under the FWPCA which affect actions of the AEC include: (1) The requirement for a State certification under section 401 prior to the issuance of a license or permit to conduct any activity which may result in any discharges into navigable waters; (2) the need for a section 402 National Pollutant Discharge Elimination System (NPDES) permit, and the conditions to be incorporated therein; (3) the possibility that variances from section 301 or 306 thermal effluent limitations may be granted under section 316(a); and (4) the requirement under section 316(b) that the location, design, construction, and capacity of cooling water intake structures must reflect the best technology available for minimizing adverse environmental impact. Recognizing (1) the AEC and the applicant's need for early evaluation of impacts on water quality and biota that may arise from nuclear power plants, and certain other activities requiring an AEC license or permit which are subject to the requirements of 10 CFR § 51.5 (a); (2) the EPA and AEC's desire to reach such evaluations consistent with the AEC's environmental review; and (3) the need for minimizing duplication of effort on the part of EPA, AEC, and the applicants, EPA and AEC agree that, pursuant to their respective statutory authorities:

1. This Memorandum of Understanding shall apply only to requirements for the control of impacts of heat, entertainment, and impingement on water quality and biota associated with the licensing and regulation, including early site approval¹ of the following facilities:

- Nuclear power and test reactors,
- nuclear fuel reprocessing plants,
- uranium isotope enrichment facilities,
- nuclear fuel fabrication facilities,
- uranium hexafluoride conversion facilities,
- uranium milling facilities, and
- nuclear waste treatment and storage facilities, as appropriate.

2. AEC and EPA will work together to identify the environmental information needed for early evaluations related to impact on water quality and biota under the FWPCA. The objective is that the scope and form of the information to be submitted by the applicant satisfies the needs of both agencies.

¹ Proposed legislation authorizing a method of early site approval is under consideration by the Congress.

This will include information needed for the issuance of State water quality certifications pursuant to section 401 and NPDES permits pursuant to section 402, including section 316(b) considerations regarding best available technology as applied to cooling water intake structures and section 316(a) determinations regarding the granting of alternative effluent limitations for the thermal component of discharges.

3. AEC will take the lead in communicating with the applicant relative to the requirements for information for the AEC and EPA to facilitate their respective environmental evaluations. Requests for additional information, as needed in specific situations, may be directed to the applicant by EPA. Such requests will be coordinated with the AEC to the maximum extent practicable in order to avoid duplication of effort.

4. EPA and AEC will meet, as appropriate, at an early time in the environmental review process for each facility specified in section 1 of this memorandum to discuss potential impacts on water quality and biota.

5. EPA will exercise its best efforts to evaluate impacts on water quality and biota pursuant to sections 402 and 316(a), as appropriate, and complete cooling water intake structure evaluations pursuant to section 316(b) as far as possible in advance of the issuance of the final environmental impact statement prepared for the issuance of a construction permit or operating license for each nuclear power reactor. EPA also will exercise its best efforts to evaluate such impacts as far as possible in advance of the issuance of the final environmental impact statement for any other facility specified in section 1 of this Memorandum, or for early site approvals associated with nuclear power reactors or other facilities. Further, where possible, EPA's comments on AEC's draft environmental impact statement for each such facility will reflect such evaluations. EPA will undertake to develop regulations that will establish a procedure for issuance to the applicant (copy to AEC), where appropriate, of "preliminary determinations" as soon as possible prior to the authorization by the AEC of any commencement of construction* or issuance by AEC of a license, whichever is applicable, or early site approval, specifying the terms and conditions proposed for a section 402 discharge permit pursuant to sections 316 (a) and (b). The regulations will provide an opportunity for public hearings on the preliminary determinations and provide that such determinations may be revised at the time of issuance of the final NPDES permit for good cause, including changed conditions. The "preliminary determination" is intended to assure, to the extent possible, that considerations regarding impacts on water quality and biota will not result in the need for significant changes in plant design or location subsequent to the completion of AEC's environmental review.

6. Where appropriate, EPA will work closely with AEC in connection with AEC's efforts with state and regional authorities to assure that water quality certifications pursuant to section 401 for the facilities specified in section 1 that require such certification are issued in advance of the issuance of AEC staff's final environmental impact statement for the facility.

7. EPA and AEC will maintain close contact on water quality and related matters during the entire environmental review, including such things as: (1) Open interagency communications, and mutual cooperation and coordination on all relevant water quality mat-

ters; (2) a status meeting, where appropriate, after completion of the public comment period on AEC staff's draft environmental impact statement and prior to AEC's issuance of the final environmental impact statement; and (3) notification to the other agency, by the agency first becoming aware of the situation, at any point during the environmental review or subsequent thereto, of any unusual circumstances that develop, e.g., a major change in plant design or the identification of significant considerations regarding impacts on water quality or biota that were not previously evaluated.

8. EPA and AEC will consider the feasibility of holding combined or concurrent hearings on EPA's preliminary determinations and AEC's construction permit, or other actions where appropriate. If there are areas involving impact on water quality or biota where there are differences of opinion between AEC and EPA, every reasonable attempt will be made to identify and resolve these differences prior to the issuance of the AEC's final environmental statement.

9. The principal AEC contact under this Memorandum of Understanding shall be the Assistant Director for Environmental Projects. The principal EPA contact under this Memorandum of Understanding shall be the Deputy Assistant Administrator for Water Enforcement.

10. Nothing in this Memorandum of Understanding is intended to restrict the statutory authority of either agency or to contravene the terms of the following existing Memoranda of Understanding between AEC and EPA:

a. Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities Under the FWPCA and dated January 15, 19 and 22, 1973 (38 FR 2713);

b. Memorandum of Understanding regarding AEC-Licensed Facilities and dated August 21 and 27, 1973 (38 FR 24936); and

c. Memorandum of Understanding regarding AEC Facilities and dated April 10, 1973 (38 FR 32965).

11. This Memorandum of Understanding shall take effect upon the signing by authorized representatives of the respective agencies and approval by the Council on Environmental Quality and shall be applicable to applications docketed by the AEC on or after January 1, 1975, for regulatory actions relating to facilities described in section 1. Where practicable, this Memorandum will be applied to applications for such actions docketed by the AEC prior to January 1, 1975.

For the United States Atomic Energy Commission:

L. MANNING MUNTZING,
Director of Regulation.

For the United States Environmental Protection Agency:

ALAN G. KIRK,
Assistant Administrator for
Enforcement and General Counsel.

Approved by the Council on Environmental Quality for the Council:

GARY WIDMAN,
General Counsel.

[FR Doc.74-26041 Filed 11-6-74; 8:45 am]

[Docket No. PRM-20-5; 50-155]

WEST MICHIGAN ENVIRONMENTAL ACTION COUNCIL, INC.

Extension of Comment Period

On August 27, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 30965) a notice

that a petition for rule making had been filed with the Commission by the West Michigan Environmental Action Council (WMEAC).

The petitioner requested the Commission to award technical and financial assistance to WMEAC in the form of an award of substantial attorneys' fees and expert witness fees, together with the other costs of proceedings, including any appeals, in the following matters:

a. In the matter of radiation protection standards as they apply to hot particles, Docket No. PRM-20-5.

b. In the matter of Consumers Power Company (Big Rock Point Nuclear Plant) Docket No. 50-155.

c. In the matter of generic environmental impact statement proceedings relating to recycle of plutonium in light water cooled nuclear power reactors, 39 FR 5356 (FR Doc. 74-3433).

Interested persons were invited to submit comments on the petition by October 29, 1974. By letter of October 24, 1974, the Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, has requested that the comment period be extended for 30 days.

The request for an extension of time is granted, and the comment period on the WMEAC petition is hereby extended to November 28, 1974.

Dated at Washington, D.C., this 1st day of November, 1974.

For the Atomic Energy Commission.

GORDON L. GRANT,
Assistant Secretary
of the Commission.

[FR Doc.74-26042 Filed 11-6-74; 8:45 am]

[Docket Nos. 50-285]

OMAHA PUBLIC POWER DISTRICT

Request for Exemption from Requirements Concerning Emergency Core Cooling System Performance

On December 28, 1973, the Atomic Energy Commission promulgated new emergency core cooling system (ECCS) performance requirements, incorporated in 10 CFR Part 50 and Appendix K thereto. Compliance with these new criteria was required of certain licensees by August 5, 1974 unless either (1) an extension of time for submission of the required ECCS performance evaluation had been approved by the Director of Regulation pursuant to 10 CFR § 50.46(a) (2) (iii), or (2) an exemption from the operating requirement of 10 CFR § 50.46(a) (2) (iv) had been granted by the Commission.

Omaha Public Power District ("the District") was previously granted an extension of time, from August 5, 1974 to October 4, 1974, to submit the ECCS performance evaluation required for its Fort Calhoun station and to bring the reactor's operation into conformity with the requirements of 10 CFR § 50.46. On August 20, 1974, the District requested an exemption—until November 1, 1974, or "until a burn-up of 8,000 MWD/MTU has been achieved"—from any operating restrictions which may result from the

*The term "commencement of construction" means commencement of construction as defined in 10 CFR § 50.10(c).

ECCS performance evaluation. In a Memorandum and Order issued on October 1, 1974, the Commission declined to grant the requested exemption since it did not contain the required justification and, treating the "Exemption Request" as a request for additional time, allowed the District until November 1, 1974 to file an appropriate exemption request. The District filed, on October 4, 1974, the ECCS analysis and proposed technical specification changes as required by 10 CFR 50.46.

Notice is hereby given that the Commission has received from the District a "Request for Exemption" until December 2, 1974, from the requirement of 10 CFR 50.46(a)(2)(iv) that it operate its Fort Calhoun Station, Unit 1, in conformity with the ECCS evaluation and accompanying proposed technical specification changes. Specifically, the District requests an exemption from "the peak linear heat rate restrictions contained in the proposed technical specifications filed with the Commission on October 4, 1974." In support of its exemption request, the District states that Combustion Engineering, Inc. is performing "additional detailed analyses to determine the maximum heat rate at which all emergency core cooling acceptance criteria will be met." The District further states that the detailed analyses will be available on November 18, 1974 and that it will need a period of two weeks to "evaluate the results and propose a further revision of the facility's technical specifications." The request for exemption is accompanied by the supporting affidavits of Jack L. Wilkins, Group Manager, Engineering and Construction, of Omaha Public Power District, and F. M. Stern, Vice President, Projects, of the Power Systems Group of Combustion Engineering, Inc.

The Commission invites the submission of views and comments by interested persons concerning the action to be taken on the request for exemption. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than November 21, 1974. Pursuant to 10 CFR § 50.46(a)(2)(vi), the Director of Regulation shall submit his views on the request not later than November 26, 1974.

A copy of the request dated October 31, 1974, and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at Blair Public Library, 1665 Lincoln Street, Blair, Nebraska.

Dated at Washington, D.C., this 5th day of November, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-26269 Filed 11-6-74; 10:37 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-155; Dockets 27032, 27060;
Docket 24353]

AMERICAN AIRLINES, INC., ET AL. Mainland U.S.-Puerto Rico/Virgin Islands Fares

OCTOBER 31, 1974.

By tariff revisions¹ marked to become effective October 31, 1974, and November 1, 1974, American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American), propose to (1) cancel the expiration date of October 31, 1974, on present fares,² and (2) increase present fares eight percent effective November 1, 1974.³ The carriers have placed an expiration date of April 30, 1975, on the proposed eight percent increase.

In support of their proposals, the carriers allege inadequate earnings for the year ended June 30, 1974, and forecast only marginal earnings, or losses, in fiscal 1975 without the additional eight percent fare increase. American alleges a 6.4 percent rate of return on its investment (ROI) fiscal 1974, while Eastern and Pan American allege substantial losses and a negative ROI. With the proposed eight percent fare increase American and Eastern estimate earnings of 10.2 percent and 1.2 percent on their respective investments in fiscal 1975, and Pan American anticipates continued heavy losses. The latter, in fact, alleges that the aggregate revenue increase resulting from the two increases will fall short by \$2.5 million of recovering the increased fuel costs it has experienced since the July-November 1973 period when its fuel cost was relatively stable. The carriers contend a review of the most current data available shows that the 10 percent increase approved in April 1974 should now be incorporated into the basic fare level.

The Commonwealth of Puerto Rico (the Commonwealth) has filed complaints against the proposals of American and Eastern. With respect to American's justification, the Commonwealth alleges that the carrier has understated traffic growth, and that its forecast expenses are in part based upon anticipated and unsupported costs by the carrier's use of a cost inflation factor. It asserts that when these elements are adjusted, American's Puerto Rico/Virgin

Islands operations show a 14.4 percent return on investment without the proposed eight percent increase in fares.

With respect to Eastern's proposal, the Commonwealth alleges that the carrier's forecast traffic is unreasonably low; its projected load factor not high enough; and that projected fuel and labor costs are not based on current experience. The Commonwealth asserts that with the adjustments it believes necessary, Eastern should earn a \$5.5 million operating profit in fiscal 1975 at current fare levels.

In its answer, American claims that the use of a cost inflation factor is wholly consistent with Board action regarding domestic 48-state fare increases. With respect to traffic growth, it notes that for the period January through August 1974, its traffic growth in the New York-San Juan market was only 5.3 percent and that total San Juan-New York traffic for all carriers actually declined 3.4 percent during the same period.

In its answer to the complaint, Eastern alleges that even if the Commonwealth's adjustments to Eastern's forecast are accepted, it would earn only a 7.5 percent return on investment with the proposed eight percent fare increase for the year ending June 30, 1975. Eastern does not accept any of the adjustments proposed by the Commonwealth, alleging, inter alia that the adjustments involve erroneous assumptions or are not supported by current factual information.

Upon consideration of the tariffs, the complaints and answers thereto, and all other relevant matters, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation and hence the requests for suspension will be denied and the complaints dismissed.⁴

The proposal here before the Board is twofold—retention of the 10 percent increase granted earlier this year, and an eight percent increase to be superimposed thereon. With respect to the first proposal, there appears to be no question that the 10 percent increase is inadequate to meet the carriers' revenue need, and that they should not be required to revert to the pre-April 22, 1974 fare level. Overall, the three carriers experienced an operating loss of \$28.7 million for the year ended June 30, 1974, and this is forecast to increase to over \$37 million at present fare levels, which reflect not only the 10 percent increase but the \$2.20 fuel tax surcharge on San Juan departures which was permitted July 22, 1974.

Turning to the carrier's proposed overall increase of eight percent, we are unable to conclude that the Commonwealth has demonstrated that the resulting fare

¹ Revisions to Air Tariffs Corp., Inc., Agent, Tariff C.A.B. No. 53; American Airlines, Inc., Tariff C.A.B. No. 244; and Eastern Air Lines, Inc., Tariff C.A.B. No. 417.

² Present fares were permitted to become effective April 22, 1974, and represented a 10 percent increase over fares in effect prior to that date.

³ By Order 74-8-112 dated August 27, 1974, the Board rejected tariff filings of the three carriers requesting the same action as proposed herein on the grounds that the carriers had failed to provide current cost and traffic data.

⁴ As a result of Order 74-10-78 the question of fare levels in the market remains under investigation in the Mainland U.S.-Puerto Rico/Virgin Islands Fares Case, Docket 24353.

level would be unreasonable. Of the three carriers, only American could approach a 12 percent return on investment with the additional fare increase, and this would be possible only if based on acceptance of all the adjustments urged by the Commonwealth. One of the major adjustments it proposes is elimination of a cost escalation factor (amounting to approximately \$10 million in increased expenses) employed by American. We have carefully reviewed American's use of this factor and find it consistent with the technique used by the Board in permitting a five percent domestic fare increase effective December 1, 1973 (Order 73-11-93). Essentially, the adjustment has the effect of bringing forward to the effective date of the tariff proposal those unit-cost levels which were only partially reflected in the base year ended June 30, 1974. Moreover, even were the Board to disregard Pan American's atypical financial results in this market⁵ and accept the Commonwealth's revised profit and loss forecasts only for American and Eastern, the projected combined return on investment for the year ending June 30, 1975, would be only nine percent.⁶

The further procedural steps ordered in our decision in the Mainland U.S.-Puerto Rico/Virgin Islands Fares Case with respect to fare level, raise the question of whether the increase we are permitting to become effective is likely to result in an excessive fare level during the pendency of that aspect of the fares case. Given today's general economic climate, and the outlook for the near future, we believe the likelihood of fare overcharges between now and April 30, 1975, the date the eight percent increase is marked to expire, is extremely remote. Accordingly, we are satisfied that the increase is not unreasonable.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. The complaints in Dockets 27032 and 27060 are hereby dismissed; and

2. Copies of this order be served upon American Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26098 Filed 11-6-74; 8:45 am]

*Concurring opinions of members Minetti and West are filed as part of the original.

⁵Pan American projects a \$20.9 million operating loss for fiscal 1975 even with the proposed increases.

⁶The Commonwealth criticizes the traffic growth factor used by the carriers and urges instead an approximate 10 percent factor. While we agree that carrier's traffic growth forecast of 2.8 percent appears too conservative, we are unable to accept the Common-

[Docket 26494; Agreement C.A.B. 24623; R-1 through R-40]

TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to North and Mid-Atlantic Passenger Fares; Concurring and Dissenting Statement to Order 74-10-106

As published at 39 FR 38706, November 1, 1974, Order 74-10-106, approving Agreement C.A.B. 24623, R-1 through R-40, announced therein that a concurring and dissenting statement by Members Minetti and West would be issued at a later date. Attached is the above-mentioned statement.*

Dated at Washington, D.C., November 4, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26099 Filed 11-6-74; 8:45 am]

[Docket 23080-2; Order 74-11-16]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

NOVEMBER 4, 1974.

By Order 74-1-89, the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery charges to be effective from March 28, 1973, until the conclusion of the investigation in this docket.

American Airlines, Inc. (American), has filed a petition requesting the Board to amend the foregoing order so as to establish a minimum chargeable weight and pickup and delivery charges for the M-1 container. In support of this request, American states that the Postal Service has expressed an interest in utilizing the M-1 container after its introduction in the carrier's B-747 freighter service this fall and that it is therefore appropriate at this time to incorporate the new container type into the structure of temporary minimum weights and charges presently applicable to domestic containerized mail operations. The carrier also cites Orders 74-3-84¹ and 74-7-116,² in which similar relief was provided for the B and LD-10 type containers, respectively. Based on internal cubic capacity,³ American suggests that the M-1 be assigned a minimum chargeable weight of

wealth's growth rate, particularly in view of the fact that traffic in the New York-San Juan market (which accounts for over 60 percent of total mainland-Puerto Rico/Virgin Islands traffic) declined the first eight months of this year versus the same period last year.

*Filed as part of the original document.

¹March 19, 1974.

²July 26, 1974.

³572 pounds per cubic foot.

7500 pounds⁴ and charges of \$60 for its pickup and delivery.

The Postmaster General has filed an answer supporting the petition except for the proposed pickup and delivery charges, arguing that \$50 is the highest charge that could be regarded as fair and reasonable for pickup and delivery of M-1 containers.

The Board is persuaded to modify Order 74-1-89, to incorporate the M-1 container at the minimum chargeable weight now proposed by American. This action is consistent with our policy of providing temporary rates, minimum chargeable weights and pickup and delivery charges for each container used in domestic mail operations. For M-1 pickup and delivery, we propose to prescribe the \$50 charges proposed by the PMG, since American has provided no justification for establishing the higher \$60 charge it proposed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That: 1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix the temporary rates and charges specified herein pending the fixing of final rates and charges in this investigation by amending subparagraphs (e) and (g) of Ordering Paragraph 3 of Order 74-1-89, January 16, 1974, as follows:

(a) In subparagraph (e), insert "M-1" and "7500" in the columns headed "Container Type" and "Minimum Charge Weight" before the terms "A-1" and "5600" respectively;

(b) In subparagraph (g), insert "M-1" and "\$50" in the columns headed "Container Type" and "Charge" after the terms "LD-W" and "\$5," respectively;

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and, if there is any objection to the findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after date of service of this order;

⁴American had originally proposed a pivot weight of 9400 pounds, but by letter dated October 1, 1974 amended its petition so as to substitute the 7500-pound minimum reflected above.

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing the temporary rates and charges herein specified; and

4. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26229 Filed 11-6-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by non-career executive assignment in the excepted service the position of General Sales Manager, Export Marketing Service.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-26084 Filed 11-6-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Foreign Agricultural Affairs Administrator (General Sales Manager), Office of the Administrator, Foreign Agricultural Service.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-26085 Filed 11-6-74;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

NOTICE OF HEARINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward

Gambling, established under the authority of Pub. L. 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970, will meet on November 19 and 20 and December 3 and 4, 1974 at 9:30 a.m. in Room 301 of the Russell Senate Office Building, Washington, D.C.

The purpose of the hearing on November 19, 1974, is to receive further testimony from Directors of each of the State-operated lotteries regarding proposed changes to Federal legislation. On November 20, 1974, various witnesses will testify as to legislation proposed prescribing shipment of dogs interstate for purposes of wagering and fighting. On December 3, witnesses who object to change in Federal legislation affecting lotteries, will be received. On December 4, 1974, further testimony from Federal agencies regarding current positions on Federal legislative change as well as testimony about recent studies of the aspects of legalization of gambling will be received.

The meetings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or subcommittee.

(b) The Chairman of the Commission, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or subcommittee thereof, and shall notify such interested persons or person by Certified Mail of the decision.

(c) In the event such interested person or persons is allowed to present matters to the Commission or subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the hearings of which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made a part of the subject proceedings.

(e) Provided further that any such interested person or persons who feel aggrieved by or takes exception to any of the determinations made by the Chair-

man of the Commission shall have the opportunity to present in writing to each member of the Commission, the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74-26010 Filed 11-6-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. EU-D-73-101]

DOCKING AND STORAGE FACILITY, BUCKS CO., PENNSYLVANIA

Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (Article 4), notice is hereby given of the availability of the Draft environmental impact statement as of November 6, 1974 which discusses the potential impacts from a proposal by the Bristol Oil Corp. to construct docking and storage facilities and an oil pipeline at the confluence of Otter Creek and the Delaware River in Bristol Township, Pa. The Draft statement has been prepared by the Commission based upon an analysis of the Environmental Report submitted by the Bristol Oil Corporation.

The proposed action consists of docking facilities, dredging activities, 13 oil and chemical storage tanks, and a 10-inch buried oil pipeline. The docking facility will serve oil storage facilities capable of handling 6 million barrels of fuel oil per year and chemical storage facilities to handle 20 million gallons of methyl methacrylate, 10 million gallons of ethyl acrylate and 5 million gallons of butyl acrylate per year. Fifty percent of the fuel oil received will be transported via a buried pipeline to the existing Croydon Electric Generating Station (Philadelphia Electric Co.). The remaining fuel oil will serve home owners, private industry, and the existing Burlington Electric Generating Station (Public Service Electric & Gas Co.). The chemicals are entirely for the Rohm and Haas plant adjacent to the site.

The Draft and the applicant's Environmental Report and supplements may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, N.J., and in the library of the Water Resources Association of the Delaware

River Basin, 21 S. 12th St., Philadelphia. Limited copies of the statement and the application are available to persons or agencies upon request.

A public hearing will be held at the December 4 meeting of the Delaware River Basin Commission. Formal hearing notices will be sent specifying the date, time and place at least ten days prior to the hearing.

Comments on this statement may be submitted to the Commission by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than December 23, 1974.

W. BRINTON WHITALL,
Secretary.

OCTOBER 31, 1974.

[FR Doc. 74-26100 Filed 11-6-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180026A (FRL 291-1)]

DEPARTMENT OF AGRICULTURE

Receipt of Application for Specific Exemption To Control Oriental Fruit Fly

On September 23, 1974, the U.S. Department of Agriculture (hereafter referred to as the "Applicant") availed itself of a crisis exemption pursuant to the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973) for use of the pesticides diazinon, naled, and malathion to control the oriental fruit fly (*Dacus dorsalis* H.). Section 166.8 of 40 CFR Part 166 states that, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, the required certified report from the Applicant shall be accompanied by an application for a specific exemption.

In accordance with these regulations, the Applicant has submitted an application for a specific exemption in which the pesticides diazinon, naled, and malathion will be used to control the oriental fruit fly. The Applicant further requests that approval of this exemption include treatment to any area of the United States where the pest may be detected.

This notice does not indicate a decision by this Agency on the application. The application is available for review by interested parties in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: October 31, 1974.

JAMES L. AGEE,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc. 74-26014 Filed 11-6-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

Special Committee No. 67,
"Vessel Traffic Systems".
Notice of 10th Meeting.
Tuesday, November 19, 1974—9:30 a.m.
Conference Room 847,
1919 M Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of SC-67 Secretary.
3. Acceptance of SC-67 Summary Records.
4. Status report on U.S. Coast Guard VTS Issue Study.
5. Status reports on Work Assignments.
 - a. Operational Concepts.
 - b. Frequency Considerations.
 - c. Training Considerations.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

Captain B. E. Smith, Chairman, SC-67,
Gulf Oil Trading Company,
Philadelphia, Pa. 19101,
Phone: (215) 839-6111.
Special Committee No. 66,
"Receiver Standards for the Maritime Mobile Service".
Notice of 26th Meeting.
Wednesday, November 20, 1974—9 a.m. (All-day meeting).
Conference Room A 205,
1229-20th Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteurs.
3. Acceptance of SC-66 Summary Records.
4. Reports on Work Assignments.
5. Continued preparation of VHF antenna standard.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66,
ITT Mackay Marine,
441 U.S. Highway #1, Elizabeth, N.J. 07202,
Phone: (201) 527-0300.

Special Committee No. 68,
"Marine Radiotelephone Operator Education".
Notice of 2nd Meeting.
Wednesday, November 20, 1974—9:30 a.m.
Conference Room 847,
1919 M Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of Secretary.
3. Acceptance of SC-68 Summary Records.
4. Reports on Work Assignments.
5. Progress reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of additional Work Assignments.
8. Other business.
9. Review of Terms of Reference.
10. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68,
Raytheon Company,
141 Spring Street,
Lexington, Massachusetts 02173,
Phone: (617) 862-6600 (Ext. 414).
Executive Committee.

The next Executive Committee Meeting will be on Thursday, November 21, 1974, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
 - SC-66: "Receiver Standards for the Maritime Mobile Service".
 - SC-67: "Vessel Traffic Systems".
 - SC-68: "Marine Radiotelephone Operator Education".
5. Status Reports on Other Committees.
 - SC-65: "Ship Radar".
6. Reports of Standing Committees.
7. Status report on "Federal Advisory Committee Act" (PL 92-463; RTCM Paper 122-73/RE-250) as relating to RTCM.
8. Discussion on draft paper, "Special Committee Procedures and Reports".
9. Report on 1975 St. Louis Assembly Meeting.
10. Report of Budget Committee.
11. Summary Reports and Announcements.
12. New business.
13. Establishment of next meeting date.

HOWARD L. PETERSON,
Executive Secretary, RTCM.

Special Committee No. 65,
"Ship Radar".
Notice of 33rd Meeting.
Wednesday, December 4, 1974—1:30 p.m.
Conference Room 8210,
2025 M Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteurs.
3. Acceptance of SC-65 Summary Record.
4. Progress Report of Collision Avoidance Working Group.
5. Status Reports on other Working Groups and associated Activities.
6. Submission and Preliminary Consideration of Small Boat Radar Specifications.
7. Approval of submitted Paper; Marine Radar Transponder System.
8. Other business.
9. Establishment of next meeting date.
Collision Avoidance Working Group: The Collision Avoidance Working Group will hold

a meeting on Wednesday, December 4, beginning at 9:30 a.m., in Conference Room, 8210, 2025 M Street NW., Washington, D.C. Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632-7197.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.74-26072 Filed 11-6-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, November 25, 1974, at 9 a.m. at the Ramada Inn, 7301 Northwest Tiffany Springs Road, Kansas City, Missouri.

The Committee was established to advise the Administrator, Federal Energy Administration, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

- A. Old Business.
 1. Review of Amendments to Petroleum Allocation and Price Regulations.
 2. Problems Associated with Changes of Suppliers.
 3. Discussion of Class of Trade Allocation System.
 4. Discussion of Committee Reorganization.
- B. New Business.
 1. Discussion of Dealer's Margins.
 2. Review of Crude Price Equalization Program.
 3. Discussion of Compliance Problems.
 4. Review of Transition to Unleaded Gasoline.
 5. Remarks from the Floor (10 Minute Rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 31, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74-26032 Filed 11-6-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 74-49; Agreement No. T-3007]

NEW YORK SHIPPING ASSOCIATION/INTERNATIONAL LONGSHOREMEN'S ASSOCIATION AFL-CIO ASSESSMENT AGREEMENT

Order of Investigation and Hearing

On September 30, 1974, the New York Shipping Association (NYSA) and the International Longshoremen's Association, AFL-CIO (ILA) filed Agreement No. T-3007, a tonnage assessment agreement for the three year period commencing October 1, 1974, and requested that immediate conditional approval be granted effective October 1, 1974. The Commission took no action on the request for immediate conditional approval, and notice of the agreement's filing was published in the October 4, 1974 FEDERAL REGISTER, allowing ten days for comments. Protests and requests for hearing were filed by Daniels & Kennedy, Inc. (D & K), Wolfsburger Transport-Gessellschaft m.b.h. (Wobtrans), and Walleniusrederiana (Wallenius Line).

Agreement T-3007, Attachment B, to the NYSA-ILA Collective Bargaining Agreement, is intended to provide the funds for NYSA to meet its obligations for pension, welfare and clinics, guaranteed annual income, vacations, holidays and supplemental cash benefits incurred under the NYSA-ILA Collective Bargaining Agreement. In addition, T-3007 provides for the administrative support of NYSA. Under the Agreement, each vessel carrier is responsible for an assessment amount per ton on each ton of non-excepted cargo loaded or discharged in the Port of New York during the Agreement's term. Excepted cargo will be assessed on a man-hour basis. Excepted cargo includes all domestic cargo (excluding cargoes moving to or from Puerto Rico, Hawaii, Alaska, or any other port outside the continental limits of the United States), lumber handled at lumber terminals, and bulk cargo. Automobile, truck and bus cargoes (unboxed) will be assessed at 20 percent of the vehicles cubic measurement. Passenger vessels' total hourly excepted cargo rate for each man-hour paid will be \$2.50 per hour or such other rate as may be established by the NYSA-ILA contract board. Agreement T-3007, while similar to its predecessor Agreements T-2390 (Docket No. 69-57) and T-2804 (Docket No. 73-34), differs in that non-excepted cargo will be assessed on a straight tonnage

basis rather than the combination man-hour/tonnage basis.

D & K, a stevedore and trucker of newsprint imported by water through the Port of New York, protests Agreement T-3007 and asks for a hearing because, according to D & K, this Agreement, like its predecessors, unfairly burdens newsprint vis-a-vis other commodities for labor dislocations caused by recent introduction of innovative cargo handling techniques. D & K argues that its cargo handling methods have not changed for 30 years, and therefore, it is not responsible for the immense GAI obligations and other costs of modernization in the Port. Moreover, D & K submits, since assessments on non-excepted cargo under T-3007 are to be based, for the first time, on a straight tonnage rather than a combination man-hour tonnage formula, highly productive commodities such as newsprint will be burdened with an even greater share of the fringe benefit obligations than under the combination man-hour/tonnage formula that the Commission found to be unlawful in its treatment of newsprint in Docket No. 69-57.

Wobtrans, a carrier of automobiles, requests that the Commission investigate Agreement T-3007, because it imposes a burden on automobile cargo wholly unrelated to benefits received and raises the cost of loading and unloading such cargo disproportionately as compared to other cargo. Wobtrans also asserts that the assessment on automobiles is identical to that required by Agreement T-2390, which the Commission found to be unfair and discriminatory with respect to automobiles in Docket 69-57. Wallenius Lines, another carrier of automobiles, also argues that it would be improper for the Commission to approve without a hearing, an assessment formula which it struck down after a full hearing in Docket 69-57.

While the method of assessment under Agreement T-3007 is a departure as to non-excepted cargoes, the Agreement and issues it raises with respect to newsprint and automobile cargoes remain virtually identical to those raised by Agreements T-2390 and T-2804. However, as we noted in our decision with respect to Agreement T-2390, the Commission's ruling with respect to that earlier assessment agreement applied only to that particular case. See 15 F.M.C. at 282. We cannot assume, absent findings on a record, that conditions are the same now as they were with respect to Agreement T-2390, and cannot order an adjustment pending the outcome of such investigation to make the present assessment agreement conform to Agreement T-2390 as modified by the Commission after extensive hearings. On the other hand, for the Commission to order a hearing without making provisions for NYSA to meet its continuing obligations to the ILA, might result in NYSA's inability to perform its duties under its present collective bargaining agreement. The Commission is acutely aware of the possible repercussions of such non-approval and inability to perform which

the Commission believes would be adverse to the public interest and work to the detriment of the commerce of the United States. Therefore, the Commission believes it to be in the public interest to conditionally approve Agreement T-3007, subject to whatever adjustments as the ultimate decision in this proceeding demonstrates are required to render the assessment contained in the Agreement lawful under the Shipping Act.

Now therefore it is ordered, That Agreement T-3007 is hereby approved subject to any and all adjustments and conditions as shall be ordered by the Commission in its final disposition of this proceeding;

It is further ordered, That the Commission enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreement T-3007 as it relates to automobiles and newsprint, is unjustly discriminatory or unfair as between carriers, shippers, exporters, or ports, or operates to the detriment of the United States, or is contrary to the public interest or otherwise in violation of the Shipping Act and whether Agreement No. T-3007 should be modified or disapproved pursuant to section 15 of the Shipping Act, 1916;

It is further ordered, That in the event there is any modification of this Agreement, such modification shall be filed with the Commission and shall be made subject to this investigation under the standards of section 15, Shipping Act, 1916;

It is further ordered, That it be determined whether Agreement T-3007 gives any person, locality, or description of traffic any undue or unreasonable preference or advantage, or subjects any such person, locality or description of traffic to undue prejudice or disadvantage, or establishes any unjust and unreasonable regulations and practices in connection with receiving, handling, storing, or delivery of property, in violation of sections 16 and/or 17 of the Shipping Act, 1916;

It is further ordered, That New York Shipping Association and its members, be named as Respondents herein;

It is further ordered, That Daniels & Kennedy, Inc., Wolfsburger Transport Gesellschaft m.b.h., and Wallenius-Rederiana (Wallenius Line) be named Petitioners herein;

It is further ordered, That this proceeding be expedited and that a public hearing be held in this proceeding to commence on or before March 30, 1975, and that this matter be assigned for such hearing and Initial Decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It is further ordered, That a copy of this Order be forthwith served upon Respondents and Petitioners herein, and upon the Commission's Bureau of Hearing Counsel, and be published in the FEDERAL REGISTER; and that the Respondents, Petitioners and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That any person other than Respondents, Petitioners, and Hearing Counsel, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 C.F.R. § 502.72) of the Commission's Rules of Practice and Procedure.

Pursuant to these rules, absent good cause shown, parties must commence discovery procedures on or before December 9, 1974, and any intervenor desiring to utilize the discovery procedures prescribed by Subpart L thereof, must commence doing so no later than 15 days after his petition for leave to intervene has been granted. If the petition for leave to intervene is filed later than December 9, 1974 petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30-day period (46 CFR § 502.72(b)).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-26128 Filed 11-6-74; 8:45 am]

UNITED STATES GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 27, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Elkan Turk, Jr., Esquire
Burlingham, Underwood & Lord
25 Broadway
New York, New York 10004

Agreement No. 8682-13 is an application on behalf of the parties to the United States Gulf/Japan Cotton Pool (Agreement No. 8682, as amended) to suspend the requirement under Article 10 of the Agreement to effect a financial settlement between the parties resulting from the carriage of cotton during the 1974/1975 cotton pool season.

By Order of the Federal Maritime Commission.

Dated: November 4, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-26129 Filed 11-6-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-61 and PGA75-1]

ARKANSAS LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase

OCTOBER 31, 1974.

On September 12, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing revised tariff sheets¹ pursuant to its PGA clause to track increased purchased gas costs of \$94,367 resulting from rate increases filed by producer suppliers. The proposed effective date is November 1, 1974.

Notice of Arkla's filing was issued on October 2, 1974, with comments, protests, or petitions due on or before October 11, 1974. No such response was received.

Our review of the proposed 5.6 cents per Mcf PGA rate increase indicates that Arkla made gas purchases from two small producers at a rate in excess of the national rate established by Opinion No. 699. Specifically, the purchases were: (1) 496,495 Mcf @ 50.27 cents and (2) 37,277 Mcf @ 65.35 cents. We find rates is sufficient to affect the proposed rates is sufficient to affect the proposed rate. Therefore, the proposed rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept Arkla's proposed rate increase filing and suspend it for one day, until November 2, 1974, when it shall be permitted to take effect, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small producer rule-making, Order No. 428, 45 FPC 454 (1971), in order for the Commission to enunciate the standards it will apply in determining the justness and reasonableness of the prices for small producer purchases.² We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

With the exception of those costs pertaining to small producer purchases in excess of the national rate, we find that Arkla's claimed increased costs contained

¹ Third Revised Sheet No. 4 to FPC Gas Tariff, First Revised Volume No. 1.

² Federal Power Commission v. Texaco Inc., et al., Docket Nos. 74-1490 and 72-1491, Opinion issued June 10, 1974.

in the filing of September 12, 1974, are fully justified and, accordingly, should be permitted to take effect upon Arkla's filing of tariff sheets to be effective November 1, 1974, consistent with these findings.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the proposed increase submitted by Arkla on September 12, 1974, be accepted for filing, suspended for one day, and permitted to become effective November 2, 1974, subject to the terms and conditions of this order.

(2) The claimed increased costs other than those increased costs relating to that portion of the small independent producer purchases in excess of the national rate level established in Opinion No. 699 have been reviewed and are found to be just and reasonable.

The Commission orders: (A) Arkla's filing of September 12, 1974, is hereby accepted for filing, suspended for one day and permitted to become effective November 2, 1974, pending further Commission order in this docket.

(B) Within 15 days of the date of issuance of this order, Arkla may file, to become effective November 1, 1974, substitute tariff sheets reflecting that portion of Arkla's rate as filed on September 12, 1974, which reflects costs other than those costs associated with that portion of the small independent producer purchases in excess of the national rate level established in Opinion No. 699.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26059 Filed 11-6-74; 8:45 am]

[Docket No. RP74-90]

CONSOLIDATED GAS SUPPLY CORP.
Proposed Changes in FPC Gas Tariff

OCTOBER 30, 1974.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on October 16, 1974, tendered for filing Substitute Original Sheet No. 7-A, Substitute Twenty-Fifth Revised Sheet No. 8, Second Revised Sheet No. 52-A, Original Sheet No. 52-A.1 and Second Revised Sheet No. 52-D. These tariff sheets are proposed to become effective December 1, 1974, subject to refund, in accordance with the provisions of section 4 of the Natural Gas Act in lieu of the rates filed May 16, 1974, in Docket No. RP74-90 which were suspended until December 1, 1974. In the event that the Commission does not allow these sheets to become effective on December 1, 1974, Consolidated has also tendered Alternate Substitute Original Sheet No. 7-A and Alternate Substitute Twenty-Fifth Revised Sheet No. 8 which it proposes be made effective as of December 1, 1974.

Consolidated states that the purpose of Substitute Original Sheet No. 7-A and Substitute Twenty-Fifth Revised Sheet No. 8 is (1) to reflect all changes in Consolidated's pipeline purchased gas cost that have occurred as of November 1, 1974, but which could not be reflected in Consolidated's original filing made on May 16, 1974, and (2) to put into effect rates which apply the cost allocation principles adopted by the Commission in Opinion No. 703 issued August 28, 1974 in Consolidated Gas Supply Corporation, Docket No. RP71-77. Consolidated has submitted supplemental prepared testimony and exhibits which it states demonstrate the application and effect of Opinion No. 703 allocation principles to its rate filing in Docket No. RP74-90. Consolidated states that the alternate tariff sheets tendered herein reflect only the changes in Consolidated's pipeline purchased gas cost that have occurred as of November 1, 1974.

Consolidated requested a waiver of any of the Commission's rules and regulations as may be required to permit the proposed rates to become effective.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26052 Filed 11-6-74; 8:45 am]

[Dockets Nos. E-7562 & E-7655; FPC Project No. 176]

ESCONDIDO MUTUAL WATER CO.

Extension of Time

OCTOBER 30, 1974.

On October 21, 1974, the City of Escondido and the Escondido Mutual Water Company, joined by the Vista Irrigation District, filed a request to extend the time for comments to the Commission Staff's Draft Environmental Impact Statement in the above designated matter, noticed in the FEDERAL REGISTER of September 17, 1974. Staff Counsel has no objection to the motion, but the San Pasqual Band, The Native American Rights Fund, the California Indian Legal Service and the United States Department of Interior object to any extension.

Notice is hereby given that pursuant to § 2.81(b) of Title 18 of the Code of

Federal Regulation, a ten-day extension is granted to and including November 11, 1974.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26062 Filed 11-6-74; 8:45 am]

[Docket No. RP73-66]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Order Accepting for Filing and Permitting To Become Effective Original and Revised Tariff Sheets and PGA Rate Adjustment

OCTOBER 31, 1974.

On August 9, 1974, as supplemented on September 16, 1974, Inter-City Minnesota Pipelines, Ltd., (Inter-City), tendered for filing 12 original and revised sheets to its FPC Gas Tariff Original Volume No. 1.¹ Inter-City requests the sheets be made effective on July 5, 1974, the date of Commission approval of its basic tariff in this docket. The purpose of the filings is two-fold. First Inter-City proposes to adjust its charges to eliminate experienced monthly variations between its costs and revenues. Annual revenues will remain unchanged, however billings will be increased by approximately \$36,000 during the first 7 months of the applicable accounting period, and reduced by a corresponding amount during the succeeding two months. A review of the matter indicates that the proposed adjustment is reasonable, will not result in increased revenues to Inter-City, and will therefore have no rate of return effect. Accordingly the adjustment will be approved. Inter-City also proposes to amend its tariff to permit the recovery of costs associated with possible sales of overrun gas under Rate Schedule I-1. This amendment also appears reasonable, and should be approved.

The second part of Inter-City's filing involves a proposed amendment to its present tariff PGA provision in order to (1) revise the base cost of gas to conform to Inter-City's presently effective gas purchase contracts and (2) provide necessary accounting procedures applicable to gas first sold by Inter-City to ICG Transmission Limited, an affiliate, and repurchased by Inter-City for jurisdictional resale. The proposed PGA clause amendments appear reasonable and should be approved.

On August 26, 1974, Inter-City filed Second Revised Sheet No. 4 to its tariff, incorporating a proposed PGA rate increase under the tariff PGA clause of 26.89¢ per Mcf, to be effective November 1, 1974. The purpose of the above filing is to enable Inter-City to recover the equivalent increase in the cost of gas charged by ICG Transmission, Limited,

¹ Original Sheet Nos. 61-A, 61-B, and 61-C; First Revised Sheet Nos. 4, 57, 58, 59, 60, 61, 62, 63, and 98.

and in turn by its supplier, Trans Canada Pipe Lines Ltd., commencing on November 1, 1974. The proposed PGA rate adjustment appears reasonable and necessary under the circumstances shown, and should be approved.

Notices of Inter-City's filings which are the subject of this order were issued on October 22, 1974, providing for protests or petitions to intervene to be filed on or before October 30, 1974. No protests or petitions to intervene have been received in response to the notices.

The Commission orders: (A) The original and revised tariff sheets filed herein by Inter-City Minnesota Pipelines Ltd., Inc. on August 9, 1974, and as supplemented on September 16, 1974, are hereby accepted for filing, and the Commission's regulations are waived to permit the subject tariff sheets to become effective on July 5, 1974.

(B) Inter-City's proposed tariff sheet designated Second Revised Sheet No. 4, is hereby accepted for filing, and permitted to become effective on November 1, 1974.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26053 Filed 11-6-74; 8:45 am]

[Docket No. RP73-91]

**McCULLOCH INTERSTATE GAS CORP.
Filing of Tariff Sheet**

OCTOBER 30, 1974.

Take notice that on October 21, 1974, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing Third Revised Sheet No. 32 to its FPC Gas Tariff, Original Volume No. 1. McCulloch states that this sheet restates the Base Tariff Rate to 37.46¢ per Mcf and the currently effective tariff rate to 49.55¢ per Mcf in order to reflect the Commission's approval of McCulloch's settlement proposal in Docket No. RP73-103. According to McCulloch, the change in the base cost of gas contained in McCulloch's Statement of Rates from 37.46¢ per Mcf to 22.18¢ per Mcf is being filed in compliance with the request set forth in the Commission's letter of October 9, 1974, which accepted McCulloch's Second Revised Sheet No. 32 for filing effective October 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must

file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26061 Filed 11-6-74; 8:45 am]

[Docket Nos. RP73-102 and RP73-14
(PGA75-1)]

MICHIGAN-WISCONSIN PIPE LINE CO.

Order Accepting for Filing and Making Effective Subject to Refund, in Part, Proposed Change in Rates, and Prescribing Hearing Procedures

OCTOBER 31, 1974.

On September 13, 1974, Michigan-Wisconsin Pipe Line Company (Mich-Wis) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1.¹ These changes reflect increased gas costs of approximately \$56 million based primarily on increases resulting from the new national rate established by Opinion No. 699 (issued June 21, 1974, in Docket No. R-389-B) and a rate increase filed by TransCanada Pipeline Limited (TransCanada) with the Canadian National Energy Board (NEB) which is proposed to become effective as of November 1, 1974.² In addition, the filing reflects recovery of the \$2,095,076 balance contained in the deferred purchased gas cost account as well as a net decrease of \$7,433,108 in advance payment levels.

The proposed effective date of the filing is November 1, 1974. Notice was issued on September 25, 1974, with protests and petitions to intervene due on or before October 10, 1974. No protests or petitions were filed.

Our review of Mich-Wis' filing indicates that it is in conformance with Mich-Wis' Purchased Gas Adjustment (PGA) clause, its outstanding import authorization, and the advance payment tracking authority contained in Article IV of its Settlement Agreement in RP73-102 except as hereinafter noted.

Upon review we find that the two additional advance payments which Mich-Wis proposes to include in its rate base, one in the amount of \$95,933 to Ladd Petroleum, and the other of \$2,285,500 to American Natural Gas Production Company, have not been shown to be reasonable and appropriate under Order No. 499³ in that they may be in excess of costs for exploration, development and production incurred by the producers within a reasonable time from the date these advances are to be included in Mich-Wis' rate base. Article IV of Mich-Wis' settlement agreement in Docket No. RP73-102 provides that advances challenged by the Commission may not be suspended, but may be made effective, subject to refund, and set for hearing. Accordingly, we shall permit Mich-Wis

¹ Seventh Revised Sheet No. 27F.

² Approval of TransCanada's increase effective November 1, 1974, is presently pending NEB action.

³ Issued December 28, 1973, in Docket No. RM74-4.

to include these advances in its rate base, subject to refund, and order a hearing to determine the lawfulness, reasonableness, and appropriateness of the inclusion of the two aforementioned additional advance payments in Mich-Wis' rate base.

We further note that of the approximately \$56 million of increased purchased gas costs which this filing proposes to track, approximately \$21 million are anticipated increases by independent producers some of which have not yet filed for the increases to which they are entitled. In this same regard, we note that an additional \$31.9 million of the \$56 million total reflects supplier increases which are proposed to become effective as of November 1, 1974, but which are dependent upon approval of the TransCanada increase which is still pending NEB action. Accordingly, we shall require Mich-Wis to file a substitute tariff sheet, to become effective November 1, 1974, subject to the aforementioned refund obligation, which reflects: (1) The elimination of costs related to anticipated increases in producer rates which are expected to become effective prior to November 1, 1974, but which have not been filed; and (2) the elimination of costs related to supplier increases dependent upon NEB approval where such approval is not received.

The Commission finds: (1) Good cause exists to accept Mich-Wis' proposed tariff changes for filing and to permit them to become effective November 1, 1974, subject to the conditions as hereinafter ordered.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the portion of Mich-Wis' proposed increase reflecting the two aforementioned advance payments be made effective subject to refund, in accordance with the intent of Mich-Wis' settlement agreement filed in Docket No. RP73-102, pending a hearing and decision as to the lawfulness of their inclusion in Mich-Wis' rate base.

The Commission orders: (A) Mich-Wis' filing of September 13, 1974, is hereby accepted for filing and permitted to become effective November 1, 1974; *Provided*, however, That Mich-Wis shall file within 15 days of the issuance of this order a substitute tariff sheet, to become effective November 1, 1974, which reflects: (1) the elimination of costs related to anticipated increases in producer rates expected to become effective prior to November 1, 1974, but which have not been filed; and (2) the elimination of costs related to supplier increases dependent upon NEB approval where such approval is not received.

(B) That portion of Mich-Wis' proposed rate change which reflects inclusion of the two aforementioned advance payments in Mich-Wis' rate base will be permitted to become effective November 1, 1974, subject to refund pending a determination of the lawfulness of their inclusion in Mich-Wis' rate base.

(C) Pursuant to the authority of the Natural Gas Act, particularly section 4

thereof, and the Commission's rules and regulations (18 CFR Chapter I), a hearing shall be held on January 14, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness and appropriateness of the inclusion of the two aforementioned advance payments in Mich-Wis' rate base.

(D) On or before November 29, 1974, Mich-Wis shall file its direct testimony and exhibits. On or before December 13, 1974, the Commission Staff shall file its prepared testimony and exhibits. Any intervenor testimony and exhibits shall be filed on or before December 27, 1974, and any rebuttal testimony and exhibits shall be filed on or before January 9, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Nothing contained herein shall be construed as limiting the rights of the parties to the proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-26060 Filed 11-6-74; 8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Increase in Rates, Providing for Hearing and Granting Interventions

OCTOBER 31, 1974.

On October 1, 1974, Mississippi River Transmission Corporation (MRT) tendered for filing in Docket No. RP75-20 certain revised tariff sheets¹ incorporating a proposed rate increase of approximately \$14,166,924, over the rates effective October 1, 1974. MRT states that the test period comprises a period of twelve consecutive months of actual experience ending June 30, 1974, with adjustments for known and measurable changes through March 31, 1975.

In support of the proposed rate increase, MRT cites increased costs of material, supplies, wages and increases in property, ad valorem, payroll and income

taxes. MRT is also seeking an increase in its over-all rate of return to 12½ percent reflecting a return on common equity of 14 percent. Additionally, MRT states that it is filing for an increase in its book depreciation rate to 5.0 percent to reflect the gas supply shortage and the difficulties confronting MRT in raising capital.

MRT states that the test period cost-of-service reflects the unmodified Seaboard method of cost classification and allocation. With respect to the design of proposed rates, MRT states that it added 33½ percent of the rate increase to demand revenues determined by use of its October 1, 1974, Rate Schedule CD-1 demand charge and the remaining 66½ percent of the rate increase was added to the commodity component determined by use of the October 1, 1974, Rate Schedule CD-1 commodity charge.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the MRT system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method of cost classification and allocation and MRT's 33½ percent-66½ percent rate design proposal on the MRT system as well as the propriety of the use of alternate methods of cost classification allocation and rate design which may more closely reflect or implement the Commission's objectives in this area.²

As previously noted, MRT's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems

clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

We note the use of conjunctive billing by MRT. This Commission is of the opinion that this issue should be investigated as part of the hearing as herein-after ordered. The evidence contained in MRT's filing of October 1, does not direct itself to the propriety of its present billing practices. Therefore, we shall provide MRT the opportunity to file evidence in support of this practice.

We note that MRT has included in the tariff sheets proposed herein costs associated with \$17.4 million of uncertificated facilities. Should these facilities not be constructed and in service by the end of the suspension period ordered below, we shall require MRT to amend their filing to reflect exclusion of these costs.

Notice of MRT's filing was issued on October 8, 1974, providing for protests or petitions to intervene to be filed on or before October 18, 1974.

Based on our review of MRT's proposed rate increase, including the documents, information and studies submitted therewith as required by the Commission's regulations, and the petitions to intervene, we find that the requested increase may be excessive or otherwise unlawful under the Natural Gas Act, and that accordingly the proposed increase should be accepted for filing, suspended for the full statutory period and set for hearing.

In its October 1, 1974 filing, MRT requests to change the rate for "unauthorized over-take" up to and including 2 percent of MRT's Buyer's contract demand from \$.55 per Mcf minus the Rate Schedule CD-1 effective commodity charge to \$1.00 per Mcf minus the Rate Schedule CD-1 effective commodity charge. MRT states that the rate change is necessary because, effective November 1, 1974, the Rate Schedule CD-1 commodity charge will be 56.30¢ or 1.30¢ greater than the 55¢ charge and therefore, MRT will be unable to collect revenues for unauthorized over-takes by its customers. MRT also proposes a change in the "Force Majeure" provision of its tariff to increase the unauthorized over-take charge from \$.75 per Mcf to a rate of \$1.50 per Mcf minus the effective Rate Schedule CD-1 commodity charge in those instances where MRT exercises its right to waive the standard overrun penalty. MRT requests that the Commission permit these two subject tariff sheets to become effective November 1, 1974, without suspension. In order to permit a continuation of the overrun penalty charges for unauthorized purchases, we shall permit the subject tariff sheets, incorporating the increased penalty

¹ The below listed revised tariff sheets to Mississippi's FPC Gas Tariff, First Revised Volume No. 1 were filed on October 1, 1974: Revised Sheet No. 3A, Twelfth Revised Sheet No. 5, Tenth Revised Sheet No. 6, Third Revised Sheet No. 27E.

² See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-81.

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Order Granting Motion To Allow Collection of Increased Rates During Suspension Period

OCTOBER 31, 1974.

rates, to become effective November 2, 1974, subject to refund, pending a determination of their justness and reasonableness in the hearing herein ordered.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed in this docket by MRT, and that Mississippi's proposed tariff sheets should be accepted for filing, suspended and the use thereof deferred as herein ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed herein by MRT.

(B) Pending hearing and decision thereon, MRT's proposed Third Revised Sheet No. 27E and ----- Revised Sheet No. 3A are accepted for filing, suspended for five months, and permitted to become effective thereafter on April 1, 1975, in the manner prescribed of the Natural Gas Act, and subject to refund; *Provided, however* That MRT shall file substitute tariff sheets to become effective April 1, 1975, reflecting exclusion of the costs reflected in its proposed rates associated with any facilities which have not been certificated and placed in service as of March 31, 1975.

(C) MRT's Twelfth Revised Sheet No. 5 and Tenth Revised Sheet No. 6 are hereby accepted for filing, suspended for one day, to become effective November 2, 1974, subject to refund.

(D) On or before December 17, 1974, MRT shall serve its supplemental testimony and exhibits relating to the issue of conjunctive billing. On or before February 21, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before March 10, 1975. Company rebuttal shall be served March 21, 1975. Cross-examination of the evidence shall commence on March 31, 1975, at 10 a.m., in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26056 Filed 11-6-74;8:45 am]

On October 4, 1974, National Fuel Gas Supply Corp. (Supply Company) filed a motion requesting an interim order to allow collection of "reduced rates" during the suspension period of its proposed rates previously tendered for filing in this docket. The originally proposed rates were tendered for filing on June 28, 1974, with a proposed effective date of August 12, 1974. By Commission order issued August 9, 1974, the proposed rates were suspended for the full five month statutory period until January 12, 1975, subject to refund.

In support of its motion, Supply Company states that the realignment of the three major operating subsidiaries of National Fuel Gas Company, which was made effective as of July 1, 1974,² has caused a distortion of income as between the Supply Company and the National Fuel Gas Distribution Corporation (Distribution Company). Prior to the realignment, each of the three subsidiaries had carried on gas production, purchase, transmission, storage and distribution functions. After the alignment all the supply functions were assigned to the newly formed Supply Company, and all the distribution functions were assigned to the Distribution Company. Pursuant to the realignment, each of the three previously existing retail distribution companies transferred to the Supply Company substantial investment in property and substantial operating expenses associated with production, storage and transmission functions. According to Supply Company, the transfer has resulted in the Distribution Company earning high rates of return from its retail sales because of the diminished rate base and associated expenses, and Supply Company is earning a negative return because of the increased rate base and expenses associated with its operation.

Supply Company states that the rates proposed by the June 28, 1974 filing are designed to rectify this imbalance of revenues due to the realignment, but as those rates have been suspended until January 12, 1975, this problem will exist for the remainder of the suspension period. According to Supply Company, the proposed interim rates represent a reduction in jurisdictional revenues of approximately \$5.9 million below the level of revenues that the originally proposed rates would produce, and would remedy the distortion of income as between the Supply Company and the Dis-

¹ The proposed rates are lower than the rates suspended in our August 9, 1974 order, but higher than the rates currently in effect.

² The realignment was approved by the Commission in Docket No. CP73-294 by order issued May 10, 1974, as amended July 10, 1974.

tribution Company caused by the realignment of the National Fuel Gas Company. The Supply Company requests an effective date of November 1, 1974, for the interim rates which would remain in effect until the end of the suspension period, January 12, 1975. Corresponding filings, also to be effective on November 1, 1974, are pending before the several state regulatory agencies which have jurisdiction over retail sales made by Distribution Company. Supply Company also states that the net effect of the several filings by Supply Company and Distribution Company will not result in a change in the cost of gas to the ultimate consumer other than through the normal operation of the purchased gas adjustment clause caused by supplier increases. Supply Company requests waiver of such of the Commission's Rules and Regulations as may be required to permit the proposed interim rates to become effective on November 1, 1974. Supply Company also requests waiver of the 45 day notice requirement for PGA filings as required by Section 17.5 of the General Terms and Conditions of Supply Company's FPC Gas Tariff, Original Volume No. 1.

Public notice of the filing was issued on October 4, 1974, with petitions to intervene and protests due on or before October 22, 1974. The Public Service Commission of the State of New York filed a statement on October 16, 1974, concurring in Supply Company's motion for an interim order to allow collection of "reduced rates" during the suspension period. The Commission Staff filed comments on October 21, 1974, supporting Supply Company's Motion.

Our review of Supply Company's October 4, 1974, filing indicates that good cause has been shown to grant Supply Company's motion to allow collection of the proposed interim rates during the suspension period of the originally proposed rates. We note that the interim rate will be subject to refunds which may be ordered in the ultimate resolution of the proceeding in this docket, and that implementation of the interim rates will not result in a change in the cost of gas to the ultimate consumer except through the normal operation of the PGA clause. We further note that the proposed interim rates reflect the increased purchased gas costs in the amount of 5.13¢/Mcf, pursuant to section 17 (Tariff Sheet Nos. 35, 36 and 37) of the General Terms and Conditions of the Supply Company's FPC Gas Tariff, Original Volume No. 1. Therefore, we shall also permit Tariff Sheet Nos. 35, 36 and 37, which were suspended in our August 9, 1974, order, to become effective as of November 1, 1974.

The Commission finds: (1) Good cause exists to grant Supply Company's motion requesting an interim order to allow collection of increased rates during the suspension period of its rates previously tendered for filing in this docket.

(2) Good cause exists to grant Supply Company's request for waiver of the 45 day notice requirement for PGA filings as required by section 17.5 of the General Terms and Conditions of Supply Company's FPC Gas Tariff, Original Volume No. 1.

(3) Good cause exists to grant waiver of § 154.66(b) and the notice requirements of the Commission's regulations to permit the proposed interim rates to become effective as of November 1, 1974.

The Commission orders:

(A) Supply Company's motion requesting an interim order to allow collection of increased rates during the suspension period of its rates previously tendered in this docket is hereby granted.

(B) Supply Company's proposed interim rates as reflected on Tariff Sheet No. 4 for filing to be effective from November 1, 1974, until the end of the suspension period, January 12, 1975, subject to refund.

(C) Tariff Sheet Nos. 35, 36 and 37, which had been suspended until January 12, 1975, by our order issued August 9, 1974, shall become effective on November 1, 1974.

(D) Supply Company's request for waiver of the 45 day notice requirement for PGA filings as required by section 17.5 of the General Terms and Conditions of Supply Company's FPC Gas Tariff, Original Volume No. 1 is hereby granted.

(E) Supply Company's request for waiver of § 154.66 and the notice requirements of the Commission's regulations is granted.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26054 Filed 11-6-74;8:45 am]

[Docket No. R-389-B; Opinion No. 699-E]

SALES OF NATURAL GAS

Opinion and Order Determining the Status of Limited Term Certificate Applications

OCTOBER 31, 1974.

In the matter of just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

By Opinion No. 699,¹ we terminated that section² of the Commission's regulations which provided for the issuance of limited-term certificates with pre-granted abandonment. This section, as modified, was reinstated by Opinion No. 699-B.³

Pursuant to the language of Opinion No. 699 which stated "that applications for certificates pending before the Commission (including those upon which a

hearing has been held or which are pending hearing) as of the date of this order will not be granted,"⁴ the Secretary of the Commission issued a "Notice of Termination Of Proceedings"⁵ on June 28, 1974. This notice terminated all applications for limited-term certificates upon which no final order had been issued including those proceedings in which a hearing had been held and an initial decision rendered.

The reinstatement of the limited-term procedures by Opinion No. 699-B was not intended to automatically reinstate all of the proceedings terminated by the Secretary's notice of June 28, 1974. There are, however, certain of these terminated proceedings which we believe should be reinstated, upon motion of the applicants, and allowed to proceed to a final decision on the merits in accordance with the evidentiary rules that existed for such proceedings prior to Opinion No. 699-B.⁶

In *Minneapolis Gas Co. v. FPC*⁷ the Court held "the Commission cannot terminate a proceeding after it has actually conducted a hearing to the point of receiving an Examiner's decision without rendering a decision upon the issue presented * * *". We think the same principle should apply here where a decision has been issued by the Administrative Law Judge.

In all other cases including those where a hearing has been held but no initial decision was rendered prior to June 21, 1974, the applicants may, if they so choose, refile their applications and go before a Presiding Administrative Law Judge for a hearing and the rendering of an initial decision. Such cases will be decided upon the basis of the evidentiary standards set forth in Opinion No. 699-B. To expedite these cases, the applicants may if they so desire incorporate the record of a previous hearing where one was held.

The Commission declares: (A) With respect to those proceedings terminated by the notice issued by the Secretary of the Commission on June 28, 1974, (39 FR 25255) where a hearing had been held and an initial decision rendered prior to June 21, 1974, the applicants may by filing of motions with the Commission have that case decided upon the merits of the existing record by the Commission or they may proceed under ordering paragraph (B) to supplement the existing record.

(B) With respect to those proceedings terminated by the Secretary's notice of June 28, 1974, where no initial decision had been rendered prior to June 21, 1974, the applicants may, if they so choose, refile such applications and have the case

scheduled for hearing, an initial decision, and final decision by the Commission. In those particular proceedings where a hearing may have already been held, the record of such hearings may be incorporated into the record of the refiled proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26055 Filed 11-6-74;8:45 am]

[Docket Nos. RP74-20 and RP74-83]

UNITED GAS PIPE LINE CO.

Notice of Conference

NOVEMBER 4, 1974.

Take notice that on Tuesday, November 12, 1974, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of United Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26188 Filed 11-6-74;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Order Modifying Insurance Activities

In an Order dated July 3, 1974, the Board of Governors of the Federal Reserve System approved the application of The Alabama Financial Group, Inc., Birmingham, Alabama ("Applicant") (now Southern Bancorporation), to engage de novo in certain insurance agency activities, including acting as agent for the sale of mortgage guaranty insurance. In a motion dated July 24, 1974, certain mortgage guaranty insurance underwriters ("Petitioners") requested the Board to reconsider its Order of July 3rd insofar as it permitted Applicant to engage in

¹ 39 FR 25255, Opinion No. 699 at 147.

² 39 FR 25255.

³ See F.P.C. Opinion No. 699-B at 4, for the evidentiary burden on new applications for a limited-term certificate filed subsequent to the date of that opinion.

⁴ 294 F.2d 212 (D.C. Cir. 1961).

⁵ 294 F.2d at 214.

¹ F.P.C. Opinion No. 699 at 133-136.

² 18 CFR § 2.70(b)(3).

³ F.P.C. Opinion No. 699-B.

certain insurance activities dealing with mortgage guaranty insurance. On July 30, 1974, the Board informed the Applicant and other parties to the hearings on its application of the motion for limited reconsideration. Comments on the motion were received from Applicant, the Committee to Preserve Consumer Options, Tigor Mortgage Company and PMI Mortgage Insurance Company.

By letter dated October 11, 1974, Applicant informed the Board that it would have no objection to a limited modification of the July 3rd Order rescinding Board approval of Applicant's request to act as agent for the sale of mortgage guaranty insurance. Accordingly, the Board hereby modifies its Order of July 3, 1974, by rescinding its approval for The Alabama Financial Group, Inc., to act as agent in the sale of mortgage guaranty insurance. Should Applicant wish to engage in this activity in the future, it is not barred from submitting a new application to the Board. In all other respects the Board reaffirms its Order of July 3rd.

Since the Board has rescinded the very portion of its Order for which Petitioners have sought reconsideration, the Board dismisses Petitioners' motion as moot.

By Order of the Board of Governors,¹ effective October 29, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.
[FR Doc. 74-26025 Filed 11-6-74; 8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, 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 100 percent of the voting shares (less directors' qualifying shares), of the successor by merger to Bank of Alameda, Houston, Texas ("Bank"). The bank into which Bank's is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the 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 none has been timely received. The Board has considered the application 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 and bank holding company in

¹ Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

Texas, controls 18 banks¹ with aggregate deposits of approximately \$3 billion, representing approximately 8 percent of total commercial bank deposits in Texas.² Acquisition of Bank (\$23.2 million in deposits) would increase Applicant's share of commercial bank deposits in Texas by less than 0.1 percent, and would have no appreciable effect upon the concentration of banking resources in Texas.

Bank ranks 54th out of 140 banking organizations in the Houston banking market (approximated by the Houston SMSA), and controls 0.2 percent of total market deposits.³ Applicant is the sixth largest banking organization operating in the Houston market, with three banking subsidiaries controlling 3.7 percent of total market deposits. The largest banking organization in the market has 20 percent of total deposits and the second largest has 17 percent. Upon consummation of the proposal, Applicant would continue as the sixth largest banking organization in the market. Applicant's closest subsidiary bank is located 11 miles from Bank and neither bank derives a significant amount of business from the service area of the other. The prospect of competition developing in the future between Applicant's subsidiaries and Bank is lessened in view of the number of competitors in the market and Texas' prohibitive branching law. Furthermore, barriers to entry into the market would not be increased for numerous other banks remain as potential entry points. Accordingly, on the basis of the record, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval, especially in light of Applicant's projected addition of \$200,000 to the equity capital structure of Bank. Although there is no evidence in the record that the banking needs of the community are not presently being met, affiliation with Applicant should enable Bank to expand and improve the banking services offered. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as 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

¹ In addition, Applicant indirectly controls interests of less than 25 percent in two banks; Applicant has agreed to divest its minority interests in the two banks.

² All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through September 15, 1974.

³ The Houston SMSA is comprised of Harris County and the five adjacent counties.

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 Dallas pursuant to delegated authority.

By order of the Board of Governors,⁴ effective October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc. 74-26016 Filed 11-6-74; 8:45 am]

FUJI BANK, LIMITED

Order Approving Formation of Bank Holding Company

The Fuji Bank, Limited, Tokyo, Japan, 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 100 percent of the voting shares of The Fuji Bank and Trust Company, New York, New York ("Bank"), 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, a Japanese commercial bank with total assets of approximately \$29.3 billion and total deposits of approximately \$19.8 billion is the second largest commercial bank in Japan.¹ Applicant has 216 banking offices located throughout Japan, and it also has 11 overseas offices, including an agency in New York City and a branch in Los Angeles.

Bank proposes to be a full-service commercial bank in the metropolitan New York market;² however, Bank will primarily be a wholesale bank specializing in the financing of trade between Japan and the United States. Bank will also offer certain trust services. Applicant has one office in New York City, but that office is an agency and under New York law it is not authorized to accept deposits. Bank is expected to compete primarily with other banks in New York City that are controlled by Japanese banks, and, to some extent, with the larger New York banks having international banking capabilities. At present, Bank of Tokyo

⁴ Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Wallich. Absent and not voting: Governors Sheehan and Bucher.

¹ All banking and financial data for Applicant are as of March 31, 1974.

² The metropolitan New York market is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut.

Trust Company, New York, New York is the only bank in the relevant market controlled by a Japanese bank. One more bank controlled by a Japanese bank may commence business in the near future following the Board's approval today of the application of The Industrial Bank of Japan, Limited, Tokyo, Japan, to become a bank holding company through the acquisition of shares of a newly-formed bank in New York City. Based on the record before it, the Board concludes that Bank's entry into New York City will have no adverse effects on existing or potential competition in the relevant market, nor would it have a significant effect on the concentration of banking resources in any relevant area. Rather, the addition of Bank will provide increased banking facilities and competition.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the metropolitan New York market of a new bank and another international banking link to Japan.

Applicant presently owns 8.5 percent of the outstanding voting shares of Yamaichi Securities Co., Ltd., Tokyo, Japan, a company which indirectly engages in a general securities business in the United States through its wholly-owned subsidiary Yamaichi International (America), Inc., New York, New York, a member of the National Association of Securities Dealers, Inc. and the Boston, Midwest, and Pacific Stock Exchanges. However, in accordance with the requirements of section 4(a)(2) of the Act, Applicant will reduce its ownership of shares in Yamaichi Securities Co., Ltd., to not more than 5 percent of the outstanding voting shares of such company within two years after the date of which it becomes a bank holding company.³

In the light of the purpose of the Bank Holding Company Act to maintain the separation of banking and commerce in the United States, the Board has given special attention in this application and in previous bank holding company applications by Japanese commercial banks,⁴ to the relationships that Japanese banks are permitted to have with industrial or

commercial companies under the laws of Japan. A study of the relationships indicates that, in general, Applicant and other of the large Japanese commercial banks are linked in a group with their major Japanese customers through interlocking stock ownership and that the members of these groups tend to act in concert. In particular, these groups include among their members companies that do business in the United States, notably, major trading companies accounting for a significant percentage of Japan's exports and imports to and from the United States.

The Board has examined the facts submitted to it in connection with the present application with a view to determining whether Applicant exercises control or a controlling influence over the management or policies of any of the companies closely associated with Applicant through interlocking stock ownership or whether any of such companies exercises control or a controlling influence over the management or policies of Applicant.

Based on the Board's evaluation of the facts submitted in connection with the present application and giving due consideration to the specific assurances given by Applicant that no control exists, by agreement or otherwise, between Applicant and those of its customers that are among the group of companies closely associated with Applicant through interlocking stock ownership, the Board has concluded that at this time Applicant should not be regarded as having control or exerting a controlling influence over, or as being subject to the control or controlling influence of any of such customers and that the group does not constitute a "company" within the meaning of section 2(b) of the Bank Holding Company Act.

It is the Board's judgment that the application should be approved. However, the Board will review regularly the operations of Bank and Applicant's other banking agencies in this country with a view toward ascertaining whether the relationships between them and other companies in Applicant's group remain consistent with the purposes of section 4 of the Bank Holding Company Act and the Board's regulations thereunder.

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) The Fuji Bank and Trust Company, New York, New York, 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 New York pursuant to delegated authority.

By order of the Board of Governors,⁵
effective October 29, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26022 Filed 11-6-74; 8:45 am]

INDUSTRIAL BANK OF JAPAN, LTD. Order Approving Formation of Bank Holding Company

The Industrial Bank of Japan, Limited, Tokyo, Japan, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99.92 percent or more of the voting shares of The Industrial Bank of Japan Trust Company, New York, New York ("Bank"), 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, with total assets of approximately \$21.1 billion and total deposits (including industrial bank debentures) of approximately \$17.3 billion,¹ is the largest of three Japanese banks established under Japan's Long-Term Credit Bank Law and is the fifth largest bank in Japan. As a long-term credit bank, Applicant is engaged primarily in providing medium- and long-term credit to industry and government. Its primary source of funds is so-called "industrial bank debentures" which are sold by Applicant or its selling agents to a wide variety of investors, including the Japanese Government (Trust Fund Bureau), commercial banks, institutional investors, and individuals.² Applicant has 14 offices located throughout Japan, and it also has seven overseas offices, including an agency in New York City and a branch in Los Angeles.

Bank proposes to be a full service commercial bank in the metropolitan New York market;³ however, Bank will primarily be a wholesale bank specializing in the financing of trade between Japan and the United States, and the financing of industrial development and interna-

¹ Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallach. Absent and not voting: Governor Mitchell.

² All banking and financial data for Applicant are as of March 31, 1974.

³ As a long-term credit bank, Applicant is restricted to accepting deposits from Japanese national and local governmental agencies, loan customers, and other customers.

⁴ The metropolitan New York market is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut.

³ Under section 4(c)(6) of the Act, a bank holding company may own "shares of any company which do not include more than 5 percent of the outstanding voting shares of such company."

⁴ Board Orders of December 1, 1971, approving the applications of The Dai-ichi Kangyo Bank, Ltd., The Mitsubishi Bank Ltd., and The Sanwa Bank, Ltd., all of Japan, to become bank holding companies (58 Federal Reserve Bulletin 49-51); see also Board Order of September 13, 1974, approving the application of The Mitsui Bank, Ltd., Tokyo, Japan, to become a bank holding company (39 Federal Register 34117).

tional investment. Bank will also offer certain trust services. Applicant has one office in New York City, but that office is an agency and under New York law it is not authorized to accept deposits. Bank is expected to compete primarily with other banks in New York City that are controlled by Japanese banks, and, to some extent, with the larger New York banks having international banking capabilities. In its consideration of the instant proposal from a competitive standpoint, the Board noted that Applicant owns a 24.9 percent minority share interest in Bank of Tokyo Trust Company, New York, New York ("Bank of Tokyo Trust"), the only bank in the relevant market controlled by a Japanese bank.⁴ Applicant, however, proposes to acquire Bank in order to compete with Bank of Tokyo Trust and will reduce its share interest in Bank of Tokyo Trust to not more than 5 percent of the total of such shares outstanding within two years after the date as of which it becomes a bank holding company. One more bank controlled by a Japanese bank may commence business in the near future following the Board's approval today of the application of The Fuji Bank, Limited, Tokyo, Japan, to become a bank holding company through the acquisition of shares of a newly-formed bank in New York City. Based on the record before it and its understanding that Applicant will reduce its share interest in Bank of Tokyo Trust as indicated above, the Board concludes that Bank's entry into New York City will have no adverse effects on existing or potential competition in the relevant market, nor would it have a significant effect on the concentration of banking resources in any relevant area. Rather, the addition of Bank will provide increased banking facilities and competition.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the metropolitan New York market of a new bank and another international banking link to Japan.

Applicant presently owns (1) 9.6 percent of the outstanding voting shares of New Japan Securities Co., Ltd., Tokyo, Japan, a company which indirectly engages in a general securities business in the United States through its wholly-owned subsidiary New Japan Securities International, Inc., New York, New York, a member of the National Association of Securities Dealers, Inc., and the Boston Stock Exchange; (2) 8.5 percent of the outstanding voting shares of Yamaichi Securities Co., Ltd., Tokyo, Japan, a

company which indirectly engages in a general securities business in the United States through its wholly-owned subsidiary Yamaichi International (America), Inc., New York, New York, a member of the National Association of Securities Dealers, Inc., and the Boston, Midwest, and Pacific Stock Exchanges; (3) 9.6 percent of the outstanding voting shares of Wako Securities Co., Ltd., Osaka, Japan, a company which owns 20 percent of the outstanding voting shares of Wako Securities California, Inc., Los Angeles, California, a member of the National Association of Securities Dealers, Inc., and a company engaged in a general securities business in the United States;⁵ and (4) 5.4 percent of the outstanding voting shares of Alaska Pulp Co., Ltd., Tokyo, Japan, a company which derives the majority of its revenues from the United States and has the majority of its assets located in the United States, and which is indirectly engaged through wholly-owned subsidiaries⁶ in the business of timber-cutting, lumbering, and pulp manufacturing in the United States. However, in accordance with the requirements of section 4(a)(2) of the Act, Applicant will reduce its ownership of shares in each of the above-named companies to not more than 5 percent of the outstanding voting shares of each such company within two years after the date of which it becomes a bank holding company.⁷

In the light of the purpose of the Bank Holding Company Act to maintain the separation of banking and commerce in the United States, the Board has given special attention in previous bank holding company applications by Japanese commercial banks⁸ to the relationships that Japanese banks are permitted to have with industrial or commercial companies under the laws of Japan. In particular, the Board has been concerned where the applicant Japanese bank is linked in a group with its major Japanese customers through interlocking

⁴ Applicant has indicated that Wako Securities Co., Ltd. may have a controlling stock interest in Wako Securities California, Inc., thereby causing Wako Securities Co., Ltd. to be indirectly engaged through a subsidiary in a securities business in the United States.

⁵ Alaska Pulp Co., Ltd. owns all of the outstanding voting shares of Wrangell Lumber Company, Wrangell, Alaska, which also owns all of the outstanding voting shares of Alaska Wood Products, Inc., and Alaska Lumber Pulp Co., Inc.

⁶ Under section 4(c)(6) of the Act, a bank holding company may own "shares of any company which do not include more than 5 percent of the outstanding voting shares of such company."

⁷ Board Orders of December 1, 1971 approving the applications of The Dai-ichi Kangyo Bank, Ltd., The Mitsubishi Bank Ltd., and The Sanwa Bank, Ltd., all of Japan, to become bank holding companies (58 Federal Reserve Bulletin 49-51); see also Board Order of September 13, 1974 approving the application of The Mitsui Bank, Ltd., Tokyo, Japan, to become a bank holding company (39 Federal Register 34117).

stock ownership, and where these commercial customers do a significant business in the United States.

Based on the record of this application, the Board has concluded at this time that Applicant is not linked through interlocking stock ownership in a group with its major Japanese customers. Accordingly, the Board has not found it necessary in this application to reach the issues of "control" present when a group of commercial companies are closely associated with a Japanese bank through interlocking stock ownership.

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) The Industrial Bank of Japan Trust Company, New York, New York, 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 New York pursuant to delegated authority.

By order of the Board of Governors,⁹ effective October 29, 1974.

[SEAL]

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26023 Filed 11-6-74; 8:45 am]

NATIONAL CITY CORP.

Order Approving Acquisition of National City Life Insurance Company

National City Corporation, Cleveland, Ohio, 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 to acquire all of the voting shares of National City Life Insurance Company ("Company"), Phoenix, Arizona, a company to be organized de novo to engage in the underwriting as reinsurer of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

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 25553). 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 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls one bank, National City Bank, Cleveland, Ohio, which holds deposits of approximately 1.5 billion, representing about 5.5 percent of the to-

⁹ Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallach. Absent and not voting: Governor Mitchell.

⁴ Bank of Tokyo Trust is controlled by Bank of Tokyo, Ltd., Tokyo, Japan, a registered bank holding company owning 75.1 percent of the outstanding voting shares of Bank of Tokyo Trust.

tal deposits in commercial banks in Ohio.¹

Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Ohio. Such insurance would be directly underwritten by an unaffiliated Michigan insurance company qualified to do business in Ohio and would thereafter be assigned or ceded to Company under a reinsurance agreement.²

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure payment of a loan in the event of death or disability of the borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

To insure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which the applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reductions in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates that are 4 percent below the maximum rate authorized by Ohio law and will provide credit accident and health insurance at rates that are 5 percent below the maximum rate authorized by State law. The Board believes that such a reduction in the price of credit life and credit accident and health insurance is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefits in the absence of any evidence in the record indicating the presence of any adverse statutory factors provides support for the approval of the application.

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 insure 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 Cleveland pursuant to delegated authority.

By Order of the Board of Governors,
effective October 29, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26024 Filed 11-6-74;8:45 am]

I & B, INC.

Acquisition of Bank

I & B, Inc., Cherryvale, Kansas, 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 an additional 33 percent of the voting shares of The Peoples State Bank, Cherryvale, Kansas. 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 Kansas City. 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 November 25, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26020 Filed 11-6-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

B & S COAL CO.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4011-000, B & S COAL COMPANY, INC., Mine No. 21-A, Mine ID No. 15 02749 0, Vico, Kentucky,
ICP Permit No. 4011-001 (Joy 14BU Loader, I.D. No. 13-1),
ICP Permit No. 4011-002 (Joy 7-B Sullivan Cutting Machine, I.D. No. 7-3),
ICP Permit No. 4011-006 (Paul's Roof Bolt-cutting Machine, I.D. No. 1 V-5),

*Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

ICP Permit No. 4011-009 (Kersey 944 Tractor, I.D. No. 10-2),
ICP Permit No. 4011-010 (Kersey 944 Tractor, I.D. No. 12-3),
ICP Permit No. 4011-011 (Kersey 944 Tractor, I.D. No. 6-4).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 1, 1974.

[FR Doc.74-26026 Filed 11-6-74;8:45 am]

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAP- PING AND ELECTRONIC SURVEIL- LANCE

NOTICE OF MEETING

The meeting of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, originally scheduled for November 18 and 19, 1974, will not be held as announced on page 38426 of the FEDERAL REGISTER for October 31, 1974. The meeting has been rescheduled for December 2 and 3, 1974. The same schedule and agenda will be followed. The meeting of December 2, 1974 will be in Room S126 of the Capitol at 2 p.m. The meeting of December 3, 1974 will be in Room 2228 of the Dirksen Senate Office Building at 9:30 a.m.

KENNETH J. HODSON,
Executive Director.

[FR Doc.74-26130 Filed 11-6-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. on Tuesday, November 26, 1974 at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in the proposed Treasury Department survey forms FPI-1 "Reporting Form for United States Issuers of Securities" and FPI-2 "Reporting Form for

¹ All banking data are as of December 31, 1973.

² Under Ohio law, no Ohio insurance company is permitted to be directly reinsured by an insurance company that is not admitted to do business in Ohio.

United States Holders of Record." These forms investigate the foreign portfolio investments in the United States under the Foreign Investment Studies Act, P.L. 93-479. The meeting will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-4730.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74-26082 Filed 11-6-74; 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 November 4, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Identification of Barriers to Equal Representation of Minorities in Allied Health Education—Institutional Questionnaire, Form HRABHRD 0412, Single time, Collins (395-3756), Lowry (395-3772), Planchon (395-3898), Directors of Allied Health Programs.

Public Health Service: Application for Enrollment in the PHS Health Professions Scholarship Program, Form PHS 6014, Occasional, Lowry (395-3772), Individuals.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research: Study of Real Estate Licensing and Examination Practices—Questionnaires, Form HRD-1, Single time, HRD (395-3532), Sunderhauf (395-4911), Brokers, real estate salespersons, licensing boards.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Coal Consumption—Plant Report, Form 6-1400-X, Single time, Weiner (395-4890), Manufacturers using Coal for Heat and Power.

DEPARTMENT OF THE TREASURY

Foreign Portfolio Study and Accompanying Regulations and Instructions, Forms FPI-1, FPI-2, Single time, Hulett (395-4730), Major business firms including banks, brokers, and nominees.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Retail Seed Price Survey, From ----, Semiannual, Raynsford (395-3814), Retail seed dealers.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-26226 Filed 11-6-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMCOURT SYSTEMS, INC.

Notice of Suspension of Trading

OCTOBER 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Amcourt Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:15 p.m. (e.s.t.) on October 31, 1974, through midnight (e.s.t.) on November 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26090 Filed 11-6-74; 8:45 am]

[812-3663]

AXE-HOUGHTON FUND B, INC. AND AXE-HOUGHTON STOCK FUND, INC.

Filing of Application

OCTOBER 30, 1974.

Notice is hereby given that Axe-Houghton Fund B, Inc. ("Fund B") and Axe-Houghton Stock Fund, Inc. ("Stock Fund") (400 Benedict Avenue, Tarrytown, New York 10591), (collectively referred to as "Applicants"), open-end, diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the purchase by Presidential Life Corporation ("Presidential") of 70,912 shares of its common stock presently held by the Applicants, and pursuant to section 17(d) of the Act and rule 17d-1 thereunder for an order of the Commission permitting the joint sale by the Applicants of the above-described securities to Presidential. All

interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund B owns 70,312 shares of the outstanding voting securities of Presidential, an insurance company. These securities represent approximately 9.3 percent of the 755,613 Presidential shares outstanding. Stock Fund owns 600 shares of the outstanding voting securities of Presidential, approximately .079 percent of the shares outstanding. Applicants state that all of these securities were acquired in exchange for shares of a predecessor company whose shares were acquired in the open market by Applicants at various times during 1966, or as stock dividends on shares so acquired.

Presidential proposes to purchase the shares of its stock presently held by Applicants and Applicants propose to sell such securities to Presidential at a negotiated price of \$2.00 per share. No brokerage or other commissions will be paid in connection with the proposed transaction.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Rule 17d-1, adopted by the Commission pursuant to section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation

of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5 percent or more of the outstanding voting securities of such other person, any person 5 percent or more of whose outstanding voting securities are owned by such other person, or any person under common control with such other person. Under this definition, Fund B and Presidential are affiliated persons of each other. E. W. Axe & Co., Inc. acts as investment adviser for both Applicants and Axe Securities Corporation, a registered broker-dealer, acts as principal underwriter for both Applicants. Each of the Applicants may be deemed to be under common control, and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act. Accordingly, Presidential, as an affiliate of Fund B and an affiliate of an affiliate of Stock Fund, is, in the absence of an exemption, prohibited by section 17(a) of the Act from purchasing its securities from the Applicants. The Applicants, as affiliates of each other, are, in the absence of a Commission order, prohibited by Rule 17d-1, from jointly selling their shares of Presidential stock to Presidential at the negotiated price of \$2.00 per share.

Applicants assert that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each Applicant and with the general purposes of the Act. In support of this assertion, Applicants state that the negotiated price of \$2.00 per share is comparable with the market valuations placed upon seven similar, small insurance companies. Prior to July 11, 1972, Stock Fund owned 12,500 shares of Presidential and Applicants' aggregate holdings in Presidential constituted over 11 percent of the Presidential shares then outstanding. Since July 11, 1972, Stock Fund has sold shares of Presidential stock pursuant to Rule 144 of the Securities Act of 1933 at prices ranging from \$5.00 per share to \$3.50 per share in the most recent sales in October of 1973. At the time negotiations for this proposed transaction were concluded in January of 1974, the purchase price of \$2.00 per share represented a discount of approximately 33 percent from the over the counter bid price for such securities.

The shares proposed to be sold to Presidential by the Applicants constitute approximately 9.4 percent of the issued and outstanding voting securities of Presidential. Disposal of all of Applicants' holdings pursuant to Rule 144

would require approximately 5 years. Applicants believe that the market price of such securities would be depressed by the periodic placement, pursuant to Rule 144, of the necessary number of Presidential shares on the market. Applicants assert that, assuming their holdings could be disposed of as a block in the open market, offering a block of Presidential stock which represents approximately 20 percent of the freely tradable, non-insider holdings could be expected to substantially depress the market and yield, overall, probably less than will be realized from the proposed transaction. Applicants state that there will not be, in their judgment, significant appreciation in the market value of the Presidential securities and believe that the cash realized from the sale of the Securities can be more productively employed in other investments.

Applicants assert that the participation of each Applicant in the joint sale will be on the same terms as the other and that the proposed transaction will enhance the liquidity of each of the Applicants. Applicants further assert that the proposed transaction is consistent with the policy of each of the Applicants, and with the provisions, policies and general purposes of the Act.

Notice is further given that any interested person may, not later than November 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by Affidavit or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rules 0-2 and 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 25, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26034 Filed 11-6-74; 8:45 am]

[812-3658]

**AXE-HOUGHTON STOCK FUND, INC.
(DELAWARE), ET AL.**

**Application for an Order Exempting
Proposed Transactions**

OCTOBER 31, 1974.

Notice is hereby given that Axe-Houghton Stock Fund, Inc. ("Delaware Fund"), a Delaware corporation, Axe-Houghton Stock Fund, Inc. ("Maryland Fund"), a Maryland corporation, and Axe Science Corporation ("Science Fund"), 400 Benedict Ave., Tarrytown, New York, 10591, a Maryland corporation, (collectively hereinafter referred to as the "Funds" or the "Applicants"), each of which is diversified, open-end, management investment company registered under the Investment Company Act of 1940 (the "Act"), have filed an application pursuant to section 17(b) of the Act for an order of exemption from the provisions of section 17(a) of the Act to permit (1) the proposed merger of Delaware Fund into Maryland Fund and (2) the proposed merger of Science Fund and the surviving fund of the merger of Delaware Fund and Maryland Fund ("Surviving Fund"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Delaware Fund, which was organized in 1932, had total net assets of \$60,572,995 as of June 30, 1974 and has a primary investment objective of long term capital growth with a secondary objective of protection or conservation of principal values. Maryland Fund was organized in 1974 for the purpose of being the surviving corporation of a merger of Delaware Fund and Science Fund and has the same investment objectives as Delaware Fund. Science Fund, which was organized in 1954, and had total net assets of \$32,199,938 as of June 30, 1974, has the same investment objectives as Delaware Fund and Maryland Fund. Science Fund, however, seeks attainment of the primary objective only through investment in the securities of companies expected to benefit from new scientific developments. E. W. Axe & Co., Inc. ("EWA"), the investment adviser of Delaware Fund, and Axe Science Management Company, Inc. ("ASM"), the investment adviser of Science Fund, are both controlled by the estate of Ruth M. Axe. EWA owns all of the 10 issued and outstanding common shares of stock of Maryland Fund, which now have a net asset value of \$10 per share, and all of the Funds have certain officers and directors in common. Accordingly, each of the Funds may be deemed to be under common control and therefore may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Applicants propose to effect a statutory merger of Delaware Fund and Maryland Fund pursuant to which the assets and liabilities of Delaware Fund would be transferred by operation of law

to Maryland Fund. Each share of Delaware Fund outstanding on the effective date of the merger would be converted into one new share of the Surviving Fund and each share of Maryland Fund outstanding prior to the merger would be converted to that number of full new shares of Surviving Fund (each such new share having a net asset value equal to that of a Delaware Fund share) as shall not be in excess of the net asset value per share of an old share of Maryland Fund. The application states that the purpose of this transaction is to change the state of incorporation of Delaware Fund from Delaware to Maryland in order to realize a substantial savings in franchise taxes that would result from such a change of domicile.

It is contemplated that Science Fund, subsequent to the merger of the Delaware Fund and Maryland Fund, will merge into Surviving Fund. This latter merger will be accomplished by converting each of the issued and outstanding shares of Science Fund into that number of shares of Surviving Fund as may be determined by dividing the net asset value per share of Science Fund common stock as of the close of business on the last business day preceding the effective date of the merger by the net asset value per share of Surviving Fund as of the same date.

No adjustment in the net assets of Science Fund or Surviving Fund will be made to compensate for any potential Federal tax impact on shareholders of these Funds which might result from differences in realized and unrealized capital gains which might exist in different proportions in the respective portfolios of each Fund.

Applicants assert that the rationale for use of a tax adjustment formula is not applicable in this particular merger because the portfolios of both of these Funds will have market values substantially less than their respective tax cost bases. As of June 30, 1974, Delaware Fund had unrealized gains of \$2,724,546 and unrealized losses of \$20,074,027. Thus, Surviving Fund's acquisition, as a capital loss carry forward, of an additional \$4,747,521 in capital losses, which had been realized by Science Fund as of June 30, 1974, would be of no practical value to shareholders of the merged fund. Applicants further assert that since the tax effects of the merger will be borne not by the respective funds but by their shareholders, and since most shareholders have a tax cost basis which is greater than the current net asset value of their shares, they would realize no taxable gain upon redemption of shares and thus would derive no benefit from a large capital loss carry forward.

Delaware Fund will submit both of the proposed mergers, among other matters, to a shareholder vote. Shareholder approval of the change of domicile for Delaware Fund is a condition precedent to the merger of the resultant fund, i.e., Surviving Fund, and Science Fund. The proposed merger of Surviving Fund and Science Fund is also contingent upon the

receipt of an opinion of counsel to the effect that the merger will constitute a tax-free reorganization.

In addition to the vote on the proposed mergers, shareholders of Delaware Fund will also vote on a proposed new investment advisory and management agreement between the Fund and EWA. The new advisory agreement provides for a higher rate of compensation to EWA. The new advisory agreement will define the advisory arrangements for Surviving Fund. Applicants assert that the proposal of a new investment advisory agreement is unrelated to the proposed merger of Surviving Fund and Science Fund and that the increase in the advisory fees are necessitated by inflation and by increases in staff and facilities.

Shortly after the Delaware Fund shareholder meeting, if the merger of Delaware Fund and Maryland Fund into Surviving Fund has been approved by Delaware Fund shareholders, a special meeting of Science Fund shareholders will be held for the purpose of approving or disapproving the proposed merger of Science Fund into Surviving Fund.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed merger of Delaware Fund and Maryland Fund are fair and reasonable and do not involve overreaching on the part of any person concerned since each share of Delaware Fund will be converted into a share of Surviving Fund having equal value, and each share of Maryland Fund outstanding prior to the merger will be converted into that number of new shares of Surviving Fund, each of which will have a net asset value equal to that of a Delaware Fund share on the effective date of the merger, as will not be in excess of the value of an old share of Maryland Fund.

Applicants further assert that the terms of the proposed merger of Science Fund into Surviving Fund are fair and reasonable and do not involve overreaching on the part of any person concerned since shares of Surviving Fund will be issued to the shareholders of Science Fund on the basis of the respective net asset values of each of the Applicants determined at the same point in time.

Management of the Funds believe that present conditions no longer justify the separation of the investment approaches of Delaware Fund and Science Fund

pursuant to which Science Fund restricted its investments to securities of companies expected to benefit from new scientific developments. Moreover, Applicants represent that the proposed mergers are in the best interest of shareholders of both Funds because of the savings that would become available by the elimination of duplicative fixed expenses such as the expense of shareholder meetings and reports, legal and auditing fees, SEC filing and other administrative costs. The Funds' management estimates that these savings will be approximately \$111,000 annually, and that the increased size of the merged fund should result in a significant reduction of the expense ratio of Delaware Fund.

Applicants assert that the proposed mergers are consistent with the policies of each of the Funds and with the general purposes of the Act. In the opinion of the management of Delaware Fund, all of the securities in Science Fund's portfolio are consistent with Delaware Fund's investment policies and no sales will be required as a result of the merger.

The application states that the incremental cost of holding the annual meetings of shareholders of Delaware Fund and Science Fund chargeable to the proposed mergers plus other costs related to the mergers is approximately \$62,232, all of which will be borne by the Funds. Surviving Fund and Science Fund will each bear the cost of printing and mailing their respective proxy statements and prospectuses. All other costs in connection with the preparation, proposing and implementation of the merger, including, without limitation, legal fees, the cost of this application, registration fees, transfer agent fees and other costs of issuing Surviving Fund's capital stock in connection with the merger of Science Fund and Surviving Fund will be borne by the fund resulting from that merger, or, if the merger is not consummated, by Surviving Fund and Science Fund in proportion to their respective net asset values, on the date of termination of the merger agreement.

Notice is further given that any interested person may, not later than November 26, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule

0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 26, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26036 Filed 11-6-74; 8:45 am]

[File No. 500-1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

OCTOBER 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 31, 1974 through November 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26033 Filed 11-6-74; 8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 4, 1974, through November 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26088 Filed 11-6-74; 8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

OCTOBER 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 1, 1974, through November 10, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26037 Filed 11-6-74; 8:45 am]

[70-5569]

MIDDLE SOUTH UTILITIES, INC. AND ARKANSAS-MISSOURI POWER CO.

Proposed Issue and Sale of Notes By Subsidiary Company and Acquisition Thereof By Holding Company

OCTOBER 30, 1974.

Notice is hereby given that Arkansas-Missouri Power Company ("Ark-Mo"), 405 West Park St., Blytheville, Arkansas, 72315, a subsidiary company of Middle South Utilities, Inc. ("Middle South"), Two Eighty Park Ave., New York, New York, 10017, a registered holding company, and Middle South have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designation sections 6(a), 7(a), 9(a), 10(a), 12(b), and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ark-Mo proposes to issue and sell from time to time through December 31, 1975, up to \$2,100,000 of its unsecured short-term promissory notes of a maturity of not more than twelve months and Middle South proposes to acquire such notes. These notes are in addition to borrowings on Ark-Mo's unsecured short-term promissory notes previously authorized up to an aggregate of \$1,100,000 (Holding Company Act Release Nos. 17430, 17819, and 18008). The net proceeds to be received by Ark-Mo from the issuance and sale of the notes will be applied to the payment at maturity of the presently outstanding notes, to meet the cost of Ark-Mo's construction program, and for other corporate purposes. The notes will be payable not more than twelve months from the date of issuance and will bear interest at a rate per annum equivalent 1934, trading in such securities otherwise

to 1/4 of 1 percent above the commercial loan rate in effect at the Manufacturers Hanover Trust Company from time to time. The notes will, at the option of Ark-Mo, be prepayable in whole or in part at any time without premium or penalty.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that the fees, commissions or expenses to be incurred in connection with the proposed transactions will not exceed \$4,000.

Notice is further given that any interested person may, not later than November 22, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26035 Filed 11-6-74; 8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise

is suspended, for the period from November 4, 1974, through November 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26089 Filed 11-6-74; 8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

The common stock of Savoy Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 2, 1974, through November 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26086 Filed 11-6-74; 8:45 am]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 4, 1974, through November 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26087 Filed 11-6-74; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 09/09-5179]

F & F VENTURE CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company

under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by F & F Venture Capital Corporation (applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Norman E. Fuller, President, Director, 3033 Carbon Canyon Road, Chino, California 91710.

Judianne Fuller, Vice President, Secretary, 3033 Carbon Canyon Road, Chino, California 91710.

Charles Canfield, Treasurer, 6421 Paramount Boulevard, Long Beach, California 90805.

Victor P. Weismann, Director, Rt. #1, Chino Airport, c/o CS&M Incorporated, Chino, California 91710.

Donald Royce, Director, 515 S. Flower, Suite 980, Los Angeles, California 90071.

Michael Goyan, Director, 415 Anita Drive, Pasadena, California 91105.

The applicant, a Delaware corporation, qualified to do business as a foreign corporation in California, and having its principal place of business located at Rt. No. 1, Chino Airport, Chino, California 91710, will begin operations with \$1,250,000 of paid-in capital and paid-in surplus derived from the sale of 1,250 shares of common stock to Mr. Norman E. Fuller, owner of a number of businesses engaged in the manufacture of special building products, plastics and in land development and housing construction, among others.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, on or before November 22, 1974, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chino, California.

Dated: October 28, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74-26028 Filed 11-6-74; 8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Notice of Meetings and Agenda

The regular fall meeting of committees of the Labor Research Advisory Council will be held on November 20, and 21 in Room 4454, General Accounting Office Building, 441 G Street, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

WEDNESDAY, NOVEMBER 20

9:30 a.m.—Committee on Wages and Industrial Relations

1. Review of work in progress.
2. Capabilities of Current Wage Development System.
3. Budget implications for OWIR programs.
4. Research projects program.
5. Report on General Wage Index.
6. Changes in PATC survey.

WEDNESDAY, NOVEMBER 20

1:30 p.m.—Committee on Occupational Safety and Health Statistics

1. Program Developments—Fiscal Years, 1975-1976.
2. Annual Survey Status—Three years—Uses—Public and administrative.
3. BLS-State Activity—Workers' Compensation Programs.
4. Special Studies.

THURSDAY, NOVEMBER 21

9:30 a.m.—Committee on Manpower and Employment

1. Office of Manpower Structure and Trends.
A. Report on the pending benchmark revision of the establishment employment (790) series.
B. Discussion with regard to other questions associated with the 790 program.
2. Office of Current Employment Analysis.
Current Population Survey sample expansion and the status of local area employment and unemployment statistics.

THURSDAY, NOVEMBER 21

1:30 p.m.—Committee on Consumer and Wholesale Prices

1. Opening Remarks.
2. Overview of the Fiscal Year 1975 Industrial Price Program (Wholesale Prices).
3. Current Status of the Consumer Price Index Revision Program.
4. Quality Adjustments.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 961-2247.

Signed at Washington, D.C. this 31st day of October 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-26131 Filed 11-6-74; 7:45 am]

**Occupational Safety and Health
Administration**

[V-74-55]

MADISON FOODS INC.

Application for Variance

Notice is hereby given that Madison Foods Inc., 1200 Industrial Parkway, Madison, Nebraska 68748 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 from the standards prescribed in 29 CFR 1910.157(c) (2) concerning the size and placement of Fire Extinguishers for Class A hazards.

The address of the place of employment that will be affected by the application is as follows:

Madison Foods, Inc.
1200 Industrial Parkway
Madison, Nebraska 68748

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 § 1910.157(c)(2) Fire Extinguishers Size and Placement for Class A Hazards which requires that minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L-I. Class A extinguishers shall be located so that the maximum travel distances shall not exceed 75 feet.

The applicant states that it is in the pork processing business and that there are very few combustibles and sources of ignition in their plant. This facility is a new building of fire resistive construction with many portions protected by an automatic sprinkler system.

The applicant contends that in the pork processing industry the work is performed in a continuously wet environment and has a multitude of hose outlets which are necessary to aid in maintaining cleanliness. It further alleges that if a fire would develop in most areas of the plant, that the best method of extinguishment would be the utilization of the existing hose systems for Class A fires. The areas that have no combustibles are the dress floor, de-hair floor, chill floor and very minimal combustibles on the cut floor. The applicant states that all of these areas have extensive water outlets which have attached hoses approximately 20 feet in length to provide the necessary fire protection.

The applicant further states that the plant house pressure is 90 p.s.i. The pump provides 750 gallons per minute with 150 gallons per minute at a hose station.

In the event the pump malfunctions, two backup pumps are provided which will raise the pressure to 210 p.s.i. The stream of water throw from a hose is approximately 25 feet.

The applicant states that there are some electric motors with a maximum of 25 h.p. on the cut floor. The applicant asserts that the possibility of a fire in this area is not likely. If a fire should start in these motors the power would shut off and the fires would extinguish themselves. It also states that areas with combustibles such as the box room, office areas, kitchen, and cafeteria areas, and the shipping department, will be supplied with the required number of portable fire extinguishers. Fire extinguishers are also provided in the engine room maintenance shop, edible rendering, offal packs, and issue area.

The applicant contends that there is an excellent water system with 500,000 gallons of water in a reservoir being pumped by a pump with 1,000 gallons per minute capacity. The applicant contends that the hose system in lieu of fire extinguishers on the dress floor, de-hair floor, chill floor, freezer and loin cooler will provide a place of employment as safe as the requirements of the standard from which a variance is sought.

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
911 Walnut Street
Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Room 803
Omaha, Nebraska 68102

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 December 9, 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 December 9, 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 1st day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26066 Filed 11-6-74; 8:45 am]

**STANDARDS ADVISORY COMMITTEE ON
AGRICULTURE, SUBCOMMITTEE ON
LADDERS**

Notice of Meeting

Notice is hereby given that the Subcommittee on Ladders of the Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, November 21, 1974, starting at 9 a.m. in Room 3428, Main Labor Building, Constitution Avenue and 14th Street, NW., Washington, D.C.

The agenda provides for the Subcommittee to discuss Draft II of a proposed standard for ladders with a view towards developing recommendations to be considered at a December meeting of the entire Standards Advisory Committee on Agriculture.

The meeting shall be open to the public. Written data, views, or arguments concerning the subjects under consideration may be filed with the Committee Management Officer before or at the Subcommittee meeting. Oral presentations will be allowed at the discretion of the Chairman. Persons desiring to make such a presentation should submit a request to be heard to the Committee Management Officer by November 18, 1974.

Communications to the Subcommittee should be addressed to:

Jeanne W. Ferrone
Committee Management Officer
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, NW.
Washington, D.C. 20210
202/961-2248

Signed at Washington, D.C. this 5th day of November 1974.

NOTE: It is recognized that this notice of meeting does not meet the 15-day requirement. It was necessary to schedule a meeting of this Subcommittee in order that they could prepare a document to be considered by the full Committee at their meeting on December 5 and 6, 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26227 Filed 11-6-74; 8:45 am]

Office of the Secretary

**THE WILLIAMS MANUFACTURING CO.
Certification of Eligibility of Workers To
Apply for Adjustment Assistance**

Under date of September 30, 1974, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-241) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance 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., at its plants in Portsmouth, Ohio, and Stanton, West Liberty, and Beattyville, Kentucky. In this report the Commission found that articles like or directly competitive with footwear for women, misses, and children produced by The Williams Manufacturing Co. at the above plants and at the company's Owingsville, Kentucky plant are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this the Director made a recommendation to me relating to the matter of certification (notice of delegation of authority and notice of investigation, 34 FR 18342; 37 FR 2472; 39 FR 36520, 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's and misses' footwear produced by The Williams Manufacturing Co. increased substantially. Williams also imports footwear to complement its lines of domestically produced shoes. In the face of increasing competition from foreign manufacturers the company increased its purchases of imported shoes while its domestic production of shoes declined. In the 1969-1973 period, imported footwear purchased by Williams for resale increased 186 percent. Williams sales of imported shoes as a percent of total Williams sales increased from 17 percent in 1969 to 40 percent in 1973.

As imports of competitive footwear continued to increase, in 1974 production at all Williams plants fell to such low levels that the plants could not operate efficiently. The company closed the Stanton manufacturing plant in June 1974 and the Owingsville stitching facility in July 1974. The deteriorating conditions caused by the concession generated imports resulted in a companywide production decline of 59 percent in the third quarter of 1974.

Reductions in employment levels directly related to import competition began in January 1974 and continue to date. After due consideration I make the following certification:

All hourly, piecework and salaried workers of The Williams Manufacturing Co., Portsmouth, Ohio, excepting those employed in the company's Import Division, who became or will become unemployed or underemployed after March 3, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacturing Co., Beattyville plant (Lycoming Shoe Co.), Beattyville, Kentucky, who became or will become unemployed or underemployed after January 5, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacturing Co., Stanton plant (Lycoming Shoe Co.), Stanton, Kentucky, who became or will become unemployed or underemployed after April 13, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacturing Co., West Liberty plant (Lycoming Shoe Co.), West Liberty, Kentucky, who became or will become unemployed or underemployed after February 9, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacturing Co., Owingsville plant (Lycoming Shoe Co.), Owingsville, Kentucky, who became or will become unemployed or underemployed after July 28, 1974 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 1st day of November 1974.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.74-26120 Filed 11-6-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 625]

ASSIGNMENT OF HEARINGS

NOVEMBER 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 November 7, 1974.

MC 118959 Sub Nos. 108, 109, 110, 111, 112, & 113, Jerry Lipps, Inc., now assigned December 9, 1974, at Chicago, Ill., is postponed indefinitely.

MC 124692 Sub 130, Sammons Trucking, now assigned December 9, 1974, and MC 128473 Sub 5, and Sub 16, now assigned December 12, 1974, at Billings, Mont., will be held in Room 5000, U.S. Courthouse and Post Office, 3rd Avenue North and 26th Street.

MC 30844 Sub 505, Kroblin Refrigerated Xpress, Inc., now being assigned December 12, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 48958 Sub 119, Illinois-California Express, Inc., now assigned December 19, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

MC 52460 Sub 147, Ellex Transportation, Inc., now assigned November 13, 1974, at Atlanta, Ga., is postponed indefinitely.

MC 95876 Sub 151, Anderson Trucking Service, Inc., now being assigned December 9, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 134958 Sub 6, Hams Express, Inc., now being assigned for continued hearing November 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139039, Leon R. Goldsmith, Dba Terminal Motor Express, now assigned December 9, 1974, at Los Angeles, Calif., is cancelled and the application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26134 Filed 11-6-74; 8:45 am]

ATLANTIC AND WESTERN RAILWAY, ET AL.

[Ex Parte No. 241, Rule 19; Sixteenth Rev. Exemption No. 12]

Car Service Exemption

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway, Reporting Marks: ATW.

*Chicago & Illinois Midland Railway Company, Reporting Marks: CIM.

Minneapolis, Northfield and Southern Railway, Reporting Marks: MNS.

Pickens Railroad Company, Reporting Marks: PICK.

Roscoe, Snyder and Pacific Railway Company, Reporting Marks: RSP.

Wellsville, Addison & Galetton Railroad Corporation, Reporting Marks: WAG.

Effective October 24, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., October 24, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26133 Filed 11-6-74; 8:45 am]

[I.C.C. Order No. 135; Under Rev. S.O. No. 994]

CHESAPEAKE AND OHIO RAILWAY CO. Dry-dock and Repairs to Steamer No. 10

In the opinion of R. D. Pfahler, Agent, The Chesapeake and Ohio Railway Company is unable to transport traffic over its car ferry between Port Huron, Michigan, and Sarnia, Ontario, Canada, because of

¹ Addition.

required dry-dock and repairs to its Steamer No. 10 (Ten).

It is ordered, That:

(a) The Chesapeake and Ohio Railway Company being unable to transport traffic over its car ferry between Port Huron, Michigan, and Sarnia, Ontario, Canada, because of required dry-dock and repairs to its Steamer No. 10 (Ten), that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 8 a.m., October 29, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 22, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 29, 1974.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc. 74-26138 Filed 11-6-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 4, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 18, 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 2860 (Sub-No. E67), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in Connecticut, New York, N.Y., and points in New York within 50 miles thereof, that part of New Jersey that is both on and east of U.S. Highway 202 and north of Burlington and Mercer Counties, Boston, Mass., and points in Massachusetts within 25 miles thereof, and Providence and Westerly, R.I., to points in that part of Virginia east of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., and (2) Lakewood, N.J.

No. MC 2860 (Sub-No. E68), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in Connecticut, Boston, Mass., and points in Massachusetts within 25 miles thereof, and Providence and Westerly, R.I., to points in that part of Virginia west of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of (1) New Brunswick, N.J., (2) Deepwater, N.J., and (3) any point both east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

No. MC 2860 (Sub-No. E69), filed June 4, 1974. Applicant: NATIONAL

FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of New Jersey on and east of U.S. Highway 202, to points in that part of Virginia west of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of any point that is both east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

No. MC 2860 (Sub-No. E71), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in New Jersey, that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to Frackville, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York on and east of New York Highway 14, to points in North Carolina. The purpose of this filing is to eliminate the gateways of (1) Deepwater, N.J., and (2) Baltimore, Md.

No. MC 2860 (Sub-No. E72), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by American Stores Packing Co., Division Acme Markets, Inc., at Lincoln, Nebr., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Camden (Camden County), N.J.

No. MC 2860 (Sub-No. E73), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating board, asphalt and asbestos, asphalt and asbestos products and materials, plastic products and materials, and materials, supplies, and equipment used in connection with the production, distribution,*

and installation of the above commodities (except commodities in bulk), between points in Maine and that part of New Hampshire, both on and east of Interstate Highway 93 and on and south of U.S. Highway 202, on the one hand, and, on the other, points in Pennsylvania on and south of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 276 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 433, thence along U.S. Highway 433 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 219, thence along U.S. Highway 219 to Ridgeway, thence along Pennsylvania Highway 949 to Sigel, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to Sandy Lake, thence along Pennsylvania Highway 358 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Winslow Township, N.J.

No. MC 2860 (Sub-No. E74), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural commodities, live and dressed poultry, canned goods, preserved foods, forest products, seafood, and empty containers* (except commodities in bulk, and those injurious or contaminating to other lading), from points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Harrisburg, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line, to Norfolk and Portsmouth, Va. The purpose of this filing is to eliminate the gateways of (1) Wilmington, Del., and (2) Salisbury, Md.

No. MC 2860 (Sub-No. E75), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural commodities, live and dressed poultry, canned goods, preserved foods, forest products, seafood, and empty containers* (except commodities in bulk and those injurious or contaminating to other lading), from points in New Jersey, Connecticut, Rhode Island, Massachusetts, that part of New Castle County, Del., north of the Chesapeake and Delaware Canal, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania

Highway 61 to Ashland, thence along Pennsylvania Highway 42 to Beech Glen, thence along U.S. Highway 220 to the New York-Pennsylvania State line, that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to Wayland, thence along New York Highway 63 to Dansville, thence along New York Highway 36 to Greigsville, thence along New York Highway 63 to Batavia, and thence along New York Highway 98 to Lake Ontario, to Richmond, Va. The purpose of this filing is to eliminate the gateways of (1) Chesapeake City, Md. (a point in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal), and (2) Wilmington, Del.

No. MC 2860 (Sub-No. E76), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 58 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. 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 commodities requiring special equipment), between points in New York on the one hand, and, on the other, points in Burlington, Cape May, and Mercer Counties, N.J., restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Somerville, N.J., or points in Morris County, N.J. The purpose of this filing is to eliminate the gateway of Somerville, N.J.

No. MC 54847 (Sub-No. E1), filed June 3, 1974. Applicant: INTRA-COASTAL TRUCK LINE, INC., 1200 Peters Road, Harvey, Louisiana 70058. Applicant's representative: Daniel Lund, 806 First National Bank of Commerce Building, New Orleans, Louisiana 70112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing of pipe in connection with main pipe lines, (1) between points in Texas in and south of Newton, Jasper, Tyler, Polk, San Jacinto, Walker, Grimes, Brazos, Milam, Williamson, Travis, Blanco, Kendall, Kerr, Edwards, Sutton, Crockett, Crane, Ward, Winkler, Loving, Reeves, Culberson, Hudspeth, and El Paso, Counties, on the one hand, and, on the other, points in

Mississippi; (2) between points in Texas, on the one hand, and, on the other, points in Mississippi in and south of Wayne, Jones, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson, Counties; (3) between points in Mississippi in and south of Lauderdale, Jasper, Jones, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson Counties, on the one hand, and, on the other, points in Louisiana in and south of Vernon, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington Parishes (except Harvey, La., and points in Louisiana within 100 miles thereof); (4) between points in Mississippi, on the one hand, and, on the other, points in Louisiana in and south of Washington, Tangipahoa, St. Helena, East Feliciana, West Feliciana, Pointe Coupee, St. Landry, Evangeline, Allen, and Beauregard Parishes (except Harvey, La., and points in Louisiana within 100 miles thereof); (5) between points in Louisiana (except Harvey, La., and points in Louisiana within 100 miles thereof), on the one hand, and, on the other, points in Jackson, Harrison, and Hancock Counties, Miss.

(6) Between points in Alabama, on the one hand, and, on the other, points in Louisiana in and west of Claiborne, Brienville, Winn, and La Salle Parishes and north of Vernon, Rapides, and Avoyelles Parishes; (7) between points in Louisiana north of Vernon, Rapides, Avoyelles, and Pointe Coupee Parishes, on the one hand, and, on the other, points in Florida and those in Georgia in, south and east of Union, Lumpkin, Bartow, Floyd, Dawson, and Pickens, Counties; (8) between Lone Star, Tex., on the one hand, and, on the other, points in Alabama, Florida, and Georgia; (9) between points in Texas in, south and west of Harrison, Upshur, Wood, Rains, Hunt, Collin, Denton, and Montague Counties, on the one hand, and, on the other, points in Alabama and Georgia; and (10) between points in Texas, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways of Harvey, La., and points in Louisiana within 100 miles thereof in (1) through (5) above; and points in Louisiana in and south of Vernon, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington Parishes in (6) through (10).

No. MC 59150 (Sub-No. E41), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plant site of the Celotex Corporation at Merrers, La., to points in West Virginia, Maryland, the District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 59150 (Sub-No. E43), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in Florida, to points in West Virginia, Ohio, Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 59150 (Sub-No. E44), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in that part of Florida in and east of Leon and Wakulla Counties to points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 59150 (Sub-No. E45), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plant site and storage facilities of Westvaco Corporation at North Charleston, S.C., to points in Maine, Ohio, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 78228 (Sub-No. E2), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Ashtabula, Cleveland, and Toledo, Ohio, to points in Bergen, Essex, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 78228 (Sub-No. E3), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr.,

2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys and Ores* from Philadelphia, Penn., to points in Ohio, to points in Connecticut, Delaware, Maryland (except points in Garrett, Allegany, Washington, and Frederick Counties), and New Jersey (Vancoram, Ohio*); and (2) *Metals, metal alloys, sand, ores, and limestone*, in dump vehicles, from points in Connecticut, Delaware, and New Jersey (except Mount Hope, N.J., and points in its commercial zone, and points in Gloucester and Cumberland Counties), to points in Ohio (Graham, W. Va., or Vancoram, Ohio*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 78228 (Sub-No. E4), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Metals, metal alloys, sand, ores, and limestone*, in dump vehicles, from points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey (except Mount Hope, N.J., and points in its commercial zone, and points in Gloucester and Cumberland Counties), New York, Pennsylvania (except points in Adams County and points in that part of Pennsylvania west of U.S. Highway 15), and Vermont, to Ashland, Ky. (Graham, W. Va., or Vancoram, Ohio*); (2) *Metals and scrap steel shapes*, in dump vehicles, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Pa., East Liverpool, Ohio, or Niagara Falls, N.Y.*); and (3) *Metals and scrap steel shapes*, in dump vehicles, between points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 408, thence along New York Highway 16, thence along New York Highway 16A to junction New York Highway 16A to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls, N.Y., East Liverpool, Ohio, or Braddock, Pa.*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 78228 (Sub-No. E-5), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a com-

mon carrier, by motor vehicle, over irregular routes, transporting: (1) *Metals and scrap steel shapes*, in dump vehicles, between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Pa., East Liverpool, Ohio, or Niagara Falls, N.Y.*); (2) *Metals and scrap steel shapes*, in dump vehicles, between points in that part of West Virginia on and north of U.S. Highway 50, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Pa., East Liverpool, Ohio, or Niagara Falls, N.Y.*); and (3) *Metals and scrap steel shapes*, in dump vehicles, between Ashland, Ky., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Pa., East Liverpool, Ohio, or Niagara Falls, N.Y.*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 78228 (Sub-No. E6), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro alloys, pig iron, and scrap metals*, in dump vehicles, (1) between points in Ohio, on the one hand, and, on the other, points in Vermont and New Hampshire; (2) between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Vermont and New Hampshire; and (3) between points in that part of West Virginia on and north of U.S. Highway 50, on the one hand, and, on the other, points in Vermont and New Hampshire. The purpose of this filing is to eliminate the gateways of Braddock, Pa., or East Liverpool, Ohio.

No. MC 78228 (Sub-No. E7), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, pig iron, and scrap metals*, in dump vehicles; (1) between Ashland, Ky., on the one hand, and, on the other, points in Vermont and New Hampshire (Braddock, Pa., or Liverpool, Ohio)*; (2) between points in Ohio, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls, N.Y.)*; and (3) between points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New

York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls, N.Y.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 78228 (Sub-No. E8), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, pig iron, and scrap metals*, in dump vehicles, between Ashland, Ky., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls, N.Y.); (2) *Ferro alloys, silicon metal, and manganese metal*, in dump vehicles, from points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, to points in Illinois, Indiana, Iowa, Kentucky (except points in Marshall County), and Missouri (Graham, W. Va., Vancoram, Ohio, or Vanadis, Ohio*); and (3) *Ferro alloys, silicon metal, and manganese metal*, in dump vehicles, from points in that part of Pennsylvania west of U.S. Highway 219, to points in Illinois, Indiana, Iowa, Kentucky (except Marshall County), and Missouri (Graham, W. Va., Vancoram, Ohio, or Vanadis, Ohio*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 78228 (Sub-No. E9), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, silicon metal, and manganese metal*, in dump vehicles, from points in that part of West Virginia on and north of U.S. Highway 50, to points in Illinois, Indiana, Iowa, and Missouri (Graham, W. Va., Vancoram, Ohio, or Vanadis, Ohio*); (2) *Pig iron*, in dump vehicles, from points in Ohio, to points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont (Buffalo, N.Y.); and (3) *Pig iron*, in dump vehicles, from points in that part of New York on and

west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, to points in Illinois, Kentucky, and Maine (Buffalo, N.Y.*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 78228 (Sub-No. E10), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, (1) from points in that part of Pennsylvania on and west of U.S. Highway 219, to points in Maine, New Hampshire, and Vermont; (2) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Maine, New Hampshire, and Vermont; and (3) from Ashland, Ky., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 78228 (Sub-No. E11), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles; (1) from points in Ohio, to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island; and (3) from Ashland, Ky., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, (except points in Cumberland, Salem,

Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 78228 (Sub-No. E12), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles, (1) from points in Ohio, to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), to points in that part of New York east of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, and points in Rhode Island; (2) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Connecticut, Maine, Massachusetts, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island; and (3) from Ashland, Ky., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Penn.

No. MC 106401 (Sub-No. E23), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (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); (1) between Albany, Ga., and points in Georgia within 100 miles of Atlanta on, south, and east of a line from the Alabama-Georgia State line along Georgia Highway 5 to the junction of Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to the junction of Georgia Highway 16, thence along Georgia Highway 16 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of U.S. Highway 341, thence along U.S. Highway 341 to Knoxville, Ga.,

on the one hand, and, on the other, points in West Virginia on and north of a line from the Ohio-West Virginia State line along U.S. Highway 35 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to the junction of West Virginia Highway 4, thence along West Virginia Highway 4 to the Braxton County line, thence along the southern and eastern boundary of Braxton County to the Lewis County line, thence along the southern boundary of Lewis County to the Lewis-Upshur County line, thence along the southern boundary of Upshur County to the junction of unnumbered highway east of Czar, thence along unnumbered highway via Blue Rock and Adolph to the junction of U.S. Highway 219, thence along U.S. Highway 219 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the junction of the Randolph County line, thence along the southern boundary line of Randolph County to the Randolph-Pendleton County line, thence along the Pendleton County line to the junction of West Virginia Highway 28, thence along West Virginia Highway 28 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line and all points in Pennsylvania on and west of U.S. Highway 219; (2) between Chattanooga, Tenn., and points within 15 miles thereof, and points within 100 miles of Atlanta on and bounded by a line beginning at the Georgia-Tennessee State line along U.S. Highway 411 to Chatsworth.

Thence along U.S. Highway 76 to Ellijay, thence along Georgia Highway 52 to the junction of Georgia Highway 136, thence along Georgia Highway 136 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to Gainesville, thence along Highway 60 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to the junction of Georgia Highway 11, thence along Georgia Highway 11 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to the junction of a point 100 miles from Atlanta, thence along an imaginary line 100 miles from Atlanta via Warrenton, Warthen, Danville, Hayneville, and Five Points to Georgia Highway 128, thence along Georgia Highway 128 to the junction of U.S. Highway 341, thence along U.S. Highway 341 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Georgia Highway 16, thence along Georgia Highway 16 to the junction of Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to the junction of Georgia Highway 5, thence along Georgia Highway 5 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to the Georgia-Tennessee State line, thence along the Georgia-Tennessee State line to the junction of U.S. Highway 411 the point of beginning, on the one hand, and, on the other, points in West Virginia on and north of a line from the Ohio-West Virginia State line along West Virginia

Highway 62 to the junction of West Virginia Highway 87, thence along West Virginia Highway 87 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the junction of West Virginia Highway 5, thence along West Virginia Highway 5 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to the Lewis County line.

Thence along the western and southern boundary of Lewis County to the Upshur County line, thence along the southern boundary of Upshur County to the junction of unnumbered highway east of Czar, thence along unnumbered highway via Blue Rock and Adolph to the junction of U.S. Highway 219 at Mill Creek, thence along U.S. Highway 219 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the Randolph County line, thence along the Randolph County line to the Pendleton County line, thence along the Pendleton County line to the junction of West Virginia Highway 28, thence along West Virginia Highway 28 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line and points in Pennsylvania on and west of U.S. Highway 219; (3) between points in Georgia within 100 miles of Atlanta which lie on, east, and north of a line from the Georgia-Tennessee State line along U.S. Highway 411 to Chatsworth, thence along U.S. Highway 76 to Ellijay, thence along Georgia Highway 52 to the junction of Georgia Highway 136, thence along Georgia Highway 136 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to Gainesville, thence along Georgia Highway 60 to Braselton, thence along Georgia Highway 11 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in West Virginia on and north of a line from the Ohio-West Virginia State line along West Virginia Highway 62 to the junction of West Virginia Highway 87, thence along West Virginia Highway 87 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the junction of U.S. Highway 119, thence along U.S. Highway 119 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line and points in Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Belpre, Ohio.

No. MC 107403 (Sub-No. E571), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER October 17, 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: *Sulphuric acid and phosphate fertilizer solutions*, in Carolina, Utah, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge,

La. The purpose of this correction is to reflect the correct territory descriptions.

No. MC 107403 (Sub-No. E645), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 26, 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: *Cement*, from the plant site of Southern Cement Company, division of Martin-Marietta Corporation (Magnolia), Atlanta, Ga., to points in Louisiana and Mississippi, with no transportation for compensation on return, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Universal-Atlas Cement Division, United States Steel Corporation, at Leeds (Jefferson County), Ala. The purpose of this correction is to reflect the correct E number previously published as E551.

No. MC 107478 (Sub-No. E1), (Correction), filed May 10, 1974, published in the FEDERAL REGISTER October 29, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture, beverage cases, wooden boxes, wooden crates, and wooden reels*, from points in North Carolina and South Carolina north and east of a line beginning from the North Carolina-Tennessee State line near Waterville, and extending along Interstate Highway 40 to Asheville, thence along U.S. Highway 74 to Rutherfordton, thence along U.S. Highway 221 to its junction with South Carolina Highway 11, thence along South Carolina Highway 11 to Gaffney, thence along South Carolina Highway 105 to its junction with South Carolina Highway 211, thence along South Carolina Highway 211 to Hickory Grove, thence along South Carolina Highway 97 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to Charleston, in Florida, south and east of a line beginning from Clearwater, and extending along Florida Highway 60 to Tampa, thence Interstate Highway 75 to Ocala, thence along U.S. Highway 301 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C. The purpose of this correction is to reflect the correct commodities and destination territories.

No. MC 108449 (Sub-No. E5 and E6), filed May 14, 1974. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals but including naphtha), as described in Appendix XIII

to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateways of LaCrosse and Eau Claire, Wis., the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa, to points in Iowa, Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 108449 (Sub-No. E10 and E11), filed May 14, 1974. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals but including naphtha), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in Iowa north of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 52 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateways of LaCrosse, Wis., the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa.

No. MC 108449 (Sub-No. E13), filed May 14, 1974. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in Montana. The purpose of this filing is to eliminate the gateway of St. Paul, Minn., LaCrosse, Wis., and the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC 108449 (Sub-No. E194), filed June 2, 1974. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Fargo and Grand Forks, N. Dak., to points in Illinois on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 110420 (Sub-No. E125), 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: *Vegetable oils*, in bulk, in tank vehicles, from Conshohocken, Pa.; (1) to points in Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Illinois, the Upper Peninsula of Michigan, Berrien County, Mich., and to Gary, Ind. (Chicago, Ill.)*; (2) to points in Arkansas, South Dakota, that part of Kentucky in and west of U.S. Highway 79, that part of Kentucky on and west of U.S. Highway 79 (Chicago, Ill.)*; and (3) to points in North Dakota (Clinton, Iowa, and Chicago, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E126), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles from Salem, Mass.; (1) to points in Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Illinois, the Upper Peninsula of Michigan, Berrien County, Mich., and that part of Indiana in and west of St. Joseph, Marshall, Fulton, Cass, Carroll, Clinton, Montgomery, Putnam, Owen, Greene, Martin, Dubois, and Spencer Counties (Chicago, Ill.)*; (2) points in Arkansas, South Dakota, that part of Kentucky in, west, and south of Crittenden, Caldwell, Christian, Todd, Logan, and Simpson Counties, and that part of Tennessee in and west of Stewart, Houston, Humphreys, Perry, and Wayne Counties (Chicago, Ill.)*; (3) points in North Dakota (Chicago, Ill., and Clinton, Iowa)*; (4) Tulsa, Okla.; and Irving, Tex. (Chicago, Ill. and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E127), 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: *Vegetable oils*, in bulk, in tank vehicles, from Peabody, Mass.; (1) to points in Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Illinois, the Upper Peninsula of Michigan and Berrien County, Mich., and that part of Indiana in and west of St. Joseph, Marshall, Fulton, Cass, Carroll, Clinton, Montgomery, Putnam, Owen, Greene, Martin, Dubois, and Spencer Counties (Chicago, Ill.)*; (2) to points in Arkansas, South Dakota, that part of Tennessee in and west of Stewart, Houston, Humphreys, Perry, and Wayne Counties,

and that part of Kentucky in, west, and south of Crittenden, Caldwell, Christian, Todd, Logan, and Simpson Counties (Chicago, Ill.)*; (3) to points in North Dakota (Chicago, Ill., and Clinton, Iowa)*; and (4) to Tulsa, Okla., and Irving, Tex. (Chicago, Ill., and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E128), 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: *Vegetable oils*, in bulk, in tank vehicles, from Waterloo, Iowa; (1) to points in New Jersey, Delaware, Maryland, the District of Columbia, and Westchester, Nassau, and New York Counties, N.Y. (Louisville, Ky.)*; (2) to points in that part of Kentucky on and east of U.S. Highway 231, and that part of Tennessee on and east of Interstate Highway 65 (Indianapolis, Ind.)*; (3) to points in Indiana (Chicago, Ill.)*; (4) to Portland, Maine, and points in Ohio (Cudahy, Wis.)*; and (5) to points in the Upper Peninsula of Michigan, North Dakota, and South Dakota (Red Wing, Minn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E129), 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: *Vegetable oils*, in bulk, in tank vehicles, from Cudahy, Wis.; (1) to points in Tennessee (Louisville, Ky.)*; (2) to Irving, Tex. (Louisville, Ky.)*; (3) to points in Nebraska and Missouri (Chicago, Ill.)*; (4) to points in Arkansas, Kentucky, South Dakota, and Tennessee (Chicago, Ill.)*; (5) to Lititz, Pa., and Charlotte, N.C. (Chicago, Ill.)*; (6) to points in Nebraska, North Dakota, and South Dakota (Red Wing, Minn.)*; (7) to points in Arkansas, Kentucky, Tennessee, and that part of Missouri on and south of a line beginning at the Oklahoma-Missouri State line, thence along U.S. Highway 66 to Springfield, thence along U.S. Highway 60 to the Missouri-Kentucky State line (Indianapolis, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E130), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chicago, Ill., (1) to points in Arkansas and Tennessee (Indianapolis, Ind.)*; (2) to points in North Dakota (Clinton, Iowa)*; (3) to Irving, Tex. (Louisville, Ky.)*; (4) to points in North Dakota and South Dakota (Red Wing, Minn.)*; (5) to points in Arkansas (St. Louis, Mo.)*; (6) to Portland, Maine (Cudahy, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E131), 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: *Vegetable oils*, in bulk, in tank vehicles, from Louisville, Ky., to points in Iowa, Michigan, Minnesota, Nebraska, South Dakota, that part of Arkansas in and west of Boone, Newton, Johnson, Logan, Yell, Montgomery, Pike, Hempstead, and Lafayette Counties, and that part of Missouri in, south, and east of Cape Girardeau, Bollinger, Wayne, and Butler Counties, and that part of Illinois on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 110420 (Sub-No. E132), 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: *Vegetable oils*, in bulk, in tank vehicles, from Waterloo, Iowa, (1) to points in Ohio, Indiana, the Lower Peninsula of Michigan, that part of Illinois on and south of Interstate Highway 70 and on and east of Interstate Highway 57, and that part of Wisconsin on and east of Interstate Highway 90 and on and south of U.S. Highway 18 (Chicago, Ill.)*; (2) to points in Kentucky and Tennessee (Chicago, Ill.)*; (3) to Lititz, Pa., and Charlotte, N.C. (Chicago, Ill.)*; (4) to points in Indiana, Kentucky, the Lower Peninsula of Michigan, and Ohio (Chicago, Ill.)*; (5) to Portland, Maine (Chicago, Ill., and Cudahy, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E963), 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: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, from points in Connecticut to the District of Columbia and points in Delaware and Maryland. The purpose of

this filing is to eliminate the gateways of Newark, N.J., and Philadelphia and Lima, Penn.

No. MC 110525 (Sub-No. E1102) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Georgia, on, north, and east of a line beginning at the North Carolina-Georgia State line, thence along Georgia Highway 11 to junction Georgia Highway 52, thence along Georgia Highway 15-A, thence along Georgia Highway 15-A to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-South Carolina State line to points in that part of Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of points in North Carolina. The purpose of this correction is to clarify the territorial description.

No. MC 110525 (Sub-No. E1107) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 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 the site of the Spencer Chemical Company plant, near Vicksburg, Miss., to points in that part of Tennessee on and east of a line beginning at the Georgia-Tennessee State line, thence along Tennessee Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 11W, thence along U.S. Highway 11W to the Tennessee-Virginia State line, that part of Georgia on and east of Georgia Highway 11, and that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 220 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in North Carolina. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1110) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 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: *Sulphuric acid*, in bulk, in tank vehicles, (1) from Pulaski,

Va., and points within 5 miles thereof to points in Erie and Niagara Counties, N.Y., and (2) from Front Royal, Va., and points within 5 miles thereof, to Johnstown and Josephstown, Pa., and points in Allegheny and Fayette Counties, Pa., and Erie and Niagara Counties, N.Y. The purpose of this filing is to eliminate the gateway of Cumberland, Md. The purpose of this correction is to reflect the correct origin territories.

No. MC 110525 (Sub-No. E1220) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 15, 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 portland cement, and dry motor cement*, in bulk, in tank vehicles, and in bags, from Fultonham, Ohio, (1) to points in Chautauque County, N.Y. (Middlebranch, Ohio)*, and (2) to points in Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island (Nazareth, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1228) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 15, 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: *Spent nitric acid*, in bulk, in tank vehicles, from points in West Virginia to Gibbstown, N.J. The purpose of this filing is to eliminate the gateway of Falling Waters, W. Va. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1248) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 16, 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: *Hydrochloric acid and liquid aluminum nitrate*, in bulk, in tank vehicles, from Brooklyn, Ohio, (1) to points in Georgia and that part of Tennessee on and east of U.S. Highway 27 (points in West Virginia)*, and (2) to points in that part of Tennessee on and west of U.S. Highway 27 (S. Charleston, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the origin territories.

No. MC 110525 (Sub-No. E1136) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 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 Copperhill, Tenn., to points in Indiana, Iowa, Kansas, Nebraska, that part of Illinois on and north of U.S. Highway 40, and that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 67 to Flat River, thence along Missouri Highway 8 to St. James, thence along Missouri Highway 68 to junction U.S. Highway 63, thence along U.S. Highway 63 to Vienna, thence along Missouri Highway 42 to Osage Beach, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky. The purpose of this correction is to reflect the correct territorial routes.

No. MC 110525 (Sub-No. E1266) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 17, 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: *Fish oils, sea animal oils, and vegetable oils*, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., and that part of New York on and south of New York Highway 7 and on and east of U.S. Highway 11, to points in Kentucky, restricted to movements in mixed shipments with resins, the transportation of which was authorized before the date of issuance of Carrier's Certificate No. MC 110525 (Sub-No. 924, Paragraph 738). The purpose of this filing is to eliminate the gateway of Newark, N.J. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1270) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 17, 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* (except liquid wax and commodities requiring attached heat equipment), in bulk, in tank vehicles, from the District of Columbia and points in Delaware and Maryland, to points in that part of New Jersey on and north of New Jersey Highway 70. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E1284) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downing-

town, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to the District of Columbia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E1296) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Houston, Tex., Pittsburgh, Pa., and Syracuse, N.Y. The purpose of this correction is to clarify the route descriptions.

No. MC 110525 (Sub-No. E1309) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Pennsylvania on and east of U.S. Highway 219, to points in Georgia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to clarify the route descriptions.

No. MC 110525 (Sub-No. E1311) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 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 and coal tar products*, in bulk, in tank vehicles, from points in Massachusetts to points in Ohio. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Johnstown, Pa. The purpose of this correction is to clarify the gateway.

No. MC 110525 (Sub-No. E1316) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: CHEMICAL LEAMAN TANK

LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Georgia on, west, and north of a line beginning at the Alabama-Georgia State line, thence along Interstate Highway 85 to junction Georgia Highway 16, thence along Georgia Highway 16 to Thomson, thence along U.S. Highway 278/78 to Augusta, to points in Florida. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Ga., or (2) Augusta, Ga., and points within 10 miles thereof. The purpose of this correction is to clarify the commodity descriptions and to correct a typographical error.

No. MC 110525 (Sub-No. E1324) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 136 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of South Charleston, W. Va. The purpose of this correction is to clarify the route descriptions.

No. MC 110525 (Sub-No. E1330) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles from points in that part of Georgia on east, and south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 411 to junction Georgia Highway 61, thence along Georgia Highway 61 to

junction Georgia Highway 166, thence along Georgia Highway 166 to the Georgia-Alabama State line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. The purpose of this correction is to correct a typographical error and to clarify the route descriptions.

No. MC 110525 (Sub-No. E1350) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 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 the Stauffer Chemical Company near Point Pleasant, Mason County, W. Va.; (1) to points in California, Arizona, Colorado, Idaho, Kansas, Montana, Nevada, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming (Addyston, Ohio)*; and (2) to points in Maine, New Hampshire, and Vermont (Syracuse, N.Y.). * Restricted against the transportation of liquid hydrogen, liquid nitrogen, and liquid oxygen to points in Vermont (Syracuse, N.Y.). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correctly set forth the restriction.

No. MC 110525 (Sub-No. E1351) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 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 coal tar chemicals*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in that part of New York on and north of a line beginning at the Vermont-New York State line, thence along U.S. Highway 20 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction Interstate Highway 90, thence along Interstate Highway 90 to Silver Creek, restricted to the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of Solvay, N.Y. The purpose of this correction is to correct the destination territories.

No. MC 112822 (Sub-No. E126), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plant site of Chevron Chemical Company, at or near Sugar Creek, Mo., to points in Illinois, Indiana, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Com-

pany, at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E127), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Houston, Tex. to points in Iowa, and points in that part of Nebraska on and east of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 112822 (Sub-No. E134), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Urea, and ammonium nitrate*, when used as a fertilizer, in bulk and in bags, from Pryor and Tulsa, Okla., to points in Illinois, Kentucky, Minnesota, North Dakota, South Dakota, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Atlas, Mo.

No. MC 113119 (Sub-No. E1), filed June 4, 1974. Applicant: CONTRACT SERVICE, INC., P.O. Box 281, Trewigton Road, Colmar, Penn. 18915. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceramic tile*, from Olean, N.Y., to Chicago, Ill., Detroit, Mich., Kansas City, Mo., and points in Florida. The purpose of this filing is to eliminate the gateway of Lansdale, Penn.

No. MC 114457 (Sub-No. E71), filed May 15, 1974. Applicant: DART TRAN-SIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in Kentucky, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E75), filed May 15, 1974. Applicant: DART TRAN-SIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at St. Joseph, Mo., to points in that part of Kentucky in and east of Jefferson, Bullitt, Nelson, Marion, Green, Taylor, Casey, Pulaski, and McCreary Counties, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E76), filed May 15, 1974. Applicant: DART TRAN-SIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at La Crosse, Wis., to points in Kentucky, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E77), filed May 15, 1974. Applicant: DART TRAN-SIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at La Crosse, Wis., to points in Ohio, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E80), filed May 15, 1974. Applicant: DART TRAN-SIT COMPANY, 780 North Prior Avenue,

St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture or distribution of metal containers (except commodities in bulk, or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc. at St. Joseph, Mo., to points in that part of Tennessee in and east of Campbell, Anderson, Knox, Loudon, Monroe, Polk, and Bradley Counties, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E83), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such canned meat, pizza mix, and tomato paste* as are preserved foodstuffs (except commodities in bulk, in tank vehicles), from the plant site of Armour Grocery Products Company, located in Aurora Township, Kane County, Ill., to points in Montana, North Dakota, and South Dakota (except Bon Homme, Yankton, Clay, and Union Counties). The purpose of this filing is to eliminate the gateway of Chanhassan, Minn.

No. MC 114457 (Sub-No. E99), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt-beverage metal cans and ends thereof*, from Milwaukee, Wis., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E100), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt-beverage metal cans and ends thereof*, from Milwaukee, Wis., to points in Colorado. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E101), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Preserved meats and meat products* (except commodities in bulk), as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Mid-American Protein, Inc., near Sterling, Ill., to points in Montana, restricted to the transportation of traffic originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of Chanhassan, Minn.

No. MC 114457 (Sub-No. E115), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require special equipment), from the plantsite or warehouse facilities of Continental Can Company, Inc., at Danville, Ill., to points in Colorado, Louisiana, and Texas, restricted to the transportation of shipments originating at the plantsite or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E116), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such meats and meat products*, 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, as are frozen foods, from the plantsite of Swift & Company at or near Grand Island, Nebr., to points in Ohio in and east of Ottawa, Sandusky, Seneca, Crawford, Marion, Delaware, Franklin, Pickaway, Hocking, Vinton, Jackson, and Lawrence Counties, restricted to the transportation of traffic originating at above-named origin point, and restricted against the transportation of commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Medelia, Minn.

No. MC 114457 (Sub-No. E118), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal con-

tainers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from the plantsite or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in Louisiana, restricted to the transportation of shipments originating at the plantsite or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E119), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from the plant site or warehouse facilities of Continental Can Company, Inc., at Peoria, Ill., to: (1) points in Colorado, Louisiana, and Texas (St. Louis, Mo.);* and (2) points in West Virginia (Chicago, Ill.);* restricted in (1) and (2) above to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114457 (Sub-No. E120), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from the plant site or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in Kentucky (except Louisville and points within the Cincinnati, Ohio, commercial zone, as defined by the Commission), restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria, or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E121), filed June 4, 1974. Applicant: DART TRANSIT

COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meats and meat products*, 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 commodities in bulk, in tank vehicles), as are frozen foods, from the plant site and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, New Hampshire, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, Michigan (except Van Buren, Cass, and Berrien Counties), that part of Indiana in and east of Lagrange, Noble, Whitley, Wabash, Miami, Howard, Tipton, Boone, Hendricks, Morgan, Owen, Greene, Knox, Gibson, and Posey Counties, and the District of Columbia, restricted to the transportation of shipments originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 114457 (Sub-No. E123), filed June 4, 1974. Applicant: DART TRANSPORT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meats and meat products*, 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 776, as are frozen foods, from the plant site of Swift & Company at Grand Island, Nebr., to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin point, and restricted against the transportation of commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 114457 (Sub-No. E124), filed June 4, 1974. Applicant: DART TRANSPORT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Frozen foods (except commodities in bulk), from Macon, Marshall, Carrollton, Moberly, and Milan, Mo., to points in that part of Wisconsin in and north of Polk, Barron, Sawyer, Ashland, and Iron Counties, and Gogebic, Ontonagon, Houghton, and Keweenaw Counties, Mich. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 114457 (Sub-No. E125), filed June 3, 1974. Applicant: DART TRANSPORT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such animal fats, animal oils, vegetable oils, and products and blends of said commodities*, in bulk, in tank vehicles, as are foodstuffs, from Bradley, Ill., to points in South Dakota (except Union County). The purpose of this filing is to eliminate the gateway of Watertown, Wis.

No. MC 114457 (Sub-No. E126), filed June 3, 1974. Applicant: DART TRANSPORT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meat and meat products* 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 commodities in bulk, in tank vehicles, as are frozen foods, from the plant site of Farmland Foods, Inc., near Garden City, Kans., to points in Connecticut, Delaware, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, that part of Pennsylvania in, north, and east of Franklin, Huntingdon, Blair, Clearfield, Jefferson, Clarion, Butler, Lawrence, Mercer, Crawford, and Erie Counties, Lorain, Medina, Summit, Portage, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Cuyahoga Counties, Ohio, and the District of Columbia, restricted to the transportation of shipments originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of St. James, Minn.

No. MC 114552 (Sub-No. E7) (Correction), filed April 27, 1974, published in the FEDERAL REGISTER October 10, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. 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: *Lumber* (except plywood and veneer), (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 U.S. Highway 68, thence along U.S. Highway 68 to its intersection with Kentucky Highway 90, thence along the 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. The purpose of this filing is to eliminate the 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 por-

tions of North Carolina for (3), (6), (8), and (9) above. The purpose of this partial correction is to reflect the correct destination territories. The remainder of the letter-notice remains as previously published.

No. MC 115841 (Sub-No. E6), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heasley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen meats and cooked or cured meats*, in vehicles equipped with mechanical refrigeration (except in bulk or in tank vehicles); (1) from Brundidge, Ala., to points in Maine, New Hampshire, and Vermont (Nashville, Tenn.); and (2) from points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.), to points in Maine, New Hampshire, and Vermont (Birmingham, Ala., and Nashville, Tenn.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 118831 (Sub-No. E24), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic resins*, in bulk, in tank or hopper-type vehicles, from points in Greenville County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways of points in that part of Georgia which are within the commercial zone of Lanett, Ala., and points in North Carolina.

No. MC 118831 (Sub-No. E26), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Dimethyl terephthalate, molten, in bulk, from Gibbstown, New Jersey, to points in Arkansas. The purpose of this filing is to eliminate the gateways of the plant site of E. I. DuPont de Nemours & Company at Grainers, N.C., and points in Spartanburg County, S.C., and points in Robertson County, Tenn.

No. MC 118831 (Sub-No. E30), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic granules or pellets*, in bulk, in tank or hopper-type vehicles, from points in Darlington County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways of points in that part of Georgia which

are within the commercial zone of Lanett, Ala., and points in North Carolina.

No. MC 127840 (Sub-No. E25), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils, not including liquid chemicals, in bulk, in tank vehicles, from points in Nebraska in and south of Dundy, Hitchcock, Redwillow, Furnas, Harlan, Kearney, Adams, Clay, Fillmore, Saline, Lancaster, and Cass Counties, to points in Indiana north and east of Benton, Tippecanoe, Montgomery, Hendricks, Morgan, Brown, Jackson, Scott, and Clark Counties, and to points in Kentucky in, north, and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.*

No. MC 127840 (Sub-No. E26), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils (except liquid chemicals), in bulk, in tank vehicles, from points in that part of Colorado on and east and north of a line beginning at the Colorado-Wyoming State line, thence along U.S. Highway 87 to its junction with Colorado Highway 1, thence along Colorado Highway 1 to its junction with U.S. Highway 87 at or near Denver, thence along U.S. Highway 87 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, to points in Michigan, Ohio, Pennsylvania, New York, and New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill.*

No. MC 127840 (Sub-No. E27), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils (except liquid chemicals), in bulk, in tank vehicles, from points in Cheyenne and Kiowa Counties, Colo., and those parts of Otero, Bent, and Prowers Counties, Colo., on and north of U.S. Highway 50, to points in Indiana in, north, and*

east of Warren, Fountain, Montgomery, Boone, Marion, Hancock, Rush, and Franklin Counties, and to points in Kentucky in, north, and east of Boone, Grant, Harrison, Bourbon, Clark, Estill, Jackson, Clay, Knox, and Bell Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 128741 (Sub-No. E208), 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 Maryland, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateway of points within 15 miles of Spearfish, S. Dak., and Arnold, Nebr., and points within 40 miles thereof.*

No. MC 128741 (Sub-No. E209), 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 Massachusetts, on the one hand, and, on the other points in Montana south of U.S. Highway 12, within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, Arnold, Nebr., and points within 40 miles thereof, and Spearfish, S. Dak., and points within 16 miles thereof.*

No. MC 128741 (Sub-No. E210), 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 Illinois, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and Spearfish, S. Dak., and points within 16 miles thereof.*

No. MC 128741 (Sub-No. E213), 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 de-*

defined by the Commission, between Pittsburg, Kans., on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof, Spearfish, S. Dak., and points within 16 miles thereof, and points in Greene County, Mo.

No. MC 128741 (Sub-No. E214), 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 Missouri on and north of U.S. Highway 16, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 66 and on and west of a line from the Oklahoma-Texas State line along Interstate Highway 35 to the junction Interstate Highway 35-W, thence along Interstate Highway 35-W to the junction of U.S. Highway 70, thence along U.S. Highway 70 to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateways of points in Jasper County, Missouri, north of U.S. Highway 66 and points in Canadian County, Oklahoma.*

No. MC 128741 (Sub-No. E215), 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 Illinois on and north of a line from the Indiana-Illinois State line along Illinois Highway 15 to the junction of Illinois Highway 37, thence along Illinois Highway 37, thence along U.S. Highway 50 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along Interstate Highway 35-E, thence along Interstate Highway 35-E to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateways of points in Jasper County, Missouri, on and north of U.S. Highway 66 and points in Canadian County, Oklahoma.*

No. MC 128741 (Sub-No. E216), 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 Angola, Ind., on the one hand, and, on the other, Salisbury, Md. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E217), 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 Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Kentucky on and west of a line from the Indiana-Kentucky State line along U.S. Highway 231 to the junction of U.S. Highway 31-E, thence along U.S. Highway 31-E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of points in Greene County, Mo., and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E218), 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 Ohio, on the one hand, and, on the other, points in Kansas on, west, and south of a line from the Nebraska-Kansas State line along U.S. Highway 77 to the junction of Kansas Highway 177, thence along Kansas Highway 177 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the junction of U.S. Highway 75, thence along U.S. Highway 75 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of points in Burton, Dade, Cedar, and Greene Counties, Mo., and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E219), 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 Lansing, Iowa, on the one hand, and, on the other, points in New Mexico on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateways

of points in Greene County, Mo., and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E220), 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 Lansing, Iowa, on the one hand, and, on the other, Pittsburg, Kans. The purpose of this filing is to eliminate the gateway of points in Greene County, Mo.

No. MC 128741 (Sub-No. E221), 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 S. 14th St., 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 Chadron, Nebr., on the one hand, and, on the other, points in Oklahoma on and east of a line from the Kansas-Oklahoma State line along U.S. Highway 75 to the junction of the Indian Nation Turnpike, thence along the Indian Nation Turnpike to the junction of U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E222), 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 S. 14th St., 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 Illinois on and north of U.S. Highway 50, on the one hand, and, on the other, points in Tennessee on and east of a line from the Kentucky-Tennessee State line along U.S. Highway Alternate 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Interstate Highway 24, thence along Interstate Highway 13 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E223), 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 S. 14th St., 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 Michigan

on and west of U.S. Highway 45, on the one hand, and, on the other, points in Oklahoma on and east of a line from the Kansas-Oklahoma State line along U.S. Highway 283 to the junction of Oklahoma Highway 15, thence along Oklahoma Highway 15 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Greene County, Mo.

No. MC 128741 (Sub-No. E224), 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 S. 14th St., 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 North Carolina (except points in Hertford, Bertie, Martin, Beaufort, Hyde, Dare, Tyrrell, Washington, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties), on the one hand, and, on the other, points in Michigan on, east, and south of a line from the Ohio-Michigan State line along U.S. Highway 127 to intersection with U.S. Highway 27, thence along U.S. Highway 27 to the intersection with Michigan Highway 20, thence along Michigan Highway 20 to the intersection with U.S. Highway 10, thence along U.S. Highway 10 to the intersection with Michigan Highway 25, thence along Michigan Highway 25 to intersection with Michigan Highway 142, thence along Michigan Highway 142 to the intersection with U.S. Highway 25 at Harbor Beach, thence south along U.S. Highway 25 to its point of crossing the Rock Falls River, thence along the Rock Falls River to Lake Huron. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY; ELIMINATION OF GATEWAY APPLICATIONS

NOVEMBER 4, 1974.

The following applications 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(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before December 9, 1974. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed

statement of protestant's interest in the proposal.

No. MC 2452 (Sub-No. 14G), filed June 3, 1974. Applicant: HAJEK TRUCKING COMPANY, INC., 7635 W. Lawndale Avenue, Summit, Ill. 60501. Applicant's Representative: Eugene L. Conn, One North La Salle Street, Chicago, Ill. 60602. 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, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) (1) between points in Cook County, Ill., including the Chicago, Ill., Commercial Zone as defined by the Commission in IMCC 673, on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Paducah, Ky., and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.; (2) between Cincinnati, Ohio, Dayton, Ohio, points in that part of Ohio on and bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Piqua, Ohio, and thence south along U.S. Highway 25 to the Ohio-Kentucky State line, on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville, and Paducah, Ky., Grand Rapids, Kalamazoo, St. Joseph, Shoreham, Three Rivers, Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.; (3) between Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.

(4) Between Louisville, Ky., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Paducah, Ky., and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate

the gateways of Cook County, Ill., and San Pierre, Ind.; (5) between the plant site of the Bethlehem Steel Corporation in Burns Harbor, Porter County, Ind., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., Piqua and Cincinnati, Dayton, Ohio, and points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, Three Rivers, Mich., and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.

(6) Between the plant site of Ford Motor Company located at the junction Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., Piqua and Cincinnati, Dayton, Ohio, and points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio line to Piqua and on and west of U.S. Highway 25 from Piqua to Cincinnati, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, Three Rivers, Mich., and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Jasper County, Ind. (reference point: Remington, Ind.) and Fulton County, Ind. (reference point: Rochester, Ind.).

No. MC 13087 (Sub-No. 38G), filed June 3, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Brown, Columbia, Dodge, Fond du Lac, Green Lake, Milwaukee, Oconto, Outagamie, Sauk, and Waukesha Counties, Wis., to Minneapolis and Owatonna, Minn., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 19157 (Sub-No. 18G), filed June 4, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R. D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, Suite 501, 1111

E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical equipment and parts*, between points in Maine, New Hampshire, Rhode Island, Delaware, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Louisiana, West Virginia, Mississippi, Michigan, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Schenectady, N.Y. (2) *Radioactive material*, new and spent, *radioactive source*, *special nuclear*, and *by-product materials*, *radioactive material shipping containers*, *nuclear reactor component parts*, and *equipment* used in the operation and maintenance of nuclear reactors (except commodities which by reason of size or weight require the use of special equipment), (a) between points in New York, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; (b) between points in Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey, on the one hand, and, on the other, points in Delaware, Maryland, Washington, D.C., West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan; (c) between points in Pennsylvania, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and Vermont; and (d) between Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways at points in Niskayuna, Milton, Cattaraugus Counties, N.Y., and points in New York, N.Y.

No. MC 76262 (Sub-No. 2G), filed June 4, 1974. Applicant: WEIR-COVE MOVING AND STORAGE COMPANY, a Corporation, 4224 Freedom Way, Weirton, W. Va. 26062. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate and iron and steel products*, between points in West Virginia, Ohio, Pennsylvania, those in Maryland north of U.S. Highway 40, those in Michigan south of Michigan Highway 55 and those in New York north of a line beginning at Millerton, N.Y., and extending along U.S. Highway 44

at Kerhonkson, N.Y., thence along U.S. Highway 209 to Wurtsboro, N.Y., thence along New York Highway 17B to Monticello, N.Y., and thence along New York Highway 17B to the New York-Pennsylvania State line including Narrowsburg, N.Y., and points on the indicated portions of the highways specified, on the one hand, and, on the other, points in that part of Pennsylvania on and south of U.S. Highway 422 between the Pennsylvania-Ohio State line and Indiana, Pa., on and west of U.S. Highway 119 between Indiana, Pa., and the Pennsylvania-West Virginia State line, those in that part of West Virginia on and west of U.S. Highway 19 between the West Virginia-Pennsylvania State line and Clarksburg, W. Va., and on and north of U.S. Highway 50 between Clarksburg and Parkersburg, W. Va., and those in that part of Ohio on and east of a line beginning at Marietta, Ohio, and extending along U.S. Highway 21 to Massillon, Ohio, thence along U.S. Highway 30 to Canton, Ohio, and thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway at Weirton, W. Va.

No. MC 102817 (Sub-No. 20G), filed June 3, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *New furniture*, crated or uncrated, and *store and office fixtures*, crated, from points in Illinois, to points in Arkansas, Michigan, Ohio, Kentucky, Tennessee, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateways at Evansville, Ind., Delphi, Ind., and Batesville, Tell City or Delphi, Ind.

(1) (b) *Store and office fixtures*, uncrated, from points in Illinois to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Indianapolis, Ind.

(2) *New furniture*, uncrated, and *new furniture* in containers when shipped with uncrated furniture, from points in De Kalb, Lagrange, and Steuben Counties, Ind., to points in Allegheny, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y. The purpose of this filing is to eliminate the gateway at Warsaw, Ind.

(3) *New furniture*, uncrated, or uncrated, and *store and office furniture*, crated, from points in Kentucky to points in Illinois, Missouri, Michigan, Ohio, Pennsylvania, West Virginia, Delaware, Maryland, Massachusetts, New Jersey, New York, Connecticut, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Batesville, Tell City, Delphi, Peru, Huntingburg, Jasper, Richmond, Evansville, and Warsaw, Ind.

(4) *New furniture* crated or uncrated, and *store and office fixtures*, crated, from

points in Michigan, to points in Illinois, Ohio, New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateways at Batesville, Delphi, Peru, Richmond, and Warsaw, Ind.

(5) *New furniture*, from points in Mississippi, to points in Illinois, Missouri, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Indiana.

(6) *New furniture*, crated or uncrated, and *store and office fixtures*, crated, from points in Missouri, to points in Wisconsin, Illinois, Michigan, Kentucky, Tennessee, West Virginia, Georgia, and Florida. The purpose of this filing is to eliminate the gateways at Munster, Evansville, Tell City, Delphi, Batesville, and Jasper, Ind.

(7) *New furniture*, crated or uncrated, and *store and office fixtures*, crated, from points in Ohio and Pennsylvania, to points in Kentucky, Tennessee, Michigan, Georgia, and Florida. The purpose of this filing is to eliminate the gateways at Delphi, Batesville, Tell City, and Richmond, Ind.

(8) *New furniture*, crated or uncrated, and *store and office fixtures*, crated, from points in Tennessee, to points in Ohio, Illinois, Missouri, and Kansas. The purpose of this filing is to eliminate the filing at Batesville, Tell City, Delphi, Huntingburg, Evansville, and Jasper, Ind.

No. MC 107515 (Sub-No. 919G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30050. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, as described in the Appendix to the Report in Modification of Permits-Packing House Products, 48 M.C.C. 628, from points in Louisiana, Mississippi, Alabama, Florida, North Carolina, South Carolina, Tennessee (except Nashville and McMinnville), Atlanta, Albany, Macon, Columbus, Griffin, and Montezuma, Ga., and points in their Commercial Zones, and points within 10 miles of Atlanta, Ga., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Missouri, and Kentucky. The purpose of this filing is to eliminate the gateways at Doraville, Ga., Madison, Tenn. (Nashville), and Bristol, Tenn.

No. MC 111729 (Sub-No. 447G), filed June 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints*, *complimentary replacement film*, *incidental dealer handling supplies*, and *advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Pittsburgh, Pa., and Buffalo, N.Y. The purpose of this

filing is to eliminate the gateway at Cleveland, Ohio.

No. MC 112713 (Sub-No. 157G), filed June 3, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Scheider (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 Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *empty containers* used in transporting the above specified commodities, between points in Iowa, on the one hand, and, on the other, Goodland, Kans. The purpose of this filing is to eliminate the gateway at Arkansas City, Kans.

No. MC 128741 (Sub-No. 6G) filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES INC., 2540 North 27th St., 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, (1) between points in Bexar County, Tex., on the one hand, and, on the other, points in South Dakota, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateways at Canadian County, Okla., points in Barton, Dade, Cedar, and Greene Counties, Mo., and those in that part of Jasper County, Mo., on and north of U.S. Highway 66, and Arnold, Nebr.; (2) between points in Texas, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways at North Platte, Nebr., Barton, Dade, Cedar, and Greene Counties, Mo., and Canadian County, Okla.; (3) between points in Colorado, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways at Arnold, Nebr., and points in Indiana south of U.S. Highway 40, including Indianapolis, Ind.; (4) between points in Nebraska, on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Tennessee, Colorado, and South Dakota. The purpose of this filing is to eliminate the gateways at North Platte, Nebr., Ansley, Nebr., Evansville, Ind., Joplin, Mo., and Canadian County, Okla.; (5) between points in Texas, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways at Canadian County, Okla., Greene County, Mo., and points in Indiana south of U.S. Highway 40.

No. MC 138960 (Sub-No. 1G), filed June 4, 1974. Applicant: KOBROS TRANSPORTATION SYSTEM, INC., 813 Phillips Road, Columbus, Ohio 43228. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street,

Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale food business houses and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving from, to, or between wholesale food business house outlets or other facilities of such establishments, (1) between points in Ohio, on the one hand, and, on the other, Chicago, Ill., and points in Alabama, Arkansas, Kentucky, Georgia, Louisiana, Mississippi, and Tennessee, and (2) between points in the lower peninsula of Michigan, on the one hand, and, on the other, Chicago, Ill., and points in Alabama, Arkansas, Kentucky, Georgia, Louisiana, Mississippi, Tennessee, and Ohio. The purpose of this filing is to eliminate the gateways at Dale and Evansville, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26132 Filed 11-6-74; 8:45 am]

[Ex. No. 4 to Rev. S.O. No. 1193]

**MAINE CENTRAL RAILROAD CO. AND
PENN CENTRAL TRANSPORTATION CO.
Service Order**

OCTOBER 29, 1974.

Pursuant to the authority vested in me by section (a), paragraph (7) of Revised Service Order No. 1193, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, is hereby authorized to accept from shipper at Carthage, New York, for transport to destination, MEC 10329, routed PC, regardless of the provisions of Revised Service Order No. 1193.

Effective: October 28, 1974.

Expires: October 30, 1974.

Issued at Washington, D.C., October 29, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-26137 Filed 11-6-74; 8:45 am]

[Notice No. 183]

**MOTOR CARRIER BOARD TRANSFER
PROCEEDINGS**

NOVEMBER 7, 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 Commis-

sion's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 27, 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-75370. By order of September 10, 1974, the Motor Carrier Board approved the transfer to Western Travel Merchants, a corporation, doing business as Western Travel Merchants (Montana Division: Best West Tours), Cody, Wyo., of the licenses in Nos. MC 12828 and MC 12828 (Sub-No. 2), issued September 20, 1974, to Henry H. R. Coe, Jr., and Martha S. Coe, doing business as Best West Tours, Cody, Wyo., authorizing operations as a broker in connection with the transportation of passengers and their baggage (1) in charter operations, beginning and ending at Billings, Mont., Denver, Colo., and points in Wyoming, and extending to points in Alaska, and beginning and ending at points in Wyoming, Billings, Mont., and Denver, Colo., and extending to points in the United States, excluding Alaska and Hawaii, and (2) between points in Montana and Wyoming. Robert D. Olson, P.O. Box 871, Cody, Wyo., 82414, attorney for applicants.

No. MC-FC-75435. By order entered 10-23-74, the Motor Carrier Board approved the transfer to Kay's Trucking, Inc., Hartford, Conn., of the operating rights set forth in Certificate No. MC 53225, issued July 19, 1955, to Central Storage Warehouse, Inc., Springfield, Mass., authorizing the transportation of household goods as defined by the Commission, between Springfield, Mass., and points in Massachusetts within 25 miles of Springfield, on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, Connecticut, and New York. Joseph W. Ress, 410 Asylum St., Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-75441. By order entered 10-24-74, the Motor Carrier Board approved the transfer to Charles R. Kelley, doing business as Highline Transfer, 2616 West 18th, North Platte, Nebr. 69101, of the operating rights set forth in Certificate No. MC 120162 (Sub-No. 1), issued March 6, 1974, to Ivan Lindekugel, doing business as Highline Transfer, 805 Philip St., North Platte, Nebr. 69101, authorizing the transportation of general commodities, with the usual exceptions over specified routes, between North Platte, Nebr., and Grant, Nebr., serving intermediate points, and certain specified off-route points.

No. MC-FC-75449. By order of October 24, 1974, the Motor Carrier Board approved the transfer to Able Transport, Inc., Phoenix, Ariz., of a portion of Certificate of Registration No. MC 96882 (Sub-No. 1), issued March 8, 1974, to

Muldner Livestock Transportation, Inc., Glendale, Ariz., evidencing a right to engage in transportation, in interstate commerce, as described in certificate No. 4086 issued November 8, 1973, by the Arizona Corporation Commission. Phil B. Hammond, 111 W. Monroe St., Phoenix, Ariz. 85003, attorney for applicants.

No. MC-FC-75451. By order entered 10-24-74, the Motor Carrier Board approved the transfer to Mission Steel Carriers, Inc., San Antonio, Tex., of Certificate of Registration No. MC 121633 (Sub-No. 1), issued July 30, 1973, to Mission Petroleum Carriers, Inc., San Antonio, Tex., evidencing a right to engage in transportation, in interstate or foreign commerce, of various specified commodities, between points in Texas. Morgan Nesbitt, Suite 233-E, Mockingbird Towers, Dallas, Tex. 75247.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26136 Filed 11-6-74; 8:45 am]

[Notice No. 184]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

NOVEMBER 7, 1974.

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-75432. By application filed October 29, 1974, WM. G. CUMMINGS, INC., P.O. Box 1150, Orofino, ID 83544, seeks authority to temporarily lease the operating rights of DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, Route 2, Grant Creek Rd., Missoula, MT 59801, under section 210a(b). The transfer to WM. G. CUMMINGS, INC., of the operating rights of DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26135 Filed 11-6-74; 8:45 am]

[Notice No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 1, 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 reasonably 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 263 (Sub-No. 217), filed October 15, 1974. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

ing: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of C.U.I. International, located at or near Boise, Idaho, as an off-route point in connection with applicant's regular route operations as authorized in MC-263 and subs thereunder.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 1824 (Sub-No. 70), filed September 30, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (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 which because of size or weight require the use of special equipment), serving the plantsite and warehouse facilities of Moore Business Forms, Inc. at Johnstown, Pa. as an off-route point in connection with applicant's regular route between Baltimore, Md. and Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 517), filed October 15, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal products and pallets*, from Jonesburg, Mo., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named origin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held on consolidated record with similar applications filed by Parkhill Truck Co. and Wales Transportation, Inc., at St. Louis, Mo.

No. MC 11207 (Sub-No. 353), filed October 15, 1974. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Gilman Paper Company, located at St. Marys, Ga., to point in Alabama (except Birmingham, Ala. and points within 65 miles of Birmingham and Montgomery, Ala.), Arkansas, Louisiana, Mississippi, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga. or Jacksonville, Fla.

No. MC 11220 (Sub-No. 140), filed October 10, 1974. Applicant: GORDONS

TRANSPORTS, INC., 185 West Mc-Lemore Avenue, Memphis, Tenn. 38101. Applicant's representative: James J. Enigh, P.O. Box 59, Memphis, Tenn. 38101. 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), serving the plantsite and warehouse facilities of Federal-Mogul Corporation at or near Jacksonville, Ala., as an off-route point in connection with carrier's authorized regular route operations between Selmer, Tenn. and Birmingham, Ala., and between Decatur, Ala. and Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 17778 (Sub-No. 38), filed October 9, 1974. Applicant: YALE TRANSPORT CORP., 215 County Avenue, Secaucus, N.J. 07094. 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 used household goods, classes A and B explosives, commodities requiring dump truck service and commodities in bulk), serving the site of the facilities of Health-Tex Inc., located at Cumberland, R.I., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Providence, R.I.

No. MC 22229 (Sub-No. 93), filed October 10, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave. 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 irregular routes, transporting: *Containers* made of sheet steel or plastic, and *ammunition boxes* made of sheet steel or plastic, from Homerville, Ga., to points in Tennessee, Kentucky, Missouri, Illinois, Indiana, Wisconsin, Ohio and Michigan.

NOTE.—Applicant states that he intends to tack the above requested authority with the operations authorized in MC-F-11674 at Cleveland, Ohio in order to provide a through service to specified areas in New York and Pennsylvania. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Jacksonville, Fla.

No. MC 23441 (Sub-No. 15), filed October 9, 1974. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street La-Porte, Ind. 46350. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements and*

parts, (except hand and those which because of size or weight require the use of special equipment), from the plant-site of Allis Chalmers Corporation at LaPorte, Ind., to points in Alabama, Colorado, Delaware, Florida, Louisiana, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Vermont, Virginia and West Virginia; and (2) *equipment, materials and supplies* used in the manufacture and distribution of the above named commodities (except in bulk), from points in Illinois, Michigan, Missouri, Iowa, Ohio and Wisconsin, to the plant-site of Allis Chalmers Corporation at LaPorte, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 25798 (Sub-No. 266) filed October 8, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburn, Ala. 36823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Livonia, Mich., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Detroit, Mich.

No. MC 27719 (Sub-No. 6) filed September 20, 1974. Applicant: HAYES TRUCK LINE, INC., 1701 Bay Street, Tacoma, Wash. 98401. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, between the plant-site of United States Gypsum Company at or near Tacoma, Wash., on the one hand, and, on the other, points in Washington, points in Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton, and Toole Counties, Mont., and Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon, and Elmore Counties, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 29886 (Sub-No. 317), filed October 7, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from the facilities of H. B. Reed & Co.,

Inc. at Kearny, N.J., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29910 (Sub-No. 151), filed October 3, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plant and warehouse sites of Western Electric Company at or near the junction of Maple Street and New York Highway 422 in Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y. or Washington, D.C.

No. MC 30605 (Sub-No. 156), filed October 10, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the construction site and plant of The Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Mary's, (Pottawatomie County), Kans., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Wichita, Kans.

No. MC 30887 (Sub-No. 211), filed October 7, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste oil*, in bulk, in tank vehicles, from Marcus Hook, Pa., to Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 35358 (Sub-No. 36), filed October 7, 1974. Applicant: BERGER TRANSFER & STORAGE, INC., 327

Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture fixtures and furnishings*, from Burlington, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 47898 (Sub-No. 6), filed October 7, 1974. Applicant: WISCONSIN-PACIFIC EXPRESS, INC., 4902 South 13th Street, Sheboygan, Wis. 53081. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Pine Island, Minn., to points in Wisconsin; and (2) *such commodities* as are used by cheese producers in the conduct of their business when destined to and for use by cheese producers, from points in Wisconsin, to Pine Island, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 50307 (Sub-No. 73), filed September 19, 1974. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, Oneonta, Hudson Falls, Little Falls, St. Johnsville, Amsterdam, Cobleskill, Glens Falls, Frankfurt, Johnstown, Herkimer, Hoosick Falls, Salem, Fort Edward, Utica, Cooperstown, Rome, Ballston Spa, Whitehall, Mechanicsville, Richfield Springs, Oswego, Granville, Greenwich, Syracuse, and Watertown, N.Y.; points in Schenectady, Franklin, and Rensselaer Counties, N.Y.; Pittsfield, Mass.; and points in Addison, Caledonia, Chittenden, Franklin, Lamoille, Rutland and Washington Counties, Vt., and (2) *wearing apparel and materials, supplies and equipment* used in the manufacture thereof, (a) between Newark, N.J., on the one hand, and, on the other, Cobleskill, Frankfurt and Ossining, N.Y., (b) between Paterson, N.J., on the one hand, and, on the other, Cobleskill, Frankfurt and Ossining, N.Y., (c) between Pittsfield, Mass., on the one hand, and, on the other, Little Falls, Peekskill, Cohoes, Yonkers, Port Chester, and Tuckahoe, N.Y., and Burlington, Vt., and (d) between New Brunswick, N.Y., on the one hand, and, on the other, Poughkeepsie, N.Y., restricted in (1) and (2) above against service to retail or department stores on traffic moving to points in Massachusetts. Note: Applicant states

that the above request for authority incorporates, in part, the authority presently held by applicant in MC-50307 Subs Nos. 55 and 70. If instant application is approved, applicant agrees to cancel authority granted in Sub Nos. mentioned above to the extent it duplicates the authority requested herein. Applicant indicates that it will tack the authority requested herein at the New York, N.Y. Commercial Zone, to provide service between those points named in (1) above, on the one hand, and, on the other, those points in Pennsylvania on and east of U.S. Highway 11, and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 399), filed October 7, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. 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) *Frozen bakery and sandwiches*, from Plover, Wis., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities noted above, from points in the United States (except Alaska and Hawaii), to Plover, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52861 (Sub-No. 38), filed September 23, 1974. Applicant: WILLIS TRUCKING, INC., 5755 Granger Road, Cleveland, Ohio 44131. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alloys, ores, cast iron borings, and alloyed cast iron*, in dump vehicles, between points in Wayne County, Mich., on the one hand, and on the other, points in Illinois, Indiana, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 53965 (Sub-No. 104), filed September 23, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the plant and construction site of The Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Marys (Pottawatomie County), Kansas, as an off-route point in connection with carrier's authorized regular route operations.

NOTE. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Topeka, Kans.

No. MC 55896 (Sub-No. 46), filed October 9, 1974. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: William E. Richter, (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and warehouses of Roll Coater, Inc., at or near Kingsbury, Ind., as an off route point in connection with carrier's authorized regular route operations to and from Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held either at Washington, D.C., or Chicago, Ill.

No. MC 56823 (Sub-No. 5), filed October 11, 1974. Applicant: O'KEEFE TRANSPORTATION COMPANY, INC., 18 Keough Street, Pawtucket, R.I. 02860. Applicant's representative: Russell B. Curnett, P.O. Box 366, Harwich, Mass. 02645. 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 Rhode Island on the one hand, and, on the other, points in Massachusetts.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Providence, R.I. or Boston, Mass.

No. MC 61403 (Sub-No. 228), filed October 3, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, in tank vehicles, from Pekin, Ill., to points in Indiana, Kentucky, Mississippi, New Jersey, Pennsylvania, and Tennessee (except on and east of U.S. Highway 25E from the Kentucky-Tennessee State line to Newport; thence U.S. Highway 411 to Sevierville; thence U.S. Highway 441 to the Tennessee-North Carolina State line).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 327), filed October 2, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 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: *Floor and*

wall tile, linoleum, rugs (padded or otherwise), padding, adhesive, carpets and carpeting, and supplies used in the installation of the above commodities, including wood and metal moldings, and felt and rubber padding, in straight or mixed loads (except commodities in bulk), from Itasca, Ill.; Salem and East Rutherford, N.J.; Dallas and Mineral Wells, Tex.; and points in their respective Commercial Zones, to points in Adams, Arapahoe, Boulder, Denver, Jefferson, Larimer, Logan, Morgan and Weld Counties, Colo.; and Colorado Springs, Lamar and Pueblo, Colo.; Casper, Cheyenne, and Torrington, Wyo.; Scottsbluff, Nebr.; and points in their respective Commercial Zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 72243 (Sub-No. 46), filed September 23, 1974. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Sewage and water treatment systems, tanks set up or knocked down, and machinery, equipment, supplies and components* used in the installation thereof (except commodities in bulk), from the plantsite and facilities of Pollution Control, Inc. at or near DeLisle, Miss., to points in Ohio, Indiana, Illinois, Oklahoma, Texas, Missouri, Maryland, Virginia, Georgia, Pennsylvania, and that part of Florida on and west of U.S. Highway 319; and (2) *damaged and rejected shipments* on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 72243 (Sub-No. 47), filed October 8, 1974. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Sewage and water treatment system tanks, set up or knocked down, and machinery, equipment, supplies and components* used in the installation thereof (except commodities in bulk), (1) from Marshall, Tex., to points in Kansas, Missouri, Oklahoma, Louisiana, Mississippi, Alabama, Arkansas, Georgia, and those in that part of Florida on and west of U.S. Highway 319; and (2) from Picayune, Miss., to points in Kansas, Missouri, Oklahoma, Georgia, and those in that part of Florida on and west of U.S. Highway 319; and (B) *damaged and rejected shipments* on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 78228 (Sub-No. 52), filed September 25, 1974. Applicant: J MILLER

EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15219. 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: *Such commodities* as are usually transported in dump vehicles, between ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments moving to or from Canada.

NOTE.—Common control was approved in MC-F-11070. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Buffalo, N.Y.

No. MC 95540 (Sub-No. 916), filed October 7, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin, to points in Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 917), filed October 9, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Dr., N.E., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Bananas, and agricultural commodities*, exempt from economic regulation under Section 203 (b) (6) of the Act, when transported in mixed loads with bananas, from New Orleans, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 159), filed October 7, 1974. Applicant: ANDERSON

TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Porter and Lake Counties, Ind., and Cook, Du Page, and Will Counties, Ill., to points in North Dakota, South Iowa, those in Nebraska on and east of U.S. Highway 69 (except Des Moines, Iowa), those in Nebraska on and west of U.S. Highway 281, those points in Doniphan, Brown, Nemaha, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Johnson, Douglas, Shawnee, Wabunsee, Geary, Riley, and Wyandotte Counties, Kans., and those points in Atchinson, Nodaway, Worth, Gentry, Andrew, Holt, De Kalb, Buchanan, Clinton, Platte, Clay, and Jackson Counties, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95876 (Sub-No. 160), filed October 7, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral fiberboard, wood fiberboard, gypsum board, and acoustical materials*, from Plainfield, Ill., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies* used in the manufacture of items described above, from points in the United States (except Alaska and Hawaii), to Plainfield, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95876 (Sub-No. 161), filed October 7, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 95920 (Sub-No. 34), filed October 7, 1974. Applicant: SANTRY TRUCKING CO., a corporation, 11552 S.W. Pacific Highway, Portland, Ore. 97223. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Olympia,

Wash., to points in Wisconsin and Michigan and (2) *supplies, materials, and equipment* used in the manufacture of malt beverages, from points in Wisconsin and Michigan, to Olympia, Wash., under a continuing contract or contracts with Olympia Brewing Company, of Olympia, Wash.

NOTE.—Applicant holds common carrier authority in MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 99780 (Sub-No. 44) (Amendment), filed July 8, 1974, published in the FEDERAL REGISTER issue of August 22, 1974, and republished as amended this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. 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, and commodities in bulk), (1) from (a) the storage facilities of the Dry Storage Corporation, (b) the plantsites and storage facilities of M & M Mars, and (c) the plantsites and storage facilities of the A. E. Stanley Manufacturing Co. located in that portion of the Chicago, Ill. Commercial Zone in Illinois, to Milwaukee, Wis. and points in the Milwaukee, Wis. Commercial Zone, St. Louis, Mo. and points in the St. Louis, Mo. Commercial Zone, Detroit, Mich. and points in the Detroit, Mich. Commercial Zone, and points in Iowa west of U.S. Highway 169; and (2) *Foodstuffs*, from (a) the storage facilities of the Dry Storage Corporation, and (b) the plantsite and storage facilities of Standard Brands, Inc., located in that portion of the Chicago, Ill. Commercial Zone in Illinois, to points in that portion of Iowa west of U.S. Highway 169; restricted in (1) and (2) above to traffic originating at the above specified origins and destined to the above specified destinations.

NOTE.—The purposes of this republication are to amend the request for authority in (1) above and include an additional request for authority in (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 284), filed October 4, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding*, from Tuscaloosa, Ala., to points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 102567 (Sub-No. 176), filed October 15, 1974. Applicant: McNAIR

TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 102567 (Sub-No. 177), filed October 15, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, and petroleum products*, in bulk, in tank vehicles, from points in Chambers and Harris Counties, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103435 (Sub-No. 226), filed October 7, 1974. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment and classes A and B explosives), serving the Skagit Nuclear Power Project plant site near Sedro Woolley, Wash., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 103993 (Sub-No. 837), filed October 7, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings* of undercarriages, from points in Oswego County, N.Y., to points in the United States (except Alaska, Hawaii and Worcester, N.Y.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 103993 (Sub-No. 838), filed October 7, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from points in Tishomingo County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 106398 (Sub-No. 719), filed October 4, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels*, from Washington Court House, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 106497 (Sub-No. 101), filed October 10, 1974. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912, Loop I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated metal products*; and (2) *pallets*, from Jonesburg, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 106603 (Sub-No. 138), filed October 9, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. S.W., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Louis E. Cain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite and warehouses of Roll Coater, Inc., at or near Kingsbury, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi (on and north of U.S. Highway 82), Missouri, New York (on and west of U.S. Highway 15), Ohio, Pennsylvania (on and west of U.S. Highway 219), Tennessee, West Virginia (on and north of U.S. Highway 50), and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC-46240, and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 107012 (Sub-No. 210), filed October 11, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *New furniture, and new house furnishings*, from points in California, to points in Idaho, Montana, Oregon, and Washington.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107103 (Sub-No. 8), filed October 7, 1974. Applicant: ROBINSON CARTAGE CO., a corporation, 2712 Chicago Drive S.W., Grand Rapids, Mich. 49509. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related machinery parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which because of size or weight require the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers), between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Chicago, Ill., or Detroit, Mich.

No. MC 107295 (Sub-No. 746), filed October 7, 1974. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials and accessories* used in the installation thereof, from the plantsite and warehouse facilities of Lloyd A. Fry Roofing Co., at Memphis, Tenn., to points in Arkansas, Missouri, Mississippi, Louisiana, Alabama, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 955), filed September 17, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettebaum, Suite 375, 3379 Peachtree Road NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, rugs, floor coverings, yarn and textile products*, from Franklin, Hamilton, and Marian Counties, Tenn. and points in Georgia north of U.S. Highway 78 and west of U.S. Highway 441, to points in Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107839 (Sub-No. 158), filed October 9, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat 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, from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc. at or near Amarillo, Tex., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nebraska, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other carriers requesting similar authority.

No. MC 107882 (Sub-No. 35) (Correction), filed July 26, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished, as corrected, this issue. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert Alan Dubin, 1819 H Street N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with General Services Administration.

NOTE.—The purpose of this republication is to indicate the correct sub number assigned to this proceeding as Sub-No. 35 in lieu of Sub-No. 135 as previously published. Applicant holds common carrier authority in MC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Trenton, N.J. or Washington, D.C.

No. MC 109584 (Sub-No. 159), filed October 7, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup*, in bulk, in tank vehicles, from Emeryville, Calif., to Richmond, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 110563 (Sub-No. 146), filed October 2, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, 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: *Frozen foods*, from Wellston, Ohio, to points in Delaware and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 110563 (Sub-No. 147), filed October 10, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsites and warehouse facilities utilized by Awrey Bakeries, Inc. at or near Detroit, Mich., to points in the District of Columbia, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire, restricted to traffic originating at the above-named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 111729 (Sub-No. 469), filed October 7, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh cut flowers and decorative greens* when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, between points in North Carolina and South Carolina, having an immediately prior or subsequent movement by air or motor vehicle.

NOTE.—Applicant holds contract carrier authority in MC 112750 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 Washington, D.C.

No. MC 113410 (Sub-No. 91), filed September 27, 1974. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant: Leonard A. Jaskiewicz, 1730 M Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, fuel oil, liquefied petroleum gas, and blends thereof*, in bulk, in tank vehicles, from Junction City, Wis., to Pine Bend, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 114273 (Sub-No. 221), filed October 4, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Heavy machinery, heavy machinery components, related supplies and equipment, and equipment, material and supplies* used in the maintenance, service and operation of heavy machinery, from Cedar Rapids, Iowa, to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115793 (Sub-No. 19), filed October 11, 1974. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 221 South, P.O. Box 672, Lenoir, N.C. 28645. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. N.W., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsite of Burlington House Furniture, at or near Robbinsville, N.C., to points in Burke, Caldwell, and Catawba Counties, N.C., and *damaged or rejected shipments*, on return.

NOTE.—Applicant states that it intends to tack the requested authority with its Sub-No. 7 at points in Caldwell County, N.C., to provide service from Robbinsville, N.C. to points in Tennessee and Missouri. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 116073 (Sub-No. 311), filed October 8, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements; and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Boissier Parish and Franklin Parish, La., to points in Arkansas, Oklahoma, Texas, Alabama, Mississippi, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 116073 (Sub-No. 312), filed October 7, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner, 1819—4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, transported on wheeled undercarriages, from Spencer, Wis., to points in Minnesota, Iowa, North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, Missouri, Illinois, and the Upper Peninsula of Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant

requests it be held at either Madison, Wis. or Minneapolis, Minn.

No. MC 118089 (Sub-No. 17) (Correction), filed August 5, 1974, published in the FEDERAL REGISTER issue, September 6, 1974, and republished as corrected, this issue. 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, Denver, Colo. 80202. 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 plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, Montana, New Mexico, New Jersey, New York, Nevada, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington.

NOTE.—The purpose of this republication is to indicate the correct spelling of Connecticut. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 119493 (Sub-No. 130), filed September 30, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, unfrozen, from St. Francisville and Belledeau, La. to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 119700 (Sub-No. 24), filed September 30, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Roofing shingles, roofing asphalt, roofing insulation and roofing felt*, in bundles or rolls, from Wichita, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Texas and Wisconsin; and (B) *concrete reinforcing joints, materials and supplies*, from Parsons, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119908 (Sub-No. 26), filed September 23, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and particle board*, from Silsbee and Bon Wier, Tex., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Applicant holds contract authority in MC 110814 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or New Orleans, La.

No. MC 119934 (Sub-No. 199), filed October 8, 1974. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from New Orleans, La., to points in Ohio.

NOTE.—Applicant holds contract carrier authority in MC 128161 and sub 1, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or New Orleans, La.

No. MC 121281 (Sub-No. 10), filed October 7, 1974. Applicant: BIG MAC TRUCKING CO., a corporation, 1335 Boyles, P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in El Paso County, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Carolina, Tennessee, Utah, Wisconsin, and Wyoming; and (2) *iron and steel scrap* including scrapped and crushed car bodies, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Carolina, Tennessee, Utah, Wisconsin, and Wyoming, to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either El Paso, or Houston, Tex.

No. MC 124802 (Sub-No. 13), filed October 10, 1974. Applicant: ACE MOTOR FREIGHT, INC., Box 127, Summerville, Pa. 15864. Applicant's representative: H. Ray Pope, 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from

points in Armstrong, Clarion, and Jefferson Counties, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, Connecticut, Michigan, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 124839 (Sub-No. 25), filed October 9, 1974. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from the plantsite and storage facilities of the National Gypsum Company, at Port Wentworth, Ga., to points in Alabama, South Carolina, and New Hanover County, N.C., under contract with National Gypsum Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 124947 (Sub-No. 34), filed October 9, 1974. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 600 Leninger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and particle board*, from Silsbee and Bon Wier, Tex., to points in New York, Pennsylvania, West Virginia, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex., or New Orleans, La.

No. MC 125909 (Sub-No. 3), filed October 9, 1974. Applicant: UNIVERSAL TRANSPORT, INC., Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated wooden posts and poles*, from Sheridan, Wyo., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming, under contract with Sheridan Forest Products Corp., at Sheridan, Wyo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Denver, Colo.

No. MC 126715 (Sub-No. 7), filed October 7, 1974. Applicant: TRANSPORT SERVICE, a corporation, 6395 Southeast Alberta Street, Portland, Ore. 97206. Applicant's representative: Jerry R. Woods, 100 Southwest Market Street, Portland, Ore. 97201. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Asphalt and road oils*, from the terminal of Tidewater Barge Lines, Inc. located East Pasco, Wash., to points in Idaho north of the southern boundary of Idaho County.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127042 (Sub-No. 152), filed October 9, 1974. Applicant: HAGEN, INC., 3232 Hithway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Arlington, Minn. and Bloomer, Wis., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and (2) from Ortonville, Minn., to points in Colorado, Iowa, Kansas, Missouri, Oklahoma, and Texas, restricted in (1) and (2) above, to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128270 (Sub-No. 10), filed October 11, 1974. Applicant: REDIEHS INTERSTATE, INC., 7869 Milton Road, Gary, Ind. 46403. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Centerville, Iowa, to points in Illinois, Indiana, Michigan, Wisconsin, Missouri, Ohio, Kentucky, Mississippi, and Pennsylvania; and (2) *materials, equipment and supplies* used in the manufacture of iron and steel articles, from points in Illinois, Indiana, Michigan, Wisconsin, Missouri, Ohio, Kentucky, Mississippi, and Pennsylvania, to Centerville, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 160), filed October 3, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc and zinc products*, from Corpus Christi, Tex., to points in the United States (except Montana, Wyoming, Idaho, North Dakota, South Dakota, Utah, New Mexico, Nevada, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 128273 (Sub-No. 161), filed October 4, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's

representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plumbing fittings, fixtures, equipment, materials, and supplies*, from Alliance, and Salem, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129124 (Sub-No. 11), filed September 30, 1974. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: Herbert R. Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Centre, Clearfield, and Clinton Counties, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 129171 (Sub-No. 14), filed October 4, 1974. Applicant: ARTHUR SHELLEY, INC., R.D. No. 2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, related advertising materials and premiums*, from Duryea and Bethlehem, Pa., to Hayward, Calif.

NOTE.—Applicant holds contract carrier authority in MC 126381 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133106 (Sub-No. 46), filed September 19, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures and materials and supplies* necessary for the installation thereof, (1) between the plantsite and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio, and South Haven, Miss.; and (2) from the plantsites and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio, and South Haven, Miss., to points in Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California, and Nevada, under a continuing contract or contracts with International Telephone and Telegraph Corporation.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the appli-

cant requests it be held at New York, N.Y. or Kansas City, Mo.

No. MC 133233 (Sub-No. 34), filed October 3, 1974. Applicant: CLARENCE L. WERNER, doing business as, WERNER ENTERPRISE, 805 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Donna L. Ehrlich (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry macaroni products*, between Omaha, Nebr., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, under contract with Skinner Macaroni Co.

NOTE.—Applicant holds common carrier authority in MC 138328, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133591 (Sub-No. 12) (correction), filed September 24, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712. 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: (1) *Animal and pet food* (except in bulk), from Rolla, Mo., to points in Texas, Kansas, New Mexico, Arizona, California, Nevada, Oregon, Washington, Colorado, Idaho, Montana, North Dakota, South Dakota, Wyoming, and Utah; and (2) *canned foodstuffs and agricultural commodities* exempt from economic regulation under section 203(b) (6) of the Interstate Commerce Act, in mixed loads with canned foodstuffs, from Ulysses, Kans., to points in California, Arizona, Nevada, Utah, Oregon, Washington, Missouri, and Arkansas, restricted in (1) above to the transportation of traffic originating at the named origin.

NOTE.—The purpose of this correction is to indicate the correct docket number, as MC-133591 (Sub-No. 12), instead of MC 133501 (Sub-No. 12). Applicant holds contract carrier authority in MC 134494 Sub 1 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134970 (Sub-No. 7), filed October 7, 1974. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down or in sections, and *equipment, supplies and component parts* used in the construction, erection or completion of such buildings, from the plantsite of Marathon Metallic Building Com-

pany located at El Paso, Ill., to points in North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Houston, Tex.

No. MC 135457 (Sub-No. 4), filed October 1, 1974. Applicant: COMMERCIAL CARTAGE CO., a Corporation, 3900 Reavis Barracks Road, St. Louis, Mo. 63125. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Kansas City, Kans., to St. Louis, Mo., and points in St. Louis, St. Charles, and Jefferson Counties, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be either held at St. Louis, or Kansas City, Mo.

No. MC 136375 (Sub-No. 4), filed October 7, 1974. Applicant: DONCO CARRIERS, INC., 1001 S. Rockwell, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: William L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Curtains, dust collecting electric precipitators*, from Roseville, Mich., to points in the United States (except Alaska and Hawaii), under a continuing contract with Evans Products-Ternes Steel Division.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., Detroit, Mich., or Washington, D.C.

No. MC 136379 (Sub-No. 1), filed October 4, 1974. Applicant: JAY WATERS, 1529 North Broadway, Everett, Wash. 98201. Applicant's representative: M. D. Duppenhaler, 411 Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, and shingles*, from points in Clallam, Grays Harbor, Jefferson, and Pacific Counties, Wash., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136915 (Sub-No. 9), filed September 30, 1974. Applicant: GOODMAN TRANSPORTATION, INC., 4062 South 3rd West, P.O. Box 7213, Murray, Utah 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract 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), from the plantsite of Joe Doctorman & Son, Inc., at South Salt Lake City, Utah, to Dallas, Waco, Laredo, Ft. Worth, Hous-

ton, and San Antonio, Tex., and points in Nevada and California, under a continuing contract or contracts with Joe Doctorman & Son, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 137015 (Sub-No. 1), filed October 15, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) From Ft. Worth, Tex., to Lamar, Springfield, and West Plains, Mo., and Chickasha and Oklahoma City, Okla.; (2) from Galveston and Houston, Tex., to Oklahoma City, Shawnee, and Tulsa, Okla.; (3) from St. Paul, Minn., to Springfield and West Plains, Mo.; and (4) from Belleville, Ill., to West Plains, Mo.

NOTE.—Applicant holds contract carrier authority in MC 119399 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 138328 (Sub-No. 19), filed October 15, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Donna L. Ehrlich (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cookies*, from the facilities of Ripon Foods, Inc., at Ripon, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fond du Lac, Wis., or Chicago, Ill.

No. MC 138580 (Sub-No. 4), filed September 20, 1974. Applicant: E. & P. WHITMER BROS., INC., Rural Delivery No. 3, Sunbury, Pa. 18701. Applicant's representative: Lloyd R. Persun, 1801 North Front Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except bulk, in tank vehicles, and liquid fertilizer in tank vehicles), between the plantsite of Green Leaf Fertilizer Company, Inc. in the Borough of Washingtonville, Montour County, Pa., on the one hand, and, on the other, points in New York bounded by a line beginning at a point on the Pennsylvania-New York State Boundary line near Binghamton, N.Y., and extending along U.S. Highway 11 to junction U.S. Highway 20 approximately 12 miles south of Syracuse, N.Y., thence along U.S. Highway 20 to junction New York Highway 5 near Avon, N.Y., thence along New York Highway 5 to junction New York Highway 249 near Farnham, N.Y., thence along New York Highway 249 to junction U.S. Highway 62, thence along

U.S. Highway 62 to the Pennsylvania-New York State Boundary line, and thence along the Pennsylvania-New York State Boundary line to the point of beginning, including points on the portions of the highways mentioned above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg or Sunbury, Pa.

No. MC 138807 (Sub-No. 6), filed September 24, 1974. Applicant: ZIP TRUCKING, INC., P.O. Box 5449, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel*, from Hattiesburg, Miss., to points in California, under a continuing contract or contracts with Big Yank Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 138941 (Sub-No. 3), filed October 10, 1974. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Wayne, Ontario, and Monroe Counties, N.Y., to points in Arizona, California, New Mexico, Texas, and Oklahoma, under contract with Mobil Chemical Company, Division Mobil Oil Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Los Angeles, Calif.

No. MC 139253 (Sub-No. 2) (Correction), filed August 22, 1974, published in the FEDERAL REGISTER issues of September 19, 1974 and October 17, 1974, and in third publication, as corrected, this issue. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORP., Westside Industrial Park, P.O. Box 1195, Johnson City, Tenn. 37601. Applicant's representative: Robert L. Baker, 168 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, commodities in bulk, classes A and B explosives and used household goods as defined by the Commission), between Greeneville, Tenn., on the one hand, and, on the other, points in Washington, Green Sullivan and Carter Counties, Tenn., restricted to the transportation of shipments having an immediate prior or subsequent movement by rail.

NOTE.—The purpose of this republication is to indicate the correct docket number MC 139253 (Sub-No. 2) in lieu of MC 139235 (Sub-No. 2) as previously published. If a hearing is deemed necessary, the applicant requests it be held at Johnson City, Tenn., or Washington, D.C.

No. MC 139434 (Sub-No. 2), filed October 16, 1974. Applicant: MID-AMERICA EXPRESS, INC., 1826 F

Street, Gothenburg, Nebr. 69138. Applicant's representative: Frederick J. Coffman, 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: *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, from Fremont and Schuyler, Nebr., and Cherokee, Hartley, and Spencer, Iowa, to points in Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 139495 (Sub-No. 9), filed October 2, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Kitchens of Sara Lee located at or near Deerfield and Chicago, Ill., to points in Ohio, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, restricted to the transportation of shipments originating at the above named origin points.

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 Wichita, Kans. or Chicago, Ill.

No. MC 139495 (Sub-No. 11), filed October 10, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert A. Dublin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage*, from Pawtucket, R.I., to points in Ohio, Indiana, Michigan, Wisconsin, Illinois, Kentucky, Tennessee, Iowa, Minnesota, Missouri, Kansas, Texas, Oklahoma, Arkansas, Louisiana, Colorado, Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, and New Mexico.

NOTE.—Applicant holds motor 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. 12), filed October 10, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert A. Dublin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bags, film, sheeting, and related products*, from Peabody and Salem, Mass., to points in New York north of New York High-

way 17, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Colorado, Texas, and Louisiana.

NOTE.—Applicant holds motor 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 139777 (Sub-No. 4), filed October 7, 1974. Applicant: SIX STAR TRANSPORTATION, INC., 969A Conklin Street, Farmingdale, N.Y. 11735. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and fertilizer ingredients* (except in bulk, in tank vehicles), between Blue Point, N.Y., Caldwell, N.J., and Hanover, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, Indiana, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 139852 (Sub-No. 1), filed October 1, 1974. Applicant: E. C. BLACK, doing business as BLACK TRUCKING COMPANY, Route 1, York, S.C. 29745. Applicant's representative: Joseph M. Epting, 802 Palmetto State Life Building, P.O. Box 11414, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized and vinyl coated chain link fence, fencing accessories, pipes, gates, and reinforcing concrete wire mesh*, from Rock Hill, S.C., to points in North Carolina, under contract with National Fence Manufacturing Co., Inc., at Rock Hill, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 139923 (Sub-No. 3), filed October 9, 1974. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Jack Darnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Nevada, Oregon, Texas, Utah, and Washington, restricted to traffic originating at the named origin point and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 140003 (Sub-No. 2), filed October 7, 1974. Applicant: BALL MOTOR LINE OF APOPKA, INC., North Highway

441, Plymouth, Fla. 32703. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment and components*, from Brownstown, Ind., to in De Leon Springs, Fla., under a continuing contract with Sparten Indiana, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 140033 (Sub-No. 4), filed September 30, 1974. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75205. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Montana, North Carolina, South Carolina, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140077 (Sub-No. 2), filed October 17, 1974. Applicant: SMITH TERMINAL WAREHOUSE COMPANY, a Corporation, 3535 Northwest 112 Street, Miami, Fla. 33167. Applicant's representative: Bernard C. Pestcoe, 19 West Flagler Street, Suite 511, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, between the facilities of Smith Terminal Warehouse Company, at Miami, Fla., and points in Dade, Broward, and Palm Beach Counties, Fla., on shipments having a prior or subsequent movement in interstate or foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 140168 (Sub-No. 2), filed October 7, 1974. Applicant: FANETTI REFRIGERATED TRANSPORT, Rt. 1 Box 29-A, Bloomer, Wis. 54274. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, inedible*, from Greenwood and Cameron, Wis., to Bloomsburg and Allentown, Pa.; Cleveland and Sebring, Ohio; Chicago, Ill.; New Paris, Ind.; and Boston, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Madison, Wis.

No. MC 140182 (Sub-No. 2), filed September 26, 1974. Applicant: LEROY HOFFMAN and GILBERT HOFFMAN, a Partnership, P.O. Box 43, St. Clair, Mo. 63077. Applicant's representative: Dale E. Sporleder, Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in driveway service, and by tow bar in driveway service, from the plant and warehouse facilities of Steelweld Equipment Company, Inc. at or near St. Clair (Franklin County), Mo., to points in Kansas, Illinois, Oklahoma, and Arkansas, under a continuing contract or contracts with Southwestern Bell Telephone Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 140235 (Sub-No. 1), filed October 7, 1974. Applicant: EARL HALLENBECK, doing business as, HALLENBECK FEED & GRAIN, Box 58, Rural Route No. 1, Linwood, Kans. 66052. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association located at or near Lawrence, Kans., to points in North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 140238 (Sub-No. 1), filed October 10, 1974. Applicant: WOODS TRUCKING COMPANY LTD., 50 Church Street, Weston, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from ports of entry on the International Boundary line between the United States and Canada on the Niagara River, to points in New York, under contract with Northwood Building Materials, a Division of Northwood Mills Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 140249, filed October 2, 1974. Applicant: DUANE F. ROGERS, doing business as, BELOIT WRECKER SERVICE, 1902 Shopiere Road, Beloit, Wis. 53511. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used and abandoned vehicles, replacement vehicles, and parts and equipment thereof*: (1) Between points in Dane, Green, Iowa, Jefferson, Kenosha, Rock,

Walworth, and Lafayette Counties, Wis., on the one hand, and, on the other, points in Indiana, Iowa, Illinois, Michigan, Minnesota, and Missouri; and (2) between points in Stephenson, Winnebago, Boone, and McHenry Counties, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Wisconsin, Michigan, Minnesota, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis. or Rockford, Ill.

No. MC 140273, filed October 7, 1974. Applicant: BUESING BROS. TRUCKING INC., N. 520 Tamarac Avenue, Long Lake, Minn. 55356. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washed stone, pea rock, sand and gravel*, from points in Minnehaha and Lincoln Counties, S. Dak., to points in Rock, Nobles, Jackson, and Martin Counties, Minn.; and (2) *sand, gravel and crushed rock*, (a) from points in Clay County, Minn., to points in Cass County, N. Dak.; and (b) from points in Emmet County, Iowa, to points in Faribault, Jackson, and Martin Counties, Minn.

NOTE.—By the instant application, applicant seeks to convert its contract carrier permit in MC 136949 (lead) into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

PASSENGER APPLICATIONS

No. MC 33705 (Sub-No. 5), (Correction) filed September 12, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, and republished as corrected this issue. Applicant: KELSO-OCEAN BEACH STATE LINE, P.O. Box 746, Kelso, Wash. 98626. Applicant's representative: David C. White, 2400 S. W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Pacific, Wahiakum, and Cowlitz Counties, Wash., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to indicate applicant's correct name and address. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Longview, Wash., or Portland, Oreg.

No. MC 119919 (Sub-No. 8), filed October 3, 1974. Applicant: WILLETTS TRAVEL, INC., Route 1, Box 29, Frostburg, Md. 21532. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, in round-trip sightseeing and pleasure tours: (a) Between

points in Pennsylvania bounded by a line commencing at the Maryland-Pennsylvania State Boundary line and extending along Pennsylvania Highway 160 to intersection U.S. Highway 219, thence along U.S. Highway 219 to intersection Pennsylvania Highway 281, thence along Pennsylvania Highway 281 to intersection U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Pennsylvania State Boundary line, including points on the above described highways and state boundary lines, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted against charter operations from Berlin and Somerset, Pa.; and (b) between points in West Virginia bounded by a line commencing at the Maryland-West Virginia State Boundary line and extending westerly along U.S. Highway 50 to intersection West Virginia Highway 72, thence along West Virginia Highway 72 to intersection U.S. Highway 219, thence along U.S. Highway 219 to intersection West Virginia Highway 32, thence along West Virginia Highway 32 to intersection West Virginia Highway 93, thence along West Virginia Highway 93 to intersection West Virginia Highway 42, thence along West Virginia Highway 42 to intersection U.S. Highway 220, thence along U.S. Highway 220 to the Maryland-West Virginia State Boundary line, including all points on the described highways and state boundary lines, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii; and (2) *Passengers and their baggage*, in special and charter operations, between points in Mineral County, W. Va. and Allegany County, Md., on the one hand, and, on the other, the Greater Pittsburgh International Airport, Pittsburgh, Pa.; the Washington-Baltimore International Airport, Baltimore, Md.; the Washington National Airport, Gravelly Point, District of Columbia-Virginia; and the Dulles International Airport, Herndon, Va., restricted to passengers having a prior or subsequent movement by air, and further restricted to the transportation of not more than 12 passengers in any one vehicle at one time, but not excluding the driver, or children under 12 years of age who may occupy a seat or seats.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139863 (Sub-No. 2), filed September 18, 1974. Applicant: ROBERT LEE THOMPSON, doing business as, POTOMAC BUS RENTALS, 1111 54th Place NE., Chapel Oaks, Md. 20027. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, when moving in the same vehicle with passengers, between Falls Church, Va. and the Friendship Annex of the National Security Agency at the Baltimore-Washington International Airport (Anne Arundel County), Md.:

From Falls Church, Va. over Virginia Highway 7 to junction U.S. Highway 29 (211), thence over U.S. Highway 29 (211) to Rosslyn, Va., thence over Virginia Highway 110 (George Washington Memorial Parkway) to junction Interstate Highway 95, thence over Interstate Highway 95 to junction South Capitol Street, thence over South Capitol Street to junction Anacostia Freeway (Kenilworth Avenue), thence over the Anacostia Freeway (Kenilworth Avenue) to junction Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to Maryland Highway 46, thence over Maryland Highway 46 to junction Maryland Highway 170, and thence to the Friendship Annex of the National Security Agency at the Baltimore-Washington International Airport, and return

over the same route, serving the National Security Agency at Fort George G. Meade (Anne Arundel County, Md.) over Maryland Highway 32 as an off-route point, and restricted against the pick-up and discharge of passengers between Rosslyn, Va. and the National Security Agency at Fort George G. Meade (Anne Arundel County, Md.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF 116 (Sub-No. 1), filed September 27, 1974. Applicant: DAVIES, TURNER & COMPANY, a Corporation, 111 West Monroe Street, Chicago, Ill. 60603. Applicant's representative: Donald E.

Anderson (same address as applicant). Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail and motor, in the transportation of *general commodities* (except commodities in bulk), between points in Cook and Du Page Counties, Ill., and Norfolk, Newport News, Portsmouth, and Chesapeake, Va., restricted to export and/or import traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25987 Filed 11-6-74;8:45 am]

[Notice No. 18]

TEMPORARY AUTHORITY TERMINATION

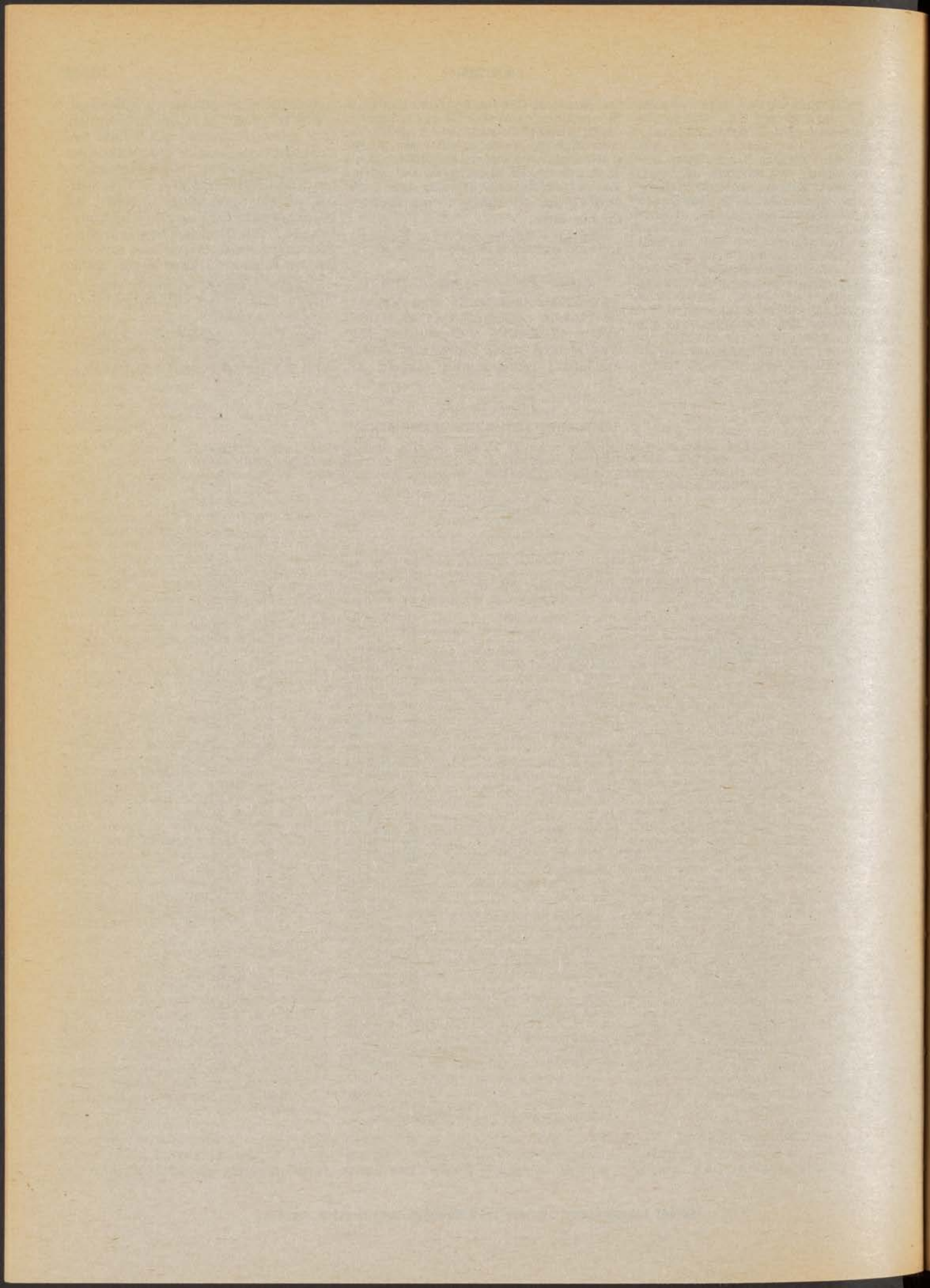
The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

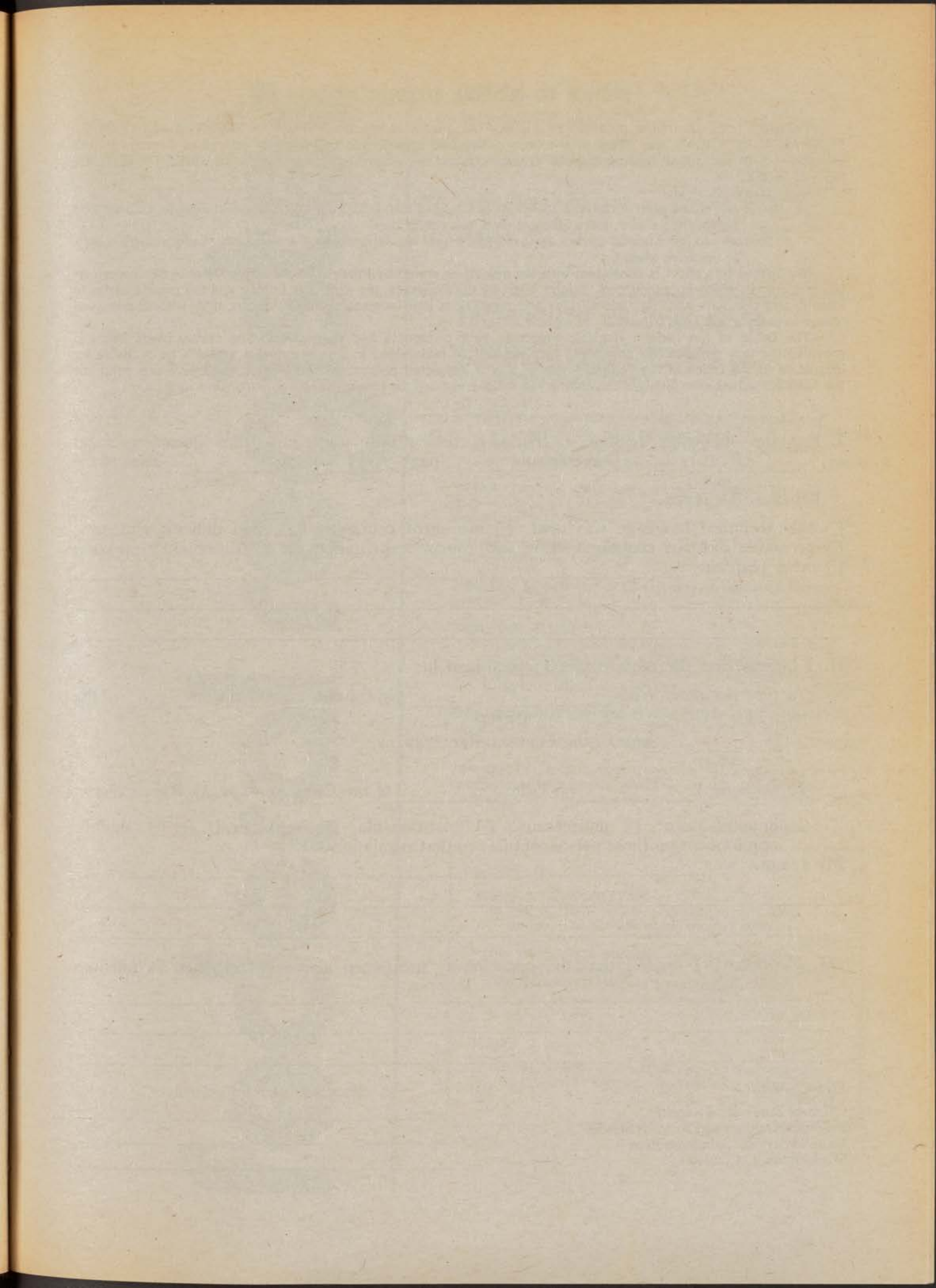
Temporary authority application	Final action or certificate or permit	Date of action
K Lines, Inc., MC-9325 Sub-61	MC-9325 Sub-62	Dec. 4, 1973
Deaton, Inc., MC-11207 Sub-333	MC-11207 Sub-320	Dec. 5, 1973
Behnken Truck Service, Inc., 19945 Sub-35	MC-19945 Sub-36	Dec. 13, 1973
Rogers Cartage Co., MC-64932 Sub-512	MC-64934 Sub-514	Dec. 4, 1973
Goddard's Transportation, Inc., MC-106748 Sub-9	MC-106748 Sub-10	Dec. 13, 1973
Ruan Transport Corp., MC-107496 Subs. 857, 861, 865, 866, 867, 871, 875, 906	MC-107496 Sub-837	Dec. 3, 1973
Chemical Leaman Tank Lines, Inc., MC-110525 Sub-1062	MC-110525 Sub-1048	Dec. 13, 1973
Kenneth Groth, MC-111068 Sub-4	MC-111068 Sub-5	Dec. 12, 1973
J & M Transportation Co., Inc., MC-115311 Sub-131	MC-115311 Sub-130	Nov. 30, 1973
Lumber Transport, Inc., MC-115496 Sub-15	MC-115496 Sub-16	Do.
Willis Shaw Frozen Express, MC-117119 Sub-477	MC-117119 Sub-473	Dec. 14, 1973
H. G. Snyder Trucking, Inc., MC-117153 Sub-8	MC-117153 Sub-9	Dec. 17, 1973
H. M. Kelley, Inc., MC-117036 Sub-17	MC-117036 Sub-18	Dec. 10, 1973
The Maxwell Co., MC-117344 Sub-224	MC-117344 Sub-222	Dec. 13, 1973
Donald M. Bowman, Jr., MC-117613 Sub-9	MC-117613 Sub-7	Dec. 10, 1973
Central Transport, Inc., MC-118831 Sub-94	MC-118831 Sub-90	Nov. 30, 1973
Distributors Service Co., MC-119619 Sub-22	MC-119619 Sub-23	Dec. 12, 1973
Distributors Service Co., MC-119619 Sub-31	MC-119619 Sub-18	Dec. 4, 1973
Skinner Motor Express, Inc., MC-124083 Sub-43	MC-124083 Sub-44	Feb. 19, 1974
Eugene Tripp, MC-124505 Sub-12	MC-124505 Sub-14	Jan. 31, 1974
Crown Truck Line, Inc., MC-125162 Sub-6	MC-125162 Sub-4	Feb. 19, 1974
Continental Contract Carrier Corp., MC-124796 Sub-106	MC-124796 Sub-107	Do.
Asenzo & Sons, Inc., MC-126458 Sub-3	MC-126458 Sub-4	Do.
Sherwood Trucking, Inc., MC-127274 Sub-38	MC-127274 Sub-37	Jan. 31, 1974
The Stout Trucking Co., Inc., MC-128030 Sub-31	MC-128030 Sub-34	Feb. 1, 1974
Tri-Line Expressways, Ltd., MC-129480 Sub-4	MC-129480 Sub-6	Feb. 4, 1974
O. W. Blosser, MC-128256 Subs 15, 18	MC-128256 Sub-16	Mar. 11, 1974
May Trucking Co., MC-128527 Sub-29	MC-128527 Sub-31	Feb. 25, 1974
Wilkerson Trucking Co., Inc., MC-128985 Sub-4	MC-128985 Sub-5	Mar. 11, 1974
Kenwood's Moving & Storage, Inc., MC-129609 Sub-2	MC-129609 Sub-3	Feb. 19, 1974
Glenn Peterson d.b.a. Peterson Transit, MC-129834 Sub-1	MC-129834 Sub-2	Jan. 31, 1974
George Appel, MC-133796 Sub-9	MC-133796 Sub-14	Mar. 7, 1974
North Star Transport, Inc., MC-134145 Sub-33	MC-134145 Sub-35	Feb. 19, 1974
Gene's Inc., MC-134238 Sub-6	MC-134238 Sub-5	Feb. 4, 1974
Casket Distributors, Inc., MC-135152 Sub-7	MC-135152 Sub-8	Feb. 28, 1974
El Dorado Transportation, Inc., MC-135535 Sub-1	MC-135535 Sub-2	Feb. 6, 1974
Atlantic Carriers, Inc., MC-135751 Sub-4	MC-135751 Sub-5	Feb. 22, 1974
K & C Transportation, Inc., MC-135759 Sub-2	MC-135759 Sub-1	Nov. 10, 1973
S. L. Harris d.b.a. P.B.I., MC-135982 Sub-4	MC-135982 Sub-2	Feb. 27, 1974
S. L. Harris d.b.a. P.B.I., MC-135982 Sub-5	MC-135982 Sub-3	Do.
Continental Express, Inc., MC-136129 Sub-1	MC-136129 Sub-2	Feb. 25, 1974
Merchants Home Delivery Service, Inc., MC-136211 Sub-12	MC-136211 Sub-13	May 8, 1974
Donald E. Hirtle Transport, Ltd., MC-136270 Sub-2	MC-136270 Sub-1	Mar. 12, 1974
Harry D. Diepholz d.b.a. Diepholz Trucking, MC-136500	MC-136500 Sub-1	Feb. 22, 1974
White Cloud Co., Inc., MC-136625 Sub-1	MC-136625 Sub-2	Feb. 1, 1974
Pop Trucking, Inc., MC-136769 Sub-2	MC-136769 Sub-3	Feb. 20, 1974
Robco Transportation, Inc., MC-136786 Sub-14	MC-136786 Sub-6	Feb. 19, 1974
Bing Construction Co. of Nevada, MC-136835 Sub-1	MC-136835 Sub-2	Mar. 12, 1974
Harry Mahlandt, MC-138034	MC-138034 Sub-1	Feb. 23, 1974
Mini Haul, Inc., MC-138103 Sub-1	MC-138103 Sub-2	Feb. 5, 1974
Cherokee Milling Co., Inc., MC-138183 Sub-1	MC-138183 Sub-2	Feb. 19, 1974
Delwood Furniture Co., Inc., MC-138219	MC-138219 Sub-1	Feb. 22, 1974
Great Lakes Warehouses, Inc., MC-138268 Sub-1	MC-138268 Sub-2	Feb. 4, 1974

[SEAL]

ROBERT L. OSWALD,
Secretary.

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