

# federal register

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

- H.R. 12471..... Pub. Law 93-502
- Freedom of Information Act, amendments  
(Passed over Presidential veto, Nov. 21, 1974; 88 Stat. 1561)

# rules and regulations

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 2—Clemency

### CHAPTER II—PRESIDENTIAL CLEMENCY BOARD

#### PART 201—ADMINISTRATIVE PROCEDURES

#### PART 202—SUBSTANTIVE STANDARDS OF THE PRESIDENTIAL CLEMENCY BOARD

##### Procedures and Standards

In order to accommodate new regulations being issued by the Presidential Clemency Board, the heading of Title 2 of the Code of Federal Regulations is changed to read: Title 2—Clemency. In addition, a new Chapter II, Presidential Clemency Board, is added, reading as set forth below.

This notice of rulemaking sets forth in Part 201 the administrative procedures and in Part 202 the substantive standards to be used by the Presidential Clemency Board (hereinafter "the Board") in accepting and processing applications from individuals subject to the jurisdiction of the Board and in the determination of its recommendations to the President concerning those individuals.

The Presidential Clemency Board has made every reasonable effort to assure to both applicants and those individuals who may be subject to the jurisdiction of any of the three parts of the Presidential clemency program every procedural consideration. Applicants will be sent notice concerning the procedures and standards used by the Board; their privacy will be respected in every way possible within the bounds of the law. All information concerning the applicant which is sought by the Board from governmental sources will be open to inspection by the applicant or his representative. The records and files concerning the applicant will be summarized by an attorney on the staff of the Board, and sent to the applicant for his amendment and correction. A sure process for the appeal of adverse determinations has been established. In the Board's discretion, the applicant or his representative may be allowed to present an oral statement to the Board prior to its determination of his case. Each applicant will have an opportunity to petition for reconsideration of the decision to recommend, grant, or deny executive clemency in his case.

Individuals who may be subject to the jurisdiction of the Department of Justice or the Departments of Defense or Transportation will be assisted in confidence in determining their status with respect to the clemency program.

Finally, it cannot be too often stated that an applicant may apply to the Clemency Board without risk. His application will be held in confidence, and he may withdraw his application at any time.

It is the intent of the Presidential Clemency Board to provide notice to applicants, and to maximize public certainty and predictability, about the substantive standards which the Board will apply in recommending to the President proposed dispositions of applications for executive clemency under Proclamation 4313 (published in the FEDERAL REGISTER on September 17, 1974, 39 FR 33293). It is further the intent of the Board to ensure equity and consistency in the way that similarly situated applicants are treated.

The Presidential Clemency Board therefore herein publishes the substantive standards to which it has committed itself in the implementation of the clemency program. Applicants for executive clemency under the program are invited to submit evidence suggesting that one or more of the mitigating circumstances listed below apply to their case, or that one or more of the aggravating circumstances listed do not apply to their case. Applicants are also invited to submit letters from third parties containing such evidence, or to ask other people to write directly to the Board on their behalf.

It is contemplated that the Board will weigh the factors listed below in each individual case. It is not contemplated, however, that any one of these factors will necessarily be dispositive of a particular case, and the Board reserves the option of considering other factors in mitigation not listed herein to be dispositive of a particular case.

Actions taken and determinations made by the Presidential Clemency Board and members of the Board's staff prior to the issuance of these regulations have been in substantial compliance with the provisions thereof.

Because of the short duration of the Presidential clemency program, and for other good cause appearing, it is hereby determined that publication of this chapter in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than thirty (30) days. Notwithstanding the abbreviated rulemaking procedure, however, comments and views regarding the proposed chapter are solicited, and may be filed to be received no later than 5 p.m. d.s.t., December 12, 1974. Comments

should be submitted in five (5) copies, and directed to:

Office of the General Counsel  
Presidential Clemency Board  
The White House  
Washington, D.C. 20500

(Executive Order 11803, 39 FR 33297)

In consideration of the foregoing, this chapter will become effective immediately.

Issued in Washington, D.C., on November 25, 1974.

CHARLES E. GOODELL,  
Chairman,  
Presidential Clemency Board.

1. Part 201 is added to read as follows:

- |        |   |
|--------|---|
| Sec.   |   |
| 201.1  | Purpose and scope.  |
| 201.2  | General definitions.  |
| 201.3  | Initial filing.   |
| 201.4  | Application form.   |
| 201.5  | Assignment of Action Attorney and case number, and determination of jurisdiction. |
| 201.6  | Initial summary.  |
| 201.7  | Final summary.  |
| 201.8  | Consideration before the Board.   |
| 201.9  | Recommendations to the President.   |
| 201.10 | Reconsideration.  |
| 201.11 | Referral to appropriate agencies.   |
| 201.12 | Confidentiality of communications.  |
| 201.13 | Representation before the Board.  |
| 201.14 | Requests for information about the clemency program.                              |

Appendix A.  
Appendix B.

AUTHORITY: E.O. 11803, 39 FR 33297.

#### § 201.1 Purpose and scope.

This subpart contains the regulations of the Presidential Clemency Board, created pursuant to Executive Order 11803 (39 FR 33297) concerning the procedures by which the Board will accept and process applications from individuals who avail themselves of the opportunity to come within its jurisdiction. Certain other matters are also treated, such as the assistance to be given to individuals requesting determinations of jurisdiction, or requesting information respecting those parts of the Presidential Clemency Program which are administered by the Department of Defense and the Department of Justice under Presidential Proclamation 4313 (39 FR 33293).

#### § 201.2 General definitions.

"Action attorney" means an attorney on the staff of the Board who is assigned an applicant's case and is thereafter responsible for all information-gathering and communications concerning that

applicant's case from the applicant's initial filing until final disposition has been made by the Board.

"Applicant" means an individual who is subject to the jurisdiction of the Board, and who has submitted an initial filing.

"Board" means the Presidential Clemency Board as created by Executive Order 11803, or any successor agencies.

#### § 201.3 Initial filing.

In order to comply with the requirements of Executive Order 11803 as to timely application for consideration by the Board, an individual must make an initial filing prior to January 31, 1975. The Board will consider sufficient as an initial filing any written communication received from an individual or his representative which requests consideration of the individual's specific case or which demonstrates an intention to request consideration. Oral initial filings will be considered sufficient if reduced to writing and received by the Board within thirty (30) calendar days.

#### § 201.4 Application form.

(a) Upon receipt of an initial filing a member of the Board's staff will make a determination of probable jurisdiction. Applicants who are clearly beyond the Board's jurisdiction will be so notified in writing. An applicant who questions this adverse determination of probable jurisdiction should promptly write the General Counsel, Presidential Clemency Board, The White House, Washington, D.C. 20500, stating his reasons for questioning the determination. The General Counsel of the Board shall make the final determination of jurisdiction.

(b) An applicant who has been notified that probable jurisdiction does not lie in his case will be considered as having made a timely filing should the final decision be that the Board has jurisdiction over his case.

(c) Applicants who are within the probable jurisdiction of the Board will be sent by mail:

(1) An application form (see appendix "A");

(2) Information about the Presidential Clemency program and instructions for the preparation of the application form (see appendix "B");

(3) A statement describing the Board's procedures and method of determining cases.

(d) The applicant will be urged to return the completed application form to the Board as soon as possible. In the absence of extenuating circumstances, completed application forms must be received by the Board within thirty (30) calendar days of receipt.

#### § 201.5 Assignment of Action Attorney and case number, and determination of jurisdiction.

(a) Upon receipt of all necessary information, the applicant's case will be assigned to an Action Attorney, who will make a preliminary determination of the Board's jurisdiction. If the Action At-

torney determines that the Board has jurisdiction over the applicant, a file for the applicant's case will be opened and a case number for that file will be assigned. With the opening of the file, the Action Attorney shall request from all appropriate government agencies the relevant records and files pertaining to the applicant's case before the Board.

(b) In normal cases, the relevant records and files will include for civilian cases the applicant's files from the Selective Service System and the Bureau of Prisons, and for military cases the applicant's military personnel records, military clemency folder, and record of court martial. Applicants may request that the Board consider other pertinent files, but such applicant-requested files will not be made available to the applicant and his representative as of right.

(c) Where the initial filing contains adequate information, Board staff may assign a case number and request records and files prior to receipt of the completed application form.

(d) If the Action Attorney determines that probable jurisdiction does not exist, he will promptly notify the applicant in writing, stating the reasons therefor.

(e) An applicant who questions this adverse determination of jurisdiction should write the General Counsel of the Board in accordance with the provisions of § 201.4(a).

#### § 201.6 Initial summary.

(a) Upon receipt of the necessary records and files, the Action Attorney will prepare an initial summary of the applicant's case. The files, records, and any additional sources used in preparing the initial summary will be noted thereupon; no material not so noted will be used in its preparation. The initial summary shall include the name and business telephone number of the Action Attorney who prepared it, and who may be contacted by the applicant or his representative.

(b) The initial summary shall be sent by certified mail to the applicant. The summary will be accompanied by an instruction sheet describing the method by which the summary was prepared, and by a copy of the guidelines that have been adopted by the Board for the determination of cases. Applicants will be requested to review the initial summary for accuracy and completeness, and advised of their right to submit additional sworn or unsworn material. Such additional material may be submitted in any length, but should be accompanied by a summary of not more than three (3) single-spaced, typewritten, letter-sized pages in length. If a summary of suitable length is not submitted with the additional material, the Action Attorney will prepare such a summary.

(c) At any time after the mailing to the applicant of his initial summary, the applicant's complete Board file, and the files from which the summary was prepared, may be examined at the offices of the Board by the applicant, his representative, or by any member of the Board. An applicant or his representative may submit evidence of inaccurate, in-

complete, or misleading information in the complete Board file.

(d) An applicant's case will be considered ready for consideration by the Board not earlier than twenty (20) days after the initial summary has been received by the applicant. Material which amends or supplements the applicant's initial summary must therefore be received by the Board within twenty (20) days to insure that it will be considered, unless within that period the applicant requests and receives permission for an extension. Permission for late filing shall be liberally granted, if the request is received prior to Board action.

#### § 201.7 Final summary.

(a) Upon receipt of the applicant's response to the initial summary, the Action Attorney will note such amendments, supplements, or corrections on the initial summary as are indicated by the applicant.

(b) The final summary shall then consist of the initial summary with appropriate amendments and additions, and the summary of the materials submitted by the applicant as described in § 201.6 (b).

#### § 201.8 Consideration before the Board.

(a) At a regularly scheduled meeting of the Presidential Clemency Board, a quorum of at least five (5) members being present, the Board will consider the applicant's case.

(b) The Action Attorney will present to the Board, a brief statement of the final summary of the applicant's case. The Action Attorney will then stand ready to answer from the complete file any questions from the members of the Board concerning the applicant's case.

(c) At the Board's discretion, it may permit an applicant or his representative to present before the Board an oral statement, not to exceed ten (10) minutes in length. Neither applicant nor his representative may be present when the Board begins deliberations, but should remain available for further consultation immediately thereafter for a period not to exceed one hour.

(d) After due deliberation, the Board will decide upon its recommendation to the President concerning the applicant's case, stating the reasons for its recommendation.

#### § 201.9 Recommendations to the President.

(a) At appropriate intervals, the Chairman of the Board will submit to the President certain master warrants listing the names of applicants recommended for executive clemency, and a list of the names of applicants considered by the Board but not recommended for clemency. The Chairman will also submit such terms and conditions for executive clemency if any, that have been recommended in each case by the Board.

(b) Following action by the President, the Board will send notice of such action in writing to all persons whose names were submitted to the President. Persons not receiving executive clemency will be so notified.

<sup>1</sup> Filed as part of the original document.

**§ 201.10 Reconsideration.**

(a) An applicant may petition the Board for reconsideration of his grant or denial of executive clemency, or of the terms and conditions thereof.

(b) Such petitions for reconsideration, including any supplementary material, must be received by the Board within thirty (30) days of the mailing of the notification in § 201.9(b).

(c) At a regularly scheduled Board meeting, a quorum being present, the Board will consider the applicant's petition for reconsideration.

(d) In appropriate cases, the Board may permit an applicant or his representative to present before the Board an oral statement not to exceed fifteen (15) minutes in length.

(e) After due deliberation, the Board may either:

(1) As to any person granted executive clemency, let stand or mitigate the terms and conditions upon which executive clemency was granted;

(2) As to any person denied executive clemency, recommend to the President that he grant executive clemency in accordance with such terms and conditions as may be appropriate; or

(3) As to any person denied executive clemency, again not recommend the applicant for executive clemency.

**§ 201.11 Referral to appropriate agencies.**

After the expiration of the period allowed for petitions for reconsideration, the Chairman of the Board shall forward for further action to the Secretaries of the Army, Navy, and Air Force, the Secretary of the Department of Transportation, the Director of the Selective Service System, and the Attorney General, as appropriate, the President's determination as to each recipient of executive clemency.

**§ 201.12 Confidentiality of communications.**

(a) The Board has determined that it will take all steps possible to protect the privacy of applicants and potential applicants to the Presidential clemency program. No personal information concerning an applicant or potential applicant and related to the Presidential clemency program will be made known to any agency, organization, or individual, whether public or private, unless such disclosure is necessary for the normal and proper functioning of the Presidential Clemency Board. However, information which reveals the existence of a violation of law (other than an offense subject to the Presidential clemency program) will of necessity be forwarded to the appropriate authorities.

(b) In order to have his case considered by the Board, an applicant need submit only information sufficient for a determination of jurisdiction, and for the retrieval of necessary official records and files. The application form will therefore require the applicant's name; date of birth; selective

service number; military service and service number, if applicable; information concerning the draft evasion offenses and the disposition thereof; and the mailing address of either the applicant or his representative. If the applicant submits such information as part of his initial filing, the completion of the application form itself is not necessary.

**§ 201.13 Representation before the Board.**

(a) Although an applicant may bring his case before the Board without a representative or legal counsel, each applicant is entitled to representation and will be encouraged to seek legal counsel experienced in military or selective service law. Upon request, Board staff will attempt to refer an applicant to a skilled volunteer representative.

(b) An applicant who does not wish to file his application in person may have his representative do so on his behalf.

**§ 201.14 Requests for information about the clemency program.**

(a) Upon receipt by the Board of an oral or written request for information or consideration concerning an individual who is clearly beyond the jurisdiction of the Board, a member of the Board's staff shall inform the individual:

(1) That jurisdiction does not lie;

(2) Whether jurisdiction may lie within the Presidential clemency program, and if so, with which agency;

(3) That in the event the individual prefers not to contact personally such other agency that an Action Attorney will obtain from such other agency information concerning the individual's status with respect to the Presidential clemency program, and provide to the individual that information.

(b) The Action Attorney shall submit to the Executive Secretariat of the Presidential Clemency Board a summary of the communication with, and information provided to, such individuals.

**APPENDIX B**

**INSTRUCTIONS FOR APPLICATION FOR CLEMENCY**

On September 16, 1974 the President announced a program of clemency. Depending on your case, you may apply to the Presidential Clemency Board, the Department of Justice, or the Department of Defense.

You may be eligible for clemency by the Presidential Clemency Board if you have been convicted of a draft evasion offense such as failure to register or register on time; failure to keep the local board informed of current address; failure to report for or submit to pre-induction or induction examination; failure to report for or submit to or complete service, during the period from August 4, 1964 to March 28, 1973; or if you have received an undesirable, bad conduct, or dishonorable discharge for desertion, absence without leave, or missing movement, and for offenses directly related, between August 4, 1964 to March 28, 1973.

If you are now absent from military service or have a charge against you for a Selective Service violation and have not been convicted or received a discharge, you may still be eligible for clemency under another part of the President's program. If you have any questions, please contact the Board and we will try to answer your questions.

If you believe that you are eligible to be considered by the Presidential Clemency Board but are not sure, you should apply to the Board. If it turns out that you are not eligible for consideration by the Board, you may possibly qualify under another part of the clemency program. You do not have to identify your current location. We will then be able to notify you of the proper agency to contact. If you are appealing a conviction or a military discharge you may continue your appeal, and still apply to the Board at the same time.

I. The Board will not give its files to any other federal agency. It will keep any information you provide in strictest confidence, except evidence of a serious crime which is not covered in the Presidential Clemency program.

II. Although you may apply to the Board without attorney or any other representative if you wish, we encourage you to obtain the help of legal counsel. If you do not have a counsel but desire one, we will be glad to refer you to a lawyers' organization which will help you find one. These organizations will help you get legal assistance even if you cannot afford to pay.

III. To apply to the Board, you need only supply the information necessary to find your file from other departments. If you do not wish to file your application personally, you may select a representative of your own choice to do it for you, but you must tell us that he is authorized. The Board will maintain its own file on your case and that file will be available for examination by you or your own attorney.

IV. You are encouraged to submit evidence which you feel helps your case, and to submit letters from other people on your behalf. You may submit evidence in order to correct inaccurate, incomplete, or misleading information to the Board's file.

V. A personal appearance by you before the Board will not be necessary.

If you have any questions, please call or write the Presidential Clemency Board, The White House, Washington, D.C. 20500, (202-456-6476). If application is made by a representative on your behalf, it is not necessary that your home address and telephone number be included. Your representative should indicate his capacity (attorney, friend, etc.) and give us his address and telephone number.

Application for people not in custody should be completed and mailed to the Board no later than midnight, January 31, 1975. Special procedures will be established for persons incarcerated whether or not they have been released on furlough.

**2. Part 202 is added to read as follows:**

- Sec. 202.1 Purpose and scope.
- 202.2 Board decision on whether or not to recommend that the President grant executive clemency.
- 202.3 Aggravating circumstances.
- 202.4 Mitigating circumstances.
- 202.5 Calculation of length of alternative service.

**AUTHORITY:** E. O. 11803, 39 FR 33297.

**§ 202.1 Purpose and scope.**

This part articulates the standards which the Presidential Clemency Board will employ in deciding whether to recommend that the President grant executive clemency to a particular applicant, and in then deciding whether that grant of clemency should be conditional, and, if so, upon what specified period of alternative service.

**§ 202.2 Board decision on whether or not to recommend that the President grant executive clemency.**

(a) The first decision which the Board will reach, with respect to an application before it, is whether or not it will recommend to the President that the applicant be granted executive clemency. In reaching that decision, the Board will take notice of the presence of any of the aggravating circumstances listed in § 202.3, and will further take notice of whether such aggravating circumstances are balanced by the presence of any of the mitigating circumstances listed in § 202.4.

(b) Unless there are aggravating circumstances not balanced by mitigating circumstances, the Board will recommend that the President grant executive clemency to each applicant.

**§ 202.3 Aggravating circumstances.**

(a) Presence of any of the aggravating circumstances listed herein either will disqualify an individual for executive clemency or may be considered by the Board as cause for recommending to the President executive clemency conditioned upon a length of alternative service exceeding the applicant's "baseline period of alternative service," as determined under § 202.5.

(b) Aggravating circumstances of which the Board will take notice are:

- (1) Prior adult criminal convictions.
- (2) False statement by applicant to the Presidential Clemency Board.
- (3) Use of force by applicant collaterally to AWOL, desertion, missing movement, or civilian draft evasion offense.
- (4) Desertion during combat.
- (5) Evidence that applicant committed the offense for obviously manipulative and selfish reasons.
- (6) Prior refusal to fulfill alternative service.
- (7) Prior violation of probation or parole requirements.

**§ 202.4 Mitigating circumstances.**

(a) Presence of any of the mitigating circumstances listed herein will be considered by the Board as cause for recommending that the President grant executive clemency to a particular applicant, and will in exceptional cases be further considered as cause for recommending clemency conditioned upon a period of alternative service less than the applicant's "baseline period of alternative service," as determined under § 202.5.

(b) Mitigating circumstances of which the Board will take notice are:

- (1) Applicant's lack of sufficient education or ability to understand obligations, or remedies available, under the law.
- (2) Personal and family hardship either at the time of the offense or if the applicant were to perform alternative service.
- (3) Mental or physical illness or condition, either at the time of the offense or currently.
- (4) Employment or volunteer activities of service to the public since conviction or military discharge.

(5) Service-connected disability, wounds in combat, or decorations for valor in combat.

(6) Tours of service in the war zone.

(7) Substantial evidence of personal or procedural unfairness in treatment of applicant.

(8) Denial of conscientious objector status, of other claim for Selective Service exemption or deferment, or of a claim for hardship discharge, compassionate reassignment, emergency leave, or other remedy available under military law, on procedural, technical, or improper grounds, or on grounds which have subsequently been held unlawful by the judiciary.

(9) Evidence that an applicant acted in conscience, and not for manipulative or selfish reasons.

(10) Voluntary submission to authorities by applicant.

**§ 202.5 Calculation of length of alternative service.**

(a) Having reached a decision to recommend that the President grant executive clemency to a particular applicant, the Board will then decide whether clemency should be conditioned upon a specified period of alternative service and, if so, what length that period should be.

(1) The starting point for calculation of length of alternative service will be 24 months.

(2) That starting point will be reduced by three times the amount of prison time served.

(3) That starting point will be further reduced by the amount of prior alternative service performed, provided that a prescribed period of alternative service has been satisfactorily completed.

(4) That starting point will be further reduced by the amount of time served on probation or parole, provided that a prescribed period of alternative service has been satisfactorily completed.

(5) The remainder of those three subtractions will be the "baseline period of alternative service" applicable to a particular case before the Board: *Provided*, That the baseline period of alternative service shall not exceed a judge's sentence to imprisonment in any case; *And provided further*, That the baseline period of alternative service shall be, notwithstanding the remainder of the calculation above, not less than a minimum of three (3) months.

(6) In exceptional cases in which mitigating circumstances are present, the Board may consider such mitigating circumstances as cause for recommending clemency conditioned upon a period of alternative service less than an applicant's baseline period of alternative service.

(7) In cases in which aggravating circumstances are present and are not, in the Board's judgment, balanced by mitigating circumstances, the Board may consider such aggravating circumstances as cause for recommending clemency conditioned upon a period of alternative service exceeding, either by three (3) additional months or by six (6) additional

months, the applicant's baseline period of alternative service.

[FR Doc.74-27863 Filed 11-26-74;8:45 am]

**Title 7—Agriculture**

**CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**

**PART 722—COTTON**

**Subpart—1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas**

**STATE RESERVES AND COUNTY ALLOTMENTS**

Section 722.562 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the State reserves and allocation thereof among uses for the 1975 crop of extra long staple cotton. It also establishes the county allotments. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19798, 36 FR 6907, 37 FR 624, 3845, 22008).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26160) in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

In order that farmers may be informed as soon as possible of 1975 farm allotments so that they may make plans accordingly, it is essential that this section be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.562 shall be effective November 22, 1974. The material previously appearing in this section under centerhead "1974 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Section 722.562 is revised to read as follows:

**§ 722.562 State reserves and county allotments for the 1975 crop of extra long staple cotton.**

(a) (1) *State reserves.* The State reserves for each State shall be established and allocated among uses for the 1975 crop of extra long staple cotton pursuant to § 722.508.

(2) It is hereby determined that no State reserve is required for trends, abnormal conditions, inequities, and hardships or small farms. The amount of the State reserve held in each State and the amount of allotment in the State productivity pool resulting from productivity adjustments under § 722.529 (c) and (d) is available for inspection at each State ASCS office.

(b) *County allotments.* County allotments are established for the 1975 crop of extra long staple cotton in accordance

with § 722.509. The following table sets forth the county allotments:

ARIZONA			
County	County allotment (acres)	County	County allotment (acres)
Cochise	1,810.2	Pima	2,924.3
Gila	4.3	Pinal	8,330.0
Graham	10,761.4	Yuma	1,513.8
Maricopa	13,596.9	State	38,740.9

CALIFORNIA			
County	County allotment (acres)	County	County allotment (acres)
Imperial	94.4	Riverside	426.3
State	520.7		

FLORIDA			
County	County allotment (acres)	County	County allotment (acres)
Alachua	42.3	Marion	0.0
Hamilton	3.1	Suwanee	2.0
Jefferson	1.3	Union	43.2
Madison	22.5	State	114.4

GEORGIA			
County	County allotment (acres)	County	County allotment (acres)
Berrien	110.1	Cook	9.5
State	119.6		

NEW MEXICO			
County	County allotment (acres)	County	County allotment (acres)
Chaves	53.8	Luna	972.6
Dona Ana	17,140.9	Otero	33.1
Eddy	138.9	Sierra	152.3
Hidalgo	15.0	State	18,506.6

TEXAS			
County	County allotment (acres)	County	County allotment (acres)
Brewster	13.2	Loving	10.6
Culberson	312.4	Pecos	1,273.1
El Paso	20,488.5	Presidio	76.0
Hudspeth	2,866.4	Reeves	6,407.1
Jeff Davis	79.0	Ward	460.1
State	31,986.8		

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended; (7 U.S.C. 1344, 1347, 1375)).

Effective date: November 22, 1974.

Signed at Washington, D.C., on November 22, 1974.

KENNETH E. FRICK,  
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-27773 Filed 11-22-74; 4:13 p.m.]

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

[Navel Orange Regulation 328]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This section fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the

weekly regulation period Nov. 29–Dec. 5, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.628 Navel Orange Regulation 328.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is not fully stabilized. Prices f.o.b. averaged \$4.31 per carton on a reported sales volume of 364 cartons last week, compared with an average f.o.b. price of \$5.17 per carton and sales of 378 cartons a week earlier. Track and rolling supplies at 472 cars were up 230 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the

declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 25, 1974.

(b) Order. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 29, 1974, through December 5, 1974, are hereby fixed as follows:

- (i) District 1: 920,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 80,000 cartons."

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

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

Dated: November 26, 1974.

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

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Size Tolerances for Undersized Prunes

On November 1, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 38662) regarding a proposal to amend the Administrative Rules and Regulations (7 CFR 993.101–993.174) to provide size tolerances for prunes disposed of by handlers as undersized prunes. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended, regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Interested persons were given until November 20, 1974, to submit written data, views, or arguments with respect to the proposal. None were submitted.

At its August 1, 1974, meeting the Prune Administrative Committee unanimously recommended establishment of tolerances to insure that prunes disposed of by handlers as undersized prunes are reasonably comparable in size to the undersized prunes received by them from producers and dehydrators during the crop year that the applicable undersized regulation is in effect. Such a regulation has been established for the 1974-75 crop year (§ 993.401; 39 FR 32733).

Tolerances are authorized pursuant to § 993.50(g) of the order because normal commercial size grading practices cannot duplicate the measurement of the quantity of undersized prunes in a lot by inspection methods. In commercial size grading, the movement of prunes over the various screens is at such a rate and in such volume that some of the undersized prunes may not be removed by the applicable screen, but may override this screen and fall through screens with larger openings. The removal of the exact quantity of undersized prunes, as determined by inspection analysis, would be costly and impractical.

It is found that the tolerances provided in this action are authorized by § 993.50(g) and should be established to accomplish the purposes of the act and the efficient administration of the order.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This proposal was unanimously recommended by the Prune Administrative Committee, and handlers and producers are aware of this action; (2) prunes received by handlers are being size-graded resulting in the accumulation of undersized prunes; (3) handlers are preparing to dispose of those prunes, and this action should be made effective on the date provided at the end of this action to enable handlers to use the tolerances as soon as possible; (4) this action imposes no restriction on handlers; and (5) no useful purpose would be served by postponing its effective time.

Therefore, § 993.150 of Subpart—Administrative Rules and Regulations is amended by adding a new paragraph (g) (3) reading as follows:

§ 993.150 Disposition of prunes by handlers.

(g) \* \* \*

(3) *Tolerances permitting a deviation in prune sizes from applicable undersized openings—(i) Undersized French prunes.* Any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 15 percent by weight of prunes which do not pass freely through a round opening 24/32 of an inch in diameter; and

(ii) *Undersized non-French prunes.* Any quantity of non-French prunes dis-

posed of by a handler in compliance with § 993.50(g) shall not contain more than 10 percent by weight of prunes which do not pass freely through a round opening 30/32 of an inch in diameter.

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

Dated November 22, 1974, to become effective December 1, 1974.

CHARLES R. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc. 74-27769 Filed 11-26-74; 8:45 am]

#### Title 9—Animals and Animal Products

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

#### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

#### Commuted Traveltime Allowances

The purpose of this amendment is to set forth a complete and updated listing of all ports, stations and areas and their respective commuted traveltime periods established under § 97.2 of the regulations contained in 9 CFR Part 97.

The amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

The amendment also deletes certain ports, stations and areas from said listing inasmuch as Veterinary Services no longer has personnel servicing these places.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999), January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), June 5, 1974 (39 FR 19940), June 25, 1974 (39 FR 22942), August 14, 1974 (39 FR 29172), August 30, 1974 (39 FR 31622), September 23, 1974 (39 FR 34019), October 11, 1974 (39 FR 36570), and November 6, 1974 (39 FR 39019-39020), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended to read as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty as prescribed in § 97.1 shall, in addition,

include a commuted traveltime period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted traveltime periods are as follows:

#### WITHIN METROPOLITAN AREA

##### ONE HOUR

Alexandria Bay, New York.  
Antelope Wells, New Mexico.  
Anchorage, Alaska.  
Beltsville, Maryland.  
Blaine, Washington.  
Brownsville, Texas.  
Burlington International Airport (served from Burlington, Vermont).  
Calxico, California.  
Champlain, New York.  
Columbus, New Mexico.  
Del Rio, Texas.  
Douglas, Arizona.  
Eagle Pass, Texas.  
Harrisburg, Pennsylvania (served from Camp Hill, Pennsylvania).  
Houlton, Maine.  
Laredo, Texas.  
Los Angeles Harbor, San Pedro, California, including: Long Beach; Wilmington; and Terminal Island.  
Mobile, Alabama.  
Naco, Arizona.  
Newburgh, New York.  
Nogales, Arizona.  
Ogdensburg, New York.  
Oroville, Washington.  
Pembina, North Dakota.  
Plentywood, Montana.  
Portal, North Dakota.  
Port Huron, Michigan.  
Port of Albany, Albany, New York.  
Presidio, Texas.  
Sacramento, California.  
San Diego, California.  
San Ysidro, California.  
Sasabe, Arizona.  
St. Albans, Vermont.  
Standiford Field (served from Louisville, Kentucky).  
Stapleton International Airport (served from Arvada, Colorado).  
Sweetgrass, Montana.

##### TWO HOURS

Buffalo, New York.  
Charleston, South Carolina.  
Honolulu, Hawaii, including: Aiea; Barber's Point, Naval Air Station; Honolulu International Airport; West Loch; Middle Loch; East Loch; Pearl City; and Waipahu.  
Houston, Texas (except Houston Intercontinental Airport).  
Indianapolis, Indiana.  
Jacksonville, Florida.  
Los Angeles International Airport (served from Los Angeles, California).  
Miami, Florida.  
Milwaukee, Wisconsin.  
Norfolk-Newport News, Virginia.  
Portland, Oregon.  
Port of Richmond, Richmond, Virginia.  
Port of San Luis, Arizona (served from Yuma, Arizona).  
Port of Savannah (served from Savannah, Georgia).  
San Francisco, California, including: Alameda, Richmond, Pittsburg, and other ports in San Francisco and San Pablo Bay areas.  
San Juan, Puerto Rico.  
St. Louis Lambert Airport, St. Louis, Missouri (served from National Stock Yards, Illinois).  
Tampa, Florida.

THREE HOURS

Baltimore, Maryland.  
 Boston, Massachusetts.  
 Chicago, Illinois.  
 Detroit, Michigan.  
 Houston Intercontinental Airport, Houston, Texas.  
 New York, New York.  
 Philadelphia, Pennsylvania.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Alburg, Vermont (served from St. Albans, Vermont).  
 Bangor, Maine (served from Carmel, Maine).  
 Great Falls Airport (served from Great Falls, Montana).  
 Highgate Springs, Vermont (served from St. Albans, Vermont).  
 Hawaii, Hawaii (served from Waimea, Hawaii).  
 Monticello, Maine (served from Houlton, Maine).  
 Moores Junction, New York (served from Champlain, New York).  
 Morristown, New York (served from Ogdensburg, New York).  
 Nighthawk, Washington (served from Orville, Washington).  
 Newport, Vermont (served from Derby Line, Vermont).  
 New Windsor, New York (served from Newburgh, New York).  
 North Troy, Vermont (served from Derby Line, Vermont).  
 Noyes, Minnesota (served from Pembina, North Dakota).  
 Port Huron, Michigan.  
 Port of Morgan (served from Morgan, Montana).  
 Raymond, Montana (served from Plentywood, Montana).  
 Roseton, New York (served from Newburgh, New York).  
 Rouses Point, New York (served from Champlain, New York).  
 Shelbyville, Illinois (served from Pana, Illinois).  
 Waddington, New York (served from Ogdensburg, New York).

TWO HOURS

Any point on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy, Louisiana (served from Baton Rouge or Thibodeaux).  
 Bellingham, Washington (served from Blaine, Washington).  
 Boise, Idaho (served from Caldwell or Middleton, Idaho).  
 Bradley International Airport, Windsor Locks, Connecticut (served from Hartford, Connecticut).  
 Bridgeman, Ludington, Muskegon, and Saginaw, Michigan.  
 Bridgewater, Maine (served from Houlton, Maine).  
 Buchanan, New York (served from Newburgh, New York).  
 Burlington International Airport (served from Highgate Springs, Vt.).  
 Burlington International Airport (served from Montpelier, Vermont).  
 Dallas-Fort Worth International Airport (served from Ft. Worth or Dallas, Texas).  
 Ferndale, Washington (served from Blaine, Washington).  
 Harrisburg, Pennsylvania (served from Northumberland, Pennsylvania).  
 Hogsburg, New York (served from Ogdensburg, New York).  
 Island Pond, Vermont (served from Derby Line, Vermont).  
 Lake Mills, Wisconsin (served from Madison, Wisconsin).  
 Los Angeles and Los Angeles International Airport (served from San Pedro, California).

Lynden, Washington (served from Blaine, Washington).  
 Milton, New York (served from Newburgh, New York).  
 Naco, Arizona (served from Douglas, Arizona).  
 Niagara Falls, New York (served from Buffalo, New York).  
 Nogales, Arizona (when served from Tumaacori, Arizona).  
 Nogales, Arizona (when served from Lochiel, Arizona).  
 Peabody, Massachusetts (served from Lowell, Massachusetts).  
 Peekskill, New York (served from Newburgh, New York).  
 Peoria, Illinois (served from Normal, Illinois).  
 Portal, North Dakota (served from Kenmare, North Dakota).  
 Port Everglades, Florida (served from Miami, Florida).  
 Port of Albany, Albany, New York (when served from Averill Park, New York).  
 Port of Columbus, New Mexico (served from Deming, New Mexico).  
 Poughkeepsie, New York (served from Newburgh, New York).  
 Richford, Vermont (served from Derby Line or St. Albans, Vermont).  
 Roosevelttown, New York (served from Ogdensburg, New York).  
 San Diego, California (served from San Ysidro, California).  
 San Luis, Arizona (served from Yuma, Arizona).  
 St. Petersburg, Florida (served from Tampa, Florida).  
 Shelbyville, Illinois (served from Mattoon, Illinois).  
 Stony Point, New York (served from Newburgh, New York).  
 Sumas, Washington (served from Blaine, Washington).  
 Vancouver, Washington (served from Portland, Oregon).

THREE HOURS

Aberdeen, Washington (served from Olympia, Washington).  
 Alexandria, Virginia (when served from Orleans, Virginia).  
 Anacortes, Washington (served from Blaine, Washington).  
 Antelope Wells, New Mexico (served from Hachita, New Mexico).  
 Antler, North Dakota (served from Minot, North Dakota).  
 Any undesignated Virginia port (served from Norfolk-Newport News, Va.).  
 Bangor, Maine (served from Augusta, Maine).  
 Beecher Falls, Vermont (served from Derby Line, Vermont).  
 Bradley International Airport, Windsor Locks, Connecticut (served from Storrs, Connecticut).  
 Calexico, California (served from Campo or Manzanita, California).  
 Chateaugay, New York (served from Champlain, New York).  
 Columbus, New Mexico (served from Hachita, New Mexico).  
 Del Rio, Texas (served from Eagle Pass, Texas).  
 Dulles International Airport (served from Hyattsville, Maryland).  
 Dulles International Airport (served from Orleans, Virginia).  
 Eagle Pass, Texas (served from Del Rio, Texas).  
 Eastport and Porthill, Idaho (served from Sandpoint, Idaho).  
 El Paso, Texas (served from Las Cruces, New Mexico).  
 Fort Covington, New York (served from Ogdensburg, New York).  
 Fort Fairfield, Maine (served from Houlton, Maine).  
 Frankfort, Michigan.

Green Bay, Wisconsin (served from Clintonville, Wisconsin).  
 Harrisburg, Pennsylvania (served from Morgantown, Pennsylvania).  
 Hastings-on-Hudson, New York (when served from Newburgh, N.Y.).  
 Henry, Illinois (served from Normal, Illinois).  
 Hidalgo, Texas (served from Brownsville, Texas).  
 Hilo, Hawaii (served from Waimea, Hawaii).  
 Hoquiam, Washington (served from Olympia, Washington).  
 Irvington, New York (when served from Newburgh, New York).  
 Kalama, Washington (served from Portland, Oregon).  
 Kenosha-Racine, Wisconsin (served from Milwaukee, Wisconsin).  
 Limestone, Maine (served from Houlton, Maine).  
 Longview, Washington (served from Portland, Oregon).  
 Malone, New York (served from Champlain, New York).  
 Manitowic, Wisconsin (served from Clintonville, Wisconsin).  
 Moses Lake, Washington (served from Wenatchee, Washington).  
 New Orleans, Louisiana, including: Orleans Parish and all points on the east bank of the Mississippi River from the St. Charles-Jefferson Parish boundary to and including Chalmette, La., and all points on the west bank from the St. Charles-Jefferson Parish boundary to, but excluding, Belle Chasse, Louisiana (served from Baton Rouge and Thibodeaux).  
 Newport Beach, California (served from San Pedro, California).  
 Newport, Vermont (served from St. Albans, Vermont).  
 Nogales, Arizona (served from Tucson, Arizona).  
 Norton, Vermont (served from Derby Line, Vermont).  
 North Troy, Vermont (served from St. Albans, Vermont).  
 Port of Morgan (when served from Malta, Montana).  
 Port of Portland, Maine (when served from Augusta, Maine).  
 Raymond, Washington (served from Olympia, Washington).  
 San Pedro (Palominas), Arizona (served from Douglas, Arizona).  
 Sasabe, Arizona (served from Tucson, Arizona).  
 Scobey, Montana (served from Plentywood, Montana).  
 St. Boniface, Manitoba (served from Pembina, North Dakota).  
 Sea-Tac Airport (when served from Olympia, Washington).  
 Standiford Field (when served from Frankfort, Kentucky).  
 Wilmington, Delaware (served from Dover, Delaware).  
 Vernon, California (served from San Pedro, California).

FOUR HOURS

Anchorage, Alaska (when served from Palmer, Alaska).  
 Any point below Chalmette, La., and on the East Bank, Belle Chasse, La., and points to and including Port Sulphur on the west bank (served from Baton Rouge or Thibodeaux).  
 Barron, Wisconsin (when served from Eau Claire, Wisconsin).  
 Burns Harbor, Indiana (when served from Monticello, Indiana).  
 Calexico, California (served from Yuma, Arizona).  
 Columbus, New Mexico (served from Las Cruces, New Mexico).  
 Derby Line, Vermont (served from St. Albans, Vermont).

## RULES AND REGULATIONS

DuQuoin, Illinois (served from Collinsville, Illinois).  
 Erie, Pennsylvania (served from Buffalo, New York).  
 Hueneme, California (served from San Pedro, California).  
 Morgan City, La., and any redesignated point served from Port of New Orleans.  
 Moses Lake, Washington (served from Spokane and Yakima, Washington).  
 Nikiski, Alaska (served from Palmer, Alaska).  
 Ontario, California (served from San Pedro, California).  
 Portal, North Dakota (when served from Minot, North Dakota).  
 Port of Brunswick (served from Savannah, Georgia).  
 Port of Portland, Maine (when served from Concord, New Hampshire).  
 Rochester, New York (served from Buffalo, New York).  
 San Luis, Arizona (served from Calexico, California).  
 Sea-Tac Airport (when served from Mount Vernon, Washington).  
 Sasabe, Arizona (served from Nogales or Sells, Arizona).  
 Sheboygan Falls, Wisconsin (served from Milwaukee and Ripon, Wis.).  
 Sheboygan, Wis. (served from Milwaukee, Wisconsin).  
 Stockton, California (served from San Francisco, California).  
 Van Buren, Maine (served from Houlton, Maine).

## FIVE HOURS

Antelope Wells, New Mexico (served from Deming, New Mexico).  
 Antler, North Dakota (when served from Portal, North Dakota).  
 Austin, Minnesota (served from St. Paul, Minnesota).  
 Brownsville, Texas (served from Laredo or San Antonio, Texas).  
 Calais, Maine (served from Houlton, Maine).  
 Columbus, New Mexico (served from El Paso, Texas).  
 Del Rio, Texas (served from Laredo or San Antonio, Texas).  
 Douglas, Arizona (served from Lochiel, Arizona).  
 Dulles International Airport (served from Richmond, Virginia).  
 Eagle Pass, Texas (served from Laredo or San Antonio, Texas).  
 Fort Kent, Maine (served from Houlton, Maine).  
 Holeb-Jackman, Maine (served from Augusta, Maine).  
 Holeb-Jackman, Maine (served from Bangor, Maine).  
 Laredo, Texas (served from Brownsville, Eagle Pass, or San Antonio, Texas).  
 Laurier, Washington (served from Oroville, Washington).  
 Madawaska, Maine (served from Houlton, Maine).  
 Ophelm, Montana (served from Plentywood, Montana).  
 Port of Homer, Alaska (served from Anchorage, Alaska).  
 Port of Ophelm (served from Wolf Point or Plentywood, Montana).  
 Port of Raymond, Montana (served from Wolf Point, Montana).  
 Port of Sweetgrass, Montana (served from Great Falls, Montana).  
 Sacramento, California (served from San Francisco, Calif.).  
 San Pedro, Arizona (served from Nogales, Arizona).  
 Sasabe, Arizona (served from Lochiel, Arizona).  
 Sault Ste. Marie (when served from Lansing, Michigan).

Vanceboro, Maine (served from Houlton, Maine).

## SIX HOURS

Antelope Wells, New Mexico (served from Las Cruces, New Mexico).  
 Antler, North Dakota (when served from Bismarck, North Dakota).  
 Barron, Wisconsin (when served from St. Paul, Minnesota).  
 Eastport, Maine (served from Houlton, Maine).  
 Edwards Air Force Base, Calif. (served from San Pedro, Calif.).  
 El Paso, Texas (served from Hatchita or Deming, New Mexico).  
 March Field, California (served from San Pedro, California).  
 Newport, Oregon (served from Roseburg, Oregon).  
 Port Angeles (served from Olympia, Washington).  
 Port of Portland, Maine (when served from Bangor, Maine).  
 Port of St. Mary's (served from Savannah, Georgia).  
 Presidio, Texas (served from El Paso, Texas).  
 San Luis Obispo (served from San Pedro, California).  
 Sasabe, Arizona (served from Ajo, Arizona).  
 Seward, Alaska (served from Anchorage, Alaska).  
 Sheboygan Falls, Wisconsin (served from Madison, Wisconsin).

## SEVEN HOURS

Beecher Falls, Vermont (served from St. Albans, Vermont).  
 Island Pond, Vermont (served from St. Albans, Vermont).  
 Norton, Vermont (served from St. Albans, Vermont).  
 Kansas City International Airport (served from Jefferson, Missouri).  
 Mabel, Minnesota (served from St. Paul, Minnesota).  
 Port of Morgan (when served from Wolf Point, Montana).

## EIGHT HOURS

St. Petersburg, Florida (served from Miami, Florida).  
 Tampa, Florida (served from Miami, Florida).  
 (64 Stat. 561; 7 U.S.C. 2260.)

*Effective date.* The foregoing amendment shall become effective November 27, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of November 1974.

PIERRE A. CHALOUX,  
 Acting Deputy Administrator,  
 Veterinary Services Animal  
 and Plant Health Inspection  
 Service.

[FR Doc. 74-27771 Filed 11-26-74; 8:45 am]

Title 12—Banks and Banking  
 CHAPTER III—FEDERAL DEPOSIT  
 INSURANCE CORPORATION  
 INCREASE IN INSURANCE COVERAGE  
 Miscellaneous Amendments

Effective November 27, 1974, Parts 306, 308, 328, 330, and 331 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Parts 306, 308, 328, 330, and 331) are amended as follows:

PART 306—RECEIVERSHIPS AND  
 LIQUIDATIONS

§ 306.2 [Amended]

1. The fifth sentence of § 306.2 is amended to read as follows:

"The liquidator as local representative of the Corporation proceeds, in compliance with the manual of instructions of the Division of Liquidation, and in conformity with applicable provisions of the National Bank Act and the Federal Deposit Insurance Act, to liquidate the assets, receive claims of depositors (claiming in excess of their insured deposits)<sup>1</sup> and other creditors, pay the expenses of administration, distribute the proceeds of such liquidation, and otherwise wind up the affairs of the bank subject to the control of the Board of Directors of the Corporation and under the supervision of the Chief of the Division of Liquidation."

2. The sixth sentence of § 306.2 is amended to read as follows:

"After notice by advertisement pursuant to law, depositors having claims in excess of their insured deposits, and other creditors, are permitted to file claims with the liquidator, who transmits such claims to the Division of Liquidation for allowance, classification, and deductions by way of set-offs or counter-claims."

3. Footnote 1 to § 306.2 is amended by deleting the words: "up to \$20,000 for each depositor".

PART 308—RULES OF PRACTICE AND  
 PROCEDURES

§ 308.26 [Amended]

4. The third paragraph of the notice of termination of insured status prescribed by § 308.26 is amended to read as follows:

3. Insured deposits in the bank on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. \* \* \*

PART 328—ADVERTISEMENT OF  
 MEMBERSHIP

§ 328.1 [Amended]

5. The design of the official sign prescribed by § 328.1 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 328.2. [Amended]

6. Subparagraph (11) of paragraph (c) of § 328.2 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

**PART 330—CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE**

§ 330.1 [Amended]

7. Subparagraph (2) of paragraph (c) of § 330.1 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 330.2 [Amended]

8. The first sentence of § 330.2 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

9. Paragraph (a) of § 330.2 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

10. Paragraph (b) of § 330.2 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

11. Paragraph (c) of § 330.2 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 330.3 [Amended]

12. Paragraph (a) of § 330.3 is amended by deleting the figure "\$20,000" and by inserting "\$40,000" in lieu thereof.

13. Paragraph (b) of § 330.3 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 330.4 [Amended]

14. Section 330.4 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 330.5 [Amended]

15. The first sentence of § 330.5 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

16. The second sentence of § 330.5 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 330.6 [Amended]

17. The first sentence of § 330.6 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

18. The second sentence of § 330.6 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

19. Paragraph (a) of § 330.8 is amended to read as follows:

§ 330.8 Public Unit Accounts.

(a) (1) Each official custodian of funds of the United States depositing the same in time or savings deposits in an insured bank shall be separately insured up to \$100,000 as to such deposits. Each such

official custodian depositing such funds in a demand deposit shall be separately insured up to \$40,000.

(2) Each official custodian of funds of any State of the United States or any county, municipality, or political subdivision thereof depositing the same in time or savings deposits in an insured bank in the same State shall be separately insured up to \$100,000.

(3) Each official custodian of funds of the District of Columbia lawfully depositing the same in time or savings deposits in an insured bank in the District of Columbia shall be separately insured up to \$100,000.

(4) Each official custodian of funds of the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, or of any county, municipality, or political subdivision thereof lawfully depositing the same in time or savings deposits in an insured bank in Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively, shall be separately insured up to \$100,000.

(5) Each official custodian referred to in paragraphs (a) (2), (3), and (4) of this section lawfully depositing such funds in demand deposits in an insured bank within the same State, District of Columbia, Commonwealth, possession or territory comprising the public unit or wherein the public unit is located, or in any form of deposit, whether time, savings or demand, in an insured bank outside such jurisdiction, shall be separately insured up to \$40,000.

(6) For purposes of this paragraph (a), if the same person is an official custodian of more than one public unit, he shall be separately insured with respect to the public funds held by him for each such unit, but shall not be separately insured by virtue of holding different offices in such unit or, except as provided in paragraph (b) of this section, holding such funds for different purposes.

§ 330.8 [Amended]

20. Paragraph (b) of § 330.8 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 330.9 [Amended]

21. Paragraph (c) of § 330.9 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

22. Paragraph (d) of § 330.9 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

23. Paragraph (e) of § 330.9 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

§ 330.10 [Amended]

24. Section 330.10 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

**PART 331—INSURANCE OF TRUST FUNDS**

§ 331.1 [Amended]

25. Paragraph (d) of § 331.1 is amended by deleting the figure "\$20,000" and by inserting the figure "\$40,000" in lieu thereof.

The Act of October 28, 1974 (Pub. L. 93-495), among other things increased the maximum amount of insured deposit of any depositor (other than custodians of funds of public units depositing in time and savings deposits) from 20,000 to \$40,000, and provided coverage of up to \$100,000 for certain time and savings deposits of custodians of public funds. The amendments to Parts 306 and 308 of the Corporation's rules and regulations delete any reference to the existing limitation of \$20,000, and the amendments to Parts 328, 330 and 331 reflect the increase in the maximum amount of deposit insurance generally and the special treatment afforded to public time and savings deposits.

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations, that the amendments to Parts 306, 308, 328, 330, and 331 are largely editorial and not substantive in nature, that the amendments to § 330.8 relieve a restriction, and that notice, public participation and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment.

(Sec. 9, 64 Stat. 881; (12 U.S.C. 1819.))

Dated at Washington, D.C., this 20th day of November, 1974.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] ALAN R. MILLER,  
*Executive Secretary.*

[FR Doc.74-27753 Filed 11-26-74; 8:45 am]

**Title 17—Commodity and Securities Exchanges**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release No. IC-8569]

**PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940**

**Amendments of Rule Permitting Quantity Discounts for Certain Group Purchases of Mutual Fund Shares**

*Correction*

In FR Doc. 74-26798 appearing at page 40281 of the issue for Friday, November 15, 1974, on page 40283, the first column, the third and fourth lines which presently read "the dealer involved, if any, for all purchases, and equal an aggregate amount" should read "purchaser as his expected aggregate purchases, and equal an aggregate amount."

**Title 19—Customs Duties**  
**CHAPTER I—UNITED STATES**  
**CUSTOMS SERVICE**

[T.D. 74-292]

**PART 4—VESSELS IN FOREIGN AND**  
**DOMESTIC TRADES**

**LASH-Type Barges and Vessels of the Union**  
**of Soviet Socialist Republics**

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury on September 27, 1974, that the Union of Soviet Socialist Republics allows privileges reciprocal to those provided for in the sixth and seventh provisos of the cited statute with respect to certain articles transported by vessels of the United States, and with respect to merchandise transported by United States-flag LASH-type barges. Therefore, corresponding privileges are accorded to vessels and LASH-type barges of Soviet registry effective on the date of such notification.

These privileges relate to the coastwise transportation, under the conditions specified in the sixth and seventh provisos of 46 U.S.C. 883, of empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with those articles; empty barges specifically designed for carriage aboard a vessel; any empty instruments for international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to section 322(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1322(a)); certain stevedoring equipment and material, and of merchandise by LASH-type barges.

Accordingly, §§ 4.81a and 4.93 of the Customs regulations (19 CFR 4.81a, 4.93) are amended as set forth below:

**§ 4.81a [Amended]**

Paragraph (b) of § 4.81a of the Customs regulations (19 CFR 4.81(b)) is amended by the insertion of "Union of Soviet Socialist Republics" in appropriate alphabetical order in the list of countries under that paragraph.

**§ 4.93 [Amended]**

Paragraphs (b)(1) and (b)(2) of § 4.93 of the Customs regulations (19 CFR 4.93(b)(1), (b)(2)), are amended by the insertion of "Union of Soviet Socialist Republics" in appropriate alphabetical order in the lists of countries under those paragraphs.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516 (5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883))

There is a statutory basis for the described extension of reciprocal privileges, and the amendments recognize an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause is found for dispensing with notice and public procedure thereon as unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

[SEAL]

VERNON D. ACREE,  
*Commissioner of Customs.*

Approved: November 18, 1974.

DAVID R. MACDONALD,  
*Assistant Secretary of the Treasury.*

[FR Doc.74-27761 Filed 11-26-74;8:45 am]

**Title 21—Food and Drugs**  
**CHAPTER I—FOOD AND DRUG ADMINIS-**  
**TRATION, DEPARTMENT OF HEALTH,**  
**EDUCATION, AND WELFARE**  
**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**  
**PART 27—CANNED FRUITS AND FRUIT**  
**AND FRUIT JUICES**

**Canned Grapefruit Standards;**  
**Confirmation of Effective Date**

The Commissioner of Food and Drugs, in accordance with the procedure established in 21 CFR 10.8, issued an order, published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18643), amending the canned grapefruit standards of identity (21 CFR 27.90), quality (21 CFR 27.91), and fill of container (21 CFR 27.92), taking into consideration the Recommended International Standard for Canned Grapefruit submitted by the Codex Alimentarius Commission.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed in response to the subject order. Accordingly, the amendments promulgated by that order shall become effective as follows: Compliance with the order, which shall include any labeling changes required, may have begun July 29, 1974, and all products shipped in interstate commerce after June 30, 1975, shall comply with these regulations.

Dated: November 19, 1974.

SAM D. FINE,  
*Associate Commissioner*  
*for Compliance.*

[FR Doc.74-27707 Filed 11-26-74;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 411]

**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
Arizona	Unincorporated	Puma County	Nov. 22, 1974. Emergency	Apr. 12, 1974		
California	Santa Barbara	Lompac, city of	do	Jan. 28, 1974		
Kentucky	Unincorporated	Mercer County	do			
Michigan	Chippewa	Whitfish, county of	do			
Ohio	Athens	Athens, city of	do	May 31, 1974		
Pennsylvania	Lawrence	Neshannock, town of	do	Nov. 29, 1974		
Do	Montgomery	Green Lane, borough of	do			
Do	Allegheny	Sewickley, borough of	do	Jan. 9, 1974		
Do	do	North Versailles, township of	do	Sept. 6, 1974		

(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: November 18, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-27580 Filed 11-26-74;8:45 am]

[Docket No. FI 412]

**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
Iowa.....	Story.....	Nevada, city of.....	Nov. 25, 1974. Emergency.....	June 28, 1974.....	.....	.....
Maine.....	Penobscot.....	Bradley, town of.....	do.....	Sept. 20, 1974.....	.....	.....
Do.....	Kennebec.....	Waterville, city of.....	do.....	Mar. 29, 1974.....	.....	.....
Michigan.....	Lapeer.....	Lapeer, city of.....	do.....	May 17, 1974.....	.....	.....
Minnesota.....	Hennepin.....	Wayzata, city of.....	do.....	June 21, 1974.....	.....	.....
New Jersey.....	Atlantic.....	Port Republic, city of.....	do.....	Aug. 23, 1974.....	.....	.....
New York.....	Nassau.....	Hewlett Bay Park, village of.....	do.....	June 28, 1974.....	.....	.....
Oklahoma.....	Custer.....	Clinton, city of.....	do.....	Jan. 28, 1974.....	.....	.....
Pennsylvania.....	Cambria.....	Barnesboro, borough of.....	do.....	Mar. 29, 1974.....	.....	.....
Utah.....	Duchesne.....	Duchesne, city of.....	do.....	June 21, 1974.....	.....	.....
West Virginia.....	Roane.....	Spencer, town of.....	do.....	June 28, 1974.....	.....	.....

(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: November 18, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-27579 Filed 11-26-74;8:45 am]

[Docket No. FI 413]

**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
Alabama.....	Lee.....	Auburn, city of.....	Nov. 21, 1974. Emergency.....	June 7, 1974.....	.....	.....
Minnesota.....	St. Louis.....	Proctor, village of.....	do.....	Apr. 5, 1974.....	.....	.....
Do.....	Millie Lacs.....	Onamia, city of.....	do.....	May 10, 1974.....	.....	.....
Do.....	Wabasha.....	Zumbro Falls, city of.....	do.....	Aug. 16, 1974.....	.....	.....
Nebraska.....	Gage.....	Wymore, city of.....	do.....	May 3, 1974.....	.....	.....
New York.....	Cortland.....	Marathon, city of.....	do.....	May 3, 1974.....	.....	.....
Vermont.....	Orange.....	Randolph, town of, including village of.....	do.....	June 28, 1974.....	.....	.....

(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: November 15, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-27539 Filed 11-26-74;8:45 am]

## Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION

[CGD 74-81]

PART 62—ESTABLISHMENT OF AIDS  
TO NAVIGATION

## Caution Concerning Use of Buoys

The purpose of this amendment is to revise the Coast Guard's caution statement concerning the use of buoys.

The Coast Guard aids to navigation system is developed, established, operated, and maintained by the Coast Guard to assist the navigator in determining his position and a safe course on which to proceed and to warn the navigator of dangers and obstructions. The aids to navigation system provides the tools from which a mariner may obtain certain information. When this information is used in a prudent manner his safe passage will be enhanced.

The subject of this amendment is the manner in which buoys are used as an aid to navigation. Section 62.25-55 of the Coast Guard's regulations on establishment of aids to navigation briefly mentions some of the reasons why mariners should not rely completely upon the position or operation of floating aids to navigation.

Numerous similar cautions are given to the mariner in Government publications indicating the various reasons why buoys may be found somewhere other than at their exact charted locations.

Recent marine casualties involving mariners totally relying upon buoys for vessel positioning have made it clear that the Coast Guard's caution statements may not be sufficient to fully convey to the mariner the inexactness of the position of a buoy in delineating channels, indicating shoals, marking obstructions, or warning the mariner of danger.

This revision of the caution statement explains more fully the reasons why buoys should not be heavily relied on if marine casualties are to be avoided.

Similar changes are being made in the caution statements in applicable Government publications such as notices to mariners and light lists.

In addition to further explaining the possible inaccuracies of buoys, the purpose of this revised caution statement is to emphasize that buoys are intended by the Coast Guard to be used as an aid in navigating and not as a substitute for fixed aids to navigation, objects on shore, and other sources of navigational information.

Since this amendment to Part 62 is a revision of cautionary information and not regulatory, the rulemaking requirements of 5 U.S.C. 553 are not applicable and these revisions are effective immediately.

In consideration of the foregoing, Part 62 of Title 33 of the Code of Federal Regulations is amended by redesignating § 62.25-55(c) as a new § 62.25-60 headed "Station buoys" and revising § 62.25-55 to read as follows:

## § 62.25-55 Caution.

All mariners are cautioned not to rely solely on buoys for navigational purposes because of their potential unreliability. Individual buoys have varying degrees of reliability because of the factors described below.

(a) On government charts, the approximate position of a buoy and its sinker is represented by the dot or circle associated with the buoy symbol. The dot or circle represents the approximate position because of practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations. These limitations include, but are not limited to, inherent imprecisions in position fixing methods, prevailing atmospheric and sea conditions, the slope of and the material making up the seabed, the fact that buoys are moored to sinkers by varying lengths of chain, and the fact that buoy body and sinker positions are not under continuous surveillance but are normally verified only during periodic maintenance visits which often occur more than a year apart. The position of the buoy body can be expected to shift inside and outside the charting symbol due to the forces of nature. The mariner is also cautioned that buoys are liable to be carried away, shifted, capsized, sunk, etc. Lighted buoys may be extinguished or sound signals may not function as the result of ice, running ice, or other natural causes, collisions, or other accidents.

(b) So as not to endanger the safety of his vessel, a mariner is cautioned that he must not rely completely upon the position or operation of buoys to determine the position of his vessel. A prudent mariner also utilizes bearings or angles from fixed aids to navigation and objects on shore, when available, as well as other sources of navigational information such as soundings, RDF, etc. Also, a vessel attempting to pass close aboard risks collision with a yawing buoy or with the obstruction the buoy marks.

((44 U.S.C. 1505 (49 U.S.C. 1655(b)(1)); 49 CFR 1.4(b) and 1.46(b))

*Effective date.* This amendment is effective immediately.

Dated: November 18, 1974.

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

[FR Doc. 74-27743 Filed 11-26-74; 8:45 am]

[CGD 74-71]

PART 117—DRAWBRIDGE OPERATION  
REGULATIONS

## Chuckatuck Creek, Va.

This amendment changes the regulations for the Virginia Department of Highways drawbridge across Chuckatuck Creek, Virginia, mile 1, to require at least two hours notice at all times. This amendment was circulated as a public notice dated March 29, 1974, by the Commander, Fifth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed

rule making (CGD 74-71) on March 29, 1974 (39 FR 11560). Three replies were received which either had no comment or no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (23) of paragraph (f) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and in the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

\* \* \*

(f) \* \* \*  
(23) Chuckatuck Creek, Va.; Virginia Department of Highways bridge on U.S. Route 17 between Nansemond and Isle of Wight County. The draw shall open on signal if at least two hours notice is given. If an emergency exists the draw shall open as soon as possible.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

*Effective date.* This revision shall become effective on December 31, 1974.

Dated: November 22, 1974.

W. E. CALDWELL,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Marine,  
Environment and Systems.

[FR Doc. 74-27744 Filed 11-26-74; 8:45 am]

[CGD 73-23]

PART 117—DRAWBRIDGE OPERATION  
REGULATIONS

## Long Island Inland Waterway, New York

## Correction

In FR Doc. 74-26321, appearing at page 39720 in the issue for Monday, November 11, 1974, in the first column of page 39722, the seventh line of paragraph (m) should read "from 8:00 a.m. to 4:00 p.m. from October".

[CGD 74-177]

PART 135—LIGHTS FOR COAST GUARD  
VESSELS OF SPECIAL CONSTRUCTION

This notice revises the listing of Coast Guard vessels contained in 33 CFR Part 135 in order to reflect changes in the operational status and designation of the vessels listed therein. Several vessels have been decommissioned and removed from active service and are removed from the listing. New vessels are soon to be commissioned and placed in active service. The special construction of these new vessels precludes their carrying the masthead and range lights with the horizontal separation required by the statutory 'Rules of the Road.' Consequently, these vessels are exempted from the requirements of the statutes by the Secretary of Transportation under 33 U.S.C. 360 and 33 U.S.C. 1052, and they are added to the list of exempted vessels.

Additionally, several vessels have recently changed, or are about to change, their area of operation. These changes are reflected in this notice. Finally, one vessel has been redesignated a medium endurance cutter, from its previous designation as an auxiliary vessel, and the amendments reflect this redesignation.

This notice constitutes certification that, by reason of special construction, it is not possible for certain Coast Guard vessels to comply with existing statutory lighting requirements. Accordingly, this notice is not subject to the rulemaking requirements of 5 U.S.C. 553 and may become effective immediately.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations, is amended as follows:

1. In § 135.25, by revising paragraph (b); by deleting the entries "USCGC Southwind (WAGB-280)." and "USCGC Staten Island (WAGB-278)." from paragraph (c); by adding paragraph (d); by deleting the entries "U.S.C.G.C. Cactus (WLB-277)." and "U.S.C.G.C. Cowslip (WLB-277)."; by inserting, as the last entry of the listing in paragraph (e), "USCGC Tupelo (WLB-303)."; by adding, after the entry "USCGC Ironwood (WLB-297).", the entry "USCGC Mesquite (WLB-305).", in paragraph (f); by adding, before the entry "USCGC Basswood (WLB-388).", the entry "USCGC Acacia (WLB-406).", by adding, after the "USCGC Blackthorn (WLB-391).", the entry "USCGC Bramble (WLB-392).", by adding, after the entry "USCGC Spar (WLB-403).", the entry "USCGC Sundew (WLB-404).", and by adding, after the entry "USCGC Sweetbrier (WLB-405).", the entry "USCGC Woodrush (WLB-407)." in paragraph (g), so as to have § 135.25 read as follows:

§ 135.25 Horizontal separation of range lights.

(b) The following patrol cutter, medium endurance, 230-foot class, shall carry the forward masthead light and the after range light with a horizontal separation of 34 feet:

USCGC Storis (WMEC-38).

(c) \* \* \*

USCGC Northwind (WAGB-282).

USCGC Westwind (WAGB-281).

(d) The following Icebreakers carry the forward masthead light and after range light with a horizontal separation of 37 feet:

USCGC Polar Star (WAGB-10).

USCGC Polar Sea (WAGB-11).

(e) \* \* \*

USCGC Balsam (WLB-82).

USCGC Citrus (WLB-300).

USCGC Clover (WLB-292).

USCGC Conifer (WLB-301).

USCGC Evergreen (WAGO-295).

USCGC Gentian (WLB-290).

USCGC Laurel (WLB-291).

USCGC Madrona (WLB-302).

USCGC Sorrel (WLB-296).

USCGC Tupelo (WLB-303).

(f) \* \* \*

USCGC Buttonwood (WLB-306).

USCGC Ironwood (WLB-297).  
USCGC Mesquite (WLB-305).  
USCGC Papaw (WLB-308).  
USCGC Planetree (WLB-307).  
USCGC Sweetgum (WLB-309).

(g) \* \* \*

USCGC Acacia (WLB-406).  
USCGC Basswood (WLB-388).  
USCGC Bittersweet (WLB-389).  
USCGC Blackhaw (WLB-390).  
USCGC Blackthorn (WLB-391).  
USCGC Bramble (WLB-392).  
USCGC Firebush (WLB-393).  
USCGC Hornbeam (WLB-394).  
USCGC Iris (WLB-395).  
USCGC Mallow (WLB-396).  
USCGC Mariposa (WLB-397).  
USCGC Sagebrush (WLB-399).  
USCGC Salvia (WLB-400).  
USCGC Sassafras (WLB-401).  
USCGC Sedge (WLB-402).  
USCGC Spar (WLB-403).  
USCGC Sundew (WLB-404).  
USCGC Sweetbrier (WLB-405).  
USCGC Woodrush (WLB-407).

§ 135.35 [Deleted]

2. By deleting § 135.35.

3. By amending § 135.50 by deleting and reserving paragraph (b); by adding, after the entry "USCGC Bramble (WLB-392).", the entry "USCGC Mariposa (WLB-397).", by deleting the entry "U.S.C.G.C. Mackinaw (WAGB-83)." from paragraph (d); and by deleting the entries "USCGC Southwind (WAGB-280).", and "USCGC Staten Island (WAGB-278)" from paragraph (f).

Section 135.50 is amended as follows:

§ 135.50 Great Lakes Rules; horizontal separation of range lights.

\* \* \* \* \*

(b) [Deleted]

\* \* \* \* \*

(d) \* \* \*

USCGC Acacia (WLB-406).  
USCGC Bramble (WLB-392).  
USCGC Mariposa (WLB-397).  
USCGC Sundew (WLB-404).  
USCGC Woodrush (WLB-407).

(f) \* \* \*

USCGC Northwind (WAGB-282).  
USCGC Westwind (WAGB-281).

(33 U.S.C. 360, 1052; (49 U.S.C. 1655(b)(1); 49 CFR 1.4(b) and 1.46(b))

Effective date. November 26, 1974.

Dated: November 18, 1974.

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

[FR Doc. 74-27746 Filed 11-26-74; 8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Correction

In FR Doc. 74-25445 appearing at page 39017 in the issue for Tuesday, November 5, 1974, in § 257.8, paragraph (f) (6) on page 39018, in the third line, the word "which" should read "when".

Title 40—Protection of Environment

[FRL 267-2]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Pennsylvania: Approval of Compliance Schedules

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

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

Pursuant to 40 CFR 51.6, the Commonwealth of Pennsylvania has submitted for the Environmental Protection Agency's approval, revisions to the compliance schedule portion of its plan. The approval of these revisions was proposed by the Administrator on August 1, 1974 (39 FR 27809). This publication approves these revisions with specific exceptions pursuant to the provisions of 40 CFR 51.8.

Two hundred four (204) compliance schedules were submitted by the Commonwealth of Pennsylvania for the Environmental Protection Agency's approval. Of these, twenty-seven (27) were evaluated and proposed for approval in the FEDERAL REGISTER on the above date. The remaining compliance schedules submitted by the state were not proposed for approval either because the dates for final compliance will have passed by the date of this publication, or because the Environmental Protection Agency is still negotiating with the State and the individual sources to correct deficiencies appearing in the schedules.

Of the twenty-seven schedules proposed for approval on the above mentioned date, we have found two (2) schedules to be duplicates of schedules proposed for approval in the July 22, 1974, FEDERAL REGISTER (39 FR 26652). These schedules will be approved in a separate promulgation. In addition, five (5) schedules are duplicates of ones appearing in the August 22, 1974, FEDERAL REGISTER (39 FR 30349). Therefore, the following seven (7) schedules do not appear in the table below: North American Refractories Co. (73-775-V-A), Armco Steel Corp. (73-859-V), Koppers Co., Inc. (73-734-V-A), Bethlehem Steel Corp. (73-757-V), Medusa Cement Co. (73-819-V), Carnegie-Mellon University (14c 352-354), and American Oil Co. (191 P).

The State Order Number for the Roesing Bronze Co. appearing in the August 1 FEDERAL REGISTER, has been corrected to read No. 73-766-V (previously No. 73-765-V). Minor errors which ap-

## RULES AND REGULATIONS

pear in the August 1, table also have been corrected.

The Administrator has not received public comments concerning the proposed approval of the compliance schedules listed in the August 1, 1974, FEDERAL REGISTER notices. However, ARCO Polymers, Inc. (formerly Sinclair-Koppers Co., 74-903-V) has informed EPA that it will not meet its schedule as proposed and has appealed to the Pennsylvania Environmental Review Board for a revised schedule. Therefore, the Administrator cannot approve this schedule at this time.

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

Environmental Protection Agency  
Region III  
Curtis Building  
Sixth and Walnut Streets  
Philadelphia, Pennsylvania 19106  
Bureau of Air Quality and Noise Control  
Fulton National Building  
208 North Third Street  
Harrisburg, Pennsylvania 17120  
Freedom of Information Center  
Environmental Protection Agency  
401 M Street, SW  
Washington, D.C. 20460

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

This regulation will become effective December 27, 1974.

(42 U.S.C. 1857c-5)

Dated: November 21, 1974.

RUSSELL E. TRAIN,  
Administrator.

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

#### Subpart NN—Pennsylvania

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

#### § 52.2036 Compliance schedules.

(a) \* \* \*

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Anchor Hocking Corp., State Order No.: 73-729-V.	South Connellsville.	123.13(c), 123.41.	Aug. 23, 1973	Immediately	July 31, 1975
Appleton Papers Inc., State Order No.: 73-805-V, as amended Mar. 15, 1974.	Roaring Spring	123.11, 123.31.	Oct. 18, 1973	do	Do.
Atlantic Steel Castings Co., State Order No.: 73-832-V.	Chester City	123.13.	Nov. 19, 1973	do	Do.
Bethlehem Steel Corp., State Order No.: 73-701-V, as amended May 21, 1974.	Bethlehem	123.1, 123.13, 123.23, 123.31, 123.41.	Aug. 8, 1973	do	Do.
Corning Glass Works, State Order No.: 73-730-V, as amended Apr. 5, 1974.	Charleroi	123.13, 123.41.	Aug. 22, 1973	do	Do.
Corning Glass Works, State Order No.: 74-909-V.	do	123.13, 123.41.	Jan. 31, 1974	do	Do.
H & E Manufacturing Co., State Order No.: 73-836-V, as amended May 21, 1974.	Picture Rocks	123.11, 123.41.	Nov. 7, 1973	do	Dec. 31, 1974
Hammermill Paper Co., State Order No.: 73-800-V, as amended Nov. 15, 1973.	Erie	123.11, 123.22, 123.41.	Oct. 17, 1973	do	July 31, 1975
Hammermill Paper Co., State Order No.: 73-824-V.	Lock Haven	123.11, 123.41.	Nov. 14, 1973	do	Do.
Krafco Corp., Metro Containers, State Order No.: 73-732-V, as amended May 6, 1974.	Washington	123.13.	Sept. 7, 1973	do	Do.
National Roll Division, General Steel Industries, Inc., State Order No.: 73-797-V.	Avonmore	123.13.	Oct. 17, 1973	do	Do.
Penntech Papers, Inc., State Order No.: 73-852-V, as amended Dec. 21, 1973.	Johnsonburg	123.2, 123.11, 123.13, 126.22, 126.31, 123.41, 131.2, 131.3.	Dec. 4, 1973	do	Do.
Reading Metals Refining Corp., State Order No.: 74-894-V, as amended May 21, 1974.	Ontelaunee	123.13, 123.41.	Jan. 25, 1974	do	May 21, 1975
Roessing Bronze Co., State Order No.: 73-766-V.	Adams Township	123.13.	Sept. 18, 1973	do	July 31, 1975
Sun Oil Co., State Order No.: 74-916-V, as amended May 21, 1974.	Marcus Hook	123.31.	Feb. 27, 1974	do	Mar. 19, 1977
Sun Oil Co., State Order No.: 74-918-V.	do	129.2.	Feb. 22, 1974	do	May 31, 1975
Jones & Laughlin Steel Corp., County Order No.: 54 C 212.	Pittsburgh	1809.6B.2.	Apr. 3, 1973	Apr. 10, 1973	July 1, 1975
Shenango, Inc., County Order No.: 35 C 108-109.	Neville Island	1809.6B.2.	June 11, 1973	June 21, 1973	June 1, 1975
U.S. Steel Corp., County Order No.: 143 P 127.	Duquesne	1809.1, 1809.4A.	July 3, 1973	July 13, 1973	May 1, 1975

[FR Doc. 74-27673 Filed 11-26-74; 8:45 am]

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5448]

[Fairbanks 19424]

#### ALASKA

#### Partial Revocation of Public Land Order No. 715 of April 20, 1951

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:

1. Public Land Order No. 715 of April 20, 1951, which withdrew lands for use of the Department of the Air Force for military purposes, is hereby revoked as to the following described lands:

A tract of land situated on Barter Island, Fourth Judicial District, State of Alaska. The boundaries of said tract of land are described as follows:

Beginning at Tri Station USC&GS "Barter Astro" (designated USLM No. 4234); thence S. 83°15'00" E., a distance of 2,324.52 feet to WCMC, the true point of beginning; thence S. 54°26' W., a distance of 360 feet; thence N. 35°24' W., a distance

of 3,588.65 feet; thence N. 01°24' W., a distance of 600.00 feet to Corner No. 2, U.S. Survey No. 4234; thence S. 35°24' E., a distance of 4,068.65 feet to the true point of beginning, containing 31.7 acres, more or less.

2. The lands described in paragraph 1 are withdrawn under section 11(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), for selection by the village of Kaktovik.

3. Prior to any conveyance of the lands described in paragraph 1 the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,  
Assistant Secretary of the Interior.

NOVEMBER 20, 1974.

[FR Doc. 74-27688 Filed 11-26-74; 8:45 am]

## Title 46—Shipping

CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION

[CGD 74-119]

PART 5—SUSPENSION AND REVOCATION  
PROCEEDINGS

## Miscellaneous Amendments

## Correction

In FR Doc. 74-26319, appearing at page 39723, in the issue of Monday, November 11, 1974, the section heading reading "§ 5.20-1 Commandant" should read "§ 5.02-1 Commandant".

CHAPTER IV—FEDERAL MARITIME  
COMMISSION

## SUBCHAPTER A—GENERAL PROVISIONS

[Commission Order 53; Amdt. 2]

PART 500—EMPLOYEE RESPONSIBILITIES  
AND CONDUCTInformation Required on Employment  
and Financial Statements

The Federal Maritime Commission published in the FEDERAL REGISTER, August 20, 1968 (33 FR 11767), Commission Order No. 53 (amended), which provided in § 500.735-37 that if any information required to be included on a statement of employment and financial interests, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

Paragraph 4-8, Chapter 735, Federal Personnel Manual, has been amended to provide that if any holdings have been or are to be placed in a blind or no-control trust, a copy of the trust agreement together with an inventory of the holding placed in trust must be submitted with the employee's statement.

## § 500.735-37 [Amended]

Accordingly, the following sentence shall be inserted at the end of § 500.735-37, Title 46, Code of Federal Regulations:

"If any holdings have been or are to be placed in a blind or no-control trust, a copy of the trust agreement together with an inventory of the holdings placed in trust must be submitted with the employee's statement."

This revision effective on November 27, 1974.

HELEN DELICH BENTLEY,  
Chairman.

[FR Doc. 74-27756 Filed 11-26-74; 8:45 am]

[General Order No. 33; Docket No. 72-62]

PART 506—REGULATIONS TO ADJUST  
OR MEET CONDITIONS UNFAVORABLE  
TO SHIPPING IN THE FOREIGN TRADE

## Effective Date Stayed

On November 1, 1974, the Commission published General Order No. 33 (46 CFR Part 506), containing regulations implementing section 19, Merchant Marine Act of 1920. General Order No. 33 has prompted numerous comments from sev-

eral parties requesting the Commission to delay the effective date and extend the time for filing petitions for reconsideration. Because of the importance of the issues involved in General Order No. 33, the Commission believes that additional opportunity to comment should be accorded. Therefore, the Commission will treat the requests as petitions for reconsideration and stay of the effective date of General Order No. 33. Interested parties are invited to submit comments regarding General Order No. 33 by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 20, 1974, an original and fifteen copies of their views and arguments.

Therefore it is ordered, That the effective date of General Order No. 33 be stayed until further order of the Commission.

It is further ordered, That interested parties shall have until December 20, 1974, to file views and arguments regarding General Order No. 33 with the Secretary, Federal Maritime Commission, by submitting an original and fifteen copies.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 74-27757 Filed 11-26-74; 8:45 am]

## Title 49—Transportation

CHAPTER I—DEPARTMENT OF  
TRANSPORTATIONSUBCHAPTER A—HAZARDOUS MATERIALS  
REGULATIONS BOARD

[Docket No. HM-114; Amdt. No. 174-24]

## PART 174—CARRIERS BY RAIL FREIGHT

Rail Cars Used To Transport Class A  
Explosives

This amendment prescribes standards to eliminate potential fire hazards resulting from overheated friction journal bearings, overheated and sparking brake shoes, and the presence of combustible material on the undersides of cars used to transport Class A explosives. It establishes new requirements for selection, preparation, inspection, certification and loading of these railroad cars.

On February 6, 1974, the Hazardous Materials Regulations Board published a notice of proposed rulemaking (NPRM), Docket No. HM-114; Notice No. 74-1 (39 FR 4668), which proposed this amendment. The reasons for this amendment were discussed in that notice of proposed rulemaking. Interested persons were invited to comment and several comments were received by the Board. In addition, a public hearing was held on March 21, 1974, to provide interested persons an opportunity to present information orally to assist the Board in developing a final rule in this proceeding. All written comments received and those made at the public hearing have been fully considered by the Board. The interest shown and the views expressed are appreciated by the Board.

The major issues raised in these comments involve bearings, brake shoes, and spark shields. These issues were discussed

at length in the NPRM and are also discussed separately below.

**Bearings.** One commenter strongly opposed requiring all box cars used to transport Class A explosives to be equipped with roller bearings. He noted that solid bearing cars travel an average of one million miles before occurrence of an overheated journal or "hot box" and that only four percent of these result in reportable accidents. This average mileage figure is expected to improve as more cars are equipped with stabilized bearings under an industry specification which requires the owning railroad to stabilize bearings whenever it disassembles a truck. Because of the expected improvement in the ratio of overheated journals and freight car miles operated, the present requirement that trucks and journals be inspected before a car is loaded with Class A explosives, and the substantial investment of the railroad industry in "hot box" detectors, this commenter contended that there is no factual basis for excluding solid bearing box cars from Class A explosives service. Any type of bearing can fail for any number of reasons, including poor design, bad maintenance and undetected structural flaws. Since the primary cause of solid bearing failure is inadequate servicing and any existing service-related defects will be corrected during the required preloading inspection, he concluded that cars equipped with solid bearings should remain acceptable for the transportation of Class A explosives.

One commenter stated that if the proposed roller bearing requirement were adopted it would create a serious shortage of cars available to transport Class A explosives.

After carefully considering these arguments, the Board still believes that safety considerations require that all box cars used to transport Class A explosives be equipped with roller bearings after December 31, 1975. Cars transporting Class A explosives should be equipped with the safest journal bearings available because a major cause of derailments due to equipment failures is the overheating of journals. In its report entitled "Journal Failure Report" dated October 1972, the FRA established that in the years 1968, 1969 and 1970, the failure ratio of plain bearings to roller bearings was 11.4, 8.1 and 5.8, respectively. The report projected that the failure rate of plain bearings would probably level off at about three times the failure rate of roller bearings. By January 1, 1976, sufficient time will have elapsed since issuance of Emergency Order No. 3, by the Federal Railroad Administration (FRA) on August 9, 1973 (38 FR 22172), for car owners and railroads to locate and equip a sufficient number of cars to transport Class A explosives. Approximately one-half of the national rail car fleet is equipped with roller bearings and all new cars placed in service are equipped with roller bearings.

**Brake Shoes.** None of the commenters opposed the proposed elimination of cast iron brake shoes. However, two commenters vigorously opposed elimination of high phosphorous brake shoes on cars

used to transport Class A explosives. One commenter submitted extensive test data to support its contention that with respect to the fire hazard, the high phosphorous shoe coupled with the Association of American Railroads standard spark shield, is the safest material developed for braking railroad freight cars.

Both commenters also stated that the sparking of high phosphorous shoes under heavy sustained braking promptly stops when the brakes are released. On the other hand, it was noted that, while high friction composition brake shoes do not spark under these conditions, they may ignite and burn freely and will continue to burn freely with an open flame after the brakes have been released.

Both commenters recognized the hazards inherent in the possible misapplication of standard metal brake shoes instead of high phosphorous brake shoes. One commenter relied upon a program for positive identification of high phosphorous brake shoes which is now underway within the railroad supply industry to resolve this problem. The other commenter indicated that the high phosphorous brake shoe may soon replace the cast iron brake shoe and that this would eliminate any possibility for misapplication of metal shoes.

FRA has carefully considered these comments but still believes that the exclusive use of high-friction composition brake shoes on cars transporting Class A explosives is necessary to assure safety. Sparks resulting from the friction of a brake shoe wearing on a wheel tread provide a high potential for ignition of any exposed combustible material. The high-friction composition brake shoe has a practically zero sparking effect.

The risk of high friction composition shoes igniting and burning is rather remote since combustion occurs only under the most severe and sustained braking conditions. Although the high phosphorous type brake shoe exhibits a dramatically reduced tendency for sparking compared to the common cast iron shoe, it is still a metallic material which can produce sparks under certain braking conditions.

**Spark Shields.** Two commenters opposed the spark shields proposed by FRA. They contended that composition brake shoes alone provide sufficient protection on cars not equipped with spark shields and that high phosphorous shoes on cars equipped with the smaller AAR standard spark shields provide a sufficient degree of safety.

FRA does not agree. The criteria requiring spark shields is the flammability of material exposed to ignition from truck effects such as overheated journals, dragging equipment, and sparks from braking. Although the high-friction composition brake shoe has minimal sparking characteristics, there is no positive assurance that metal type brake shoes will not be substituted in error. Although measures have been developed recently to prevent misapplication of cast iron shoes on brake heads intended for none other than high-friction composi-

tion type brake shoes, it will be years before these measures are implemented and become totally effective. In the interim, and pending availability of sufficient cars with all-metal sub-flooring, the security of Class A Explosives demands the protection of the larger FRA spark shields.

Several commenters suggested that the FRA require the placement of at least one spacer car not containing hazardous materials regulated under 49 CFR Parts 170-189 between cars of explosives. This suggestion and a number of other suggestions which were beyond the scope of a notice of proposed rulemaking are being studied by the FRA and may be the subject of future rulemaking proceedings.

Several commenters requested clarification of the term "qualified inspector" in the proposed amendment. Accordingly, FRA has changed this term to "qualified person designated under § 215.15."

In consideration of the foregoing, Title 49 of the Code of Federal Regulations, § 174.525 is amended by revising paragraphs (b) (1), (3), (4), (6), (11), (12), (13), and (14) and by revising paragraphs (c) (1) and (3) as follows:

**§ 174.525 Loading packages of explosives in cars, selection, preparation, inspection and certification.**

(b) Certified closed cars must be inspected inside and outside, other cars must be inspected as applicable to the type of cars and must conform to the following specifications:

(1) Closed cars of not less than 80,000 pounds capacity, with steel underframes and friction draft gear, must be used except that on narrow-gauge railroad explosives may be transported in cars of less than that capacity provided the available cars of greatest capacity and strength are used for this purpose.

(3) Must have no holes or cracks in the roof, sides, ends, or doors through which sparks may enter, or unprotected decayed spots which may hold sparks and start a fire.

(4) The roof of the car must be carefully inspected from the outside for decayed spots, especially under or near the running board, and such spots must be covered or repaired to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, must not be used.

(6) The roller bearings or journal boxes, and the trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hotboxes or other failure necessitating the setting out of the car before reaching destination. The lids or covers of journal boxes must be in place. After December 31, 1975, the car must be equipped with roller bearings.

(11) The car must be equipped with high-friction composition brake shoes

only and brake rigging designed for this type of brake shoe. Each brake shoe on the car must be at least three-eighths inch thick, and in safe and suitable condition for service.

(12) The car must have either a metal sub-floor with no combustible material exposed beneath the car, or metal spark shields extending from center sill to side sills and from end sills to at least 12 inches beyond the extreme treads of the inside wheels of each truck, which are tightly fitted against the sub-floor so that there is no vacant space or combustible material exposed. The metal sub-floor or spark shields may not have an accumulation of oil, grease, or other debris which could support combustion.

(13) The carrier must have the car examined by a qualified person designated under § 215.15 of this title to see that it is properly prepared, and must have a "Car Certificate" signed in triplicate upon the form prescribed in paragraphs (c) (2) and (3) of this section before permitting the car to be loaded.

(14) Except as provided in § 174.584 (h), a car must not be loaded with any explosives, class A, until it shall have been thoroughly inspected by a qualified person designated under § 215.15 of this title who shall certify as to its proper condition under this section and shall sign Certificate No. 1 prescribed in paragraphs (c) (2) and (3) of this section.

(c) \* \* \*

(1) For all shipments loaded by the shipper, a qualified person designated under § 215.15 of this title must inspect the finished load and certify to its compliance with this part before the car shall be accepted for transportation; and Certificate No. 2 as prescribed by paragraphs (c) (2) and (3) of this section shall be signed before the car is permitted to go forward. When a car is loaded by the carrier, Certificate No. 2 must be signed only by the representative of the carrier.

(3) Car certificate: The following certificate, printed on strong tag board measuring 7 by 7 inches, or 6 by 8 inches, must be duly executed in triplicate by the carrier, and by the shipper if he loads the shipment; the original must be filed by the carrier at the forwarding station in a separate file; and the other two must be attached, one to each outer side of car to the fixed placard board or as otherwise provided.

----- Railroad  
CAR CERTIFICATE

No. 1 ----- Station. -----  
19--

I hereby certify that I have this day personally examined Car Number -- and that the car is in condition for service and complies with the FRA Freight Car Safety Standards (49 CFR Part 215) and with the requirements for freight cars used to transport explosives prescribed by the DOT Hazardous Materials Regulations (49 CFR Part 174).

(Qualified Person  
Designated Under  
49 CFR 215.15)

This amendment is effective July 1, 1975. However, compliance with the regulations, as amended herein, is authorized immediately. The Federal Railroad Administration will publish a separate notice revoking Emergency Order No. 3 published in the August 16, 1973, issue of the FEDERAL REGISTER (38 FR 22172); this revocation will also become effective July 1, 1975.

(Secs. 831-835 of Title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); § 1.49(f) of the regulations of the Secretary of Transportation (49 CFR 1.49 (f)))

Issued in Washington, D.C. on November 19, 1974.

ASAPH H. HALL,  
Acting Administrator, FRA  
Board Member for the Federal  
Railroad Administration.

[FR Doc. 74-27763 Filed 11-26-74; 8:45 am]

#### Title 50—Wildlife

### CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR PART 33—SPORT FISHING

#### Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective November 27, 1974.

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

##### WISCONSIN

#### NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing, in accordance with all applicable State regulations is permitted on the Necedah National Wildlife Refuge, Necedah, Wisconsin, but only on those areas designated as open to fishing during the following dates:

1. January 1, 1975 thru March 15, 1975, the entire 39,549-acre refuge.
2. June 1, 1975 thru September 30, 1975, only on the Sprague-Mather Pool, an area of approximately 2,000 acres.
3. December 15, 1975 through December 31, 1975, the entire refuge, except Rynearson No. 1 Pool, approximately 39,000 acres. The use of boats without motors is permitted. The open fishing areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

GERALD H. UPDIKE,  
Refuge Manager,  
Necedah National Wildlife Refuge.

NOVEMBER 19, 1974.

[FR Doc. 74-27690 Filed 11-26-74; 8:45 am]

### CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

#### ENDANGERED SPECIES

The regulations herein referred to are only for those species under the jurisdictional responsibilities of the Secretary of Commerce. Species presently treated as endangered and under the jurisdiction of the Secretary of Commerce are identified later in this preamble and in § 222.23(a) of the regulations.

Regulations on endangered species, Title 50, CFR, Chapter II, Parts 217-222, dealing with endangered species importation permits and enforcement (civil procedures, seizure and forfeiture procedures, designated ports), were published in the FEDERAL REGISTER on March 18, 1974 (39 FR 10146), as amended on April 1, 1974 (39 FR 11892), under the authority of the Endangered Species Act of 1973 (the "Act"; 87 Stat. 884 et seq.; 16 U.S.C. 1531 et seq.).

The regulations were a republication and reedition with technical changes of regulations originally promulgated by the Department of the Interior under the Endangered Species Conservation Act of 1969.

The purpose of this rulemaking is to amend the portion of those regulations (March 18, 1974, and April 1, 1974, regulations) dealing with permits in order to implement new expanded permit regulations which comply with the Endangered Species Act of 1973. These new regulations allow, under certain conditions, permits for scientific purposes or to enhance the propagation or survival of endangered species which authorize, among other things, taking, exportation, and importation otherwise prohibited by the Act.

This rulemaking, by restatement, also serves to edit and make technical revisions in those regulations (March 18, 1974, and April 1, 1974, regulations), in order to bring them into conformity with the Act and serves to revise agency procedures and practices for the Act. The purposes of this rulemaking are accomplished by amending or revoking all existing Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service endangered species regulations (March 18, 1974, and April 1, 1974, regulations), and replacing them with those established by this rulemaking.

On August 9, 1974, notice of proposed rulemaking governing endangered species permits was published in the FEDERAL REGISTER (39 FR 28641). This rulemaking proposed revisions in only one Part (Part 222) of the existing Regulations on Endangered Species (March 18, 1974, and April 1, 1974, regulations). Sixty days were given within which any person wishing to do so could submit written comments, views, and objections pertaining to the proposed regulations.

Six written comments on the published proposed rulemaking were received. After consideration of all relevant material including the comments presented by interested persons, the proposed rulemaking is hereby adopted as final regulations, subject to the changes set out below.

In addition, the editorial and technical revisions, and the revisions in agency procedures and practices, made in other sections of Part 222 and in the other parts (Parts 217, 218, 219, 220, and 221) of the existing regulations on endangered species (March 18, 1974, and April 1, 1974 regulations) are hereby adopted by restatement in order to, among other things, bring them into conformity with the Endangered Species Act of 1973 and with this rulemaking finalizing permit regulations under the 1973 Act (Part 222, §§ 222.23, 222.24, 222.25, 222.26, 222.27, and 222.28). These additional revisions, which include the revocation of provisions replaced by the regulations proposed on August 9 and now promulgated as final regulations, are also set forth below.

#### PART 217 GENERAL PROVISIONS

1. In Part 217, General Provisions, Table of Sections, Subpart C, § 217.22, the title designation "Division of Law Enforcement and Marine Mammal Protection" has been deleted and the title designation "Marine Mammals and Endangered Species Division" has been substituted.

2. Under Part 217—General Provisions, Table of Sections, Subpart C, reference to a new section entitled § 217.23 *Law Enforcement Division*, has been added after § 217.22 *Marine Mammals and Endangered Species Division*.

#### SUBPART A—INTRODUCTION

3. Section 217.1 *Purpose of regulations*. In § 217.1, the words "National Oceanic and Atmospheric Administration, Department of Commerce," have been added after the words "National Marine Fisheries Service".

4. Section 217.2 *Scope of regulations*. At the end of § 217.2, the following sentence has been added: "The regulations in Parts 217-222 apply only for fish or wildlife under the jurisdictional responsibilities of the Secretary of Commerce for the purpose of carrying out the Endangered Species Act of 1973 (see Part 222, section 222.23(a)). Endangered species of fish or wildlife other than those covered by these regulations are under the jurisdiction of the Secretary of the Interior. For rules and procedures relating to such species, see 50 CFR Parts 10-17."

5. Section 217.4 *When regulations apply*. In § 217.4, the words "including the processing of permits," have been added after the words "all matters" and the final letter in the word "exceptions" has been deleted.

6. Section 217.4(b) has been revoked.

## SUBPART B—DEFINITIONS

7. Section 217.12 *Definitions*. Under § 217.12: (1) The term "Bureau" and its definition have been deleted; (2) the definition of the term "Fish or wildlife" has been deleted and the definition "means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof" has been substituted; (3) the definition of the term "Person" has been deleted and the definition "means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government," has been substituted; (4) the definition of the term "State" has been revised by deleting the word "and" before the word "Guam" and by adding the words ", and the Trust Territory of the Pacific Islands." after the word "Guam"; (5) the definition of the term "Take" has been revised by adding the words "harass, harm," before the word "pursue" appears; and (6) the definition of the term "United States" has been revised by deleting the word "and" before the word "Guam" and by adding the words ", and the Trust Territory of the Pacific Islands." after the word "Guam".

## SUBPART C—ADDRESSES

8. Section 217.22 *Division of Law Enforcement and Marine Mammal Protection*. The title designation of § 217.22, "Division of Law Enforcement and Marine Mammal Protection", has been deleted and the title designation "Marine Mammals and Endangered Species Division" has been substituted. The corresponding portion of the address has also been changed in this manner. In addition, the words "law enforcement and" have been deleted from the instruction.

9. In subpart C, a new section entitled § 217.23 *Law Enforcement Division* has been added after Section 217.22.

## PART 218 CIVIL PROCEDURES

10. In Part 218—Civil Procedures, the authority citation "7 Stat. 884" has been deleted and the citation "87 Stat. 884" has been substituted.

## PART 219 SEIZURE AND FORFEITURE PROCEDURES

## SUBPART B—HOLDING, BONDING, AND RETURN OF CERTAIN WILDLIFE OR OTHER PROPERTY

11. Section 219.12 *Seizure by Customs*. In Section 219.12, the office title designation "Division of Law Enforcement and Marine Mammal Protection" and the reference "(See § 217.22)" have been deleted and the office title designation "Law Enforcement Division" and

the reference "(See § 217.23)" have been substituted.

## PART 220 GENERAL PERMIT PROCEDURE

12. In Part 220—General Permit Procedures, Table of Sections, the references to "§ 220.12 Information requirements on permit applications" and "§ 220.14 Insufficient fee." in Subpart B, to § 220.23 Amendment of applications or permits." in Subpart C, and to "§ 220.41 Recall and amendment of permit during its term." in Subpart D have been deleted. In addition, the reference to "Subpart E—Violations of the Permit" and its "§ 220.51 Penalties for violation of a permit, notice; demonstration of compliance." has been deleted.

## SUBPART A—INTRODUCTION

13. Section 220.1 *General*. In § 220.1 the words "or the Endangered Species Act of 1973" have been added after the first use of the words "Parts 217-222 of this chapter". In addition, in the last sentence of this section the word "will" has been deleted and the word "may" has been substituted both times the word "will" appears.

14. Section 220.2 *Purpose of Regulations*. In section 220.2, the word "revocation," has been deleted.

15. Section 220.3 *Scope of Regulations*. In section 220.3 the words "Import and Marketing" (Part 221), have been deleted. Also, the words "Endangered Wildlife" (Part 222) have been changed to "Endangered Fish or Wildlife" (Part 222).

## SUBPART B—APPLICATION FOR PERMITS

16. Section 220.11 *Procedure for obtaining a permit*. In § 220.11(b), the words "Division of Law Enforcement and Marine Mammal Protection" have been deleted and the words "Director, National Marine Fisheries Service." have been substituted. The reference "§ 217.22." has been deleted and a reference to "§ 217.21." has been substituted.

17. In § 220.11(c), the number "30" appearing immediately after the words "at least" and "guarantee" have been deleted and the number "90" has been substituted. In the second sentence of this section, the words "deemed sufficient" have been added immediately after the first use of the word "applications" and a period has been added immediately after the word "time" deleting the following words "and most complete and properly addressed applications will be acted on within 90 days." In the third sentence, the words "after publication in the FEDERAL REGISTER of receipt of a permit application" have been added after the word "issuance".

18. Section 220.12 *Information requirements or permit applications*. Section 220.12 has been revoked.

## SUBPART C—PERMIT ADMINISTRATION

19. Section 220.21 *Issuance of Permits*. In the second sentence of § 220.21 (a), the words "An oral or written" have been deleted and the word "Any" has been substituted. Also deleted were the words ", or an action of such employee or agent,".

20. In § 220.21(b), the words "Upon receipt of a properly executed application for a permit," have been deleted and the first letter in the following word, "the", capitalized.

21. In Section 220.21(b) (3), the word "and" has been deleted and the word "or" has been substituted.

22. Section 220.23 Amendment of applications or permits. Section 220.23 has been revoked.

23. Section 220.25 Permits not transferable; agents. In § 220.25(a), the words "this part" have been deleted and "Parts 220-222" has been substituted.

24. Section 220.27 Change of mailing address. In § 220.27, the words "in accordance with § 220.23" have been deleted.

25. Section 220.29 Official endorsement of changes required. Section 220.29 has been revoked.

26. Section 220.30 Certain continuancy of activity. Section 220.30 has been revoked.

## SUBPART D—CONDITIONS

27. Section 220.41 Recall and amendment of permit during its term. Section 220.41 has been revoked.

28. Section 220.42 Permits are specific. In Section 220.42, the words "fish or" have been added immediately before the word "wildlife."

29. Section 220.43 *Alteration of permits* in § 220.43, the second sentence "Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to Parts 217-222 of this chapter be displayed, offered for inspection, or otherwise used for any official purpose for which the permit was issued." has been deleted.

30. Section 220.44 *Display of permit*. In § 220.44, the words "this part" have been deleted and "Parts 220-222" has been substituted.

31. Section 220.46 *Maintenance of records* in § 220.46, the words "fish or" have been added immediately before the word "wildlife" each time "wildlife" appears.

32. Section 220.47 *Inspection requirement* in § 220.47, the words "fish or" have been added immediately before the word "wildlife". Also, the words "or by the Endangered Species Act of 1973" have been added after the last word, "chapter", in the last sentence of this section.

## SUBPART E—VIOLATIONS OF THE PERMIT

33. Section 220.51 *Penalties for violation of a permit, notice; demonstration of compliance*. Subpart E, with its § 220.51, has been revoked.

## PART 221 DESIGNATED PORTS

34. Section 221.1 *Importation at designated ports*. In the title designation of § 221.1, the words "and exportation" have been added immediately after the word "importation".

35. In the first sentence of § 221.1, the words "(other than shellfish and fishery products which (1) are not endangered or not threatened species, and (2) are imported for purposes of human or animal consumption or taken in waters

under the jurisdiction of the United States or on the high seas for recreational purposes)" have been added immediately after the words "Any fish or wildlife". In addition, the words "or exportation from" have been added immediately after the words "for importation into". A comma has been added after "United States". The words "be subject to the provisions of 50 CFR Part 14" have been deleted and the words "not be imported or exported except at a port or ports designated by the Secretary of the Interior." have been substituted. Next, a new sentence has been added which reads "The Secretary of the Interior may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife, or for other reasons if he deems it appropriate and consistent with the purpose of facilitating enforcement of the Endangered Species Act and reducing the costs thereof." In the last sentence of § 221.1, the words "and exporters" have been added after the word "Importers" and the words "and exportation" have been added after the word "importation."

#### PART 222 ENDANGERED WILDLIFE

36. In the title designation of Part 222, the words "FISH or" have been added immediately after the word "ENDANGERED".

37. In Part 222—Endangered Fish or Wildlife, Table of Sections, Subpart C, the title designation "Endangered Wildlife Importation Permits" has been deleted and the title designation "Endangered Fish or Wildlife Permits" has been substituted.

38. In Part 222—Endangered Fish or Wildlife, Table of Sections, Subpart C, § 222.23, the title designation "Zoological, educational, scientific, or propagation permits." has been deleted and the title designation "Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species." has been substituted.

39. Under Part 222—Endangered Fish or Wildlife, Table of Sections, Subpart C, references to five new sections entitled "§ 222.24 Procedures for issuance of permits.", "§ 222.25 Applications for modification of permit by permittee.", "§ 222.26 Recall and amendment of permits by NMFS.", "§ 222.27 Procedures for suspension or revocation of permits.", and "§ 222.28 Possession of permits." have been added after "§ 222.23 Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species."

#### SUBPART A—INTRODUCTION

40. Section 222.1 *Purpose of regulations.* In § 222.1, the words "native and foreign wildlife determined by the Secretary to be threatened with extinction" have been deleted and the words "fish or wildlife determined to be endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973, and presently deemed as endangered species, under the Endangered Species Act of 1973, which are under the jurisdiction of the Secretary of Commerce, and" have been substituted.

Also in the first sentence of § 222.1, the words "importation of endangered foreign wildlife, and provide for public participation in the amendment of the endangered wildlife lists." have been deleted and the words "the taking, importation, exportation, or otherwise prohibited acts, involving endangered fish or wildlife." have been substituted.

41. Section 222.2 *Scope of regulations.* In § 222.2(a), the words "fish or" have been added immediately before the word "wildlife".

42. In § 222.2(b), the word "taking," has been added immediately before the word "importation" and the words "fish or" have been added immediately before the word "wildlife".

43. Under § 222.2(b), the reference "(See also Part 220 of this subchapter.)" has been deleted and the reference "(See also Parts 220 and 221 of this chapter.)" has been substituted.

#### SUBPART C—ENDANGERED WILDLIFE IMPORTATION PERMITS

44. The title designation for Subpart C, "Endangered Wildlife Importation Permits", has been deleted and the title designation "Endangered Fish or Wildlife Permits" has been substituted.

45. Section 222.21 *General permit requirement.* In § 222.21, the words "import from any foreign country any species or subspecies of wildlife which the Secretary has determined to be threatened with worldwide extinction, as evidenced by its inclusion on the list of endangered foreign wildlife (50 CFR 17.11)" have been deleted and the words "take, import, export, or engage in any other prohibited activity involving, any species or subspecies of fish or wildlife which the Secretary has determined to be endangered under the Endangered Species Act of 1973, as evidenced by its inclusion on the list of endangered fish or wildlife (see 50 CFR Chapter I, Part 17) or which the Secretary of the Interior determined to be endangered under the Endangered Species Conservation Act of 1969 and which are now under the jurisdictional responsibilities of the Secretary of Commerce," have been substituted.

46. Section 222.23. *Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species.* In § 222.23(a) the organization name "National Marine Fisheries Service," has been added after "Director" for clarity and the word "exportation," has been added after the word "importation."

47. Under § 222.23(a), the species listed as endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973 and currently under the jurisdiction of the Secretary of Commerce have been identified.

48. In § 222.23(b), the telephone number for the Marine Mammal and Endangered Species Division in Washington, D.C. has been changed to 202-343-9445 and effective Dec. 2, 1974, it will become 202-634-7529. In addition, the "120" days has been changed to "90" days.

49. Under § 222.23(b), immediately after the sentence informing potential applicants as to where assistance may be obtained, a new sentence has been added: "A copy of each application for a permit involving a sea turtle(s) will be forwarded by the National Marine Fisheries Service to the U.S. Fish and Wildlife Service." This sentence has been added since jurisdiction on sea turtles is presently shared by these two agencies.

50. In § 222.23(b) (6) (i), a semicolon has been substituted for the comma immediately after the parenthesis to clarify that "population group, and range" information is required for species as well as for subspecies.

51. In § 222.23(b) (6) (iii), the words "capture and importation or exportation" have been deleted each time they appear and the words "capture or other taking, importation, exportation, and other acts which require a permit" substituted to reflect the broad coverage of the Act.

52. In § 222.23(b) (6) (vi), the words "or otherwise take" have been added after "capture" to reflect the broad coverage of the Act.

53. In § 222.23(b) (6) (vii), the words "or other taking" or the words "or otherwise take" have been added after "capture" each time "capture" appears to reflect the broad coverage of the Act. In addition, the words "If applicable" have been deleted since they are unnecessary.

54. The intent of § 222.23(b) (7) was to deal with the transportation of live animals only. This intent has been clarified by adding the word "live" before "animal" where it first appears in the section. In addition, the word "or" before "exported" has been deleted and the words "or shipped in interstate commerce," have been added after "exported" to reflect the broad coverage of the Act.

55. In § 222.23(b) (7) (iii), the words "research or display" have been deleted and the word "holding" substituted. This change was made to avoid any possible confusion that permits for public display might be granted. The Act does not authorize the issuance of permits for public display purposes.

56. In § 222.23(b) (7) (vi), for illustrative purposes, the word "tank," has been added before the word "container".

57. The intent of § 222.23(b) (8) was to deal with the care and maintenance of live animals only. This intent has been clarified by adding the word "live" before "animals" where it first appears in the section.

58. In § 222.23(b) (8) (i), the words, "sex, and age" have been added immediately after the word "number" to provide more information useful in determining the adequacy of the size of the pools or other holding facilities.

59. In § 222.23(b) (8) (vi), the period has been changed to a semicolon and the words "Such veterinarian or expert may not be formally affiliated with the applicant" have been deleted. This change has been made to avoid what might otherwise be inconvenient and unnecessary due to the fact that the numbers of qualified veterinarians or recognized experts familiar with marine mammals

are very limited and many are formally affiliated with potential applicants. The requirement which has been omitted from the final rulemaking may be re-instituted if abuses occur or when additional qualified veterinarians or experts become available.

60. In § 222.23(b)(10), the words "or benefit" have been added after "enhance" to allow the applicant to support the application by showing benefit to the species as a result of the permitted action.

61. Section 222.23(b)(11) has been amended for clarification by deleting the words "endangered species and species related to" appearing after the words "all mortalities involving" and substituting the words "species which were under the control of or utilized by the applicant and are either presently listed as endangered species or are taxonomically related within the Order to".

62. In § 222.23(b)(11)(i) a comma has been added immediately after the second use of the word "captured" for proper diction.

63. In § 222.23(b)(11)(ii) the words "location of capture, i.e., from which population," have been added after "date" to obtain useful population information.

64. In § 222.23(b)(12), the United States Code citation for the Act (16 U.S.C. 1531 et seq.) has been added to the certification requirement.

65. In § 222.23(c)(7), the misspelling of "species" has been corrected.

66. Under § 222.23(c), the following new subsection has been added: "(13) If the permit application involves a sea turtle(s), both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service must concur prior to issuance since these two agencies presently share jurisdiction on sea turtles." This addition to the issuance criteria was necessary to reflect an interagency agreement on jurisdictional responsibilities for the Endangered Species Act of 1973.

67. In § 222.23(d)(8), the words "reasonable inspections and" have been added after the word "including" and an additional sentence, "All such fees will be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the service," has been added in order to parallel section 11(f) of the Act.

68. Section 222.24 *Procedures for issuance of permits*. Section 222.24(d) has been deleted as a separate section and instead this provision has been incorporated in § 222.24(c) immediately before the last sentence. In addition, the opening word "When" has been changed to "If".

69. Section 222.26 *Recall and amendment of permits by NMFS*. In § 222.26 the words "recall and" have been deleted to reflect NMFS procedures under other laws which do not involve physical recall of the permit when amended.

70. Section 222.27 *Procedures for suspension or revocation of permits*. In § 222.27(a)(2), the word "and" has been deleted and "and/or" used.

71. Section 222.28 *Possession of permits*. In § 222.28(a)(2), for clarity the word "or" before "importation" has been deleted and a comma substituted, and the word "exportation," has been added after "importation".

72. In § 222.28(b), for illustrative purposes, the word "tank," has been added before the word "container".

All species that were listed as endangered species threatened with extinction under the Endangered Species Conservation Act of 1969 are deemed endangered species under the Endangered Species Act of 1973 until they are reclassified and republished to conform to the more recent Act. Of the species which are now listed in 50 CFR 17.11 and 17.12, the National Marine Fisheries Service has jurisdiction over the following:

*Glass, scientific name, and common name*  
*Fishes:*

*Acipenser brevirostrum*. Shortnose sturgeon.

*Mammals:*

*Eschrichtius robustus*. Gray whale.

*Balaenoptera musculus*. Blue whale.

*Megaptera novaeangliae*. Humpback whale.

*Balaena mysticetus*. Bowhead whale.

*Eubalaena spp.*. Right whales.

*Balaenoptera physalus*. Fin or finback whale.

*Balaenoptera borealis*. Sei whale.

*Physeter catodon*. Sperm whale.

*Monachus monachus*. Mediterranean monk seal.

*Reptiles:*<sup>1</sup>

*Dermochelys coriacea*. Leatherback sea turtle.

*Eretmochelys imbricata bissa*. Pacific Hawksbill sea turtle.

*Eretmochelys imbricata imbricata*. Atlantic hawksbill sea turtle.

*Leptochelys kempi*. Atlantic ridley sea turtle.

<sup>1</sup> The National Marine Fisheries Service and the U.S. Fish and Wildlife Service presently share jurisdictional responsibility for sea turtles.

This rulemaking is based on the desire of the National Marine Fisheries Service to state the policies and procedures which will be followed in the consideration of applications and the issuance of permits under section 10(a) of the Act. It is also based on the desire to accurately state by regulation other administrative and enforcement procedures appropriate to carry out the Act. These regulations may be modified in the future following discussions with the U.S. Fish and Wildlife Service to develop compatible regulations.

For the survival of many endangered species, certain activities need to be permitted in order to provide for, among other things, necessary scientific research and/or the establishment of populations removed from the threat of destruction. This rulemaking is intended to provide for these activities under the provisions of section 10(a) of the Act

which allow the issuance of permits for scientific purposes or to enhance the propagation or survival of the affected species.

These regulations are effective November 27, 1974.

Dated: November 22, 1974.

JOSEPH W. SLAVIN,  
Acting Director,

National Marine Fisheries Service.

## PART 217—GENERAL PROVISIONS

### Subpart A—Introduction

- Sec.  
217.1 Purpose of regulations.  
217.2 Scope of regulations.  
217.3 Other applicable laws.  
217.4 When regulations apply.

### Subpart B—Definitions

- 217.11 Scope of definitions.  
217.12 Definitions.

### Subpart C—Addresses

- 217.21 Director.  
217.22 Marine Mammals and Endangered Species Division.  
217.23 Law Enforcement Division.

AUTHORITY: Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884, Pub. L. 93-205; Fish and Wildlife Act of 1956, sec. -3(d), 88 Stat. 905 amending 85 Stat. 480.

### Subpart A—Introduction

#### § 217.1 Purpose of regulations.

The regulations of Parts 217-222 are promulgated to implement the following statutes enforced by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife.

Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205; Fish and Wildlife Act of 1956, 16 U.S.C. 742a-1.

#### § 217.2 Scope of regulations.

The various provisions of Parts 217-222 of this chapter are interrelated, and particular note should be taken that the parts must be construed with reference to each other. The regulations in Parts 217-222 apply only for fish or wildlife under the jurisdictional responsibilities of the Secretary of Commerce for the purpose of carrying out the Endangered Species Act of 1973 (see Part 222, § 222.23(a)). Endangered species of fish or wildlife other than those covered by these regulations are under the jurisdiction of the Secretary of the Interior. For rules and procedures relating to such species, see 50 CFR Parts 10-17.

#### § 217.3 Other applicable laws.

No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in Parts 217-222 of this chapter. In addition, nothing in Parts 217-222 of this chapter, nor any permit issued under Parts 217-228 of this chapter, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agri-

cultural, or customs laws or regulations, or other National Marine Fisheries Service enforced statutes or regulations.

§ 217.4 When regulations apply.

The regulations of Parts 217-222 of this chapter shall apply to all matters, including the processing of permits, arising after the effective date of such regulations, with the following exception:

(a) *Civil penalty proceedings.* Except as otherwise provided in section 218.25, the civil penalty assessment procedures contained in Parts 217-222 of this chapter shall apply only to any proceeding instituted by notice of violation dated subsequent to the effective date of these regulations, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred.

Subpart B—Definitions

§ 217.11 Scope of definitions.

In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of Parts 217-222 of this chapter, words or their variants shall have the meanings ascribed in this subpart. Throughout Parts 217-222 of this chapter, words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

§ 217.12 Definitions.

"Country of exportation" means the last country from which the animal was exported before importation into the United States.

"Country of origin" means the country where the animal was taken from the wild, or the country of natal origin of the animal.

"Director" means the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, or his authorized representative.

"Fish or wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

"Foreign commerce" includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

"Import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an

importation within the meaning of the tariff laws of the United States.

"Permit" means any document so designated as a permit by the National Marine Fisheries Service and signed by an authorized official of the National Marine Fisheries Service.

"Person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"Possession" means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

"Secretary" means the Secretary of Commerce or his authorized representative.

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

"Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect.

"Transportation" means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

"United States" means the several States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

"Whoever" means the same as person.

"Wildlife" means the same as fish or wildlife.

Subpart C—Addresses

§ 217.21 Director.

Mail forwarded to the Director of the National Marine Fisheries Service should be addressed:

Director  
National Marine Fisheries Service  
Washington, D.C. 20235

§ 217.22 Marine Mammals and Endangered Species Division.

Mail in regard to permits should be addressed to:

Marine Mammals and Endangered Species Division  
National Marine Fisheries Service  
Washington, D.C. 20235

§ 217.23 Law Enforcement Division.

Mail in regard to law enforcement should be addressed to:

Law Enforcement Division  
National Marine Fisheries Service  
Washington, D.C. 20235

PART 218—CIVIL PROCEDURES

Subpart A—Introduction

- Sec.
- 218.1 Purpose of regulations.
- 218.2 Scope of regulations.
- 218.3 Filing of documents.

Subpart B—Assessment Procedure

- 218.11 Notice of violation.
- 218.12 Petitions for relief.
- 218.13 Decision by the Director.
- 218.14 Notice of assessment.
- 218.15 Request for a hearing.
- 218.16 Final administrative decision.
- 218.17 Payment of final assessment.

Subpart C—Hearing and Appeal Procedure

- 218.21 Commencement of hearing proceedings.
- 218.22 Appearance and practice.
- 218.23 Hearings.
- 218.24 Final administrative action.
- 218.25 Appeals.
- 218.26 Reporting service.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205.

Subpart A—Introduction

§ 218.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties in connection with violations of certain laws and regulations enforced by the National Marine Fisheries Service.

§ 218.2 Scope of regulations.

The regulations contained in this part apply only to actions arising under the following laws and regulations issued thereunder:

Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

§ 218.3 Filing of documents.

(a) Whenever a document or other paper is required to be filed under this Part within a certain time, such document or paper will be considered filed as of the date of the postmark if mailed, or the date actually delivered to the office where filing is required. The time periods set forth in this Part shall begin to run as of the day following the date of the document or other paper.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this Part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability or failure to file within the time period required. All such extensions shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

## Subpart B—Assessment Procedure

## § 218.11 Notice of violation.

(a) A notice of violation (hereinafter "notice"), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The notice may also contain an initial proposal for compromise or settlement of the case. The notice shall also advise the respondent of his right to file a petition for relief pursuant to § 218.12, or to await the Director's notice of assessment.

(b) The respondent shall have 45 days from the date of the notice of violation in which to respond. During this time he may:

(1) undertake informal discussions with the Director;

(2) accept the proposed penalty, or the compromise, if any, offered in the notice;

(3) file a petition for relief; or

(4) take no action, and await the Director's decision, pursuant to § 218.13.

(c) Acceptance of the proposed penalty or the compromise shall be deemed to be a waiver of the notice of assessment required by § 218.14, and of the opportunity for a hearing. Any counter offer of settlement shall be deemed a rejection of the proposed offer of compromise.

## § 218.12 Petitions for relief.

If the respondent so chooses he may ask that no penalty be assessed or that the amount be reduced, and he may admit or contest the legal sufficiency of the charge and the Director's allegations of facts, by filing a petition for relief (hereinafter "petition") with the Director at the address specified in the notice within 45 days of the date thereof. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, the petition must be signed by an officer authorized to sign such documents. It must set forth in full the legal or other reasons for the relief.

## § 218.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for relief, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to § 218.11 or § 218.12, or upon further request of the Director.

## § 218.14 Notice of assessment.

The Director shall notify the respondent by a written notice of assessment, by personal service or by registered or certified mail, return receipt requested, of his decision pursuant to § 218.13. He shall set forth therein the facts and conclusions upon which he decided that the violation

did occur and appropriateness of the penalty assessed.

## § 218.15 Request for a hearing.

Except where a right to request a hearing is deemed to have been waived as provided § 218.11, the respondent may, within 45 calendar days from the date of the notice of assessment referred to in § 218.14, file a dated, written request for a hearing with the Director, National Marine Fisheries Service, Washington, D.C. 202. The request should state the respondent's preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and notice of assessment. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

## § 218.16 Final administrative decision.

(a) Where no request for a hearing is filed as provided in § 218.15 the Director's assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment.

(b) If a request for a hearing is timely filed in accordance with § 218.15, the date of the final administrative decision in the matter shall be as provided in Subpart C of this part.

## § 218.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this Part 218, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in Office of the Director during normal business hours, on or before the 20th day. Upon a failure to pay the penalty, the General Counsel of the Department may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.

## Subpart C—Hearing and Appeal Procedures

## § 218.21 Commencement of hearing proceedings.

Proceedings under this subpart are commenced upon the timely filing with the Director of a request for a hearing, as provided in § 218.15 of Subpart B, of this Part. Upon receipt of a request for a hearing, the Secretary will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

## § 218.22 Appearance and practice.

(a) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Counsel designated by the General Counsel of the National Oceanic and

Atmospheric Administration shall represent the Director in these proceedings. Upon notice to the Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Director and shall file all petitions and correspondence exchanged by the Director and the respondent pursuant to Subpart B of this Part, which shall become part of the hearing record. Thereinafter, service upon the Director in these proceedings shall be made to his counsel.

## § 218.23 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. Sections 554-557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision. The judge will render a written decision upon the record, which shall set forth his findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

## § 218.24 Final administrative action.

Unless a notice of request for an appeal is filed in accordance with § 218.25 of this Subpart C, the administrative law judge's decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

## § 218.25 Appeals.

(a) Either the respondent or the Director may seek an appeal from the decision of an administrative law judge rendered subsequent to February 1, 1974, by the filing of a "Notice of Request for Appeal" with the Secretary within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(b) Upon receipt of such a request, the Secretary shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of Subpart G of 43 CFR Part 4 shall apply to appeal proceedings under this Subpart. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered, unless otherwise specified therein.

## § 218.26 Reporting service.

Copies of decisions in civil penalty proceedings instituted under statutes referred to in Subpart A of this Part and

rendered subsequent to February 1, 1974, may be obtained by letter of request addressed to the Secretary. Fees for this service shall be as established by the Secretary.

**PART 219—SEIZURE AND FORFEITURE PROCEDURES**

**Subpart A—Introduction**

- Sec. 219.1 Purpose of regulations.
- 219.2 Scope of regulations.

**Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property**

- 219.11 Notification of seizure.
- 219.12 Seizure by Customs.
- 219.13 Bonded release.
- 219.14 Return of seized wildlife or other property.
- 219.15 Abandonment provisions.

**AUTHORITY:** Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205.

**Subpart A—Introduction**

**§ 219.1 Purpose of regulations.**

The regulations in this part provide rules and procedures for the seizure, holding, bonding, abandonment, and forfeiture of wildlife and other property, which under certain laws enforced by the National Marine Fisheries Service are subject to seizure and forfeiture.

**§ 219.2 Scope of regulations.**

(a) The regulations contained in Subpart B of this Part apply only to actions arising under the following laws and regulations issued thereunder:

- (1) Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

**Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property**

**§ 219.11 Notification of seizure.**

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Director shall, as soon as practicable following his seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

**§ 219.12 Seizure by Customs.**

Any authorized employee or officer of the U.S. Customs Service who has seized any wildlife or other property shall deliver such seizure to the Law Enforcement Division (See § 217.23), or its designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

**§ 219.13 Bonded release.**

The Director may, in his sole discretion, accept an appearance bond or other security in place of wildlife or other property seized. Said bond or security may contain such additional conditions as may be appropriate. Such bond or security may be in an amount up to \$10,000 per offense and shall only be allowed where the Director determines

either that the health or safety of any wildlife so requires, or that the release of the seized wildlife or other property would not frustrate the purposes of the statute.

**§ 219.14 Return of seized wildlife or other property.**

If, at the conclusion of the appropriate proceedings, the seized wildlife or other property is to be returned to the owner or consignee, the Director shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized wildlife or other property. It shall also provide that upon presentation of the letter or other document and proper identification, the seized wildlife or other property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

**§ 219.15 Abandonment provisions.**

When any wildlife or other property is subject to seizure and forfeiture, a blank assent to forfeiture form (Customs Form 4607, or a similar National Marine Fisheries Service form) may be given or sent, with the notification required by § 218.11 or by § 219.11, to the owner thereof. The owner may voluntarily abandon the wildlife or other property to the Government by executing and returning the assent to forfeiture form. Such abandonment will be considered by the Director in the disposition of the case, and may be the basis for the compromise of any proposed assessment of a civil penalty under Part 218.

**PART 220—GENERAL PERMIT PROCEDURES**

**Subpart A—Introduction**

- Sec. 220.1 General.
- 220.2 Purpose of regulations.
- 220.3 Scope of regulations.
- 220.4 Emergency variation from requirements.

**Subpart B—Application for Permits**

- 220.11 Procedure for obtaining a permit.
- 220.12 [Reserved].
- 220.13 Abandoned application.

**Subpart C—Permit Administration**

- 220.21 Issuance of permits.
- 220.22 Duration of permit.
- 220.23 [Reserved].
- 220.24 Renewal of permit.
- 220.25 Permits not transferable; agents.
- 220.26 Right of succession by certain persons.
- 220.27 Change of mailing address.
- 220.28 Change in name.
- 220.29-220.30 [Reserved].
- 220.31 Discontinuance of activity.

**Subpart D—Conditions**

- 220.42 Permits are specific.
- 220.43 Alteration of permits.
- 220.44 Display of permit.
- 220.45 Filing of reports.
- 220.46 Maintenance of records.
- 220.47 Inspection requirement.

**AUTHORITY:** Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205; act of August 31, 1951, Ch. 376. Title 5, section 501, 65 Stat. 290 (31 U.S.C. 483a).

**Subpart A—Introduction**

**§ 220.1 General.**

Each person intending to engage in an activity for which a permit is required by Parts 217-222 of this chapter or the Endangered Species Act of 1973 shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by Parts 217-222 of this chapter must make application for such permit in accordance with the requirements of this Part 220 of this chapter and the other regulations in Parts 217-222 of this chapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one Part of Parts 217-222 of this chapter, the requirements of each Part must be met. If the information required for each specific permitted activity is included, one application may be accepted for all permits required, and a single permit may be issued.

**§ 220.2 Purpose of regulations.**

The regulations contained in this part will provide uniform rules and procedures for application, issuance, renewal, conditions, and general administration of permits issuable pursuant to Parts 217-222 of this chapter.

**§ 220.3 Scope of regulations.**

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of Parts 217-222 of this chapter and apply to all permits issued thereunder, including "Endangered Fish or Wildlife" (Part 222).

**§ 220.4 Emergency variation from requirements.**

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of Parts 217-222 of this chapter, and will not be unlawful.

**Subpart B—Application for Permits**

**§ 220.11 Procedure for obtaining a permit.**

The following general procedures apply to applications for permits:

(a) *Forms.*—Applications must be submitted by letter containing all necessary information, attachments, certification, and signature. In no case will oral or telephone applications be accepted.

(b) *Forwarding instructions.*—Applications must be submitted to the Director, National Marine Fisheries Service. The address is listed in § 217.21.

(c) *Time requirement.*—Applications must be received by the appropriate official of the National Marine Fisheries Service at least 90 calendar days prior to the date on which the applicant desires to have the permit made effective.

The National Marine Fisheries Service will, in all cases, attempt to process applications deemed sufficient in the shortest possible time. The National Marine Fisheries Service does not, however, guarantee 90 day issuance after publication in the FEDERAL REGISTER of receipt of a permit application and some permits cannot be issued within that time period.

§ 220.12 [Reserved]

§ 220.13 Abandoned application.

Upon receipt of an insufficiently or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned.

Subpart C—Permit Administration

§ 220.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 220.4 is inserted into the official file of the National Marine Fisheries Service. Any representation of an employee or agent of the United States Government shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 217.12.

(b) The Director shall issue the appropriate permit unless—

(1) The applicant has been assessed a civil penalty or convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction, evidences a lack of responsibility;

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit or a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Each permit shall bear a serial number. Such number may be reassigned to the permittee to whom issued so long as he maintains continuity of renewal.

(d) The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. If authorized in the notice of denial, the applicant may submit further information, or reasons why the permit should not be denied. Such further submissions shall not be considered a new application. The final action by the Director shall be considered the final administrative decision of the Department.

§ 220.22 Duration of permit.

Permits shall entitle the person to whom issued to engage in the activity

specified in the permit, within the limitations of the applicable statute and regulations contained in Parts 217–222 of this chapter for the period stated on the permit, unless sooner terminated.

§ 220.23 [Reserved]

§ 220.24 Renewal of permit.

Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

§ 220.25 Permits not transferable; agents.

(a) Permits issued under Parts 220–222 are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However, certain limited rights of succession are provided in § 220.26.

(b) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

§ 220.26 Right of succession by certain persons.

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

§ 220.27 Change of mailing address.

During the term of his permit, a permittee may change his mailing address without procuring a new permit. However, in every case notification of the new mailing address must be forwarded to the issuing official within 30 days

after such change. This section does not authorize the change of location of the permitted activity for which an amendment must be obtained.

§ 220.28 Change in name.

A permittee continuing to conduct a permitted activity is not required to obtain a new permit by reason of a mere change in trade name under which a business is conducted or a change of name by reason of marriage or legal decree: *Provided*, That such permittee must furnish his permit to the issuing official for endorsement within 30 days from the date the permittee begins conducting the permitted activity under the new name.

§§ 220.29–220.30 [Reserved]

§ 220.31 Discontinuance of activity.

When any permittee discontinues his activity, he shall, within 30 days thereof, mail his permit and a request for cancellation to the issuing officer, and said permit shall be deemed void upon receipt. No refund of any part of an amount paid as a permit fee shall be made where the operations of the permittee are, for any reason, discontinued during the tenure of an issued permit.

Subpart D—Conditions

§ 220.42 Permits are specific.

The authorizations on the face of a permit which set forth specific times, dates, places, methods of taking, numbers and kinds of fish or wildlife, location of activity, authorize certain circumscribed transactions, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

§ 220.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid.

§ 220.44 Display of permit.

Any permit issued under Parts 220–222 shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 220.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of Parts 217–222 of this chapter or the provisions of the permit set forth other reporting requirements.

§ 220.46 Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of fish or wildlife pursuant to such permit. Such records shall be kept current and shall include names and ad-

dresses of persons with whom any fish or wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records, unless otherwise specified, shall be entered in books, legibly written in the English language. Such records shall be retained for 5 years from the date of issuance of the permit.

§ 220.47 Inspection requirement.

Any person holding a permit under Parts 217-222 of this chapter shall allow the Director's agent to enter his premises at any reasonable hour to inspect any fish or wildlife held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of Parts 217-222 of this chapter or by the Endangered Species Act of 1973.

PART 221—DESIGNATED PORTS

§ 221.1 Importation and exportation at designated ports.

Any fish or wildlife (other than shellfish and fishery products which (a) are not endangered or not threatened species, and (b) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) which is subject to the jurisdiction of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and is intended for importation into or exportation from the United States, shall not be imported or exported except at a port or ports designated by the Secretary of the Interior. The Secretary of the Interior may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or for other reasons if he deems it appropriate and consistent with the purpose of facilitating enforcement of the Endangered Species Act and reducing the costs thereof. Importers and exporters are advised to see 50 CFR Part 14 for importation and exportation requirements and information.

PART 222—ENDANGERED FISH OR WILDLIFE

Subpart A—Introduction

- Sec. 222.1 Purpose of regulations.
- 222.2 Scope of regulations.

Subpart B [Reserved]

Subpart C—Endangered Fish or Wildlife Permits

- 222.21 General permit requirement.
- 222.22 [Reserved]
- 222.23 Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species.
- 222.24 Procedures for issuance of permits.
- 222.25 Applications for modification of permit by permittee.
- 222.26 Recall and amendment of permits by NMFS.
- 222.27 Procedures for suspension or revocation of permits.
- 222.28 Possession of permits.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205.

Subpart A—Introduction

§ 222.1 Purpose of regulations.

The regulations contained in this part identify the species or subspecies of fish or wildlife determined to be endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973, and presently deemed endangered species under the Endangered Species Act of 1973, which are under the jurisdiction of the Secretary of Commerce, and establish procedures and criteria for issuance of permits for the taking, importation, exportation, or other otherwise prohibited acts, involving endangered fish or wildlife. The regulations of this part implement, in part, the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

§ 222.2 Scope of regulations.

(a) The regulations of this part apply only to endangered fish or wildlife.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of Parts 217-222 of this chapter which may require a permit or prescribe additional restrictions or conditions for the taking, importation, exportation, and interstate transportation of fish or wildlife. (See also Parts 220 and 221 of this chapter.)

Subpart B [Reserved]

Subpart C—Endangered Fish or Wildlife Permits

§ 222.21 General permit requirement.

No person shall take, import, export, or engage in any other prohibited activity involving any species or subspecies of fish or wildlife which the Secretary has determined to be endangered under the Endangered Species Act of 1973, as evidenced by its inclusion on the list of endangered fish or wildlife (see 50 CFR Chapter I, Part 17) or which the Secretary of the Interior determined to be endangered under the Endangered Species Conservation Act of 1969 and which are now under the jurisdictional responsibilities of the Secretary of Commerce, without a valid permit issued pursuant to this subpart C.

§ 222.22 [Reserved]

§ 222.23 Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species.

(a) The Director, National Marine Fisheries Service, may issue permits for scientific purposes or to enhance the propagation or survival of the affected endangered species which authorize, under such terms and conditions as he may prescribe, taking, importation, or certain other acts with respect to endangered species otherwise prohibited by section 9 of the Endangered Species Act of 1973. The species listed as endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973 and currently under the jurisdiction of the Secretary of Commerce are: Shortnose sturgeon (*Acipenser brevirostrum*); Gray whale (*Eschrichtius robustus (glaucus, gibbosus)*), Blue whale (*Balaenoptera muscu-*

*lus*), Humpback whale (*Megaptera novaeangliae*), Bowhead whale (*Balaena mysticetus*), Right whales (*Eubalaena* spp.), Fin or finback whale (*Balaenoptera physalus*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter catodon*); Mediterranean monk seal (*Monachus monachus*); Leatherback sea turtle (*Dermochelys coriacea*), Pacific hawksbill sea turtle (*Eretmochelys imbricata bissa*), Atlantic hawksbill sea turtle (*Eretmochelys imbricata imbricata*), Atlantic ridley sea turtle (*Lepidochelys kempii*). Of these, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service presently share endangered species jurisdictional responsibility for sea turtles. Within the jurisdiction of a State, more restrictive State laws or regulations in regard to endangered species shall prevail in regard to taking. Proof of compliance with applicable State laws will be required before a permit will be issued.

(b) *Application procedures.* Any person desiring to obtain such a permit may make application therefor to the Director. The sufficiency of the application shall be determined by the Director in accordance with the requirements of this part and, in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The following information will be used as the basis for determining whether an application is complete and whether a permit for scientific purposes or to enhance the propagation or survival of the affected endangered species should be issued by the Director. An original and four copies of the completed application shall be submitted to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, Washington, D.C. 20235. Assistance may be obtained by writing the Director or calling the Marine Mammal and Endangered Species Division in Washington, D.C. (202 343-9445 and effective Dec. 2, 1974, it will become 202-634-7529). A copy of each application for a permit involving a sea turtle(s) will be forwarded by the National Marine Fisheries Service to the U.S. Fish and Wildlife Service. At least 45 days should be allowed for processing. An application for a permit shall provide the following information (when the information requested is not applicable put "N.A.") and such other information that the Director may require:

- (1) Title: As applicable, either:
  - (i) Application for Permit for Scientific Purposes under the Endangered Species Act of 1973; or
  - (ii) Application for Permit to Enhance the Propagation or Survival of the Endangered Species Under the Endangered Species Act of 1973.
- (2) The date of the application.
- (3) The identity of the applicant including complete name, address, and telephone number. If the applicant is a partnership or a corporate entity set forth the details. If the endangered species is to be utilized by a person other than the Applicant, set forth the name of that person and such other informa-

tion as would be required if such person were an Applicant.

(4) A description of the purpose of the proposed acts, including:

(i) A detailed justification of the need for the endangered species, including a discussion of possible alternatives, whether or not under the control of the applicant; and

(ii) A detailed description of how the species will be used.

(5) A detailed description of the project, or program, in which the endangered species is to be used, including:

(i) the period of time over which the project or program will be conducted;

(ii) A list of the names and addresses of the sponsors or cooperating institutions and the scientists involved;

(iii) A copy of the formal research proposal or contract if one has been prepared;

(iv) A statement of whether the proposed project or program has broader significance than the individual researcher's goals (i.e., does the proposed project or program respond directly or indirectly to recommendation of any national or international scientific body charged with research or management of the endangered species, and, if so, how?); and

(v) A description of the arrangements, if any, for the disposition of any dead specimen or its skeleton or other remains, for the continued benefit to science, in a museum or other institutional collection.

(6) A description of the endangered species which is the subject of the application, including the following:

(i) A list of each species and the number of each, including the common and scientific name; the subspecies (if applicable); population group, and range;

(ii) A physical description of each animal, including the age, size, and sex;

(iii) A list of the probable dates of capture or other taking, importation, exportation, and other acts which require a permit, for each animal, and the location of capture or other taking, importation, exportation, and other acts which require a permit, as specifically as possible;

(iv) A description of the status of the stock of each species related insofar as possible to the location or area of taking;

(v) A description of the manner of taking for each animal, including the gear to be used;

(vi) The name and qualifications of the persons or entity which will capture or otherwise take the animals;

(vii) If the capture or other taking is to be done by a contractor, a statement as to whether a qualified member of your staff (include name(s) and qualifications) will supervise or observe the capture or other taking. Accompany such statement with a copy of the proposed contract or a letter from the contractor indicating agreement to capture or otherwise take the animals, should a permit be granted;

(7) A description of the manner of transportation of any live animal taken,

imported, exported, or shipped in interstate commerce, including:

(i) Mode of transportation;

(ii) Name of transportation company;

(iii) Length of time in transit for the transfer of the animal(s) from the capture site to the holding facility;

(iv) Length of time in transit for any future move or transfer of the animal(s) that is planned;

(v) The qualifications of the common carrier or agent used for transportation of the animals;

(vi) A description of the pen, tank, container, cage, cradle, or other devices used, both to hold the animal at the capture site and during transportation;

(vii) Special care before and during transportation, such as salves, antibiotics, moisture; and

(viii) A statement as to whether the animals will be accompanied by a veterinarian or other similarly qualified person, and the qualifications of such person.

(8) Describe the contemplated care and maintenance of any live animals sought, including a complete description of the facilities where any such animals will be maintained including:

(i) The dimensions of the pools or other holding facilities and the number, sex, and age of animals by species to be held in each;

(ii) The water supply, amount, and quality;

(iii) The diet, amount and type, for all animals;

(iv) Sanitation practices used;

(v) Qualifications and experience of the staff; and

(vi) A written certification from a licensed veterinarian knowledgeable about the species (or related species) or group which is the subject of the application, or from a recognized expert on the species (or related species) or group covered in the application that he has personally reviewed the amendments for transporting and maintaining the animal(s) and that in his opinion they are adequate to provide for the well-being of the animal; and

(vii) The availability in the future of a consulting expert or veterinarian meeting (8) (vi) requirements;

(9) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a stud book.

(10) A statement of how the applicant's proposed project or program will enhance or benefit the wild population.

(11) For the 5 years preceding the date of this application, provide a detailed description of all mortalities involving species which were under the control of or utilized by the applicant and are either presently listed as endangered species or are taxonomically related within the Order to the species which is the subject of this application, including:

(i) A list of all endangered species and species related to the species which is the subject of this application; captured, transported, maintained, or utilized by the applicant for scientific purposes or to enhance the propagation or survival of the affected species, and/or

for all such species caused to be captured, transported, maintained, or utilized for scientific purposes or to enhance the propagation or survival of the affected species, by the Applicant;

(ii) The numbers of mortalities among such animals by species, by date, location of capture, i.e., from which population, and location of such mortalities;

(iii) The cause(s) of any such mortalities; and

(iv) The steps which have been taken by Applicant to avoid or decrease any such mortalities.

(12) A certification in the following language:

I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Endangered Species Act of 1973 (87 Stat. 864, Pub. L. 93-205, 16 U.S.C. 1531 et seq.) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Endangered Species Act of 1973.

(13) The applicant and/or an officer thereof must sign the application.

(c) *Issuance criteria.* The Director shall specifically consider, among other criteria, the following in determining whether to issue a permit for scientific purposes or to enhance the propagation or survival of the affected endangered species:

(1) Whether the permit was applied for in good faith;

(2) Whether the permit if granted and exercised will not operate to the disadvantage of the endangered species;

(3) Whether the permit would be consistent with the purposes and policy set forth in section 2 of the Act;

(4) Whether the permit would further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species;

(5) The status of the population of the requested species, and the effect of the proposed action on the population, both direct and indirect;

(6) If a live animal is to be taken, transported, or held in captivity—the applicant's qualifications for the proper care and maintenance of the species and the adequacy of his facilities;

(7) Whether alternative non-endangered species or population stocks can and should be used;

(8) Whether the animal was born in captivity or was (or will be) taken from the wild;

(9) Provision for disposition of the species if and when the applicant's project or program terminates;

(10) How the applicant's needs, program, and facilities compare and relate to proposed and ongoing projects and programs;

(11) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application;

(12) Opinions or views of scientists or other persons or organizations knowledgeable of the species which is the subject of the application or of other matters germane to the application; and

(13) If the permit application involves a sea turtle(s), both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service must concur prior to issuance since these two agencies presently share jurisdiction on sea turtles.

(d) Permits applied for under this section shall contain terms and conditions as the Director may deem appropriate, including:

(1) The number and kind of species which are covered;

(2) The location and manner of taking;

(3) Port of entry or export;

(4) The methods of transportation, care and maintenance to be used with live species;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the permit;

(6) The transferability or assignability of the permit;

(7) The sale or other disposition of the species, its progeny or the species product;

(8) A reasonable fee covering the costs of issuance of such permit, including reasonable inspections and an appropriate apportionment of overhead and administrative expenses of the Department of Commerce. All such fees will be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the service.

#### § 222.24 Procedures for issuance of permits.

(a) Whenever application for a permit is received by the Director which the Director deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Information received by the Director as a part of the application shall be available to the public as a matter of public record at every stage of the proceeding. An interested party may within 30 days after the date of publication of such notice, submit to the Director his written data, views, or arguments with respect to the taking, importation, or other action proposed in the application and may request a hearing in connection with the action to be taken thereon.

(b) If a request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the Director determines that a hearing would otherwise be advisable, the Director may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section) the Director shall issue or deny issuance of the permit. Notice of the decision of the Director shall be published in the FEDERAL REGISTER within 10 days after the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) If a permit is issued, the Director shall publish notice thereof in the FEDERAL REGISTER, including his finding that (1) such permit was applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 2 of the Endangered Species Act of 1973.

#### § 222.25 Applications for modification of permit by permittee.

Where circumstances have changed so that an applicant or permittee desires to have any term or condition of his application or permit modified, he must submit in writing full justification and supporting information in conformance with the provisions of this part and the part under which the permit has been issued or requested. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in § 222.23(c).

#### § 222.26 Amendment of permits by NMFS.

All permits are issued subject to the condition that the National Marine Fisheries Service reserves the right to amend the provisions of a permit for just cause at any time during its term. Such amendments take effect on the date of notification, unless otherwise specified.

#### § 222.27 Procedures for suspension or revocation of permits.

(a) Any violation of the applicable provisions of parts 217-222, or of the statute under which the permit was issued, or of a condition of the permit, may subject the permittee to the following penalties:

(1) The penalty provided in the statute under which the permit was issued;

(2) Temporary suspension of the permit for a specified period; and/or

(3) Revocation of the permit. When revoked, permits must be surrendered to the Director on demand.

(b) Except in cases of willfulness or those in which the public health, safety, or interest requires, prior to any suspension or revocation of a permit, the permittee shall be given:

(1) Notice by the National Marine Fisheries Service in writing of the facts or conduct which may warrant the suspension or revocation; and

(2) Opportunity to demonstrate or achieve compliance with all permit requirements.

#### § 222.28 Possession of permits.

(a) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(1) The time of the authorized taking, importation, exportation, or other act;

(2) The period of any transit of such person or agent which is incident to such taking, importation, exportation, or other act; and

(3) Any other time while any animal under such permit is in the possession of such person or agent.

(b) A duplicate copy of the issued permit must be physically attached to the tank, container, package, enclosure, or other means of containment, in which the animal is placed for purposes of storage, transit, supervision, or care.

[FR Doc.74-27772 Filed 11-26-74;8:45 am]

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

Customs Service

[ 19 CFR Part 151 ]

### EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

#### Criteria Used to Determine Excessive Water and Sediment in Petroleum and Petroleum Products

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 507, 624, 46 Stat. 732, 759 (19 U.S.C. 1507, 1624), and 77A Stat. 14 (General Headnotes 11 and 12, Tariff Schedules of the United States; 19 U.S.C. 1202), it is proposed to amend § 151.46 of the Customs regulations (19 CFR 151.46) by deleting all references to the descriptive names of the listed petroleum products. All petroleum products would be characterized only by their American Petroleum Institute (API) gravity at 60° Fahrenheit which is an easily determined and widely used measure of the density of the product. This amendment would broaden the range of application of this section and eliminate any ambiguities caused by identifying a product by name. It is not intended to change the established allowances for excessive water and sediment for those petroleum products now imported.

Crude petroleum, because of differences in its physical nature, will continue to be descriptively named.

Accordingly, it is proposed to amend § 151.46 of the Customs regulations (19 CFR 151.46) to read as follows:

#### § 151.46 Allowance for excessive water and sediment.

Allowance for excessive moisture or other impurities in imported petroleum or petroleum products shall be made in accordance with § 158.13 of this chapter for the quantity of water and sediment established to be in excess of that usually found in such merchandise, as set forth in the following table:

Merchandise:	Quantity (percent)
Crude petroleum.....	0.3
Petroleum products having an API gravity at 60° of less than 22°-22° to 30°.....	0.5
More than 30°.....	0.3
	0.0

Data, views or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must

be received on or before December 27, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL]

VERNON D. ACREE,  
Commissioner of Customs.

Approved: November 18, 1974.

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

[FR Doc.74-27759 Filed 11-26-74;8:45 am]

## DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[ 8 CFR Part 204 ]

### VISA PETITIONS

#### Proposed Preference Classification; Evidence of Training or Experience of Beneficiary

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 204.2(e) (1) of Chapter I of Title 8 of the Code of Federal Regulations, pertaining to the evidence of training or experience of a third or sixth preference petition beneficiary.

Current § 204.2(e) (1) provides that if the eligibility of an alien beneficiary of a visa petition to accord third or sixth preference classification is based on training or experience, documentary evidence of such training or experience, such as affidavits, must be submitted by the petitioner in support of the petition. The current regulation also specifies the information to be set forth in the affidavits concerning training or experience submitted by the petitioner. Experience indicates there has been a high incidence of submission of fraudulent documents in support of visa petitions, particularly petitions to accord sixth preference classification. It is, therefore, proposed to amend § 204.2(e) (1) to provide that if an alien beneficiary's eligibility is based on training or experience, affidavits by the trainers or employers attesting to the training or experience which they provided to the alien beneficiary must be submitted by the petitioner. It is proposed to further amend that section to provide that if such affidavits by the

trainers or employers cannot be obtained, the petitioner shall submit an affidavit by the alien beneficiary attesting to the reasons therefor, and shall also submit other documentary evidence of the beneficiary's qualifications.

In accordance with the provisions of section 553 of Title 5 of the United States (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street, NW, Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received by December 27, 1974, will be considered.

In the light of the foregoing, it is proposed to amend § 204.2(e) (1) by revising the existing last two sentences and by adding a new sentence at the end thereof to read as follows:

#### § 204.2 Documents.

(e) Evidence of eligibility for third or sixth preference classification—(1) General. \* \* \* If the alien's eligibility is based on training or experience, affidavits by the trainers or employers attesting to the training or experience which they provided to the alien must be submitted by the petitioner. These affidavits must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the places where and the dates between which the alien gained the training or experience, and describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. If such affidavits cannot be obtained, the petitioner shall submit an affidavit by the alien beneficiary attesting to the reasons therefor, and shall also submit other documentary evidence of the alien's qualifications, such as copies of company records or affidavits by persons other than the alien's trainers or employers having personal knowledge of the facts to which the affiants are attesting, setting forth the information specified in the preceding sentence.

(Sec. 103; 66 Stat. 173 (8 U.S.C. 1103))

Dated: November 20, 1974.

JAMES F. GREENE,  
Acting Commissioner of  
Immigration and Naturalization.

[FR Doc.74-27674 Filed 11-26-74;8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 906 ]

## HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

## Proposed Additions to Rules and Regulations

The proposed amendment would provide additional safeguards to prevent fruit handled under the exemption provisions of the order from entering the fresh regulated market.

Notice is hereby given that the Department is considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 906.120–906.151) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The additional rules and regulations were proposed by the Texas Valley Citrus Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 16, 1974. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would provide additional safeguards pursuant to § 906.44 *Safeguards* to prevent fruit handled under the exemption provisions specified in § 906.42 *Shipments for special purposes* from entering the fresh regulated market. Additional safeguards would be provided by removing fruit handled for processing into fresh juice from exemption and by including fruit handled for processing under the exemption provisions, including a definition of "processing." In addition, a new rule and regulation, § 906.123 *Fruit for processing*, would require that fruit handled for processing into products be shipped only to approved processors, and procedures are outlined for the approval of such processors by the committee. Handlers who shipped fruit to such processors for processing would be required to promptly file diversion reports with the committee, and if necessary to ensure compliance, the committee could require the processors to file disposition reports.

The proposed amendment is necessary to prevent exempt fruit from entering the fresh regulated market. When fruit leaves the production area, it often loses

its identity and it is difficult to determine its ultimate disposition. Currently, under the rules and regulations of the order, fruit for processing into fresh juice is exempt from grade, size, container, inspection, and assessment requirements if certain reporting requirements are met. The committee reports that fruit in such shipments should no longer have an exempt status because the number of such shipments is increasing and they are difficult to monitor since most shipments are to small processors for conversion into fresh juice. It also now considers it necessary to require handlers who ship exempt fruit for processing to processors outside of the production area to file disposition reports with the committee and only ship such fruit to "approved processors." A procedure is outlined by which the committee could certify processors and place their names on a list of approved processors. The committee could require that such processors file reports relating to the fruit they receive for processing if it is determined that such reports are necessary to effectuate compliance. These provisions are designed to ensure that fruit for processing is only shipped to bona fide processors and that the fruit is actually processed.

The first proposal is to revise paragraph (b) in § 906.120 *Fruit exempt from regulations* to read as follows:

§ 906.120 *Fruit exempt from regulations.*

(b) *Processing.* The term "processing" as used in § 906.42(b) means the manufacture of any orange or grapefruit product which has been preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, and the addition of chemical substances, or by fermentation. Fruit so processed if handled in accordance with § 906.123 shall be exempt from the provisions of §§ 906.34 and 906.40. Fruit for conversion into juice without pasteurization or preservative treatment, as herein described shall be deemed fresh fruit and subject to all regulations under this part.

The second proposal would establish a new § 906.123 *Fruit for processing* reading as follows:

§ 906.123. *Fruit for processing.*

(a) No handler shall be granted exemption from regulation to handle oranges and grapefruit for processing unless such fruit is shipped to an approved processor. All such shipments to an approved processor shall be reported to the committee on a form approved by it.

(b) *Approved processor.* Any person who desires to buy, as an approved processor, fruit for processing, as set forth in § 906.120(b), shall, prior thereto, file an application with the committee on a form approved by it, which shall contain, but not be limited to, the following information:

- (1) Name and address of applicant;
- (2) Location of plant or plants where manufacturing is to take place;

(3) Approximate quantity of fruit used each month;

(4) A statement that the fruit obtained will be used for processing only and will not be resold or disposed of in fresh fruit channels; and

(5) Agree to submit such reports as are required by the committee. Such application shall be investigated by the committee staff. After such investigation, the staff shall report its findings to the committee at its next meeting or to its delegated subcommittee. Based upon the staff's report and other reliable information, the committee or delegated subcommittee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed upon the list of approved processors.

(c) *Certificate by processors.* Upon request by the committee each approved processor shall submit to the committee on or before the 10th day of each month a report of the oranges and grapefruit used during the preceding calendar month. Each report shall contain a certificate to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown therein.

(d) *Diversion report.* Each handler who ships fruit to processors for processing shall report to the committee on a form approved by it the following information:

- (1) Name and address of the processor's place of business where the fruit was shipped;
- (2) The net weight of oranges or grapefruit;
- (3) Truck license number or rail car initial and number;
- (4) Inspection certificate number; and
- (5) Such other information as the committee may require.

The handler shall prepare 4 copies of the report and sign it. The original copy shall be submitted to the committee within 7 days. One copy shall be retained by the handler, one copy shall be given to the party transporting the fruit who, upon arrival at the processor's place of business, shall turn it over to the party receiving the fruit with the understanding that the processor will record thereon the actual net weight of the fruit received and forward such copy to the committee office. One copy shall be submitted to the processor along with the invoice.

Dated: November 22, 1974.

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

[FR Doc.74-27768 Filed 11-26-74; 8:45 am]

## [ 7 CFR Part 913 ]

## HANDLING OF GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA Expenses and Fixing of Rate of Assessment for the 1974–75 Fiscal Period

This notice invites written comment relative to the proposed expenses of

\$27,800 and rate of assessment of \$0.0055 per standard packed box of grapefruit to support the activities of the Interior Grapefruit Marketing Committee for the 1974-75 fiscal period under Marketing Order No. 913.

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established under the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period August 1, 1974, through July 31, 1975, will amount to \$27,800.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at \$0.0055 per standard packed box of grapefruit.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 12, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 22, 1974.

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

[FR Doc. 74-27767 Filed 11-26-74; 8:45 am]

#### [ 7 CFR Part 959 ]

### ONIONS GROWN IN SOUTH TEXAS

#### Proposed Handling Regulation

This proposal would impose grade, size and container standards on fresh market shipments of South Texas early spring onions and require inspection. This would promote orderly marketing and ensure that only the more desirable onions are shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959). This program regulates the handling of onions grown in designated counties in South

Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1975 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin on or about March 10.

The proposed grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

The proposed container requirement should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade. The proposed prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 100 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling non-commercial quantities of onions.

The proposals with respect to special purpose shipments are recommended to allow the shipment of onions for experimental purposes or the use of containers which have been the subject of test shipments during past seasons, and should encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity should be exempt from inspection and assessment requirements since no useful purpose would be served by regulating such shipments.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than December 16, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed to add § 959.315 as follows:

#### § 959.315 Handling regulation.

During the period March 10-May 11, 1975, no handler may package or load onions on any Sunday, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (e) or (f) of this section.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¼ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 2½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Application of tolerances in the U.S. onion standards shall apply to in-grade lots except that not more than 20 percent by weight of onions in any lot may be larger than the maximum diameter for "repacker" and "medium" sizes.

(c) *Container requirements.* (1) 25-pound bags, with an average net weight in any lot of not more than 27½ pounds per bag, and with outside dimension not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (e) or (f)) (3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 100 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 100 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in con-

tainers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2, 3 or 5-pound containers customarily packed for the retail trade, 20-kilogram bags, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b) and (d) of this section and if they are handled in accordance with the reporting requirements established in paragraph (f)(2) of this section on such shipments: *Provided*, That shipments of 2, 3 and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(v) The average net weight per lot of 20-kilogram bags shall not exceed 22 kilograms, and with outside dimensions of such bags not greater than 32 inches by 36 inches.

(vi) 20-kilogram bags shall be conspicuously labeled with the words "FOR EXPORT ONLY" and shipments shall be only to points outside of the 48 contiguous States of the United States, the District of Columbia, Canada, or Mexico.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* Upon approval of the committee onions may be shipped for experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60 provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (e) of this section, may be handled only pursuant to § 959.126. Culls

may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(g) *Definitions.* "U.S. onion standards" mean the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195-51.3209 of this title), or the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano- and Creole Types) (§§ 51.2830-51.2854 of this title), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated: November 22, 1974.

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

[FR Doc.74-27766 Filed 11-26-74;8:45 am]

#### Animal and Plant Health Inspection Service [ 9 CFR Parts 317, 381 ]

#### MEAT AND POULTRY FOOD PRODUCTS Representations Regarding the Geographical Origin

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending § 317.8 of the meat inspection regulations and § 381.129 of the poultry products inspection regulations (9 CFR 317.8, 381.129), pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

*Statement of considerations.* The Federal Meat Inspection Act and Poultry Products Inspection Act prohibit, among other things, the sale or transportation in commerce of "misbranded" products. The Acts apply the term "misbranded" to any meat or poultry products if, among other things, its labeling is false or misleading in any particular.

For many years, terms having geographical significance have appeared on the labeling for meat and poultry products. Use of such labeling features is permitted under conditions specified in § 317.8 of the meat inspection regulations and § 381.129 of the poultry products inspection regulations. Recently, use of these features has become common and widespread. Indiscriminate use of geographical terms may be misleading to the consumer despite a statement of origin appearing on the labeling. Both Acts are specific in prohibiting false or misleading labeling. Accordingly, the Department finds the need to prescribe broad, all encompassing, yet practical regulatory provisions under which these labeling features may be used and still comply with the Acts.

The proposed amendments would consider a product as misbranded if its labeling expresses or implies a particular geographical origin for the product and it does not come within the following categories for acceptable use:

1. A truthful origin statement would be acceptable, such as "Danish Ham" for a ham produced in Denmark; "German Sausage" for a sausage produced in Germany; or "Virginia Ham" for a ham produced in the State of Virginia.

2. A geographical term used as a trademark or trade name would be acceptable if the following conditions are met:

(a) The particular trademark or trade name has been so long and exclusively used by a manufacturer or distributor that it is generally understood by consumers to mean the product or products of the particular manufacturer or distributor; or

(b) The trademark or trade name is so arbitrary or fanciful that it is generally understood by consumers not to suggest the geographical origin for the product. For example, consumers generally would not expect a product labeled "Moon Sausage" to be made on the moon.

3. A geographical term would be acceptable when it is required by a Federal standard. For example, the Federal meat inspection regulations provide for the use of the names "Frankfurt", "Bologna", and "Vienna" as names for specific types of sausages.

4. A geographical term would be acceptable when it is generally understood by consumers to connote a particular class or kind of product rather than to indicate the geographical area in which the product was produced. Such geographical terms as "lebanon bologna", "genoa salami", and "milan salami" are recognized by the consumer as describing a particular kind of sausage.

5. A geographical term would be acceptable when there is a generally recognized style or type of product identified with and peculiar to the geographical area indicated by such term and the term is used in conjunction with the word "style" or "type" for a product possessing the characteristics of such style or type of geographical area product, e.g. "German style sauerbraten".

The proposal is intended to eliminate consumer confusion that may be brought about by labeling which features geographical terms qualified by the word "brand". It appears that the consumer in such cases may be prevented from making a knowledgeable selection, since the significance of the term "brand" with a geographical term is not clear. Therefore, it is proposed to prohibit the use of the term "brand" to modify a geographical term on labeling of meat or poultry products which are not produced in the area indicated by the geographical term.

Geographical terms proposed for labeling would be required to conform to the criteria stated in the proposed amendment. What consumers understand by geographical terms such as "Virginia", "New England", "Danish", "German", "Virginia style", "Danish style", or "German style" on labeling for meat and poultry products is very important to the

Department in its efforts to approve labeling only if it is not "false or misleading in any particular".

Therefore, it is proposed to amend the meat inspection regulations (9 CFR Part 317) and the poultry products inspection regulations (9 CFR Part 381) as follows:

1. Section 317.8 of the meat inspection regulations would be amended by revising the existing paragraph (b)(1) to read as follows:

**§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.**

(b)(1) Any representation that expresses or implies a particular geographical origin of the product or any ingredient of the product shall not be used on labeling, except when such representation is:

(i) A truthful representation of geographical origin; or

(ii) A trademark or trade name which (a) Has been so long and exclusively used by a manufacturer or distributor that it is generally understood by consumers to mean the product of the particular manufacturer or distributor; or

(b) Is so arbitrary or fanciful that it is generally understood by the consumer not to suggest geographical origin; or

(iii) Is a part of the name required by an applicable Federal standard; or

(iv) Is a name that is generally understood by consumers to connote a particular class or kind of product rather than to indicate geographical origin of the product; or

(v) Is used in conjunction with the word "style" or "type" for a product possessing the characteristics of a generally recognized style or type of product identified with and peculiar to a particular geographical area indicated by such geographical term.

2. Section 381.129 of the poultry products inspection regulations would be amended by revising existing paragraph (b)(2) to read as follows:

**§ 381.129 False or misleading labeling or containers.**

(b)(2) Any representation that expresses or implies a particular geographical origin of the product or any ingredient of the product shall not be used on labeling, except when such representation is:

(i) A truthful representation of geographical origin; or

(ii) A trademark or trade name which (a) Has been so long and exclusively used by a manufacturer or distributor that it is generally understood by consumers to mean the product of the particular manufacturer or distributor; or

(b) Is so arbitrary or fanciful that it is generally understood by the consumer not to suggest geographical origin; or

(iii) Is a part of the name required by an applicable Federal standard; or

(iv) Is a name that is generally understood by consumers to connote a particular class or kind of product rather than to indicate geographical origin of the product; or

(v) Is used in conjunction with the word "style" or "type" for a product possessing the characteristics of a generally recognized style or type of product identified with and peculiar to a particular geographical area indicated by such geographical term.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Labels and Packaging Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by February 7, 1975.

Persons desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submission and records of oral views made pursuant to this notice will be made available for public inspection unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: November 22, 1974.

F. J. MULHERN,  
Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc.74-27770 Filed 11-26-74; 8:45 am]

## DEPARTMENT OF COMMERCE

Bureau of Economic Analysis<sup>1</sup>

[ 15 CFR Part 804 ]

### FOREIGN DIRECT INVESTMENT IN THE U.S. STUDY REGULATIONS

#### Notice of Proposed Rulemaking

Notice is hereby given that the Bureau of Economic Analysis of the Department

<sup>1</sup> NOTE: The Department of Commerce is in the process of changing the name of Chapter VIII from "Office of Business Economics, Department of Commerce" to "Bureau of Economic Analysis, Department of Commerce."

of Commerce proposes to add a new Part 804 to Title 15 of the Code of Federal Regulations which will include the Foreign Direct Investment in the U.S. Study Regulations. The reporting requirements prescribed under 15 CFR Parts 802 and 803 are not affected by these provisions. The proposed regulations are promulgated under the authority of the Foreign Investment Study Act of 1974 ("The Act") (Pub. L. 93-479) which directs the Secretary of Commerce to:

(1) Investigate and review the nature, scope, magnitude, and rate of foreign direct investment activities in the United States;

(2) Survey the reasons foreign firms are undertaking direct investment in the United States;

(3) Identify the processes and mechanisms through which foreign direct investment flows into the United States, the financing methods used by foreign direct investors, and the effects of such financing on American financial markets;

(4) Analyze the scope and significance of foreign direct investment in acquisitions and takeovers of existing American enterprises, the significance of such investments in the form of new facilities or joint ventures with American firms, and the effects thereof on domestic business competition;

(5) Analyze the concentration and distribution of foreign direct investment in specific geographic areas and economic sectors;

(6) Analyze the effects of foreign direct investment on United States national security, energy, natural resources, agriculture, environment, real property holdings, balance of payments, balance of trade, the United States international economic position, and various significant American product markets;

(7) Analyze the effect of foreign direct investment in terms of employment opportunities and practices and the activities and influence of foreign and American management executives employed by foreign firms;

(8) Analyze the effect of Federal, regional, State, and local laws, rules, regulations, programs, and policies on foreign direct investment in the United States with laws, rules, regulations, programs, and policies of selected nations and areas where such comparison may be informative;

(9) Compare and contrast the foreign direct investment activities in the United States with the investment activities of American investors abroad and appraise the impact of such American activities abroad on the investment activities and policies of foreign firms in the United States; and

(10) Study the adequacy of information, disclosure, and reporting requirements and procedures;

(11) Determine the effects of variations between accounting, financial reporting, and other business practices of American and foreign investors on foreign investment activities in the United States; and

(12) Study and recommend means whereby information and statistics on foreign direct investment activities can be kept current.

The proposed regulations define foreign direct investment in the United States for purposes of the Act, set forth reporting and recordkeeping require-

ments, outline confidentiality provisions applicable to reports and analysts studying the reports, describe reporting forms to be used and where such forms can be obtained, and specify penalties for violation of the regulations. These regulations shall become effective when published in final form in the Federal Register. Prior to the adoption of these regulations, consideration will be given to any comments, data, views, arguments, or suggestions pertaining thereto which are submitted in writing by December 16, 1974. Such comments or suggestions should be directed to Director, Bureau of Economic Analysis, Attention BE-50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

The Act authorizes the Secretary, pursuant to section 7(a) to issue such rules as he deems necessary to carry out his functions under the Act.

Notice of intent to effect the study has previously been published in the FEDERAL REGISTER (Tuesday, November 5, 1974, Volume 39, Number 214).

The proposed regulations are as follows:

**PART 804—FOREIGN DIRECT INVESTMENT IN THE UNITED STATES STUDY REGULATIONS**

**Subpart A—Definitions**

- Sec. 804.1 Person.
- 804.2 Associated group.
- 804.3 Affiliated foreign group.
- 804.4 Business enterprise.
- 804.5 Branch.
- 804.6 Control or controlling interest.
- 804.7 Reporter.
- 804.8 U.S. affiliate.
- 804.9 Parent.
- 804.10 Foreign parent.
- 804.11 Foreign affiliate of foreign parent.
- 804.12 United States.
- 804.13 Foreign.
- 804.14 The Act.
- 804.15 The Secretary.

**Subpart B—Recordkeeping and Reporting Requirements**

- 804.16 Determination by the Secretary.
- 804.17 Reports.
- 804.18 Exemptions and exclusions.
- 804.19 Records.
- 804.20 Protection of information.
- 804.21 Miscellaneous.

**Subpart C—Description of Forms Prescribed Under This Part**

- 804.22 Copies.
- 804.23 Form BE-12.

**Subpart D—Penalties**

- 804.24 Civil and criminal penalties.
- 804.25 Fraudulent reporting.

AUTHORITY: Foreign Investment Study Act of 1974 (Pub. L. 93-479).

**Subpart A—Definitions**

**§ 804.1 Person.**

The term "person" means an individual, a government, a corporation, branch, a partnership, an associated group, an affiliated foreign group, a joint stock company, a trust, an estate, or other unincorporated organization.

**§ 804.2 Associated group.**

The term "associated group" means two or more foreign persons who, by the appearance of their actions, by agreement, or by an understanding, exercise

their voting privileges in a concerted manner to influence the management of a U.S. business enterprise. The following are deemed to be associated groups:

- a. Members of the same family.
- b. A foreign business enterprise and one or more of its officers or directors.
- c. Members of a syndicate or joint venture.

**§ 804.3 Affiliated foreign group.**

The term "affiliated foreign group" means a foreign business enterprise which is not owned to the extent of more than 50 percent of its voting rights by another foreign person, and all of its majority-owned non-U.S. business enterprises.

**§ 804.4 Business enterprise.**

The term "business enterprise" means any organization, branch, or venture which exists for profit making purposes, and any real estate which is owned.

**§ 804.5 Branch.**

Branch shall include—

- (a) The operations or activities conducted by an incorporated or unincorporated person in its own name in a different location, but not through an incorporated entity.
- (b) The U.S. business of foreign mutual insurance companies.

**§ 804.6 Control or controlling interest.**

The term "control or controlling interest" means for the purposes of this survey, the direct and/or indirect ownership through intermediaries or affiliates of 10 percent or more the voting securities of an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise.

**§ 804.7 Reporter.**

The term "reporter" means the U.S. business enterprise required to file a report in this survey, or for which a report is required to be filed.

**§ 804.8 U.S. affiliate.**

The term "U.S. affiliate" means a U.S. business enterprise owned directly or indirectly by a foreign person to the extent of 10 percent or more of its voting securities for an incorporated business enterprise, or an equivalent interest for an unincorporated business enterprise.

**§ 804.9 Parent.**

Parent refers to:

- (a) The foreign person (including an individual business enterprise which is a member of an affiliated foreign group) holding a direct ownership interest in a U.S. affiliate of that foreign person.
- (b) A U.S. affiliate, of a foreign person, which holds a direct ownership interest in another U.S. affiliate of that same foreign person.

**§ 804.10 Foreign parent.**

"Foreign parent" refers to a foreign person (including an individual business enterprise which is a member of an affiliated foreign group) holding a direct or indirect ownership interest in a U.S. affiliate of that foreign person.

**§ 804.11 Foreign affiliate of foreign parent.**

With reference to a given U.S. affiliate, a "foreign affiliate of foreign parent" is any individual foreign business enterprise which is a member of an affiliated foreign group owning a given U.S. affiliate, but which does not have a direct ownership interest in that U.S. affiliate.

**§ 804.12 United States.**

"United States" shall refer to the 50 states of the United States; the District of Columbia; the Commonwealth of Puerto Rico; the Panama Canal Zone; the U.S. Virgin Islands; Guam; American Samoa; and all other territories and possessions of the United States.

**§ 804.13 Foreign.**

The term "foreign" means that which is situated outside the United States; belonging to, characteristic of, or under the jurisdiction of a country or political entity other than the United States.

**§ 804.14 The Act.**

For purposes of this part, "the Act" means the Foreign Investment Study Act of 1974 (Pub. L. 93-479, 88 Stat. 1450).

**§ 804.15 The Secretary.**

The term "the Secretary" means the Secretary of Commerce.

**Subpart B—Recordkeeping and Reporting Requirements**

**§ 804.16 Determination by the Secretary.**

The Secretary hereby determines that the recordkeeping and reporting provisions of this subpart are necessary to enable him to carry out his functions under the Act.

**§ 804.17 Reports.**

(a) *Basic requirement.* Every business enterprise subject to the jurisdiction of the United States, which was controlled directly or indirectly by a foreign person at any time during the year ending December 31, 1974, is required to report.

(1) Reports are required even though the U.S. business enterprise may have been established, liquidated, sold to U.S. persons, or destroyed during the reporting period.

(2) If the U.S. business enterprise is in the nature of real property not identifiable by name, the report must be filed in the name of the foreign beneficial owner, or in the name of such foreign beneficial owner by the agent or representative of such owner.

(b) *Intermediary of a foreign beneficial owner.* If the foreign controlling interest in a U.S. business enterprise, including real estate, was held, exercised, administered, or managed by a U.S. estate, trust, nominee, agent, manager, custodian, or other intermediary of the foreign beneficial owner; such estate, trust, nominee, agent, manager, custodian, or other intermediary shall be responsible for reporting the required information for the U.S. business enterprise, and shall report on behalf of the U.S. business enterprise or shall instruct

the U.S. business enterprise in question to submit the required information.

(1) For the purposes of this survey, accounts or transactions of a U.S. estate, trust, nominee, agent, manager, custodian, or other intermediary with a foreign beneficial owner shall be considered as accounts or transactions of the U.S. business enterprise with the foreign beneficial owner.

#### § 304.18 Exemptions and exclusions.

(a) Property held exclusively for personal use, and not for profitmaking purposes, is exempt for purposes of this survey. For example, hunting lodges, homes, automobiles for personal use are exempt.

(b) A report need not be filed for ownership in a U.S. business enterprise held by persons who are:

(1) Citizens of a foreign country who permanently reside in the United States.

(2) U.S. citizens who are residents of foreign countries and who are officers or employees of the U.S. Government, or of international (quasi-governmental) organizations, and members of the immediate families of such individuals, provided they are citizens of the United States.

(c) U.S. religious bodies, charitable organizations, and other nonprofit organizations are not business enterprises and, therefore, foreign ownership of these types of U.S. organizations is not reportable.

(d) Partial exemption based on value—If the value of both total assets, including real property investments, and total revenues of any U.S. affiliate otherwise required to report, were each less than \$100,000 on December 31, 1974, such U.S. affiliate is required to file only PART 1 of Form BE-12 for this survey.

#### § 304.19 Records.

(a) Every person subject to the provisions of this part, whether or not such person is exempt from the reporting requirements of this part, shall maintain a full record of any information which the Secretary directs (including worksheets, journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) as being germane to his functions in carrying out the foreign direct investment study in the United States.

(b) Such information shall be maintained for such period as the Secretary directs, but shall not be required to be maintained beyond the date fixed by section 10 of the Act for final submission of the study to Congress.

#### § 304.20 Protection of information.

(a) *Confidentiality.* In addition to the Secretary, the only individuals who may have access to information furnished under the provisions of this part are those sworn employees, including consultants, of the Department of Commerce designated by the Secretary. Neither the Secretary nor any such employee may:

(1) Use any information furnished under this part except for analytical or

statistical purposes within the United States government; or

(2) Publish, or make available to any other person in any manner, any such information in a manner that the information furnished under this part by any person can be specifically identified with such person except for purposes of an enforcement proceeding under the Act: *Provided*, That the Secretary may exchange information furnished under the provisions of this part with the Secretary of Treasury in order to prevent any duplication or omission in the studies conducted by each Secretary pursuant to the Act.

(b) *Notification of customers.* (1) Section 7(b)(2) of the Act provides that:

Whenever an order under clause (2) of this subsection requires a person to produce information which can be specifically identified as being part of the records of its customers, the Secretary shall upon being provided the names and addresses of such customers, send a notice to such customers that information from their records will be disclosed pursuant to this Act; \* \* \*

Notice to customers is not required under the Act where a reporter is "directly involved in the ownership or management of assets for the customer as nominee, agent, partner, fiduciary, trustee, or in a similar relationship."

(2) Should any person be required to submit, pursuant to the provisions of the Act or any amendment to this part, information which can be specifically identified as being part of the records of its customers where such person is not directly involved in the ownership or management of assets for the customers as a nominee, agent, partner, fiduciary, trustee, or in a similar relationship, the Secretary, upon being provided the names and addresses of such customers, shall send a notice to such customers, that information from their records will be disclosed pursuant to the Act. Any reporter having submitted names of customers pursuant to the provisions of this paragraph shall be required to submit a report on its due date or within 10 days of being notified by the Secretary that notice to such customers has been given, whichever is later.

#### § 304.21 Miscellaneous.

(a) *Accounting records to be used.* In supplying the information required in this survey, data for corporations should be derived from the records used to generate reports to stockholders. Reports for unincorporated persons should be derived from equivalent records.

(b) *Reporting period.* Reports should be submitted on a calendar year basis for the year ending December 31, 1974. If this necessitates the estimation of annual data based upon quarterly or monthly reports in order to present the data on a calendar year basis, or closer to a calendar year basis, such estimates are acceptable.

(c) *Annual stockholder's report.* Reporters are requested to submit, along with their completed Form BE-12, a copy of their annual report to stockholders.

(d) *Required information not available.* All reasonable efforts should be

made to obtain information required for reporting. Every question on each form should be answered, except where Reporters are specifically exempt from reporting certain parts or items on the forms. Where only partial information is available, an appropriate indication should be given.

(e) *Estimates.* If actual figures are not available, supply estimates. When data items requiring detailed breakdowns cannot be fully subdivided, supply totals and an estimated percentage breakdown.

(f) *Specify.* Certain data lines required that reporters "Specify" items included in the total for such lines. In all such cases, the Reporter should give the type and dollar amount of the items included in the line.

(g) *Space on form insufficient.* When space is insufficient to permit a full answer to any item on the form, the information required should be submitted on supplementary sheets appropriately labeled and referenced to the item and the form.

(h) *Filing date.* Reports shall be filed within 60 days after publication of the reporting requirements in the FEDERAL REGISTER.

(i) *Assistance.* If there are any questions concerning the report, telephone (202) 523-0547.

(j) *Number of copies.* A single original copy shall be filed with this Bureau. In addition, each Reporter should retain a copy of this report for his files.

(k) *Where to send reports.* Mail all reports to Bureau of Economic Analysis, Attention BE-50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

#### Subpart C—Description of Forms Described Under This Part

#### § 304.22 Copies.

Copies of the forms described in this subpart may be obtained from the Bureau of Economic Analysis, Attention BE-50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

#### § 304.23 Form BE-12.

On Form BE-12, each U.S. business enterprise which was controlled directly or indirectly by a foreign person at any time during the year ending December 31, 1974 is required to report information on investment and transactions between the U.S. business enterprise and its parent(s); information on direct financial transactions between the U.S. business enterprise and all foreign affiliates of all foreign parents which did not have a direct line of ownership in the U.S. business enterprise any time during the year ending December 31, 1974; various financial schedules covering the year ending December 31, 1974; information on merchandise trade of the U.S. business enterprise with foreigners; information on employment, revenues, operating assets and land owned by State; and other information concerning the operations of the U.S. business enterprise and its relationship with the foreign person(s) having the controlling interest in the U.S. business enterprise.

**Subpart D—Penalties****§ 804.24 Civil and criminal penalties.**

In accordance with section 8 of the Act, the penalties and enforcement procedures described in paragraphs (a), (b), and (c) of this section shall apply to violations of this part and any reporting requirement imposed hereunder or any other rule, regulation, order or instruction promulgated by the Secretary under the authority of the Act.

(a) *Civil penalty.* Attention is directed to section 8(a) of the Act which provides:

Whoever fails to furnish any information required pursuant to the authority of this Act, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instructions promulgated pursuant to the authority of this Act may be assessed a civil penalty not exceeding \$10,000 in a proceeding brought under subsection (b) of this section.

(— Stat. —)

(b) *Civil proceeding; injunction.* Attention is directed to section 8(b) of the Act which provides:

Whenever it appears to either the Secretary of the Treasury or the Secretary of Commerce that any person has failed to furnish any information required pursuant to the provisions of this Act, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act, such Secretary may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a mandatory injunction commanding such person to comply with such rule, regulation, order, or instruction, and upon a proper showing by such Secretary of the relevance to the purposes of the Act of such rule, regulation, order, or instructions, a permanent or temporary injunction or restraining order shall be granted without bond, and such person shall also be subject to the civil penalty provided in subsection (a) of this section if the judge finds that such penalty is necessary to obtain compliance with such injunction or restraining order.

(c) *Criminal penalties.* Attention is directed to section 8(c) of the Act which provides:

Whoever willfully fails to submit any information required pursuant to this Act, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act shall, upon conviction, be fined not more than \$10,000 or, if a natural person, may be imprisoned for not more than one year or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(— Stat. —)

**§ 804.25 Fraudulent reporting.**

Attention is also directed to section 1001 of the United States Criminal Code which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsi-

fies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

(18 U.S.C. 1001)

GEORGE JASZI,  
Director,

Bureau of Economic Analysis.

[FR Doc. 74-27721 Filed 11-26-74; 8:45 am]

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**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration

[ 21 CFR Part 429 ]

INSULIN

Proposal to Discontinue Certifying All  
80-Unit Insulins

Correction

In FR Doc. 74-26778, appearing at page 40301 in the issue of Friday, November 15, 1974, the comments closing date given in the second line of the final paragraph page 40302, third column, should read "February 13, 1975".

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**ATOMIC ENERGY COMMISSION**

[ 10 CFR Part 170 ]

FEEES FOR FACILITIES AND MATERIALS  
LICENSES

Proposed Revision of License Fee  
Schedules

Correction

In FR Doc. 74-25857 appearing at page 39734 in the issue for Monday, November 11, 1974, make the following changes:

1. On page 39737, in the sentence immediately following the heading for § 170.31, the phrase now reading " \* \* \* and holders of materials shall pay \* \* \* " should read " \* \* \* and holders of materials licenses shall pay \* \* \* ".

2. In the table on page 39737, under the heading "Inspection fee", in entry 2.B. the "+" before 896 should be deleted.

3. On page 39737, under the heading "Amendment fee", the number 135 in entry 3.E. should read "35", and the number "24" in 3.G. should read "124".

4. On page 39738, the last item in the table under "Category of materials licenses", now reading "5 Special projects"; should read "9. Special projects";.

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**ENVIRONMENTAL PROTECTION  
AGENCY**

[ 40 CFR Part 180 ]

[FRL 300-3]

TOLERANCES AND EXEMPTIONS FROM  
TOLERANCES FOR PESTICIDE CHEMICALS  
IN OR ON RAW AGRICULTURAL  
COMMODITIES

2,4-D; Proposed Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State

Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Washington and California submitted a petition (PP 4E1475) proposing (1) that the established tolerance (§ 180.165) for residues of 2,4-D sodium salt, calculated as 2,4-D (2,4-dichlorophenoxyacetic acid), in or on asparagus at 5 parts per million be extended to include the alkanolamine salts (of the ethanol and isopropanol series) and (2) that § 180.165 be consolidated with the other established tolerances for 2,4-D in § 180.142.

Based on consideration given data submitted in the petition and other relevant materials, it is concluded that:

1. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a) (3) applies.

2. The proposed tolerance will protect the public health.

3. The tolerance in § 180.165 should be combined with those in § 180.142.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), it is proposed that Part 180 be amended by (1) deleting § 180.165 and (2) amending § 180.142 by adding a new paragraph after paragraph (c) as follows:

§ 180.142 2,4-D; tolerances for residues.

(d) A tolerance of 5 parts per million is established for residues of 2,4-D sodium salt and alkanolamine salts (of the ethanol and isopropanol series), calculated as 2,4-D (2,4-dichlorophenoxyacetic acid), in or on asparagus.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before December 27, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 421 East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before December 27, 1974 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register

Section from 8:30 a.m. to 4:00 p.m.  
Monday through Friday.

Dated: November 14, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-27650 Filed 11-26-74;8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 545 ]

[No. 74-1111]

### FEDERAL SAVINGS AND LOAN SYSTEM

#### Proposed Amendment Relating to Interest on Escrow Funds

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.6-11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-11), for the purpose of making clear that the amount of escrowed funds must be calculated on a reasonable basis and may not exceed an amount necessary to assure payment of annual taxes, assessments, insurance premiums and other similar charges on the real estate security, and that the payment of interest on such escrowed funds is solely a matter of contract between a Federal association and borrowers therefrom without regard to any provision of State law relating to such payment of interest. This latter provision would have the effect of preempting State laws which, for example, condition the charging of a rate of interest in excess of the normal usury limit upon the payment of interest on escrow accounts; a Federal association in such a State could charge the higher interest rate on the loans without regard to the

requirement that interest be paid on escrow accounts.

Accordingly, the Board hereby proposes to amend § 545.6-11 as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW, Washington, D.C. 20552, by December 31, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

#### § 545.6-11 Loan contract.

Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful or appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers

as additional collateral for loans on the security of real estate, such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association may require that the equivalent of one-twelfth of an amount which is necessary to assure payment of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. The payment of interest on the amount of advance payments of charges as described in the preceding sentence is solely a matter of contract between a Federal association and borrowers therefrom, without regard to any provision of State law relating to such payment of interest. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(Sec. 5, 48 Stat., 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

Dated: October 24, 1974.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,  
Assistant Secretary.

[FR Doc.74-27684 Filed 11-26-74;8:45 am]

# notices

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

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 74-293]

### FOREIGN CURRENCIES

#### Certification of Rates

NOVEMBER 18, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-264 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Switzerland franc:  
 Nov. 7, 1974..... \$0.3587  
 Nov. 8, 1974..... .3574

[SEAL]

R. N. MARRA,  
 Director,

Duty Assessment Division.

[FR Doc.74-27760 Filed 11-26-74;8:45 am]

### Office of the Secretary

### PRESIDENT'S LABOR-MANAGEMENT COMMITTEE

#### Notice of Meeting

Notice is hereby given that the President's Labor-Management Committee will meet in the Cabinet Room of the White House, Washington, D.C., on December 16, 1974, at 10:00 a.m.

The purpose of the meeting is to discuss economic policy issues relating to recommendations which may be made in the State of the Union and Budget Messages.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in section 552(b)(5) of Title 5 of the United States Code, and that the public interest requires such meeting be closed to public participation.

Dated: November 22, 1974.

[SEAL]

WARREN F. BRECHT,  
 Assistant Secretary  
 for Administration.

[FR Doc.74-27758 Filed 11-26-74;8:45 am]

## DEPARTMENT OF JUSTICE

### Law Enforcement Assistance Administration

### NATIONAL PRIVATE SECURITY ADVISORY COUNCIL

#### Notice of Meeting

Notice is hereby given that the National Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on December 11-13, 1974 at The Motor House, Williamsburg, Virginia. The Advisory Council will, in conjunction with this meeting, hold public hearings on proposed model statutes related to the licensing and regulation of alarm businesses and alarm business employees and minimum selection and training standards for security guards.

The meeting will be open to the public. Any interested person may file a written statement with the Council for its consideration or may appear in person to make a statement on the matters being reviewed by the Council. Copies of the model statutes and reports of the Council are available on request.

Statements may be sent to or personal appearances scheduled with Irving Slott, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20530, (202/386-3317).

JACK A. NADOL,  
 Advisory Committee Management Officer, Office of General Counsel.

[FR Doc.74-27717 Filed 11-26-74;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### MALTA DISTRICT ADVISORY BOARD

#### Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Malta District Advisory Board will be held December 18, 1974, 9:30 a.m. m.s.t., at the Malta District Office, 501 South Second Street East, Malta, Montana.

The Board was established in order that the Secretary of the Interior may have the benefit of the fullest information and advice concerning physical, economic, and other local conditions in the several grazing districts (Sec. 18a of the Taylor Grazing Act, June 28, 1934, as amended and supplemented). The purpose of the meeting is to hear any protests from actions recommended in the initial November 15, 1974 meeting, proposed FY76 projects, section 4 and 15

permits, allotment management plan term grazing permits, update on local bentonite development, and other district programs as time permits.

The meeting is open to the public. It is expected that twelve persons will be able to attend the session in addition to the committee members. Interested persons may make oral or written presentations to the Board or file written statements. Such requests should be made at least four days prior to the meeting to John W. Black, Chairman, Malta District Advisory Board, Hinsdale, Montana 59241.

Further information concerning the meeting may be obtained from Dante Solari, District Manager, Bureau of Land Management, Box B, Malta, Montana 59538, telephone number area code 406, 654-1240. Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the Bureau of Land Management, Malta District Office, Box B, Malta, Montana 59538.

DANTE SOLARI,  
 District Manager.

NOVEMBER 19, 1974.

### MALTA DISTRICT ADVISORY BOARD MEETING

December 18, 1974

#### AGENDA

- |            |   |
|------------|---|
| 9:30 a.m.  | Introduction and Welcome, Dan Solari.   |
| 10:00 a.m. | Protests—AMP Term Permits, Section 4 and 15 Permits, Planning System Status, Other Resource Area Items of Interest. |
|            | Blaine Resource Area—Don Lotvedt, Phillips Resource Area—Charles Dahlen, Valley Resource Area—Jim Hicks.            |
| 12:00 Noon | Lunch.  |
| 1:00 p.m.  | Hallett Minerals Company, Irving Sewell.  |
| 2:30 p.m.  | FY76 Proposed Projects, Art Halvorson.  |
| 3:00 p.m.  | Fire Program, Phil Perry.   |
| 3:30 p.m.  | Environmental Analysis Procedures, Neil Talbot.   |
| 4:00 p.m.  | Other Items of Interest.  |

FR Doc.74-27687 Filed 11-26-74;8:45 am]

[Tentative Sale No. 39]

### NORTHERN GULF OF ALASKA OUTER CONTINENTAL SHELF

#### Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1973), nominations are hereby requested for areas of the Outer

Continental Shelf (OCS) in the Northern Gulf of Alaska for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of that part of the following mapped areas shoreward of the 200 meter depth contour and seaward of the Alaska three-mile (State-Territorial Waters) line:

OCS OFFICIAL PROTRACTION DIAGRAMS

1. Cordova NP 6-8.
2. Middleton Island NO 6-2.
3. Icy Bay NO 7-1.
4. Yakutat NO 7-2.

These four protraction diagrams are new diagrams, the publication and availability of which are hereby announced. They may be purchased for \$2.00 each from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 A Street, Anchorage, Alaska.

All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development within this general area. Information on these subjects will be used in the preliminary selection of tracts leading to a final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make preliminary selections of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than December 30, 1974, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—Northern Gulf of Alaska" or "Comments on Leasing on the Outer Continental Shelf—Northern Gulf of Alaska," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C.

20240. Copies must be sent to the Area Oil and Gas Supervisor, Geological Survey, P.O. Box 259, Anchorage, Alaska 99510, and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the Northern Gulf of Alaska. It is an information gathering component of the Department's leasing procedure.

Tracts will be finally selected for competitive bidding only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date and hour at which bids will be received and opened.

CURT BERKLUND,  
Director, Bureau of  
Land Management.

Approved: November 22, 1974.

JACK O. HORTON,  
Assistant Secretary of the Interior.

[FR Doc.74-27762 Filed 11-26-74;8:45 am]

RAWLINS DISTRICT ADVISORY BOARD  
Notice of Meeting

NOVEMBER 19, 1974.

Notice is hereby given that the Rawlins District Advisory Board will hold a Protest Meeting December 12, 1974, at 9 a.m. in the Bel Air Inn, 23rd and Spruce Streets, Rawlins, Wyoming. The agenda for the meeting will include hearing of protests, consideration of the 1975 range improvement program, and discussions of future advisory boards and funds.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration.

Written statements and requests to appear before the Board should be submitted to Curtis Rochelle, Chairman, c/o District Manager, Bureau of Land Management, Rawlins, Wyoming 82301.

FRED WOLF,  
District Manager.

[FR Doc.74-27765 Filed 11-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A095]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricul-

tural credit exists in the following county in Georgia:

Burke

The Secretary has found that this need exists as a result of a natural disaster consisting of severe drought conditions June 20 to July 26, 1974, followed by excessive rainfall July 26 to August 20, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Jimmy Carter that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1975, for physical losses and August 14, 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 area 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 21st day of November, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc.74-27724 Filed 11-26-74;8:45 am]

[Notice of Designation Number A097]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Boone	Scott
Effingham	Shelby
Ford	Stark
Gallatin	Wabash
Jasper	Wayne
Putnam	

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall, with flooding in some areas, from April 1 through June 30, 1974, in all 11 counties. Farmers in Jasper County also suffered damages and losses caused by a hailstorm and windstorm June 22, 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 Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1975, for physical losses and August 14, 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 21st day of November, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc.74-27722 Filed 11-26-74;8:45 am]

[Notice of Designation Number A094]

#### NORTH DAKOTA

##### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in North Dakota:

Emmons	McIntosh
Kidder	Mercer
Logan	Oliver

The Secretary has found that this need exists as a result of a natural disaster consisting of drought from January 1 to October 15, 1974, in all six counties. Emmons County also had hailstorms July 11, 13, 21, and August 19; windstorms July 11 and 13; and a tornado August 19, 1974. Kidder County also had damages due to hailstorms July 13, 21, and August 11, 19, and 23, 1974. Logan County had damages due to hailstorm, windstorm, and tornadoes August 19, 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 Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1974, for physical losses and August 14, 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 18th day of November, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc.74-27727 Filed 11-26-74;8:45 am]

[Notice of Designation Number A096]

#### TEXAS

##### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural

credit exists in the following counties in Texas:

Coke	Hartley
Concho	Jones
Deaf Smith	Kent
Delta	Mitchell

The Secretary has found that this need exists as a result of a natural disaster consisting of drought on various dates from August 1, 1973, through September 15, 1974, in all eight counties. In addition to drought, Deaf Smith County suffered from large hailstorms May 24 and August 11, 1974; isolated hailstorms in the spring and summer of 1974; and an insect infestation caused by the drought; Delta County because of excessive rainfall August 20 to September 24, 1974; and Kent County because of hailstorms June 3 and 11, 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 Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1975, for physical losses and August 14, 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 18th day of November, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 74-27725 Filed 11-26-74;8:45 am]

[Notice of Designation Number A054—  
Amdt. 1]

#### TEXAS

##### Amendment to Notice of Designation of Emergency Areas

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in the following county in Texas:

Stonewall

The Secretary has found that this additional need exists as a result of a continuing natural disaster consisting of drought and has amended his designation of June 28, 1974, to extend the incidence period from September 7, 1973, through April 29, 1974, to September 7, 1973, through August 23, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation

of Governor Dolph Briscoe that such designation and amendment be made.

Applications for Emergency loans must be received by this Department no later than December 9, 1974, for physical losses and March 31, 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 area 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 18th day of November, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc.74-27726 Filed 11-26-74;8:45 am]

#### Forest Service

##### MULTIPLE USE PLAN; JOHN DAY PLANNING UNIT

##### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for John Day Planning Unit, Forest Service Report Number USDA FS-FES (Adm) R-1 74-14.

The environmental statement concerns a proposal for development of part of a 6,745-acre tract of National Forest land. It also sets constraints and controls associated with the development and delineates that part of the total area which will be left in a natural state. This final environmental statement was filed with CEQ on November 20, 1974.

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

USDA Forest Service  
South Agriculture Bldg., Room 3231  
12th St. & Independence Ave., SW  
Washington, DC 20250

USDA Forest Service  
Northern Region  
Federal Building  
Missoula, MT 59801

USDA Forest Service  
Nezperce National Forest  
319 East Main  
Grangeville, ID 83530

USDA Forest Service  
Slate Creek District Ranger  
Salmon River Ranger District  
White Bird, ID 83554

A limited number of single copies are available upon request to Forest Supervisor Don Biddison, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530.

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

J. R. STEPHENSON,  
Acting Regional Forester,  
Northern Region, Forest Service.

NOVEMBER 20, 1974.

[FR Doc.74-27682 Filed 11-26-74;8:45 a.m.]

**Soil Conservation Service**  
**NORTHWOOD DRIVE RC&D PROJECT**  
**MEASURE, ALA.**  
**Negative Declaration**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 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 Northwood Drive RC&D Project Measure, Dale County, Alabama.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. W. B. Lingle, State Conservationist, Soil Conservation Service, USDA, P.O. Box 311, Auburn, Alabama 36830, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project measure concerns a plan for flood prevention and erosion control. The planned works of improvement include 3,683 feet of concrete-lined channel, 1,217 feet of rock-lined channel and adapted vegetation for beautification.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA  
 138 S. Gay Street  
 Auburn, Alabama 36830

No administrative action on implementation of the proposal will be taken on or before December 12, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904 National Archives Reference Services.)

Dated: November 20, 1974.

**D. M. WHITT,**  
*Deputy Administrator for Field Services, Soil Conservation Service.*

[FR Doc.74-27681 Filed 11-26-74;8:45 am]

**DEPARTMENT OF COMMERCE**

**Maritime Administration**

[Docket No. S-433]

**STATES STEAMSHIP CO.**

**Notice of Application**

Notice is hereby given that States Steamship Company has applied for amendment to the service description of its subsidized Trade Route 29, Service B and Service C Freight Services so as to add Singapore, ports in Indonesia, and ports in Malaysia other than Sarawak. Sarawak is now included in the service description of States Steamship Company's Service B and Service C, between the U.S. Pacific Northwest and California and ports in the Far East.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on December 12, 1974, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

Interested parties may inspect the application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, Fourteenth and E Streets NW, Washington, D.C. 20230.

The grounds of any claim should be specified in such detail that the Board can determine its exact nature, the facts upon which it relies, and the necessity of an evidentiary hearing to be held thereon.

If no notice and claim is made, and no request for a hearing is received within the specified time, or if the Maritime Subsidy Board determines that those filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

Dated: November 22, 1974.

**JAMES S. DAWSON, Jr.,**  
*Secretary.*

[FR Doc.74-27787 Filed 11-26-74;8:45 am]

**DEPARTMENT OF HEALTH,  
 EDUCATION, AND WELFARE**

**Center for Disease Control**

**OCCUPATIONAL SAFETY AND HEALTH**

**Applications for Certification of Certain  
 Gas Detector Tube Units**

**Correction**

In FR Doc. 74-26864, appearing in the issue of Friday, November 15, 1974, at page 40315, make the following changes:

1. In the table, under the heading "Gas", the third line of entry "3." reading "(C<sub>2</sub>H<sub>5</sub>C<sub>1</sub>)" should read "(C<sub>2</sub>H<sub>4</sub>C<sub>1</sub>)".
2. The signature reading "John Logen" should read "James H. Eagen".

**Food and Drug Administration**

**NORWICH PHARMACAL CO.**

**Dermafur Dressing, Veterinary; Withdrawal of Approval of New Animal Drug Application**

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347, 21 U.S.C. 360b (e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

Norwich Pharmacal Co., Division of Morton-Norwich Products Inc., Norwich, NY 13815, holder of new animal drug application (NADA) No. 35-721V for Dermafur Dressing, Veterinary, by letter of August 23, 1974 has requested that the application be withdrawn and has waived the opportunity for a hearing. The application was approved on July 11, 1967 as a prescription topical antibacterial containing furazolidone for use on dogs and horses. It is not for use on food-producing animals.

Based upon a finding of toxic effects in laboratory animals fed furazolidone orally, the firm was advised that additional studies would be necessary to permit an assessment of the clinical significance of the findings and that the Administration would propose to withdraw approval of the application on the basis that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved because of the unresolved questions raised by the cited rat-feeding study. In lieu of the submission of the requested studies and in view of the fact that the drug is no longer being distributed, the firm has elected to request that approval of the application be withdrawn and has waived an opportunity for a hearing.

Therefore, in accordance with § 135.28 (21 CFR 135.28), notice is given that approval of NADA No. 35-721V and all supplements and amendments thereto for Dermafur Dressing, Veterinary, for dogs and horses is hereby withdrawn effective November 27, 1974.

Dated: November 19, 1974.

**SAM D. FINE,**  
*Associate Commissioner  
 for Compliance.*

[FR Doc.74-27708 Filed 11-26-74;8:45 am]

**Health Services Administration**

**HEALTH MAINTENANCE  
 ORGANIZATIONS**

**Applications for Federal Financial  
 Assistance**

On October 18, 1974, there was published in the FEDERAL REGISTER (39 FR 37307-23) a regulation implementing certain of the provisions of the Health Maintenance Organization Act of 1973 (42 U.S.C. 300e et seq.). That regulation set forth the requirements which health maintenance organizations must meet and the procedures and requirements regarding the provision of Federal financial assistance for activities relating to the development, establishment, expansion, and operation of health maintenance organizations.

Notice is hereby given that applications for such assistance may be submitted, and will be considered and acted upon, in accordance with the following schedule:

<i>Deadline for Submission of Applications</i>	<i>Anticipated Date of Award</i>
Feb. 3, 1975	April 30, 1975.
May 5, 1975	July 31, 1975.

A further notice will be published in the FEDERAL REGISTER when subsequent award cycles are established.

Dated: November 18, 1974.

HAROLD O. BUZZELL,  
Administrator, Health Services  
Administration.

[FR Doc.74-27686 Filed 11-26-74; 8:45 am]

**National Institute of Education  
NATIONAL COUNCIL ON  
EDUCATIONAL RESEARCH**

**Notice of Meetings**

The National Council on Educational Research hereby gives notice that it has tentatively scheduled meetings for the following dates and places:

1975:

Jan. 9-10	Washington, D.C.
March 7	Austin, Texas.
April 4	Washington, D.C.
May 2	Washington, D.C.
June 6	St. Louis, Missouri.

Agendas for these meetings and any changes in meeting dates or locations will be published in the FEDERAL REGISTER as promptly as possible.

The Council was established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

- Establishing general policies for, and reviewing the conduct of the Institute;
- Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;
- Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

It is the Council policy that all sessions are open unless they concern confidential budgetary or personnel information or concern other matters requiring confidentiality. Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted to the Council at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to make a presentation at a Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least 10 days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the

Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to assure adequate seating arrangements, persons interested in attending Council meetings are requested to contact in advance:

Mrs. Caroline Phillips, Executive Secretary,  
National Council on Educational Research,  
National Institute of Education, Room 714,  
Washington, D.C. 20208, Telephone: 202  
254-7900.

EMERSON J. ELLIOTT,  
Acting Director,  
National Institute of Education.

[FR Doc.74-27685 Filed 11-26-74; 8:45 am]

**CANCER CONTROL GRANT REVIEW  
COMMITTEE**

**Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, on January 13 and 14, 1975, Building 31, C Wing, Conference Room 9.

This meeting will be open to the public on January 13 from 9 a.m. until 10:30 a.m. during which time the Director, DCRR and the Director, DCCR will report upon changes in NIH, Institute and Division policy as such changes may relate to grants. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 13, 1975, from 10:30 a.m. to 6 p.m., and on January 14, 1975, from 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 809A, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.399, National Institutes of Health.)

Dated: November 20, 1974.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27714 Filed 11-26-74; 8:45 am]

**NEUROLOGICAL DISORDERS PROGRAM—  
PROJECT REVIEW A COMMITTEE**

**Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, January 24 and 25, 1975, at 9 a.m. in the Holiday Inn, Delaware Room, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. until 11 a.m. on January 24th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 11 a.m. on January 24th to adjournment on January 25, 1975 for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Westwood Bldg., Room 7A03a, Bethesda, Maryland, telephone 496-7966, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: November 20, 1974.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27713 Filed 11-26-74; 8:45 am]

**NEUROLOGICAL DISORDERS PROGRAM—  
PROJECT REVIEW B COMMITTEE**

**Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, January 24 and 25, 1975, at 9 a.m. in the Holiday Inn, Connecticut Room, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until 11:00 a.m. on January 24th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and

section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 11 a.m. on January 24th to adjournment on January 25, 1975 for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. G. Lawrence Fisher, Executive Secretary, Westwood Bldg., Room 7A03B, Bethesda, Maryland, telephone 496-7967, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27712 Filed 11-26-74; 8:45 am]

#### TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

##### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, January 10, 1975, Building 31, Room 7A-24, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on January 10, 1975 to review and discuss the transplantation and immunology collaborative studies and other Transplantation and Immunology Branch programs, progress and administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)4 and 552(b)6, Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m. to 5 p.m. on January 10, 1975 for the review, discussion and evaluation of individual contractors performance and progress in the Transplantation and Immunology Branch program. Discussions will contain information of a proprietary or confidential nature and unpublished data, including detailed research protocols, designs and other technical information, financial data, such as salaries and personal information concerning individuals associated with existing contracts.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-24, National Institutes of Health, Bethesda, Maryland 20014, phone 496-5717 will furnish summaries of the meet-

ing and roster of Committee members. Dr. Donald E. Kayhoe, Executive Secretary of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-23, National Institutes of Health, Bethesda, Maryland 20014, phone 496-4733, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27716 Filed 11-26-74; 8:45 am]

#### Office of Education

#### LEGISLATIVE COMMITTEE OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

##### Notice of Meeting

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Legislative Committee) will be held on December 12, 1974, 9 a.m. to 5 p.m. Travel Lodge—Florida Center, 6233 International Drive, Orlando, Florida.

The National Advisory Council on Indian Education is established under Section 401 of the Indian Education Act (Pub. L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Reorganization of the Committee.
2. Discuss and act upon changes in the Indian Education Act and other Federal laws relating to Indian Education activities and services.

This meeting is open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW, Room 326, Washington, D.C. 20004)

Signed at Washington, D.C. on November 21, 1974.

DWIGHT A. BILLEDEAUX,  
Executive Director, National  
Advisory Council on Indian  
Education.

[FR Doc.74-27731 Filed 11-26-74; 8:45 am]

#### NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

##### Meeting

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Full Council) will be held on December 13, 14, and 15, 1974 from 9 a.m. to 5 p.m. Travel Lodge—Florida Center, 6233 International Drive, Orlando, Florida.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (Pub. L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Discuss methods of providing technical assistance to local educational agencies, institutions, and organizations to assist them in improving the education of Indian children.
2. Regular Council business.

This meeting is open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St., NW., Room 326, Washington, D.C. 20004).

Signed at Washington, D.C. on November 21, 1974.

DWIGHT A. BILLEDEAUX,  
Executive Director, National  
Advisory Council on Indian  
Education.

[FR Doc.74-27730 Filed 11-26-74; 8:45 am]

#### EDUCATIONAL PROGRAMS FOR MIGRATORY CHILDREN

##### Closing Date for Receipt of Applications

Notice is hereby given pursuant to the authority contained in section 122 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241c-2), that applications are being accepted from state educational agencies for grants to establish or improve programs of education for migratory children of migratory agricultural workers or of migratory fishermen.

Complete applications for grants for such programs for fiscal year 1975 must

be submitted on or before December 31, 1974. Such applications shall include, in addition to the required descriptions and budgets for programs to be funded with fiscal year 1975 funds, separate descriptions and budgets for programs for migratory children being conducted or to be conducted with Title I funds which may be available from the appropriations for fiscal year 1973 and fiscal year 1974.

#### A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed to: Mr. Vidal A. Rivera, Jr., Chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3642-G, ROB-3), Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the Migrant Branch if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

#### B. HAND DELIVERED APPLICATIONS.

An application to be hand delivered must be taken to the Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, Room 3642-G, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

#### C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Migrant Branch, Division of Education for the Disadvantaged, Bureau of School Systems, U.S. Office of Education, Room 3642-G, 7th and D Streets, SW, Washington, D.C. 20202.

#### D. APPLICABLE REGULATIONS

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100b) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and Financial Assistance to Meet the Special Educational Needs of Educationally Deprived Children (45 CFR Part 116). (20 U.S.C. 241c-2).

(Catalog of Federal Domestic Assistance Program No. 13.429, Educationally Deprived Children)

Dated: November 22, 1974.

T. H. BELL,  
U.S. Commissioner of Education.

[FR Doc.74-27792 Filed 11-26-74; 8:46 am]

#### Public Health Service

#### OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

##### Statement of Organization, Functions, and Delegations of Authority

Chapter 15 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Assistant Secretary for Health (formerly Chapter 1N, see 39 FR 30066, 8/20/74) is amended as follows:

(1) Chapter 15 is renumbered Part 11.  
(2) A new Part 15 is hereby established to read:

Part 15 *Public Health Service (PHS) Regional Offices. (1N81-1N8A)*

*Section 15-A Mission. (Reserved)*  
*Section 15-B Organization and Functions.*

Remove from the new Part 11, "Public Health Service (PHS) Regional Offices. (1N81-1N8A)" through the entire "Division of Prevention. (1N8149)" (38 FR 18571, 7/12/73, as amended by 39 FR 1468, 1/9/74) and establish it as the new Part 15, using the above title headings.

(3) The new Part 11 reads as follows:  
*Section 11-A Mission.* The Assistant Secretary for Health is responsible for the direction of the Public Health Service, for providing leadership and policy guidance for health-related activities throughout the Department and for maintaining relationships with other governmental and private agencies concerned with health. The Assistant Secretary for Health is the principal advisor and assistant to the Secretary on health policy and all health-related activities in the Department.

*Section 11-B Organization and Functions.* The Assistant Secretary for Health: Provides leadership and guidance on all health and health-related activities, including research and development; education and training; organization financing and delivery of health care services; and problems of public and environmental health. In addition, he is responsible for the direction of nursing home affairs throughout the Department; and exercising specialized responsibilities in the areas of population affairs, international health, and transportation and disposition of certain hazardous materials. He coordinates the health and health-related functions of the Department with those of other Federal agencies and provides advice and assistance on health matters to such agencies as requested.

The Assistant Secretary for Health directs the activities of the Public Health

Service, which is composed of the following:

Office of the Assistant Secretary for Health.  
Health Services Administration.  
Food and Drug Administration.  
Health Resources Administration.  
National Institutes of Health.  
Center for Disease Control.  
Alcohol, Drug Abuse, and Mental Health Administration.  
Public Health Service (PHS) Regional Offices.

The portion of Part 11 beginning with "Executive Secretariat (1N02)" through and including Section 1N-F "Redelegation of Authority" remains in effect and Section headings 1N-C through 1N-F are to be renumbered 11-C through 11-F.

Dated: November 20, 1974.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.

[FR Doc.74-27719 Filed 11-26-74; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Assistant Secretary for Policy Development and Research

[Docket No. N-74-256]

#### DIRECTORS OF NATIONAL INSTITUTE OF BUILDING SCIENCES

##### Nominations for Members of the Board

Section 809 of the Housing and Community Development Act of 1974 (Pub. L. 93-383) authorizes the establishment of a National Institute of Building Sciences. Section 809(a)(3) requires that the creation of this organization be initiated by the government. The Assistant to the President for Domestic Affairs has designated The Secretary of Housing and Urban Development to coordinate Federal agency recommendations to the President concerning creation of the Institute.

The Department is currently developing recommendations to the President concerning the composition and membership of the initial Board of Directors. Under section 809(c)(1), this Board should include representatives of the construction industry, including representatives of construction labor organizations, product manufacturers, builders, housing management experts and experts in building standards, codes, and fire safety; and members representative of the public interest including architects, professional engineers, Federal, State, and local agencies, and representatives of consumer organizations.

This notice invites all interested persons and organizations to submit nominations and recommendations concerning the membership of the Board of Directors. Nominations received prior to December 16, 1974 will be considered by the Department in developing recommendations for membership on the Board of Directors.

Nominations should include a resume of the background and qualifications of the individual(s) nominated, and should

be addressed to Michael H. Moskow, Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, Room 4100, 451 7th Street, SW, Washington, D.C. 20410.

MICHAEL H. MOSKOW,  
Assistant Secretary for Policy  
Development and Research.

[FR Doc.74-27784 Filed 11-26-74;8:45 am]

## DEPARTMENT OF THE TREASURY

### Coast Guard

[CGD 74 271]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 29, 1974 to September 25, 1974 (List No. 19-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

#### SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/7/0, Bristol Marine hand red flare distress signal, 500 candle power, 2 minutes burning time, dwg. No. 506 revised May 14, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Olin Corporation, East Alton, Illinois 62024, effective September 3, 1974. (It is an extension of Approval No. 160.021/7/0 dated November 5, 1969.)

#### SIGNALS, DISTRESS, FLOATING ORANGE SMOKE FOR MERCHANT VESSELS

Approval No. 160.022/9/0, Smith & Wesson Chemical Company, Inc., floating orange smoke signal, general arrangement dwg. No. 1910 dated August 8, 1974, dwg. list No. 1910 dated August 8,

1974, assembly dwg No. 6-0089-C dated November 13, 1968, dwg. list No. 6-0089-C dated November 13, 1968 and label dwg. dated September 1, 1974, manufactured by Smith & Wesson Chemical Company, Inc., 2399 Forman Road, Rock Creek, Ohio 44084, formerly Smith & Wesson Pyrotechnics, Inc., effective September 19, 1974. (It supersedes Approval No. 160.022/9/0 dated August 12, 1970 to show minor changes and change of name of manufacturer.)

#### SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.037/13/0, Bristol Marine hand orange smoke distress signal, dwg. No. 600 revised June 2, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Olin Corporation, East Alton, Illinois 62024, effective September 3, 1974. (It is an extension of Approval No. 160.037/13/0 dated November 5, 1969.)

#### INFLATABLE LIFE RAFTS

Approval No. 160.051/13/3, 4-person inflatable life raft; identified by general arrangement drawing SPC-MM-4002 (Rev. 7) dated April 6, 1973, and drawing list SPC-MM-4, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/13/3 dated April 24, 1973 to show revised drawing list.)

Approval No. 160.051/14/2, 6-person inflatable life raft; identified by general arrangement drawing SPC-MM-6002 (Rev. 7) dated June 24, 1974; and drawing list SPC-MM-6, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/14/2 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/15/4, 8-person inflatable life raft; identified by general arrangement drawing SPC-MM-8002 (Rev. 10) dated June 18, 1974, and drawing list SPC-MM-8, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/15/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/16/4, 10-person inflatable life raft; identified by general arrangement drawing SPC-LRC-10002 (Rev. 10) dated June 18, 1974, and drawing list SPC-MM-10, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/16/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/18/4, 15-person inflatable life raft; identified by general arrangement drawing SPC-LRC-15002 (Rev. 9) dated June 17, 1974, and drawing list SPC-MM-15, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval

No. 160.051/18/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/19/4, 20-person inflatable life raft; identified by general arrangement drawing SPC-MM-20002 (Rev. 9) dated June 13, 1974, and drawing list SPC-MM-20, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/19/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/20/4, 25-person inflatable life raft; identified by general arrangement dwg. SPC-MM-25002 (Rev. 10) dated June 13, 1974, and drawing list SPC-MM-25, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/20/4 dated August 7, 1974 to show revised drawing list.)

#### KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/4/1, Model M-3 first aid kit for inflatable life rafts, dwg. dated December 29, 1964, manufactured by E. D. Bullard Company, 2680 Bridge-way, Sausalito, California 94965, effective September 3, 1974. (It is an extension of Approval No. 160.054/4/1 dated November 5, 1969.)

#### LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD, FOR MERCHANT VESSELS

Approval No. 160.055/79/0, Model No. 501-U-22 (Mariner III), adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and Gentex dwg. No. 67F1786, Rev. D dated August 22, 1974 and dwg. No. 67F1785 dated August 15, 1967, Type I PFD, approved for use on all vessels and motor boats, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective September 12, 1974. (It supersedes Approval No. 160.055/79/0 dated January 31, 1972.)

Approval No. 160.055/80/0, Model No. 501-U-11 (Mariner Jr.), child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and Gentex dwg. No. 68F5205 dated May 14, 1968, and dwg. No. 68F-5206, Rev. C dated August 11, 1974 and Bill of Materials dated May 24, 1968, Type I PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective September 12, 1974. (It supersedes Approval No. 160.055/80/0 dated August 2, 1973.)

Approval No. 160.055/98/0, Model No. 501-U-22 (Mariner III), adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, Gentex dwg. No. 67F1786 Rev. D dated August 22, 1974, dwg. No. 67F1785 dated August 15, 1967 and COMDT (MMT-3) letter file No. 5946/160.055/98 dated September 13, 1971 to Gentex Corporation, Type I PFD, approved for use on all Vessels and Boats operated on waters exclusively within Walt Disney World, Orlando, Florida, manufactured by Gentex Corporation, Carbondale,

Pennsylvania 18407, effective September 12, 1974. (It supersedes Approval No. 160.055/98/0 dated September 14, 1971.)

Approval No. 160.055/99/0, Model No. 501-U-11 (Mariner Jr.) child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, Gentex dwg. No. 68F5205 dated May 14, 1968, dwg. No. 68F5206 Rev. C dated August 11, 1974, Bill of Materials dated May 24, 1968 and COMDT (MMT-3) letter file No. 5946/160.055/99 dated September 13, 1971 to Gentex Corporation, Type I PFD, approved for use on all Vessels and Boats operated on waters exclusively within Walt Disney World, Orlando, Florida, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective September 12, 1974. (It supersedes Approval No. 160.055/99/0 dated September 14, 1971.)

Approval No. 160.055/103/0, adult, cloth covered life preserver, Model 8125, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.055 and Atlantic-Pacific drawing number 8125-6/9/74 (2 sheets) dated September 5, 1974, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 18, 1974.

Approval No. 160.055/104/0, child, cloth covered life preserver, Model 8126, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.055 and Atlantic-Pacific drawing number 8125-6/9/74 (2 sheets) dated September 5, 1974, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 18, 1974.

#### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/743/0, child medium, Model No. 600, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 182, Type III PFD, manufactured by Miltco Products Corporation, 139 Emerson Place, Brooklyn, New York 11205, effective September 17, 1974.

Approval No. 160.064/744/0, adult S/M, Model No. 601, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file MQ 182, Type III PFD, manufactured by Miltco Products Corporation, 139 Emerson Place, Brooklyn, New York 11205, effective September 17, 1974.

Approval No. 160.064/751/0, adult small, Model NCS-G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/752/0, adult medium, Model No. NCM-G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/753/0, adult large, Model NCL-G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/755/0, adult small, Model No. TNS-G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperpro USA, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/756/0, adult medium, Model TNN-G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperpro USA, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/757/0, adult large, Model No. TNL-G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperpro USA, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

#### SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/81/0, Style JO-22 safety relief valve for liquefied compressed gas service, minimum allowable service temperature -400° F., approved for inlet diameters of 1 inch through 8 inches, maximum set pressure of 275 p.s.i.g. for orifices D, E, F, G, H, J, K, L, M, N, P; 165 p.s.i.g. for Q, 100 p.s.i.g. for R, and 65 p.s.i.g. for orifice T, manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts 02093, effective August 29, 1974.

#### DECK COVERINGS FOR MERCHANT VESSEL

Approval No. 164.006/38/1, Marbleloid, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10230-12:FP2687 dated February 4, 1949, approved for use without other insulating material as meeting Class A-60 requirements in a 1½-inch thickness, manufactured by The Marbleloid Corporation, 2515 Newbold Avenue, Bronx, New York 10462, effective September 25, 1974. (It reinstates and supersedes Approval No. 164.006/38/0 terminated March 13, 1974 and change of address of manufacturer.)

#### BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/56/1, Cape Boards and Panels Ltd. bulkhead panel "U.K. Marinite-36" identical to that described in the National Bureau of Standards Report No. FR3743 dated January 25, 1971 and Marinite's letter dated August 29, 1969, approved as meeting Class B-15 requirements in a density of 36 lbs. per cubic foot in a ¾" thickness, manufactured by Cape Boards and Panels Limited, Cape Universal House Exchange Rd., Watford Herts, England, Plants: Cape Boards and Panels Limited, Geriston Works, Pertershell Rd., Springburn, Glasgow No. 1, Scotland, effective September 11, 1974. (It supersedes Approval No. 164.008/56/0 dated February 5, 1971 to show change of name of company and product.)

Approval No. 164.008/62/1, Cape Boards and Panels Ltd. bulkhead panel "U.K. Marinite-45" identical to that described in the national Bureau of Standards Report No. FR 3743 dated January 25, 1971 and Marinite's letter dated August 29, 1969; approved as meeting Class B-15 requirements in a density of 45 lbs. per cubic foot in a ¾" thickness, manufactured by Cape Boards and Panels Limited, Cape Universal House Exchange Rd., Watford Herts, England, Plant: Cape Boards and Panels Limited, Germiston Works, Pertershell Rd., Springburn, Glasgow No. 1, Scotland, effective September 11, 1974. (It supersedes Approval No. 164.008/62/0 dated April 2, 1971 to show change of name of company and product.)

Dated: November 15, 1974.

D. H. CLIFTON,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Merchant  
Marine Safety.

[FR Doc. 74-27749 Filed 11-26-74; 8:45 am]

[CGD 74 272]

#### EQUIPMENT, CONSTRUCTION, AND MATERIALS

##### Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands

and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 26, 1972 to August 14, 1974 (List No. 20-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

#### SAFETY VALVES (POWER BOILERS)

The DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, Approval Nos. 162.001/141/1, 162.001/142/1 and 162.001/143/1 expired and were terminated effective February 6, 1974.

The DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, Approval Nos. 162.001/183/1 and 162.001/185/1 expired and were terminated effective January 21, 1974.

The DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, Approval Nos. 162.001/184/1, 162.001/186/0, 162.001/187/0 and 162.001/188/0 expired and were terminated effective November 1, 1972.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Klekhaefer Corporation, 1939 Pioneer Road, Fond Du Lac, Wisconsin 54935, Approval No. 162.041/101/0 expired and was terminated effective October 26, 1972.

The Chrysler Corporation, Marine Industrial Division, 840 Huron Boulevard, Marysville, Michigan 48040, Approval No. 162.041/107/0 expired and was terminated effective August 14, 1974.

Dated: November 15, 1974.

D. H. CLIFTON,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Merchant  
Marine Safety.

[FR Doc. 74-27750 Filed 11-26-74; 8:45 am]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 3, 1974 to October 15, 1974 (List No. 22-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

#### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/662/0, adult X-large, Model No. 7710, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 8, 1974.

Approval No. 160.064/671/0, child medium, Model No. 7725, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 8, 1974.

Approval No. 160.064/672/0, adult medium, Model No. 7720, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/

MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 8, 1974.

Approval No. 160.064/677/0, adult medium, Model No. SM-1000, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 204, Type III PFD, manufactured by American Cotton Yarns, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, for L. S. Brown Company, 228 Margaret Street, S. E., Atlanta, Georgia 30315, effective October 9, 1974.

Approval No. 160.064/678/0, adult large, Model No. SM-2000, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by American Cotton Yarns, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, for L. S. Brown Company, 228 Margaret Street, S. E., Atlanta, Georgia 30315, effective October 9, 1974.

Approval No. 160.064/679/0, adult small, Model No. S cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 210, Type III PFD, manufactured by A. B. Sea, Ltd., 3596 Geddes Avenue, Littleton, Colorado 80121, for High Performance Products, Inc., 25 Industrial Park, Hingham, Massachusetts 02043, effective October 9, 1974.

Approval No. 160.064/680/0, adult medium, Model No. S, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 210, Type III PFD, manufactured by A. B. Sea, Ltd., 3596 Geddes Avenue, Littleton, Colorado 80121, for High Performance Products, Inc., 25 Industrial Park, Hingham, Massachusetts 02043, effective October 9, 1974.

Approval No. 160.064/681/0, adult large, Model No. S, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 210, Type III PFD, manufactured by A. B. Sea, Ltd., 3596 Geddes Avenue, Littleton, Colorado 80121, for High Performance Products, Inc., 25 Industrial Park, Hingham, Massachusetts 02043, effective October 9, 1974.

Approval No. 160.064/682/0, child medium, Model No. SKV-1, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 65, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Nova Products, Inc., 205 Johnson Avenue, Carrollton, Georgia 30117, effective October 8, 1974.

Approval No. 160.064/683/0, child small, Model No. 780-24, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/684/0, child medium, Model No. 780-25, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/680/0, adult medium, Model No. 780-27, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/687/0, adult large, Model No. 780-28, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/688/0, adult X-large, Model No. 780-29, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/691/0, child medium, Model No. ACG 400, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrilonics, Inc., West Austin Street, Tolono, Illinois 61880, for American Cotton Yarns, Inc., 240 W. Shore Boulevard, Hinsdale, Illinois 60521, effective October 3, 1974.

Approval No. 160.064/695/0, child XX-small, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/696/0, child X-small, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with

U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/697/0, child large, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/698/0, adult medium, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/699/0, adult large, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/700/0, adult X-large, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/701/0, adult X-large, Model Workguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/705/0, adult small, Model Seamaster Reversible, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/706/0, adult medium, Model Seamaster Reversible, cloth covered unicellular plastic foam

"Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/707/0, adult large, Model Seamaster Reversible, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/708/0, child medium, Model Seamaster Reversible, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/709/0, adult small, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/710/0, adult medium, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/711/0, adult large, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/712/0, adult X-large, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/713/0, adult large, Model Workguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/714/0, adult medium, Model Workguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III

PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/745/0, adult small, Model No. VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/746/0, adult medium, Model No. VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/747/0, adult large, Model No. VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/748/0, adult X-large, Model VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/750/0, adult X-large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont Avenue, Alhambra, California 91803, effective October 3, 1974.

#### FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/13/0, National Aer-O-Foam Marine Foam Fire Extinguishing Systems with Universal Foam liquids, Instruction Sheet #631 dated July 31, 1974, manufactured by National Foam Systems, Inc., 150 Gordon Drive, Lionville, Pennsylvania 19353, effective October 15, 1974.

#### DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/52/0, "Selbalith 7K-FR" magnesium oxychloride cement type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210-2187:FR3724 dated December 5, 1969, approved for use without other insulating material as meeting Class A-60 requirements in a 1½ inch thickness, manufactured by Selby

Battersby & Company, 5220 Whitby Avenue, Philadelphia, Pennsylvania 19143, effective October 15, 1974. (It is an extension of Approval No. 164.006/52/0 dated December 30, 1969.)

#### BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/72/0, TAC Construction Materials Ltd., bulkhead panel "TURNALL Asbestos Ships Board" identical to that described in TAC's letter of October 4, 1974; approved as meeting B-15 requirements in a density of 36 lbs. per cubic foot in a ¾" thickness (unveneered), approved drawing dated September 8, 1971, SB188E forms a part of this certificate, manufactured by TAC Construction Materials Ltd., Building & Insulation Division, P.O. Box 22, Trafford Park, Manchester M17 1RU, England, Plant: Trafford Park, Manchester England, effective October 15, 1974.

Dated: November 15, 1974.

D. H. CLIFTON,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-27748 Filed 11-26-74; 8:45 am]

[CGD 74-270]

#### INDUSTRY ADVISORY COMMITTEE ON RULES OF THE ROAD

##### Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that the Industry Advisory Committee on Rules of the Road, U.S. Coast Guard, will conduct an open meeting on Tuesday and Wednesday, December 17 and 18, 1974, at the NASSIF Building, 400 Seventh Street SW, Washington, D.C., beginning at 9:30 a.m. Tuesday, December 17, 1974 in room 2230.

The Industry Advisory Committee on Rules of the Road is a committee authorized by the Secretary of Transportation. The Committee provides advice and consultation with respect to matters concerned with proposals affecting the rules of the road.

The agenda for the December meeting consists of the following:

Evaluation by the Committee of working group proposals for unified rules for United States waters.

Development of final Committee recommendations for unified rules of the road.

Any other business. Members are invited to present views on subjects which should be placed on future agendas or which are pertinent to the safety of navigation as it relates to the rules of the road.

Any member of the public who wishes to do so may file a written statement with the Industry Advisory Committee on Rules of the Road, before or after the meeting, or may present an oral statement with advance approval of the Chairman.

Interested persons may request additional information concerning the December meeting and other matters relating to the Industry Advisory Com-

mittee on Rules of the Road from Captain K. L. Moser, Executive Director, Industry Advisory Committee on Rules of the Road, U.S. Coast Guard Headquarters (G-WLE-4/73), 400 Seventh Street SW, Washington, D.C. 20590, or by calling 202-426-4958.

Dated: November 21, 1974.

W. E. CALDWELL,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Marine  
Environment and Systems.

[FR Doc.74-27747 Filed 11-26-74; 8:45 am]

[74 277]

#### TOWING INDUSTRY ADVISORY COMMITTEE

##### Notice of Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Towing Industry Advisory Committee will conduct an open meeting on December 12, 1974, in Room 2230 of the Nassif Building, 400 Seventh St., SW, Washington, D.C. The meeting will begin at 8 a.m. and is expected to last all day.

Discussion items on the agenda include the following:

1. Buoy and channel management on Western Rivers.
2. Discussion of the air pollution decisions affecting the marine trade.
3. Discussion on proposed rules on tanker-man certificates.
4. Visual identification of barges carrying hazardous materials.
5. Internal inspection and drydocking of inspected barges.
6. Barge fleeting rules for the New Orleans area.
7. Temporary tank barge repairs.
8. Report on the Maritime Administration Tank Barge Study.
9. Tonnage horsepower relationships.
10. Applicability of IMCO 1973.
11. Marine Traffic Requirements.
12. Occupational Safety and Health Act.
13. Report by the Education Working Group.
14. Coast Guard publications—Code of Federal Regulations.
15. Future Committee plans.

The Towing Industry Advisory Committee was chartered by the Commandant of the Coast Guard on August 3, 1973 to advise the Marine Safety Council on matters regarding safe towing operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC/82)  
U.S. Coast Guard  
Washington, D.C. 20590

or by calling; 202-426-1477.

Dated: November 21, 1974.

D. H. CLIFTON,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Merchant  
Marine Safety.

[FR Doc.74-27745 Filed 11-26-74; 8:45 am]

National Highway Traffic Safety  
Administration

HIGHWAY SAFETY PROGRAMS

Qualified Products List for Devices To  
Measure Breath Alcohol

This Notice establishes the list of evidential breath testers that have been found to qualify under the Standard for Devices to Measure Breath Alcohol (38 FR 30459 November 5, 1973) and that may therefore be purchased with Federal funds under sections 402(a) and 403 of the Highway Safety Act, 23 U.S.C. 402(a), 403.

To guide states and local jurisdictions in choosing among a growing number of devices to measure breath alcohol, NHTSA requested the National Bureau of Standards to develop a performance standard to evaluate these devices and to provide the basis for a qualified products list. After submitting the draft standard for comment to the states, to the breath tester manufacturers, and to other experts in the field, NHTSA published the Standard in the FEDERAL REGISTER on November 5, 1973 (38 FR 30459).

In accordance with the schedule outlined in the FEDERAL REGISTER, the DOT Transportation Systems Center in Cambridge, Massachusetts, began tests in December 1973 on devices submitted by the manufacturers. Upon completing the tests, NHTSA advised the manufacturers of the tentative results and afforded them a brief period in which to diagnose and correct any deficiencies that might have appeared. The qualified products list issued hereby consists of those devices that NHTSA found capable of meeting the standard's performance requirements, either upon initial testing or upon retesting after modification.

The qualified products list will not be a static list. NHTSA plans to revise it periodically in response to the following events:

- Periodic test of devices on the lists and of candidate devices.
- Revisions to the standard.
- Manufacturing changes in devices on the list.
- Complaints from agencies using the devices.
- Results of the Government sponsored Standard Compliance Information System.

A device tested but rejected may be resubmitted for retesting 6 months after issuance of the edition of the list for which it was submitted. A manufacturer whose device is threatened with removal from the list will be given 30 days in which to cure the deficiency.

The qualified products meeting all performance requirements, including those for Mobile Evidential Breath Testers, are as follows, listed alphabetically by manufacturer:

Device:

- Alco-Limited -----
- Mark II Gas Chromatograph -----
- Intoxilyzer Model 4011 -----
- Breathalyzer Models 900A, 1000.<sup>1</sup> -----
- Roadside Breath Tester -----

The qualified products meeting all performance requirements excluding those for Mobile Evidential Breath Testers are as follows, listed alphabetically by manufacturer:

Device:

- Alco-Tector Model 500 -----
- Photo-Electronics Intoximeter -----

(23 U.S.C. 402; delegations of authority at 49 CFR 1.5 and 501.8)

Issued on November 21, 1974.

CHARLES F. LIVINGSTON,  
Acting Associate Administrator,  
Traffic Safety Programs.

[FR Doc.74-27736 Filed 11-26-74; 8:45 am]

Urban Mass Transportation Administration  
CHIEF COUNSEL AND ASSOCIATE ADMIN-  
ISTRATOR FOR CAPITAL ASSISTANCE

Redelegations of Authority

The purpose of the following notice is to redelegate within the Urban Mass Transportation Administration certain authority delegated by the Secretary of Transportation to the Urban Mass Transportation Administrator (39 FR 3566; October 3, 1974).

Since this re delegation is solely a matter of departmental management, procedures and practices, notice and public procedure thereon is unnecessary, and it may be made effective in less than thirty days after publication in the FEDERAL REGISTER.

Issued in Washington, D.C., November 20, 1974.

FRANK C. HERRINGER,  
Urban Mass Transportation  
Administrator.

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Chief Counsel and Associate Administrator for Capital Assistance, acting jointly, are hereby authorized and empowered, in connection with financial assistance provided under the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) and the Federal-Aid Highway Act of 1973 (Pub. L. 93-87; August 13, 1973; 81 Stat. 250) for the purchase or operation of buses, to approve fair and equitable arrangements to assure that such financial assistance will not enable public bodies and privately owned operators for public bod-

<sup>1</sup> Breathalyzer Models 900 and 1100 do not differ from those models tested in any manner that affects performance under the standard.

Manufacturer

Energetics Science, Inc., New York, N.Y.  
Intoximeters, Inc., St. Louis, Mo.  
Omicron Systems Corp., Palo Alto, Calif.  
Smith & Wesson Electronics Co., Eatontown, N.J.  
U.S. Department of Transportation, Washington, D.C.

Manufacturer

Decatur Electronics, Decatur, Ill.  
Intoximeters, Inc., St. Louis, Mo.

ies to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide such service.

This re delegation becomes effective immediately.

[FR Doc.74-27752 Filed 11-26-74; 8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS WORKING GROUP ON  
LMFBR HYPOTHETICAL CORE DISRUPTIVE  
ACCIDENTS (HCDA's)

Meeting

NOVEMBER 22, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on LMFBR Hypothetical Core Disruptive Accidents (HCDA's) will hold a meeting at 9 a.m. on December 12, 1974 in the O'Hare International Tower Hotel, O'Hare International Airport, Chicago, Illinois. The subject scheduled for discussion is LMFBR Hypothetical Core Disruptive Accidents. This meeting will be closed to the public.

The Subcommittee is meeting to discuss various alternative proposals which might be made as to how best to proceed with the study as the initial step towards formulating recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that the meeting will consist of exchanges of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during the meeting will be inextricably intertwined with such exempt material and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

JOHN C. RYAN,  
Advisory Committee,  
Management Officer.

[FR Doc.74-27735 Filed 11-26-74; 8:45 am]

[Docket No. PRM-30-50]

**BULOVA WATCH CO., INC.****Withdrawal of Petition for Rule Making**

Notice is hereby given that the Bulova Watch Company, Inc., by letter dated November 11, 1974, has withdrawn its petition for rule making PRM-30-50.

The petitioner had requested the Atomic Energy Commission to amend its regulation 10 CFR Part 30 to exempt from licensing requirements timepieces containing not more than 0.05 microcurie of neptunium-237.

Copies of the petition and the letter withdrawing the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.

Dated at Washington, D.C. this 21st day of November 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Assistant Secretary  
of the Commission.

[FR Doc.74-27695 Filed 11-26-74;8:45 am]

[Docket Nos. 50-3 and 50-247]

**CONSOLIDATED EDISON CO. OF NEW YORK, INC.****Issuance of License Amendments**

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR-5 for Indian Point Nuclear Generating Unit No. 1, and Amendment No. 10 to Facility Operating License No. DPR-26 for Indian Point Nuclear Generating Unit No. 2, to Consolidated Edison Company of New York, Inc. Both units are located in Westchester County, State of New York. The amendments are effective as of their date of issuance.

The amendments permit the licensee to use an alternate corrosion inhibitor, Drewgard 100, in place of a heavy metal corrosion inhibitor, potassium chromate, in certain closed cycle cooling water systems. The maximum concentration of the Drewgard 100 discharged to the Hudson River from accidental leakages will be limited to 2.5 parts per million. Supporting documentation on the acute toxicity of the compound from bioassay tests indicates that at this concentration no significant impact on the Hudson River ecosystem will occur.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to these actions, see: (1) The application for the amendments dated August 2, 1974; (2) Amendment No. 8 to License No. DPR-5 with its attachment, Change No. 64; (3) Amendment No. 10 to License No. DPR-26 with its attachment Change No. 7 and (4) the Commission's related Environmental Evaluation.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Copies are also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

A copy of items (2) through (4) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Rockville, Maryland, this 21st day of November 1974.

For the atomic energy commission.

GEORGE W. KNIGHTON,  
Chief, Environmental Projects  
Branch No. 1, Directorate of  
Licensing.

[FR Doc.74-27693 Filed 11-26-74;8:45 am]

[Docket No. 50-268]

**GENERAL ELECTRIC CO.****Order Authorizing Dismantling of Facility to Render Inoperable**

By application notarized September 17, 1974, the General Electric Company requested authorization to render the Midwest Fuel Recovery Plant inoperable in accordance with a proposed plan submitted to the Commission with the Application pursuant to Part E of Facility License for Possession Only No. CSF-2. The facility has never been licensed to operate as a reprocessing plant.

The Commission has reviewed the application in accordance with the provisions of the Commission's regulations and has found that the plan to render the MFRP inoperable will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public, and involves no significant hazards consideration. The bases for these findings are set forth in the Safety Evaluation by the Regulatory Staff issued concurrently with the Notice of Intent to issue this order, dated October 30, 1974.

Accordingly, it is hereby ordered that the General Electric Company may dismantle the Midwest Fuel Recovery Plant covered by Facility License for Possession Only No. CSF-2, to render the facility inoperable in accordance with the General Electric Company plan submitted to the Commission on September 17, 1974 and with applicable Commission regulations.

After completion of the dismantlement of the Midwest Fuel Recovery Plant rendering the plant inoperable and inspection of the dismantlement by representatives of the Commission, consideration will be given to whether a further order should be issued terminating

Facility License for Possession Only No. CSF-2.

Dated at Bethesda, Maryland this November 21, 1974.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,  
Assistant Director for Fuel  
Cycle, Directorate of Licen-  
sing.

[FR Doc.74-27694 Filed 11-26-74;8:45 am]

[Docket Nos. 50-338-OL, 50-339-OL]

**VIRGINIA ELECTRIC AND POWER CO.****Reconstitution of Board**

Dr. Emil T. Chanlett was a member of the Atomic Safety and Licensing Board established to consider the above applications for operating licenses. Dr. Chanlett has retired from the Atomic Safety and Licensing Board Panel.

Accordingly, Dr. Paul W. Purdom, whose address is Chairman, Department of Engineering, Drexel University, 32nd and Chestnut Streets, Philadelphia, Pa. 19104, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 22nd of November 1974.

NATHANIEL H. GOODRICH,  
Chairman, Atomic Safety and  
Licensing Board Panel.

[FR Doc.74-27742 Filed 11-26-74;8:45 am]

[Docket Nos. 50-440 and 50-441]

**CLEVELAND ELECTRIC ILLUMINATING CO.****Limited Work Authorization; Correction**

In the notice of issuance of a Limited Work Authorization, published on October 29, 1974, at page 38125, the following was omitted after item 1.g.:

h. Relocation of the 16-inch gas pipeline.

Dated at Rockville, Maryland, this 20th day of November, 1974.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,  
Chief, Environmental Projects  
Branch 4, Directorate of Li-  
censing.

[FR Doc.74-27692 Filed 11-26-74;8:45 am]

**ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON DOUGLAS POINT NUCLEAR GENERATING STATION**

[Docket Nos. 50-448 and 50-449]

**Notice of Meeting**

NOVEMBER 22, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Douglas Point Nuclear Generating Station will hold a meeting on December 13 and 14, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of the meeting

will be to develop information for consideration by the ACRS in its review of the application for a permit to construct the Douglas Point Nuclear Generating Station, Units 1 and 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, December 13, 1974—3 p.m. and Saturday, December 14, 1974—9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulator Staff and the Potomac Electric Power Company (PEPCO) and will hold discussions with these groups pertinent to its review of matters relating to the construction of the Douglas Point Nuclear Generating Station.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 2:30 p.m. on December 13 and 8:30 a.m. on December 14 and at the end of the day on each day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and PEPCO for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleting open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than December 6, 1974 to the Executive Secre-

tary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the St. Charles County Library, Garrett and Charles Street, La Plata, Maryland 20646.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on December 14.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 12, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 16, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, and within approximately nine days at the St. Charles County Library, Garrett and Charles Street, La Plata, Maryland 20646. Copies of the transcript may be

reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 after March 14, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-27794 Filed 11-26-74; 8:46 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 300-6]

### AMERICAN SPICE TRADE ASSOCIATION

#### Notice of 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 5H5064) has been filed by American Spice Trade Association, 580 Sylvan Avenue, Englewood Cliffs, NJ 07632, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2,2-bis-(p-chlorophenyl)ethane and 1,1,1-trichloro-2-(o-chlorophenyl) - 2 - (p-chlorophenyl) ethane in oregano imported from Mexico at 5 parts per million resulting from inadvertent application of the insecticide to the growing oregano.

Dated: November 14, 1974.

JOHN B. RITCH, JR.,  
Director, Registration Division.

[FR Doc.74-27672 Filed 11-26-74; 8:45 am]

[FRL 300-4]

### FMC CORP.

#### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1557) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodities soybean forage and hay at 35 parts per million, of which no more than 20 parts per million is carbamates, and soybeans at 1 part per million, of which no more than 0.2 part per million is carbamates.

The analytical method proposed in the petition for determining residues of carbofuran and its carbamate metabolite is a gas chromatographic procedure using a nitrogen specific microcoulometric detector. The analytical method proposed for determining residues of the phenolic metabolites is one in which the residues are converted to 2,4-dinitrophenyl ethers with 1-fluoro-2,4-dinitrobenzene and determined by gas chromatography using a nitrogen specific detector.

Dated: November 14, 1974.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc.74-27670 Filed 11-26-74; 8:45 am]

[FRL 300-5]

### MONSANTO CO.

#### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), notice is given that a petition (PP 5F1560) has been filed by Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis,

MO 63166, proposing establishment of a tolerance (40 CFR Part 180) for combined negligible residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in or on grapes at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is a procedure in which the residues are derivatized to form the corresponding *N*-trifluoroacetyl methyl esters. The derivative is then determined by a gas chromatographic procedure with a flame photometric detector for phosphorus.

Dated: November 14, 1974.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc.74-27671 Filed 11-26-74; 8:45 am]

[FRL 299-1]

### LAKE MICHIGAN COOLING WATER STUDIES PANEL

#### Notice of Meeting

Pursuant to Pub. L. 92-463 notice is

given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Tuesday, December 17, 1974 at a room in the O'Hare International Towers, O'Hare International Airport.

The purpose of this meeting will be to discuss the Panel's program report and comments received. There will also be some discussion on lake wide effects from thermal discharges.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. William D. Franz, Environmental Protection Agency, Region V, Federal Activities Branch, 230 South Dearborn Street, Chicago, Illinois 60604. The telephone number is 312-353-5756. Minutes of the meeting will be made available for public inspection two weeks after the meeting at the EPA Region V Office.

RUSSELL E. TRAIN,  
Administrator.

NOVEMBER 22, 1974.

[FR Doc.74-27790 Filed 11-26-74; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### CANADIAN BROADCAST STATIONS

[Canadian List No. 333]

#### Notification List

NOVEMBER 8, 1974.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power, kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CKAP (PO 890 kHz, 1 kW, DA-1).	Kapuskasing, Ontario, N. 49°28' 17", W. 82°23'52".	580 kHz 10D/1N.....	DA-N ND-D-176	U	III	.....	.....	.....	E.I.O. 11-8-75.
CHRL (now in operation).....	Roberval, Quebec, N. 48°26'25", W. 72°06'47".	810 kHz 10D/2.5N.....	DA-N ND-D-182.5	U	III	.....	.....	.....	.....
CKGM (change in daytime operation—PO 980 kHz, 10 kW, DA-1).	Montreal, Quebec, N. 45°22'05", W. 73°37'23".	980 kHz 10	DA-2	U	III	.....	.....	.....	.....
CHTN (correction to coordinates).	Charlottetown, Prince Edward Island, N. 46°11'22", W. 63°09' 64".	1190 kHz 10	DA-N	U	II	.....	.....	.....	.....
CFGT (now in operation).....	Alma, Quebec, N. 48°31'46", W. 71°36'31".	1270 kHz 10D/5N.....	DA-N ND-D-192	U	III	.....	.....	.....	.....
CKMC.....	Maniwaki, Quebec, N. 46°22' 40", W. 75°56'55". (assignment of call letters).	1540 kHz 1D/0.25N.....	ND-188	U	IV	180	120	203	.....
CKGR.....	Golden, British Columbia, N. 51°18'13", W. 116°58'26". (now in operation).	1400 kHz 1D/0.25N.....	ND-185	U	IV	160	120	281	.....
CKSJ.....	St. Jovite, Quebec, N. 46°07'49", W. 74°33'33". (assignment of call letters).	1400 kHz 0.25	ND-192	U	IV	180	120	280	.....
CKLR.....	L'Annonciation, Quebec, N. 46°25'20", W. 74°52'16". (assignment of call letters).	1490 kHz 1D/0.25.....	ND-195	U	IV	180	120	264	.....
CJMC.....	Ste-Anne-des-Monts, Quebec, N. 49°09'08", W. 68°26'03". (now in operation).	1490 kHz 1D/0.25N.....	ND-190	U	IV	165	120	264	.....
CKTA.....	Taber, Alberta, N. 49°45'38", W. 112°16'17". (correction to coordinates).	1570 kHz 5	DA-N	U	II	.....	.....	.....	.....
CHNR.....	Simcoe, Ontario, N. 42°45'06", W. 80°16'03". (change in call letters).	1600 kHz 10	DA-2	U	III	.....	.....	.....	.....

[SEAL]

PAUL WM. PUTNEY,  
Acting Chief, Broadcast Bureau,  
Federal Communications Commission.

[FR Doc.74-27603 Filed 11-26-74; 8:45 am]

[Report No. 728]

COMMON CARRIER SERVICES  
INFORMATION<sup>1</sup>Domestic Public Radio Services  
Applications Accepted for Filing<sup>2</sup>

NOVEMBER 18, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules),

governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.APPLICATIONS ACCEPTED FOR FILING  
DOMESTIC PUBLIC LAND MOBILE RADIO  
SERVICE

- 20738-CD-P-(2)-75, The Bell Telephone Company of Pennsylvania (KGH861). C.P. to change antenna system, replace transmitter and change frequencies from 35.58 MHz to 152.84 MHz at Loc. #1: 920 Harwick St., Chester, Pennsylvania, and Loc. #2: 28 South Chester Pike, Glenolden, Pennsylvania.
- 20739-CD-P-(2)-75, The Diamond State Telephone Company (KGA473). C.P. to change antenna system, replace transmitter and change frequencies from 35.58 MHz to 152.84 MHz at Loc. #1: 919 Market St., Wilmington, Delaware, and Loc. #2: Dupont Louviers Building, Milford Crossroads, Delaware.
- 20740-CD-P-75, John C. Simmons dba Simmons Electronics (new). C.P. for a new 2-way station to operate on 152.03 MHz to be located 3400 feet W. of Highways 19 & 27, 1 mile W. of Perry, Florida.
- 20741-CD-P-75, The Chesapeake and Potomac Telephone Company of West Virginia (KQD312). C.P. to relocate facilities operating on 35.66 MHz at Loc. #2: 816 Lee Street, Charleston, West Virginia.
- 20742-CD-MP-75, William R. Mears dba Southwestern Communications Service (KUC855). C.P. for additional facilities to operate on 152.18 MHz located 1/2 mile West of Carrizo Springs, Texas.
- 20743-CD-P-75, Midway Telephone Company (new). C.P. for a new 1-way station to operate on 158.10 MHz to be located at 202 East Ogden Street, Medford, Wisconsin.
- 20744-CD-R-75, The Pacific Telephone and Telegraph Company (KA4326). Renewal of Developmental license expiring 12-11-74. Term: 12-11-74 to 12-11-75.
- 20745-CD-P-(2)-75, South Central Bell Telephone Company (KIY600). C.P. to change antenna system, and replace transmitter operating on 152.78 MHz, base and replace transmitter operating on 158.04 MHz, test, located at 810 Kentucky Avenue, Paducah, Kentucky.
- 20746-CD-P-75, Waco Communications, Inc. (KQZ760). C.P. to change antenna system and relocate facilities operating on 158.70 MHz to be located approximately 2 miles SW of Belton, Texas.
- 20747-CD-MP-(2)-75, RadioCall, Inc. (KUA-482). C.P. to relocate facilities operating on 158.70 MHz at Loc. #4: 2333 Kapiolani Boulevard, Honolulu, Hawaii; and

change antenna system and relocate facilities operating on 158.70 MHz at Loc. #6: Huling Tunnel, Diamond Head, Honolulu, Hawaii.

- 20748-CD-P-(2)-75, Communications Electronics Center, Inc. (KQZ712). C.P. for additional facilities to operate on 152.09 & 152.18 MHz located at Corner Smiley Street and Oak Drive, Colquitt, Georgia.
- 20749-CD-P-75, Communications Electronics Center, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Corner Smiley Street and Oak Drive, Colquitt, Georgia.
- 20751-CD-P-(2)-75, RCC of Virginia, Inc. (KLF517). C.P. for additional facilities to operate on 454.275 & 454.325 MHz located at 707 Industry Drive, Hampton, Virginia.

## MAJOR AMENDMENT:

- 20676-C2-P-(2)-74, South Central Bell Telephone Company (KIY458), Pikeville, Kentucky. Delete base frequency 152.60 MHz and add 152.57 MHz. All other particulars to remain as reported on the Commission's PN #679 dated December 17, 1973.

## Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

## OHIO

- Answering Exchange, Inc., Cincinnati, Ohio (new), File No. 8161-C2-P-73.
- Telepage Corporation, Laurel, Ohio (new), File No. 20031-C2-P-74.
- Cincinnati Radio Telephone Systems, Inc., Afton, Ohio (new), File No. 20035-C2-P-74.

## RURAL RADIO SERVICE

- 60086-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3875 MHz located at Alps Pump Station #3, 290 miles North of Fairbanks, Pump Station #3, Alaska.
- 60086-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.8375 MHz located at Hill 4010, 283 miles North of Fairbanks, Slope, Alaska.
- 60087-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375, 157.3375, & 157.3375 MHz located on Hill 3456, 261 miles North of Fairbanks, Galbraith, Alaska.
- 60088-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9375 MHz to be located at Alps Remote Block Valve #26, 123 miles South of Deadhorse, RBV 26, Alaska.

- 60089-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9375 & 161.8875 MHz located at Atigun River Valley, 255 miles NNW. of Fairbanks, Teak Lake, Alaska.
- 60090-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2875 & 157.3625 MHz located at Atigun Pass, 236 miles NNW. of Fairbanks, Atigun, Alaska.
- 60091-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625, 161.8625 MHz located near Hill 4664, 228 miles NW. of Fairbanks, Margaret Hill, Alaska.
- 60092-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #31, 149 miles South of Deadhorse, RBV 31, Alaska.
- 60093-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #32, 155 miles South of Deadhorse, RBV 32, Alaska.
- 60094-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #33, 159 miles South of Deadhorse, RBV 33, Alaska.
- 60095-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 & 157.3875 MHz located on Hill 4363, 202 miles NNW. of Fairbanks, Kaaruk, Alaska.
- 60096-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #34, 163 miles South of Deadhorse, RBV 34, Alaska.
- 60097-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #35, 167 miles South of Deadhorse, RBV 35, Alaska.
- 60098-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #35A, 171 miles South of Deadhorse, RBV 35A, Alaska.
- 60099-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #36, 174 miles South of Deadhorse, RBV 36, Alaska.
- 60100-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #37, 181 miles South of Deadhorse, RBV 37, Alaska.
- 60101-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.9375 MHz located at Alps Remote Block Valve #39, 191 miles South of Deadhorse, RBV 39, Alaska.
- 60102-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #40, 193 miles South of Deadhorse, RBV 40, Alaska.
- 60103-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.9125 MHz located at Hill 4380, 184 miles NW. of Fairbanks, Coldfoot, Alaska.
- 60104-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #42, 187 miles NNW. of Fairbanks, RBV 42, Alaska.
- 60105-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #43, 184 miles NNW. of Fairbanks, RBV 43, Alaska.
- 60106-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #44, 181 miles NNW. of Fairbanks, RBV 44, Alaska.
- 60107-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #45, 179 miles NNW. of Fairbanks, RBV 45, Alaska.
- 60108-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 & 157.3625 MHz located on Hill 2855, 162 miles NW. of Fairbanks, Eagle, Alaska.
- 60109-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #47, 169 miles NNW. of Fairbanks, RBV 47, Alaska.
- 60110-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #49, 163 miles NNW. of Fairbanks, RBV 49, Alaska.
- 60111-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 & 161.8375 MHz located at Alps Pump Station #5, 152 miles NW. of Fairbanks, Pump Station #5, Alaska.
- 60112-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375 & 157.2875 MHz located at Hill 3630, 143 miles NW. of Fairbanks, Fish, Alaska.
- 60113-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #51, 153 miles NW. of Fairbanks, RBV 51, Alaska.
- 60114-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #53, 148 miles NW. of Fairbanks, RBV 53, Alaska.
- 60115-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #54, 141 miles NW. of Fairbanks, RBV 54, Alaska.
- 60116-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #56, 124 miles NW. of Fairbanks, RBV 56, Alaska.
- 60117-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875, 161.8625, 161.9875, & 161.9375 MHz located on Hill 3152, 103 miles NW. of Fairbanks, Bench, Alaska.
- 60118-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #57, 118 miles NW. of Fairbanks, RBV 57, Alaska.
- 60119-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #58, 113 miles NW. of Fairbanks, RBV 58, Alaska.
- 60120-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #59, 102 miles NW. of Fairbanks, RBV 59, Alaska.
- 60121-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #60, 93 miles NW. of Fairbanks, RBV 60, Alaska.
- 60122-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 & 157.3875 MHz located at Alps Pump Station #6, 90 miles NW. of Fairbanks, Pump Station #6, Alaska.
- 60123-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 & 157.3625 MHz located on Hill 2622, 58 miles NW. of Fairbanks, Livengood, Alaska.
- 60124-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #61, 71 miles NW. of Fairbanks, RBV 62, Alaska.
- 60125-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #65, 54 miles NW. of Fairbanks, RBV 65, Alaska.
- 60126-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #67, 39 miles NW. of Fairbanks, RBV 67, Alaska.
- 60127-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625, 161.9875, 161.8375, & 161.9125 MHz located on Hill 3207, 26 miles NW. of Fairbanks, Aggie, Alaska.
- 60128-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375 & 157.3875 MHz located at Alps Pump Station #7, 42 miles South of Glennallen, Pump Station #7, Alaska.
- 60129-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #68, 23 miles NW. of Fairbanks, RBV 68, Alaska.
- 60130-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #69, 18 miles NNW. of Fairbanks, RBV #69, Alaska.
- 60131-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #69A, 16 miles NNW. of Fairbanks, RBV 69A, Alaska.
- 60132-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.9375 MHz located at Alps Pump Station #8, 38 miles SE. of Fairbanks, Pump Station #8, Alaska.
- 60133-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125, 157.2625, 157.3375, & 157.2875 MHz located at Hill 3026, 50 miles SE. of Fairbanks, Buck, Alaska.
- 60134-CR-P-75. Same as above. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #72, 7 miles NE. of Fairbanks, RBV 72, Alaska.

- 60135-CR-P-75, same. (new). C.P. for new inter-office station to operate on 161.8375 MHz located at Alps Remote Block Valve #73, 7 miles NE. of Fairbanks, RBV 73, Alaska.
- 60136-CR-P-75, same. (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #77A, 39 miles SE. of Fairbanks, RBV 77A, Alaska.
- 60137-CR-P-75, same. (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #80, 61 miles SE. of Fairbanks, RBV 80, 61 miles SE. of Fairbanks, RBV 80, Alaska.
- 60138-CR-P-75, same. (new). C.P. for a new inter-office station to operate on 161.8625 & 161.9625 MHz located at Alps Pump Station #9, 3.6 miles SSW. of Allen, AAF, Pump Station #9, Alaska.
- 60139-CR-P-75, same. (new). C.P. for a new inter-office station to operate on 161.8375 & 157.2375 MHz located at Nicole Knob, 31 miles SSW. of Delta Junction, Nicole Knob, Alaska.
- 60140-CR-P-75, same. (new). C.P. for a new inter-office station to operate on 161.8375 MHz located at Alps Remote Block Valve #88, 101 miles SSE. of Fairbanks, RBV 88, Alaska.
- 60141-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.8375 & 161.9875 MHz located at MI 180 Richardson Hwy., 42 miles South of Delta Junction, Pump Station #10, Alaska.
- 60142-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.3875 MHz located at Alps Remote Block Valve #91, 86 miles North of Glennallen, RBV 91, Alaska.
- 60143-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.3875 & 157.3125 MHz located at Hill 3838, 53 miles South of Delta Junction, Yost, Alaska.
- 60144-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.9125 & 161.8625 MHz located at Roundtop Mountain, 85 miles South of Delta Junction, Roundtop, Alaska.
- 60145-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #95, 65 miles North of Glennallen, RBV 95, Alaska.
- 60146-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #95B, 53 miles north of Glennallen, RBV 95B, Alaska.
- 60147-CR-P-75, same as above (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #96, 49 miles North of Glennallen, RBV 96, Alaska.
- 60148-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #97, 36 miles North of Glennallen, RBV 97, Alaska.
- 60149-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #98, 33 miles North of Glennallen, RBV 98, Alaska.
- 60150-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #98A, 30 miles North of Glennallen, RBV 98A, Alaska.
- 60151-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #100, 24 miles North of Glennallen, RBV 98A, Alaska.
- 60152-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #101, 18 miles North of Glennallen, RBV 101, Alaska.
- 60153-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #102, 15 miles North of Glennallen, RBV 102, Alaska.
- 60154-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #103, 11 miles North of Glennallen, RBV 103, Alaska.
- 60155-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2625 157.3875 157.2375 & 157.3625 MHz located at MI 88 Richardson Hwy., 12 miles South of Copper Center, Stuck, Alaska.
- 60156-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #104, 7 miles North of Glennallen, RBV 104, Alaska.
- 60157-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #105, 3 miles NNE of Glennallen, RBV 105, Alaska.
- 60158-CR-P-75, same as above (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #107, 8 miles SSE of Glennallen, RBV 107, Alaska.
- 60159-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #108, 13 miles SSE of Glennallen, RBV 108, Alaska.
- 60160-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.8375 & 161.9625 MHz located at Alps Pump Station #11, 4.3 miles SSE of Gulkana, Pump Station #11, Alaska.
- 60161-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.9875, 161.9375, 161.8875 & 161.9125 MHz located at Kimball Pass, 44 miles SSE of Glennallen, Kimball Pass, Alaska.
- 60162-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #113, 37 miles SSE of Glennallen, RBV 113, Alaska.
- 60163-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.2875 & 157.3125 MHz located at Richardson Hwy., 48 miles South of Glennallen, Pump Station #12, Alaska.
- 60164-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.3325 & 157.2625 MHz located at Tiekell River Valley, 38 miles ENE of Valdez, Tiekell, Alaska.
- 60165-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #115, 51 miles South of Glennallen, RBV 115, Alaska.
- 60166-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #116, 53 miles South of Glennallen, RBV 116, Alaska.
- 60167-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.8625 & 161.9625 MHz located on Hill 4109, Tsina River Valley, 34 miles ENE of Valdez, Tsina, Alaska.
- 60168-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #117, 35 Miles NE of Valdez, RBV 117, Alaska.
- 60169-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #118, 31 miles East of Valdez, RBV 118, Alaska.
- 60170-CR-P-75, same as above (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #119, 27 miles East of Valdez, RBV 119, Alaska.
- 60171-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.3625 & 157.0375 MHz located at Hill 3700, 24 miles ENE of Valdez, Ptarmigan, Alaska.
- 60172-CR-P-75, same (new). C.P. for a new inter-office station to operate on 161.4625 & 161.5875 MHz located at Thompson Pass, 18 miles ESE of Valdez, Keystone, Alaska.
- 60173-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #121, 19 miles East of Valdez, RBV 121, Alaska.
- 60174-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #121, 17 miles East of Valdez, RBV 121A, Alaska.
- 60175-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #123, 15 miles East of Valdez, RBV 123, Alaska.
- 60176-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #124, 11 miles SE of Valdez, RBV 124, Alaska.
- 60177-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #125, 6 miles SSE of Valdez, RBV 125, Alaska.
- 60178-CR-P-75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at South Side of Port Valdez, 3.7 miles South of Valdez City, Valdez Terminal, Alaska.
- 60190-CR-P-75, The Mountain States Telephone & Telegraph Company (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located 17.0 miles North of Casper, Wyoming.

## POINT-TO-POINT MICROWAVE RADIO SERVICE

- 1433-CF-ML-75, Southern Bell Telephone and Telegraph Company (KJC21), 5.5 miles South of Jasper, Florida. Lat. 30°26'17"N., Long. 82°56'17"W. Mod. of License to change polarity from V to H on 3730, 3810 and 4130 MHz towards Madison, Florida on azimuth 274°28'.
- 1434-CF-ML-75, same (KJC22), Brookdale Avenue and State Road #10, Madison, Florida. Lat. 30°28'11"N., Long. 83°25'11"W. Mod. of License to change polarity from V to H on 3770, 4090, 4170 and from H to V on 3950 MHz towards Jasper, Florida on azimuth 94°13'.
- 1435-CF-P-75, The Bell Telephone Company of Pennsylvania (KGP36), 4 miles North of Altoona, Pennsylvania. Lat. 40°34'00"N., Long. 78°26'38"W. C.P. to change power and add TL-A2 power amplifiers on freq. 11405H and 11565H MHz towards Pine Grove Mills, Pennsylvania on azimuth 70°10'.
- 1436-CF-P-75, same (KGO89), 1.5 miles South of Pine Grove Mills, Pennsylvania. Lat. 40°42'57"N., Long. 77°53'45"W. C.P. to change power and add TL-A2 Power amplifiers to freq. 10955H and 11115H MHz towards Wapsononock Mountain, Pennsylvania on azimuth 250°31'.

- 1437-CF-P-75, Southern Bell Telephone and Telegraph Company (KZI76), Maybank Highway, Johns Island, South Carolina. Lat. 32°43'16" N., Long. 80°04'59" W. C.P. to replace transmitter and change freq. from 2114.6H to 2178.0H MHz towards Edisto Beach, South Carolina on azimuth 220°57'.
- 1438-CF-P-75, same (KZI77), Chancellor Street, Edisto Beach, South Carolina. Lat. 32°29'20" N., Long. 80°19'14" W. C.P. to replace transmitter and change freq. from 2164.6H to 2128.0H MHz towards Johns Island, South Carolina on azimuth 40°49'.
- 1439-CF-P-75, Southwestern Bell Telephone Company (KLT69), 10 miles North of Odessa, Texas. Lat. 32°02'11" N., Long. 102°22'42" W. C.P. to add 3850H MHz towards Midland R.S., Texas on azimuth 103°02'.
- 1440-CF-P-75, same (WDE62), Interstate Highway #20 and State Highway #349, Midland, Texas. Lat. 31°58'37" N., Long. 102°04'44" W. C.P. to add 4050H MHz and change polarity from V to H on 3730, 3810, 3890 and 3970 MHz towards Odessa, Texas on azimuth 283°12'.
- 1441-CF-P-75, Universal Telephone Company of Colorado (new), Proposed steel tower adjacent to the Central Office, Pagosa Springs, Colorado, Lat. 37°16'04" N., Long. 107°00'38" W. C.P. for a new station on 2121.6H MHz towards Mesa, Colorado via passive reflector.
- 1158-CF-P-75, South Central Bell Telephone Company (KLO98), 3.8 miles SE of Clarksdale, Mississippi. Lat. 34°09'10" N., Long. 90°32'21" W. C.P. to change power, equipment, replace transmitter and change freq. from 6264.0H and 6382.6H to 6004.5H and 6123.1H MHz towards Clarksdale, Mississippi on azimuth 331°09'; change 6249.1V and 6367.7V MHz to 6004.5V and 6123.1V MHz towards Glendora, Mississippi on azimuth 149°39'.
- 1259-CF-P-75, same (KLO99), 1.2 miles WNW of Glendora, Mississippi. Lat. 33°50'05" N., Long. 90°18'58" W. C.P. to change power, equipment, replace transmitter and change freq. from 5997.1V and 6115.7V MHz to 6256.5H and 6375.2H MHz towards Clarksdale, Repeater, Mississippi on azimuth 329°46'; change 6071.2H and 6130.5H MHz to 6256.5V and 6375.2V MHz towards Greenwood, Mississippi on azimuth 159°51'.
- 1260-CF-P-75, same (KLP20), 201 East George Street, Greenwood, Mississippi. Lat. 33°31'15" N., Long. 90°10'43" W. C.P. to change power, equipment, replace transmitter and change freq. 6382.6 and 6323.3 MHz to 6004.5H and 6123.1H MHz towards Glendora, Mississippi on azimuth 339°55'.
- 1261-CF-P-75, same (KYJ42), 86 Yazoo Avenue, Clarksdale, Mississippi. Lat. 34°12'17" N., Long. 90°34'25" W. C.P. to change power, equipment, replace transmitter and change freq. 6001.9H and 6130.5H MHz to 6256.5V and 6375.2V MHz towards Clarksdale, Repeater, Mississippi on azimuth 151°08'.
- 1262-CF-P-75, New England Telephone and Telegraph Company (KCL66), Off Haggetts Pond Road, 4.2 miles West of Andover, Massachusetts. Lat. 42°39'16" N., Long. 71°13'12" W. C.P. to change antenna location, resulting in change in coordinates as stated above; change polarity on freq. 10835 from Vertical to Horizontal; change path length and azimuth towards Lawrence, Massachusetts to 39°01'; change polarity from V to H on freq. 6367.7, change azimuth towards Goffstown, New Hampshire to 320°31'.
- 1263-CF-P-75, same (KCL67), 2 Hampshire Street, Lawrence, Massachusetts. Lat. 42°42'18" N., Long. 71°09'52" W. C.P. to change antenna location resulting in a change of coordinates as stated above; change polarity from Vertical to Horizontal on 11285; change path length and azimuth towards Andover, Massachusetts to 219°03'.
- 1476-CF-P-75, RCA Alaska Communications, Inc. (WBP76), On Killisnoo Road, in Agnoon, Alaska. Lat. 57°30'02" N., Long. 134°34'44" W. C.P. to add 6197.24V and 6315.84V MHz towards a new point of communication at Warm Springs, Alaska via passive reflector.
- 1477-CF-MP-75, RCA Alaska Communications, Inc. (WGF59), 2319 North Tongass Street, Ketchikan, Alaska. Lat. 55°21'12" N., Long. 131°40'51" W. Mod. C.P. to add 6226.89H and 6345.49H MHz towards a new point of communication at Tolstol #2, via passive reflector.
- 1478-CF-P-75, same (WJM35), 0.2 mile Southeast of Duncan Canal White Alice Station; on access road, Duncan Canal, Alaska. Lat. 56°45'21" N., Long. 133°10'01" W. C.P. to change antenna location resulting in change in coordinates as stated above; add 5945.20V and 6063.80V MHz towards Petersburg Mountain, via passive reflector; add 6004.50H and 6123.10H MHz towards Kake North, Alaska via passive reflector.
- 1479-CF-P-75, same (new), On Block 62, in Wrangell, Alaska. Lat. 56°28'28" N., Long. 132°22'41" W. C.P. for a new station on 6004.50V and 6123.10V MHz towards Burnett NE #1 and #2 via passive reflector; add 5974.85H and 6093.45H MHz toward Horn Mountain, Alaska via passive reflector.
- 1480-CF-P-75, same (new), 1.2 miles East of Baranof; on northeast side of Warm Springs Bay, Warm Springs, Alaska. Lat. 57°05'16" N., Long. 134°48'07" W. C.P. for a new station on 5974.85V and 6093.45V MHz towards Baranof West via passive reflector; 5945.20H and 6063.80 H MHz towards Bahovec via passive reflector.
- 1481-CF-P-75, same (new), 1.5 miles NW of Thorne Bay Village at NW. end of Bay, Thorne Bay, Alaska. Lat. 55°41'34" N., Long. 132°33'23" W. C.P. for a new station on freq. 2167.20H MHz towards Tolstol #1, via passive reflector.
- 1482-CF-P-75, same (new), 29 miles south of Wrangell, on Sellers Island, Alaska. Lat. 56°03'36" N., Long. 132°29'51" W. C.P. for a new station on 6197.24V and 6315.84V MHz towards Burnett, NW., via passive reflector; 6256.54H and 6375.14H MHz towards Burnett NE. #2, via passive reflector.
- 1483-CF-P-75, same (new), 17 miles WNW of Meyers Chuck, near Hilltop 2878, Ratz Mountain, Alaska. Lat. 55°48'59" N., Long. 132°41'12" W. C.P. for a new station on 2167.20V MHz towards Klawok, Alaska, on azimuth 221°32'; 2162.40H MHz towards Meyers Chuck, Alaska, on azimuth 107°50'.
- 1484-CF-P-75, same (new), 1st and D Streets, Petersburg, Alaska. Lat. 56°48'52" N., Long. 132°57'18" W. C.P. for a new station on freq. 6226.89V and 6345.49V MHz towards Horn Mountain, Alaska, via passive reflector; 6197.24H and 6315.84H MHz towards Petersburg Mountain, via passive reflector.
- 1485-CF-P-75, same (new), On lot #1 at South End of Meyers Chuck, Alaska. Lat. 55°44'16" N., Long. 132°15'28" W. C.P. for a new station on freq. 5974.85V and 6093.45V MHz towards Tolstol #2, via passive reflector; 5945.20H and 6063.80H MHz towards Burnett NW. via passive reflector; 2117.20V MHz towards Tolstol #1 via passive reflector; 2112.40V MHz towards Ratz Mountain via passive reflector.
- 1486-CF-P-75, RCA Alaska Communications, Inc. (New), On block 32, Klawok, Alaska. Lat. 55°33'17" N., Long. 133°05'40" W. C.P. for a new station on freq. 2126.80V MHz towards Wadleigh Island, via passive reflector; 2117.20H MHz towards Ratz Mountain, Alaska, on azimuth 41°12'.
- 1487-CF-P-75, same (new), Near center of village of Kake, Alaska. Lat. 56°58'35" N., Long. 133°56'34" W. C.P. for a new station on 6256.54V and 6375.14V MHz towards Kake North, via passive reflector; 6226.89H and 6345.49H MHz towards Baranof West, via passive reflector.
- 1488-CF-P-75, same (new), Hyدابurg, South end of 13th Street in Craig, Alaska. Lat. 55°12'18" N., Long. 132°49'10" W. C.P. for a new station on 2142.00H MHz towards Sunny Hay #2, Alaska via passive reflector.
- 1489-CF-P-75, same (new), 5th and Spruce Streets, Craig, Alaska. Lat. 55°28'32" N., Long. 133°08'52" W. C.P. for a new station on 2192.00V MHz towards Sunny Hay #1 via passive reflector; 2176.80H MHz towards Wadleigh Island via passive reflector.
- 1156-CF-P-75, Southern Pacific Communications Company (new), 3.7 miles North of Woodworth, Illinois. Lat. 40°40'55" N., Long. 87°54'32" W. C.P. to add frequency 6256.5V to new point of communications toward Earl Park, Indiana on azimuth 95°16'.
- 1157-CF-P-75, same (WAH604), 3.5 Miles South of Earl Park, Indiana. Lat. 40°38'43" N., Long. 87°25'02" W. C.P. to add frequency 6004.5V to new point of communications toward Woodworth, Illinois on azimuth 275°54'.
- 1369-CF-P-75, Microwave Transmission Corporation (new), Sulphur Mtn., 3.5 Miles South of Ojal, California. (Lat. 34°24'17" N., Long. 119°14'44" W.) C.P. for a new station on 10815V MHz, 10935H MHz, 11055V MHz, 11095H MHz, 11135V MHz and 11175H MHz toward Broadcast Peak (KVU78), California, on azimuth 281 degrees/45 minutes.
- 1371-CF-P-75, same, (KVU78), Broadcast Peak, 16.0 Miles NW of Santa Barbara, California. (Lat. 34°31'31" N., Long. 119°57'29" W.): C.P. (a) to change frequencies to 11225V MHz, 11425H MHz, 11465V MHz, 11545V MHz, 11585H MHz and 11665H MHz toward San Antonio Hill (WDD52), California, on azimuth 305 degrees/30 minutes and (b) to replace transmitters.
- 1370-CF-P-75, same (WDD52), San Antonio Hill, 1.7 Miles East of Casmalia, California. (Lat. 34°50'30" N., Long. 120°29'53" W.): C.P. (a) to change frequencies to 10735H MHz, 10775V MHz, 10975H MHz, 11015V MHz, 11095V MHz, and 11135H MHz toward Cuesta Ridge (KNK60), California, on azimuth 346 degrees/05 minutes and (b) to replace transmitters.
- 1372-CF-P-75, Western Tele-Communications, Inc. (KPT21), Nelson Peak, 18.0 Miles SW. of Salt Lake City, Utah (Lat. 40°36'28" N., Long. 112°09'27" W.): C.P. (a) to change frequency from 11245H MHz to 11605V MHz toward Salt Lake City (CATV), Utah, on azimuth 63 degrees/11 minutes, and (b) to change polarity from 11645V MHz to 11645H MHz toward Salt Lake City (CATV).
- 1362-CF-MP-75, United Video, Inc. (WOE70), 1.0 Mile NE. of Holdenville, Oklahoma (Lat. 35°06'09" N., Long. 96°23'43" W.): Mod. of C.P. (1855-C1-P-70) to change azimuth to 42 degrees/10 minutes toward Henryetta, Oklahoma.
- 1361-CF-MP-75, same (WOE69), 1.0 Mile West of Henryetta, Oklahoma. (Lat. 35°26'52" N., Long. 96°00'45" W.): Mod. of C.P. (1856-C1-P70/35-C1-P-74) to relocate station to foregoing coordinates and (b) to change azimuth to 25 degrees/14 minutes; 155 degrees/57 minutes; and 97 degrees/10 minutes toward Bald Hill, McAlester, and Eufaula, Oklahoma, respectively.

## Major Amendments

214-CF-P-75, Southern Pacific Communications Company (new), 3.8 Miles SE. of Attica, New York. Lat. 42°50'15" N., Long. 78°12'20" W. Delete: Freq. 6197.2V MHz toward Colden, New York, and add: freq. 6375.2V MHz toward Yorkshire, New York, on azimuth 217°06'.

Colden, New York, and replace with Yorkshire, New York, 4.6 Miles WSW. of Delevan, New York. Lat. 42°28'52" N., Long. 78°34'03" W. C.P. for a new station on freq. 5974.8V MHz toward Arkwright, New York, on azimuth 259°47', and on freq. 6034.2H MHz toward Attica, New York, on azimuth 36°37'.

216-CF-P-75, same (new), 1.3 Miles SSE. of Arkwright, New York. Lat. 42°23'20" N., Long. 79°13'43" W. Delete: Freq. 6226.9V MHz toward Colden, New York and add: freq. 6226.9V MHz toward Yorkshire, New York, on azimuth 78°53'.

65-CF-MP-75, Mountain Microwave Corporation (KFA41), Salt Lake City TOC, Univ. Club Bldg., Utah. Lat. 40°46'09" N., Long. 111°53'12" W. Application amended to change frequency 11035H MHz to 5974.8V MHz and 6093.5V MHz toward Salt Lake City (KCPX-TV Studio), Utah, on azimuth 234 degrees/03 minutes.

646-CF-P-75, Midwestern Relay Company (WIV45), Arden Hills, Minnesota. Lat. 45°03'47" N., Long. 93°09'13" W. Application amended to change point of communication to Minneapolis (IDS Bldg.), Minnesota, on azimuth 223 degrees/29 minutes.

310-CF-P-75, CPI Microwave, Inc. (new), Austin (KLRN-TV), Texas. Lat. 30°17'20" N., Long. 97°44'27" W. Application amended to change frequency to 10875V MHz toward Austin (WPE49), Texas, on azimuth 182 degrees/19 minutes.

[FR Doc.74-27738 Filed 11-26-74;8:45 am]

## 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 follows:

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

## SPECIAL COMMITTEE No. 67 "VESSEL TRAFFIC SYSTEMS"

Notice of 10th meeting, Tuesday, December 17, 1974—9:30 a.m., Conference Room 847, 1919 M Street, N.W., 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.
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) 667-9000 (Ext. 705)

## SPECIAL COMMITTEE No. 66 "RECEIVER STANDARDS FOR THE MARITIME MOBILE SERVICE"

Notice of 26th Meeting, Wednesday, December 18, 1974—9:00 a.m. (All-day meeting), Conference Room A205, 1229—20th Street, N.W., 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 No. 1, Elizabeth, N.J.  
07202  
Phone: (201) 527-0300

## SPECIAL COMMITTEE No. 68 "MARINE RADIO-TELEPHONE OPERATOR EDUCATION"

Notice of 2nd Meeting, Wednesday, December 18, 1974—9:30 a.m., Conference Room 847, 1919 M Street, N.W., 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, December 19, 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.
5. Status Reports on Other Committees.
6. Reports of Standing Committees.
7. Status report on "Federal Advisory Committee Act" 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.

To comply with the advance meeting notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the

meeting. Those planning to attend any of the preceding listed meetings should report to the room number given in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

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.74-27740 Filed 11-26-74;8:45 am]

[Docket No. 20207]

## RCA GLOBAL COMMUNICATIONS, INC.

## Rates for Leased Voice-Grade Channels

In the matter of RCA Global Communications, Inc. for Rates for Leased Voice-Grade Channels Between Guam and the Philippines.

1. The Commission has received a request dated November 13, 1974 from RCA Global Communications, Inc. (RCA) seeking an extension of time from November 18, 1974, until December 2, 1974 in which to respond to the Commission's order in this proceeding (39 FR 37536). RCA has requested this extension to enable it to propose a compromise solution to this matter. Counsel for all parties in this proceeding have indicated that they have no objection to this request.

2. Good cause has been shown, therefore, for this request. Accordingly, IT IS ORDERED, That, pursuant to § 0.303(c) of the Commission's Rules, RCA is granted an extension until December 2, 1974 to respond to the Commission's original order in this proceeding.

Adopted: November 19, 1974.

Released: November 21, 1974.

[SEAL] WALTER R. HINCHMAN,  
Chief, Common Carrier Bureau.

[FR Doc.74-27737 Filed 11-26-74;8:45 am]

## NATIONAL INDUSTRY ADVISORY COMMITTEE, BROADCAST SERVICES SUBCOMMITTEE

## Notice of Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of Working Groups I and IV, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Thursday, December 12, 1974. The Working Groups will meet in joint session at the FCC Building, 1919 M Street, N.W., Washington, D.C., in Room 752 at 10 a.m.

PURPOSE. To consider and submit recommendations to the Federal Communications Commission concerning: (1) a revised Basic Emergency Broadcast System (EBS) Plan; (2) a prototype for a revised Detailed State EBS Plan; (3) a proposed revision of the Public

Notice concerning Weather Information; and (4) a recommendation that EBS announcements be broadcast in ethnic language by all broadcast stations in certain areas.

#### AGENDA ITEMS

1. Proposed revision of the Basic Emergency Broadcast System (EBS) Plan.
2. Proposed prototype for a revised Detailed State Emergency Broadcast System Plan.
3. Proposed revised Public Notice concerning Weather Information.
4. Consideration of a recommendation that EBS announcements be broadcast in ethnic language by all broadcast stations in areas of large percentages of ethnic groups.
5. New Business.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-27739 Filed 11-26-74;8:45 am]

#### FEDERAL MARITIME COMMISSION

THE NORTHERN PAN-AMERICAN LINE  
A/S dpa NOPAL CARIBE LINES (NOCAL)  
AND NANACO LINEA NACIONAL COSTA  
RICENSE S.A. (NANACO)

#### 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, La., San Francisco, Calif., 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 December 17, 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:

Thomas K. Roche, Esquire  
10 Audrey Avenue  
Oyster Bay, New York 11771

Agreement No. 10147, between the above listed carriers, establishes a space chartering arrangement in the trade between the ports of Miami, Florida and Puerto Limon, Costa Rica, whereby NOCAL will provide NANACO with a specified number of trailerspaces on each of its southbound and northbound voyages pursuant to terms and conditions spelled out in the agreement.

By order of the Federal Maritime Commission.

Dated: November 22, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-27754 Filed 11-26-74;8:45 am]

#### UNIVERSAL ALCO LIMITED TROPICAL SHIPPING CO. AND NORWEGIAN CARIBBEAN LINES

#### 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, La., San Francisco, Calif., 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 December 9, 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:

Lebron Shields, Executive  
Vice President  
Universal Alco Limited  
750 N. E. 7th Avenue  
Port Laudania  
Danis, Florida 33004

Agreement No. 10021-3, between the above listed carriers, is a petition to ex-

tend their discussion agreement applying in the trade between Florida ports and ports in the Bahama Islands for a one year period ending December 27, 1975, or for the period necessary to evolve a rate agreement between the same carriers in the same trade.

By order of the Federal Maritime Commission.

Dated: November 22, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-27755; Filed 11-26-74;8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. RP74-61, PGA75-1]

#### ARKANSAS-LOUISIANA GAS CO.

#### Filing of Revised Tariff Sheet

NOVEMBER 20, 1974.

Take notice that on November 12, 1974 Arkansas-Louisiana Gas Company (Arkla) tendered for filing First Substitute Third Revised Sheet No. 4. Arkla states that this filing is made pursuant to paragraph (B) of the Commission's Order of October 31, 1974 in the above dockets, and is intended to replace Third Revised Tariff Sheet No. 4 to FPC Gas Tariff, First Revised Volume No. 1. According to Arkla, the substitute sheet reflects an elimination from the proposed PGA of that portion of payments to producers in excess of the National Rate Level established in Opinion No. 699. The elimination allegedly results in a reduction from 5.6 cents to 5.4 cents per Mcf in the proposed PGA.

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 December 5, 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.74-27702 Filed 11-26-74;8:45 am]

[Docket No. E-9068]

#### CITY OF CUYAHOGA FALLS, OHIO AND OHIO EDISON CO.

#### Filing of Complaint

NOVEMBER 19, 1974.

Pursuant to the authority of the Federal Power Act, particularly section 306

<sup>1</sup> Originally filed in these dockets on September 12, 1974, made effective, and suspended by the above mentioned order.

thereof, and § 2.1(a) (I) of the Commission's general policy and interpretations, notice is hereby given that on October 15, 1974, approximately 3500 signatory petitioners, who are residents of Cuyahoga Falls, Ohio, filed in the above-captioned docket a complaint against Ohio Edison Company, requesting this Commission to initiate an investigation of Ohio Edison's wholesale electric rate to the City of Cuyahoga Falls pursuant to section 206 of the Federal Power Act.

Any person wishing to do so may submit written comments concerning the above-referenced complaint on or before December 9, 1974, to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27699 Filed 11-26-74; 8:45 am]

[Docket Nos. R175-68 and R175-69]

**MARATHON OIL COMPANY, ET AL.**

**Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>**

NOVEMBER 19, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds:* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders:* (A) Under the Natural Gas Act, particularly sections 4

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

and 5, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

MARY B. KIDD,  
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject of refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R175-68	Marathon Oil Co.	25	20	El Paso Natural Gas Co. (Production in San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	\$273	10-21-74		6-1-75	128.5	129.0	RI74-89
	do	55	15	do	698	10-21-74		6-1-75	128.5	29.0	RI74-89
R175-69	Northeast Blanco Development Corp.	1	9	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	635,251	10-21-74		4-21-75	29-23	53.98	RI72-82

\* Unless otherwise stated, the pressure base is 15.025 lb/in<sup>2</sup>a.

<sup>1</sup> Base rate—subject to applicable taxes and Btu adjustment.

<sup>2</sup> Unilateral increase under a basic contract dated Mar. 18, 1953 (terminated effective Oct. 20, 1974); base rate 43.88 cents plus 3.89 cents tax, 5.26 cents Btu and 1.0 cent liquids (applicable to 53 percent volume).

<sup>3</sup> Notice does not include interests of successors, nonsignatory parties, or parties to ratifications thereof.

The proposed rate increases of Marathon and Northeast Blanco exceed the applicable area ceiling rate in Opinion No. 658, and are suspended for five months.

Northeast Blanco requested waiver of § 154.94(b), Regulations Under The Natural Gas Act, to the extent necessary for the proposed rate to become effective October 20, 1970, the date its original contract terminated. Respondent also requested that, if the waiver not be granted, that it be suspended for only one day, thus shortening the suspension period to 61 days after filing or a lesser period. Good cause has not been shown for granting these requests and they are denied.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No.

699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-27594 Filed 11-26-74; 8:45 am]

[Docket No. E-9108]

**MONTANA-DAKOTA UTILITIES CO.**

**Application**

NOVEMBER 20, 1974.

Take notice that on November 12, 1974, Montana-Dakota Utilities Co. ("Applicant") filed an application pursuant to section 204 of the Federal Power Act seeking an Order authorizing the Applicant to enter into a Guaranty Agreement with a bank (to be selected) acting as Trustee (the "Trustee"), guaranteeing payment of the principal, premium, if any, and interest on pollution control revenue bonds designated "City of

Beulah, North Dakota, Pollution Control Revenue Bonds (Montana-Dakota Utilities Co. Project), Series 1974" (the "Bonds") to be issued by the City of Beulah, North Dakota, an organized City within the State of North Dakota, being a body corporate and politic (the "City"), pursuant to a Trust Indenture (the "Indenture") to be entered into between the City and the Trustee. The aggregate amount of such obligations to be the subject of the Guaranty Agreement shall not exceed \$1,500,000.

The Applicant proposes to enter into a Guaranty Agreement with the Trustee under the Indenture pursuant to which the Bonds of the City are to be issued to finance the construction and acquisition in the City of air pollution control facilities at the Beulah-Dakota electric generating station, presently owned by the Applicant (said air pollution control facilities are hereinafter referred to as the "Project"). The Project will be owned by the City and will be leased by the City to the Applicant. The term of the lease (the "lease"), will commence

with the date of issuance of the bonds and will terminate on the date of final payment of the Bonds, such lease term to be more specifically set forth in the Lease at the time of execution.

Under the Guaranty Agreement, the Applicant will unconditionally guaranty to the Trustee for the benefit of the holders from time to time of the Bonds and the interest coupons appertaining thereto (a) the full and prompt payment of the principal of and premium, if any, on each Bond when and as the same shall become due, whether at the stated maturity thereof, by acceleration, call for redemption or otherwise, and (b) the full and prompt payment of any interest on any Bond when and as the same shall become due.

The City is authorized to issue the bonds under the Municipal Industrial Development Act of 1955, being chapter 40-57 of the North Dakota Century Code, as amended, and the City will issue the Bonds pursuant to the Indenture. Interest payable on the Bonds will be exempt from Federal Income Tax as enacted and construed on the date of original delivery (except as provided by section 103(c)(7) of the Internal Revenue Code of 1954 as to bonds held by a substantial user of the Project or a "related user" as such term is defined in section 103(c)(6)(C) of the Code).

While the City will be the issuer of the Bonds as required for purposes of exemption of the interest on the Bonds from Federal Income taxation, the credit of the City will not be pledged to the payment of the bonds. The Bonds will be payable only from the revenues and income under the Lease, and all lease rentals will be assigned to, and deposited directly with, the Trustee. The Lease will require that the Applicant continue to pay rental whether or not the Project is destroyed, and the amount payable will be the amount required to pay principal, premium, if any, and interest on the Bonds and to pay from time to time the fees and expenses of the City and the Trustee. Under the terms of the Lease Agreement, the City will at the option of the Applicant, sell, assign transfer and convey to the Applicant at a purchase price of \$10, all of its right, title and interest in the Project at any time after completion of construction as specified in the Lease, provided however, notwithstanding the foregoing, such sale, assignment, transfer and conveyance will not operate by merger or otherwise to terminate the Lease, the lease term or the obligations, terms and conditions of the Lease.

The guaranty proposed herein is required because, under the United States Bankruptcy Act, the claim provable with respect to a lease is limited to one year's rent in the event of the reorganization of the Applicant. If there is no guaranty as herein proposed, rating agencies customarily rate industrial revenue bonds to be paid out of the lease payments one grade lower than they rate senior unsecured long-term debt of the lessee.

The guaranty is to be absolute and unconditional. It will apply notwithstanding any default on the part of the City or any compromise, settlement, modification, amendment, release or termination of any or all of the obligations, covenants or agreements of the City. The guaranty is desired by the Applicant, since it will permit the Applicant to obtain the most advantageous interest rate for the Bonds with a consequent reduction in the rental to be paid by the Applicant under the Lease.

The Bonds will be sold to underwriters by the City, and a Bond Purchase Agreement relating to the Bonds will be entered into between the City and the underwriters.

The sale of the bonds will be governed by state law and will be accomplished without competitive bidding by the City. Since the guaranty by the Applicant will be given to the Trustee for the benefit of the holders of the Bonds issued by the City, the Applicant believes that competitive bidding with respect to the guaranty is not possible. The guaranty is the subject of an application for exemption from competitive bidding under § 34.2(f)(2).

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken out will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-27706 Filed 11-26-74; 8:45 am]

[Project No. 96]

**PACIFIC GAS AND ELECTRIC CO.**  
Issuance of Annual License

NOVEMBER 20, 1974.

On August 31, 1970, Pacific Gas and Electric Company, Licensee for Kerckhoff Project No. 96, located on the San Joaquin River in Fresno and Madera Counties, California, and affecting public lands of the United States and The Sierra National Forest, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1-16.6).

The license for Project No. 96 was issued effective December 2, 1922, for a period ending December 1, 1972. Since

the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 96.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period December 2, 1974 to December 1, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Kerckhoff Project No. 96, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-27698 Filed 11-26-74; 8:45 am]

[Project No. 2516]

**POTOMAC EDISON COMPANY OF WEST VIRGINIA**

Issuance of Annual License

NOVEMBER 20, 1974.

On September 28, 1973, The Potomac Edison Company of West Virginia, Licensee for Dam No. 4 Project No. 2516, located in Berkeley County, West Virginia on the Potomac River near the town of Shepherdstown, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6). The Applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The License for Project No. 2516 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company of West Virginia for continued operation and maintenance of Project No. 2516.

Take notice that an annual license is issued to Potomac Edison Company of West Virginia (Licensee) under section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Dam No. 4 Project No. 2516, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-27696 Filed 11-26-74; 8:45 am]

[Project No. 2517]

**POTOMAC EDISON COMPANY OF WEST VIRGINIA****Issuance of Annual License**

NOVEMBER 20, 1974.

On September 28, 1973, The Potomac Edison Company of West Virginia, Licensee for Dam No. 5 Project No. 2517, located in Berkeley County, West Virginia on the Potomac River, near the Town of Hedgesville, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). The applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The License for Project No. 2517 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company of West Virginia for continued operation and maintenance of Project No. 2517.

Take notice that an annual license is issued to Potomac Edison Company of West Virginia (Licensee), under Section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Dam No. 5 Project No. 2517, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27697 Filed 11-26-74;8:45 am]

[Docket No. E-8741]

**POTOMAC ELECTRIC POWER CO.****Further Extension of Procedural Dates**

NOVEMBER 19, 1974.

On November 15, 1974, Staff Counsel filed a motion for extension of the procedural dates fixed by order issued August 6, 1974, as modified by notice issued October 7, 1974, in the above-designated matter. The motion states that no party objects to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Evidence—January 14, 1975.  
Service of Intervenor Evidence—February 4, 1975.

Company Rebuttal Evidence—February 18, 1975.

Hearing—March 4, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27701 Filed 11-26-74;8:45 am]

[Docket No. E-8514]

**SOUTHERN SERVICES, INC.****Further Extension of Procedural Dates**

NOVEMBER 19, 1974.

On November 13, 1974, Southern Services, Inc., Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company, the Cities of Acworth, et al, and the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia, jointly filed a motion to extend the procedural dates fixed by order issued May 8, 1974, as most recently modified by notice issued October 22, 1974, in the above-designated matter. The motion states that Staff Counsel has no objection to the extension.

Upon considering, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by Intervenor—December 20, 1974.

Service of Evidence by Staff—January 10, 1975.

Service of Company Rebuttal—January 20, 1975.

Hearing—February 4, 1975 [10:00 a.m. e.s.t.].

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27700 Filed 11-26-74;8:45 am]

[Docket No. RP74-91-12]

**TENNESSEE GAS PIPELINE CO.****Withdrawal of Petition for Extraordinary Relief**

NOVEMBER 20, 1974.

On October 7, 1974, the City of Vina, Alabama (Vina), filed in Docket No. RP74-91-12, a petition for extraordinary relief pursuant to § 1.7 of the Commission's rules of practice and procedure requesting relief from the curtailment plan of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee).

By telegram of October 11, 1974, Vina notified the Commission of the withdrawal of the aforementioned petition. As of November 10, 1974, therefore, Vina's petition for extraordinary relief is deemed to be withdrawn.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27704 Filed 11-26-74;8:45 am]

[Docket No. RP74-39-20]

**TEXAS EASTERN TRANSMISSION CORP., ET AL.****Petition for Extraordinary Relief**

NOVEMBER 20, 1974.

Public notice is hereby given that on November 8, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to supply Penn Fuel's distributor subsidiary, Pottsville Gas Company (Pottsville) with sufficient volumes of natural gas to enable Pottsville to de-

liver to its customer, American Argo Corporation (Argo) at its Schuylkill Haven Plant up to 216 Mcf per day until December 8, and up to 168 Mcf per day thereafter for an indefinite period. Argo requests that the relief be granted on a temporary basis pendente lite.

Penn Fuel is a public utility holding company with distributor affiliates serving the eastern half of Pennsylvania. Several of these affiliates, including Pottsville, purchase their entire natural gas requirements from TETCO. Pottsville, in turn, supplies the total requirements of Argo.

Argo's Schuylkill Haven Plant is a part of an integrated fabric manufacturing division. It supplies finished knitted fabrics to Argo's sewing and cutting plants.

Griege yarn arrives in the plant and is diverted as follows:

(a) Yarn to be packaged dyed is first dyed, then dried by steam, then knitted.

(b) Yarn to be piece-dyed is first knitted into single fabrics and then dyed.

The fabric is then successively dried, resinated, dried once again and cured.

The three drying processes and the curing process presently require natural gas. Penn Fuel states that oil cannot be used at this time in its four drying ovens, since oil would leave a residue on the fabrics.

Argo is now converting one oven to oil heated steam and will lose thereby that oven's capacity to cure fabrics. Penn Fuel states that Argo is conducting an experiment in which an additional oven will be converted to oil. If the experiment is successful it will convert its two remaining ovens to oil. Until the conversion of one oven to steam is made, Argo will need 216 Mcf per day. Thereafter it will require 168 Mcf until and if conversion to oil can be accomplished.

Argo states that the Schuylkill Haven Plant employs 250 people, but that being part of an integrated operation, if that plant closes, employees at eight other plants might be laid off.

Argo, Penn Fuel states, is currently curtailed to 31 percent of its base allocation.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection. A shortened notice period in this matter may be in the public interest.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27705 Filed 11-26-74;8:45 am]

[Docket Nos. RP74-39-14 et al.]

TEXAS EASTERN TRANSMISSION  
CORP., ET AL.Order Granting Extraordinary Relief Pen-  
dente Lite, Permitting Intervention, Pro-  
viding for Hearing and Establishing  
Procedures

NOVEMBER 19, 1974.

During the period October 30, 1974, through November 7, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed six petitions for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of

practice and procedure.<sup>1</sup> In each petition, Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to supply one of Penn Fuel's distributor subsidiaries with sufficient volumes of natural gas to enable those distributors to serve their industrial customers with specific volumes of gas. The table below sets out the specific requests made in each petition:

<sup>1</sup> Five of the petitions so filed will be dealt with in this order. The sixth, assigned the Docket No. RP74-39-16, will be handled separately.

Docket No.	Distributor	Industrial	Mcf per d/ Mcf per month <sup>2</sup>	Duration
RP74-39-14....	Huntingdon Gas Co. (Huntingdon).	Owens-Corning Fiberglas Corp., Huntingdon, Pa. (Owens-Corning).	225	5 1/4 months.
RP74-39-15....	Hamburg Gas Co. (Hamburg).	Brush Wellman Corp., Shoemakersville, Pa. (Brush Wellman).	172.5/3662.5	2 months.
RP74-39-17....	Hamburg.	Glen-Gery Corp., Shoemakersville, Pa. (Glen-Gery).	200	Do.
RP74-39-18....	Pottsville Gas Co. (Pottsville).	Bound Brook Corp., Auburn, Pa. (Bound Brook).	261.2/8710.2	Indefinite.
RP74-39-19....	Pottsville.	Allied Chemical Corp., Pottsville, Pa. (Allied).	180/5000	6 months.

<sup>2</sup> Monthly volumes are listed only when the customer does not plan to use the full daily volume on every day of the month.

Penn Fuel is a public utility holding company with several distributor subsidiaries serving the eastern half of Pennsylvania. Fourteen of these distributors are listed under Pottsville Gas Company, et al. (Pottsville Group) in TETCO's Index of Purchasers. Hamburg, Huntingdon, and Pottsville are members of the Pottsville Group. All three of these distributors receive their entire natural gas requirements from TETCO. Each of these three distributors is the sole supplier of natural gas to one or two of the five industrials for whom relief is being sought.

In each of the five petitions considered herein, Penn Fuel has attempted to provide a picture of the operations, fuel requirements, employment statistics, markets and other relevant information regarding the industrial for whom relief is requested. We shall summarize below the information provided under oath by Penn Fuel:

**Owens-Corning** — Owens-Corning manufactures textile and industrial fiberglass products at its plant in Huntingdon, Pennsylvania. It employs 1,070 people at the Huntingdon plant. Owens-Corning maintains three mat lines for the production of automotive reinforcements and electrical mats. A roving and curing operation produces roving yarn products which are used to produce missile nose cones, radar antennas, etc. A scrim process produces nonwoven fabric to reinforce paper and packaging materials. It is claimed that natural gas is essential in the mat line, roving process and scrim process for the curing oven operations. Heat generated in the oven must be clean, leaving no carbon deposits. Electricity could be used but would require construction of a transmission substation and complete redesign of the mat line. The requested relief, which

Owens-Corning states will be necessary on every day until April 15, 1975, will be utilized as follows:

Use	Thousand cubic feet daily	Thousand cubic feet monthly (31 days)
2 mat lines.....	180	5,580
Roving and curing.....	30	930
Scrim.....	15	465
Total.....	225	6,975

Owens-Corning's base monthly volume for November is 9,029 Mcf and would result in deliveries of 303 Mcf/d without curtailment.<sup>3</sup> Owens-Corning's base volumes for December through April in Mcf are 10,617, 10,819, 11,103, 10,305, and 8,546.

As of October 30, 1974, when Penn Fuel filed the subject petition for Owens-Corning, Owens-Corning was being curtailed 97 percent and had closed down its mat lines, roving and curing process and scrim process. The petition indicates that such curtailment, if it continues, will force a layoff of approximately 140 employees.

As of November 1, 1974, due to a systemwide decrease in Texas Eastern's curtailment level from 1,000,000 dekatherms per day to 650,000 dekatherms per day, Owens-Corning's curtailment was reduced to 66 percent resulting in daily volumes being available of 99 Mcf. This volume still falls short of 225 Mcf/d that is allegedly needed by Owens-Corning to prevent layoffs.

**Brush Wellman**—Brush Wellman is one of two American producers of beryl-

<sup>3</sup> Penn Fuel has established base monthly volumes for its customers based on historical usage and curtailment is deducted from these volumes to determine the volumes available for each customer.

lithium copper alloys which are used in electro-mechanical applications and which are essential to the electronics, communications and computer industries. Brush Wellman's basic beryllium refining operations are in Elmore, Ohio, but 100 percent of its finish beryllium copper strip is produced at the Shoemakersville, Pennsylvania, plant. It is estimated that 15 to 20 percent of beryllium copper strip output of the plant is utilized in defense-related applications.

Brush Wellman requires gas on peak days for the following uses for which no alternate fuel capability is installed and which require inert atmospheres and/or carefully controlled temperatures:

Use	Thousand cubic feet daily	Thousand cubic feet monthly
Nitrogen generator.....	18.0	
Pickling line.....	10.0	
Caustic lines.....	33.0	
Salt bath.....	33.0	
Strand annealing furnace.....	44.5	
Rolling hearth furnace.....	31.0	
Total.....	172.5	3,662.5

Brush Wellman's base monthly volume for November is 5,634 Mcf and would result in deliveries of 188 Mcf/d without curtailment. Brush Wellman's December base volume is 5,559 Mcf.

As of October 31, 1974, when Penn Fuel filed the subject petition for Brush Wellman, Brush Wellman was being curtailed 97 percent. Should Brush Wellman be forced to shut down due to a lack of gas supply, 140 employees at its Shoemakersville plant will be laid off and an additional 200 employees at Brush Wellman's refinery operations in Elmore, Ohio, would be in jeopardy.

As of November 1, 1975, due to the decrease in Texas Eastern's curtailment level mentioned above, Brush Wellman's curtailment was reduced to 66 percent resulting in daily volumes of 62 Mcf being available. This volume still falls short of the 172.5 Mcf/d that is allegedly necessary for Brush Wellman to prevent layoffs.

**Glen-Gery**—Glen-Gery is a major producer of structural clay products, concrete blocks and bricks and has eleven plants in Pennsylvania and Ohio. The Shoemakersville, Pennsylvania plant employs 125 people. The plant contains 2 tunnel kilns and 7 periodic kilns which operate seven days a week. On October 12, 1974, Glen-Gery was curtailed 100 percent and this curtailment was reduced to 98 percent on October 25 through October 31. This severe curtailment resulted in the layoff of 12 employees. On November 1, 1974, Glen-Gery's curtailment was reduced to 69 percent and is currently at this level. Glen-Gery has a contract with Hamburg for 1,000 Mcf/d (90 percent firm). If all of its kilns were operated on natural gas, Glen-Gery states that it would need 2,100 Mcf/d. Glen-Gery's minimum volume of gas necessary to operate its kilns is as follows:

Use	Thousand cubic feet daily	Thousand cubic feet monthly
Old tunnel kiln .....	1 500	15,500
New tunnel kiln .....	(2)	-----
7 periodic kilns .....	(2)	-----
Total .....	500	15,500

<sup>1</sup> Old tunnel kiln originally required 750 Mcf daily. In January 1974 the kiln was converted so that fuel oil could be utilized to provide an equivalent of 250 Mcf daily.

<sup>2</sup> Oil.

<sup>3</sup> Glen-Gery has a plant that produces gas from coal. It can produce 550 Mcf per day from 23 tons of coal.

Glen-Gery has taken further steps to convert its older kiln to alternate fuel and estimates that with design changes and delivery time conversion will take eight weeks. Glen-Gery applied for a fuel allocation on October 15, 1974.

Glen-Gery is currently receiving 300 Mcf per day (commencing November 1) and therefore requires an additional 200 Mcf/d. Without such gas Glen-Gery contends that an additional 18 employees will be laid off and reduced production of bricks will result in delays in major building projects in the Northeast.

**Bound Brook**—Bound is a manufacturer of metal bearings used principally in the agricultural equipment industry but also in other industries such as the automotive industry. Bound Brook employs 170 people. The bearings are produced using powder metallurgy techniques. Presses compact alloyed and blended powders and the part is then sintered (heated) at precise temperatures and controlled atmospheres.

Bound Brook states that it needs natural gas to use in the following equipment and that neither electric nor oil energy sources can be used because they do not meet the needs for controlled precise heating and protective atmosphere:

Use	Thousand cubic feet daily	Thousand cubic feet monthly
2 standard kilns .....	51.0	-----
2 SRX generators (generate gas) .....	68.0	-----
3 reduction furnaces .....	30.0	-----
7 tin furnaces .....	9.6	-----
Copper shot furnace .....	24.0	-----
3 18-in furnaces .....	100.8	-----
24-in furnace .....	7.0	-----
2 12-in furnaces .....	18.0	-----
3 generators (generate gas) .....	52.8	-----
Total .....	361.2	8,710.2

Bound Brook's base monthly volumes are as follows:

November .....	5,591
December .....	6,932.3
January .....	6,932.3
February .....	6,932.3
March .....	7,046
April .....	7,584
May .....	7,576
June .....	7,476
July .....	3,130
August .....	7,706
September .....	6,949
October .....	7,769

Thus, Bound Brook is petitioning for more gas than it would be entitled to receive from Pottsville even if TETCO were not presently curtailing. Bound Brook

indicates that the request for relief is for an indefinite time period since no alternate fuels can be used.

Bound Brook states that in October 1974, it was curtailed by 97 percent which led to a layoff of 150 employees. As of November 1, it states that its curtailment is 66 percent and that 65 of the 150 employees laid off have been recalled. Bound Brook requests additional gas so that it may recall its additional employees and meet the demands of the agricultural and automotive industries.

**Allied Chemical**—Allied Chemical produces thermo plastic films from nylon, fluorohalocarbon and polyvinyl chloride resins which are used in meat and cheese packaging, aircraft parts, military rust prevention packaging and in pharmaceutical packaging. Allied Chemical states that its Pottsville, Pennsylvania plant is the only one in the United States which coats nylon based films. It employs 225 people at its Pottsville plant.

Allied Chemical states that 93 percent of the natural gas supplied to its plant is used in direct fired gas ovens for a two step coating process producing coated films. Two percent of the natural gas is used to fire a steam boiler and 5 percent is used for plant protection in severe cold weather to prevent fire lines from freezing. Allied Chemical claims that gas space heating has been eliminated in the plant except during severe cold weather. Allied Chemical further alleges that fuel oil cannot be used in the coating process since the coated film is a "food grade" product and foreign contamination is precluded by FDA regulations. It is stated that the production of steam is intimately tied to the total manufacturing process and is proportionately such a small use of energy that it cannot be converted to fuel oil.

The volumes requested will be used as follows:

Use	Thousand cubic feet daily	Thousand cubic feet monthly
Coating ovens .....	167.4	-----
Plant protection .....	9.0	-----
Boiler fuel .....	3.6	-----
Total .....	180.0	5,000

Allied Chemical expects to have propane backup capability in six months and requests relief until that time. Base volumes for Allied Chemical for the months for which relief is requested are as follows:

Month	Mcf	Month	Mcf
November .....	4,756	March .....	5,883
December .....	6,493	April .....	5,010
January .....	5,166	May .....	3,468
February .....	7,281		

Without relief Allied Chemical states that it could maintain full production for less than one day in November and would have to start reducing plant personnel man hours.

It appears that all five industrial customers have undertaken significant energy conservation programs. Three of the industrials (Brush Wellman, Glen-Gery and Allied Chemical) are installing alternate fuel facilities and have re-

quested relief only until the facilities are operational. While the requests for relief for four of the customers have been lower than the base period volumes from which Penn Fuel curtails, presumably due to conservation and/or conversion efforts, Bound Brook requests a monthly volume of relief greater than its base period volumes. It will be recommended that temporary relief for Bound Brook shall not exceed the average monthly usage of Bound Brook during the base period. Owens-Corning and Bound Brook do not contemplate use of alternate fuels.

Public notice of the petitions filed in Docket Nos. RP74-39-14 and RP74-39-15 was given on November 6, 1974, with protests and petitions to intervene due by November 22, 1974. A petition to intervene was received from Owens-Corning on November 1, 1974.

We shall order that the five proceedings initiated by the petitions discussed herein be consolidated for the purposes of hearing and decision inasmuch as they involve common questions of law and fact.

Under the circumstances as described above, good cause has been shown to authorize and direct TETCO to supply to Penn Fuel, through its distributor affiliates, the relief volumes specified below for the use of the industrial customers named in these consolidated proceedings. This grant of relief shall be effective pending notice, hearing and final decision in these proceedings.

TETCO is hereby directed to supply to the Pottsville Group sufficient volumes of natural gas to enable:

(1) Huntingdon to serve Owens-Corning a minimum of 225 Mcf/d until January 15, 1975.

(2) Hamburg to serve Brush Wellman up to 172.5 Mcf/d and up to 3662.5 per month until January 1, 1975.

(3) Hamburg to serve Glen-Gery up to 200 Mcf/d until January 1, 1975.

(4) Pottsville to serve Bound Brook up to 283 Mcf/d and up to 6,802 Mcf per month until January 15, 1975.

(5) Pottsville to serve Allied up to 180 Mcf/d and up to 5,000 Mcf per month until January 15, 1975.<sup>2</sup> All relief volumes delivered by TETCO to Penn Fuel shall be classified in category 2 of TETCO's curtailment program, except that deliveries to Penn Fuel will be protected until category 1 customers are subject to curtailment, i.e., Penn Fuel would be the last to be curtailed in category 2. Accordingly, we grant Penn fuel temporary extraordinary relief on the basis of sworn allegations made pending hearing and decision on its petitions. All or part of this relief may be subject to payback as provided in 18 CFR 2.78(a) (ii). The relief shall extend for the periods specified below or until a final decision is issued in this consolidated proceeding, whichever first occurs.

*The Commission finds:* (1) Good cause exists to consolidate the proceedings in Docket Nos. RP74-39-14, RP74-39-15, RP74-39-17, RP74-39-18 and RP74-39-19 for the purposes of hearing and decision.

(2) The grant of Penn Fuel's petitions on a temporary basis, as hereinafter ordered, is in the public interest and is consistent with the purposes of the Natural Gas Act.

(3) Good cause exists to set the consolidated proceedings initiated by Penn Fuel's petitions for formal hearing.

(4) Participation of Owens-Corning in these proceedings may be in the public interest.

*The Commission orders:* (A) The relief sought by Penn Fuel in its petitions filed in these consolidated proceedings is granted by directing TETCO to deliver to Penn Fuel through its distributor subsidiaries sufficient volumes to enable:

(1) Huntingdon to serve Owens-Corning a minimum of 225 Mcf/d until January 15, 1975.

(2) Hamburg to serve Brush Wellman up to 172.5 Mcf/d and up to 3662.5 per month until January 1, 1975.

(3) Hamburg to serve Glen-Gery up to 200 Mcf/d until January 1, 1975.

(4) Pottsville to serve Bound Brook up to 283 Mcf/d and up to 6802 Mcf per month until January 15, 1974.

(5) Pottsville to serve Allied up to 180 Mcf/d and up to 5,000 Mcf per month until January 15, 1975.

All relief volumes delivered by TETCO to Penn Fuel shall be classified in category 2 of TETCO's curtailment program, except that deliveries to Penn Fuel will be protected until category 1 customers are subject to curtailment, i.e., Penn Fuel would be the last to be curtailed in category 2.

(B) Pending hearing and decision, all of the relief hereby granted may be subject to payback.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on December 2, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426 concerning the Penn Fuel petitions.

(D) On or before November 26, 1974, petitioners and all parties supporting or opposing petitioners' request shall serve with the Commission and upon all parties to the proceeding, including Commission Staff, their testimony and exhibits in support of their position.

(E) As part of its case in chief, Penn Fuel and each of the five industries shall provide evidence of any contract between themselves and the Federal Energy Administration (FEA) and any assistance provided by FEA.

(F) As part of its case in chief, Penn Fuel shall provide evidence regarding availability of gas supply on all of its systems from all sources, intrastate and interstate.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(H) The Presiding Administrative Law Judge shall render his initial de-

cision within 15 days of the close of the record.

(I) Briefs on exceptions must be filed within 10 days of the date on which the Initial Decision is issued. No Briefs Opposing Exceptions will be accepted for filing.

(J) Owens-Corning is hereby permitted to intervene subject to the Rules and Regulations of the Commission; *provided, however*, That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *provided, further*, That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27598 Filed 11-26-74; 8:45 am]

## FEDERAL RESERVE SYSTEM COUNTY NATIONAL BANCORP.

### Order Approving Acquisition of Bank

County National Bancorporation, Clayton, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank of Arnold, Arnold, Missouri ("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, the ninth largest bank holding company in Missouri, controls 2 banks with aggregate deposits of \$251 million, representing 1.7 percent of total commercial bank deposits in the state.<sup>1</sup> Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in Missouri.

Bank will be located in Arnold, the largest city in Jefferson County, approximately 18 miles south of St. Louis, and will be competing in the St. Louis banking market.<sup>2</sup> Applicant's subsidiary banks are both located in the relevant market, approximately 15 and 18 miles, respectively, from the proposed site of Bank. The three largest banking organizations

<sup>1</sup> All banking data are as of December 31, 1973 and reflect bank holding company formations and acquisitions approved by the Board through October 31, 1974.

<sup>2</sup> The St. Louis banking market is approximated by the City of St. Louis, St. Louis County, portions of St. Charles and Jefferson Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois.

in the St. Louis market control approximately 38 percent of total market deposits. Applicant is the fifth largest banking organization therein with 3.6 percent of total deposits in the market. Since this acquisition involves the establishment of a proposed new bank, consummation of the subject acquisition would eliminate no existing competition, and no immediate increase in the concentration of banking resources would result therefrom. The Board concludes that consummation of the proposal would not have an adverse effect on existing or future competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory, particularly in view of Applicant's commitment to furnish additional equity capital into one of its subsidiaries. Bank, as a proposed new bank, has no financial or operating history; however, its prospects under Applicant's management appear favorable. Bank would provide an additional alternative source of full banking services to the residents of the Arnold area. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) First National Bank of Arnold, Arnold, Missouri, 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 St. Louis pursuant to delegated authority.

By order of the Board of Governors,  
effective November 20, 1974.

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

[FR Doc.74-27683 Filed 11-26-74; 8:45 am]

## GENERAL ACCOUNTING OFFICE FEDERAL COMMUNICATIONS COMMISSION; REGULATORY REPORTS REVIEW

### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 14, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of in-

<sup>3</sup> Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

### GENERAL SERVICES ADMINISTRATION

#### REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

##### Notice of Meeting

NOVEMBER 18, 1974.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1, December 13, 1974 from 10 a.m. to noon, Room 711, John W. McCormack Post Office and Courthouse Building, Post Office Square, Boston, Massachusetts 02109. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed new Federal Office Building—Pittsfield, Massachusetts. Frank and open discussion of the professional qualifications of the firms being considered is essential to the success of the meeting. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b) (5), the meeting will not be open to the public.

ALBERT A. GAMMAL, JR.,  
Regional Administrator.

[FR Doc. 74-27602 Filed 11-26-74; 8:45 am]

#### INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

##### BUCHANON & SONS COAL CO., INC.

#### 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. 4005-000, BUCHANAN & SONS COAL CO., INC., Mine No. 19, Mine ID No. 44 01697 0, Pound, Virginia,  
ICP Permit No. 4005-001 (Wise 454 4-Wheel Mine Tractor, I.D. No. 412).  
ICP Permit No. 4005-006 (Wise 454 Mine Tractor, I.D. No. 357).  
ICP Permit No. 4005-009 (Wise 454 4-Wheel Mine Tractor, I.D. No. 385).

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 22, 1974.

[FR Doc. 74-27709 Filed 11-26-74; 8:45 am]

#### M & M COAL CO., INC.

#### 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. 4358-000, M & M Coal Co., Inc., No. 15 B Portal Mine, Mine ID No. 44 01691 0, Pound, Virginia,  
ICP Permit No. 4358-001 (Spinner Loading Machine, I.D. No. 6),  
ICP Permit No. 4358-002 (Royal No. 4 Cutting Machine, Ser. No. 201),  
ICP Permit No. 4358-003 (Kersey 464 Rubber Tired Mine Tractor, Ser. No. 6106).

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 22, 1974.

[FR Doc. 74-27710 Filed 11-26-74; 8:45 am]

#### NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SS-R/H-7]

#### SOUTHERN RAILWAY AND POLK DISTRICT

#### Accident Investigation; Change of Location of Hearing

In the matter of the investigation of the collision of the Southern Railway Work Train with the Polk District School Bus at Aragon, Georgia on October 23, 1974, resulting in seven fatalities and numerous injuries.

Notice is hereby given that the location of the Highway/Railroad Grade Crossing Accident Investigation Hearing on the above matter commencing on December 3, 1974, has been changed from the Squire Inn, Atlanta, Georgia, to Ball-

formation; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

#### FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of a revision to a mandatory program evaluation report, FCC Form P—Annual Report of Miscellaneous Microwave Common Carriers. Potential respondents are licensees in the Domestic Public P-to-P Microwave Service. Respondent burden is estimated at 12 hours for each respondent per response.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc. 74-27786 Filed 11-26-74; 8:45 am]

#### CIVIL AERONAUTICS BOARD; REGULATORY REPORTS REVIEW

##### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 18, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

#### CIVIL AERONAUTICS BOARD

Request for clearance of an amendment to CAB Form 239, "Reporting Data Pertaining to Freight Loss and Damage Claims by Certain Air Carriers and Foreign Route Air Carriers (Schedules A and B). This revision involves clarification of the instructions on CAB Form 239, Schedule A with respect to reporting of interline claims and slight modification of the reporting on CAB Form 239, Schedule B. The reporting requirement is mandatory under the Federal Aviation Act. Potential respondents are certificated route and supplemental air carriers, commuter air carriers, air freight forwarders and international air freight forwarders, and foreign route air carriers. The amendment does not impose any additional reporting requirements since it involves only a clarification and minor editorial changes. Therefore, there should be no increase in man-hour burden occasioned by the amendment.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc. 74-27785 Filed 11-26-74; 8:45 am]

room C of the Ramada Inn, Highway 411, Rome, Georgia.

Dated this 19th day of November 1974.

FRANCIS H. McADAMS,  
Chairman, Board of Inquiry.

[FR Doc.74-27711 Filed 11-15-74;8:45 am]

**RAILROAD RETIREMENT BOARD  
SUPPLEMENTAL ANNUITY PROGRAM  
Quarterly Rate of Excise Tax**

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1975 shall be at the rate of eight and one-half cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1975, four percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and ninety-six percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: November 20, 1974.

By Authority of the Board.

[SEAL]

R. F. BUTLER,  
Secretary of the Board.

[FR Doc.74-27764 Filed 11-26-74;8:45 am]

**SECURITIES AND EXCHANGE  
COMMISSION**

[File No. 500-1]

**CONTINENTAL VENDING MACHINE  
CORP.**

**Notice of Suspension of Trading**

NOVEMBER 20, 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 21, 1974 through November 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-27678 Filed 11-26-74;8:45 am]

[Rel. No. 8589; 812-3701]

**HARTFORD VARIABLE ANNUITY LIFE  
INSURANCE, CO., ET AL.**

**Application for Exemption**

NOVEMBER 20, 1974.

In the matter of Hartford Variable Annuity Life Insurance Co., Hartford Variable Annuity Life Insurance Company Separate Account, and Hartford Equity Sales Company, Inc., Hartford Plaza, Hartford, Connecticut, 06115.

Notice is hereby given that Hartford Variable Annuity Life Insurance Co., an insurance company organized under the laws of South Carolina, Hartford Variable Annuity Life Insurance Company Separate Account, a separate account for the funding of variable annuity contracts ("Separate Account"), registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company; and Hartford Equity Sales Company, Inc., a broker-dealer in securities registered under the Securities Exchange Act of 1934, the principal underwriter for the variable annuity contracts issued with respect to the Separate Account (hereinafter collectively referred to as "Applicants"), filed an application on September 26, 1974, pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of section 22(d) and 27(a) (3) of the Act to the extent hereinafter set forth. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein which are summarized below.

At present there are several different types of variable annuity contracts issued with respect to the Separate Account. Specifically, there are single premium, immediate and deferred individual contracts; flexible-payment deferred individual contracts; and group immediate and deferred contracts, which group contracts are further subdivided into group annuity contracts, terminal funding contracts and deposit administration contracts. All of the contracts may be sold on either a tax-qualified or a non-tax qualified basis with the exception of one class of flexible payment deferred individual contracts which may only be sold on a tax-qualified basis. There are differences in the deductions for sales and administrative expenses required by each of the various classes of group and individual contracts which, the application states, have come about largely because of the peculiarities of the particular markets for which contracts have been designed.

It is the intention of Applicants to revise the deduction patterns for sales and administrative expenses with respect to both group and individual contracts according to the schedules set forth in the application.

If the requested order is granted, Applicants will shortly thereafter discontinue offering variable annuity contracts providing for the old series of deductions, although contract owners of then outstanding contracts and participants thereunder shall retain the right to continue making purchase payments under

their contracts subject to the old percentage deductions. However, then existing contract owners shall have the right to exchange their contracts for comparable new contracts which provide for the new rates of deductions and charges. An investor under an individual or a group contract who exchanges an existing contract calling for the old rates of deduction for a new contract providing for the new rates of deduction will be able to invest the proceeds of redemption at net asset value without any deductions being made for sales and administrative expenses or, if appropriate, for the minimum death benefit guarantee. However, he will be considered a new purchaser of a contract or a new participant under a new group contract and the value of the amount which is transferred from the old contract to the new contract will not be considered in determining the amounts of deductions for sales and administrative expenses from purchase payments made under the new contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company may sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in its prospectus.

Each installment payment made pursuant to the terms of a security, such as a periodic payment plan certificate, constitutes a separate offer and sale of a redeemable security. If periodic payments under outstanding flexible payment deferred individual contracts and under outstanding group contracts subject to the existing level of deductions set forth in such outstanding contracts are made while, at the same time, periodic payments are made under new contracts which provide for a different level of deduction, a violation of section 22(d) of the Act may be said to take place.

Applicants, accordingly, request an exemption from the provisions of section 22(d) of the Act (1) in order that they may continue to accept payments under the old contracts made by or on behalf of intended annuitants at the level for deductions provided for in those contracts while, at the same time, the new contracts are being offered and sold and purchase payments accepted thereunder subject to the deductions from payments provided; and (2) so that contract owners wishing to exchange their existing contracts which provide for a level deduction for sales and administrative expenses for a new contract which provides for varying levels of deduction for sales and administrative expenses depending on the amount invested may invest the value of the contract accounts in the new contracts without any deduction being made for sales or administrative expenses if they deem it in their best interests to do so.

Section 27(a) (3) of the Act provides, in pertinent part, that "It shall be unlawful for any registered investment company issuing periodic payment plan certificates or for any depositor or underwriter for such company to sell any such certificates if \* \* \* (3) the amount of sales load deducted from any one of such

first payments exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment;

As noted above, Applicants intend to permit a holder of an existing contract to redeem such contract and invest the proceeds thereof in a new contract without the imposition of additional charges. However, such an investor would not receive credit for such transferred amounts in determining the applicable sales charges for subsequent purchase payments under the new contract. Since the charges deducted from payments under the new contracts may, in some instances, exceed the charges previously paid by an investor who had transferred his old contract, Applicants have requested that the Commission issue an order of exemption from the provisions of section 27(a)(3) in order that they may offer the variable annuity contracts with such sales load deductions.

Applicants allege that the granting of the requested exemptions from the provisions of section 22(d) and section 27(a)(3) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors because public investors will benefit from the reduced scale of charges for sales and administrative expenses and the granting of such an order will not be detrimental to existing investors because existing contract owners may continue to hold their existing contracts and make contributions thereunder at the deduction levels set forth therein or, if they deem it in their best interests to do so, they will have an opportunity to exchange their existing contracts for new contracts which provide for the new schedule of sales and administrative expense deductions.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than December 13, 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 reason 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 should 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 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 said date 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 hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-27677 Filed 11-26-74; 8:45 am]

[Rel. No. 8590; 812-3693]

#### NATIONWIDE LIFE INSURANCE CO. AND NATIONWIDE DC VARIABLE ACCOUNT

##### Application for Approval of Offer of Exchange and for Exemption

NOVEMBER 21, 1974.

Notice is hereby given that Nationwide Life Insurance Company, 246 North High Street, Columbus, Ohio 43216, ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, and Nationwide DC Variable Account ("DCVA"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants") filed an application on September 9, 1974, and an amendment thereto on November 8, 1974, pursuant to section 11 of the Act for an order to permit certain offers of exchange and pursuant to section 6(c) of the Act for exemption from the provisions of section 22(d), 26(a), and 27(c)(2) of the Act, to the extent noted below. 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.

DCVA was established by Nationwide Life pursuant to Ohio law in connection with the proposed issuance of certain group variable annuity contracts ("Contracts"). Assets of DCVA will be invested at the discretion of the owner, or participant if permitted by the retirement plan, in MIF Fund, National Investors Corporation, or Putnam Investors Fund, Inc. (hereinafter collectively "Funds") or all three. Such investments will be allocated to three series, each of which represents investment in a separate Fund.

Funds are open-end, diversified management investment companies registered under the Act. Applicants propose to offer Contracts designed to fund supplemental retirement plans ("Plans") established for employees of states and

their political subdivisions or any tax exempt organization.

The Contracts provide that a sales charge of 5 percent will be deducted from each purchase payment under a Contract. A deduction of 50¢ from each purchase payment will also be made to cover the costs of processing payments. In addition, on each participant's anniversary date, an administration charge of \$8 will be made. If a participant's account is cancelled as a result of a complete redemption more than 30 days after the anniversary date, Nationwide Life will deduct an administrative charge of \$8 or 2 percent of the value of the participant's account, whichever is less.

#### SECTION 11

Applicants request an order pursuant to sections 11(a) and 11(c) of the Act to permit Contract owners, or participants if permitted by the Plan, to convert accumulation units from one DCVA series to another. Upon receipt of such an election, Nationwide Life will transfer the amount to be converted within seven days of receipt of the election. Such transfer will be based on the accumulation unit values of the affected series on the day such transfer occurs. No conversion between series may be made for any participant within three years of (1) the participant's entry into the plan or (2) the date of the last election, except that a change will be permitted one month before the date retirement income payments commence for a participant without regard to the three year limitation. The amount converted must be at least \$1,000 and if any amount remains in the series from which the conversion is being made, that amount must be at least \$250. A \$5.00 charge will be made against a participant's account to cover the cost of effecting conversions between series.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such a company or of any other open-end investment company to exchange his security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any type of any other investment company.

Applicants allege that the proposed conversion privilege will afford Contract owners and participants the opportunity to choose between shares of underlying investment companies having different investment objectives. Applicants also allege that the \$5.00 charge for effecting such a conversion will be uniformly applied only to those participants who elect the conversion privilege to pay for the administrative costs involved, and, there-

fore, will not be discriminatory against those participants who do not make the election.

#### SECTION 22(d)

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants request an exemption from the provisions of section 22(d) to permit, without additional sales charge, the transfer of fixed accumulations in a participant's account for variable accumulation units in DCVA. Applicants state that the same amount of sales charges are imposed on all purchase payments regardless of whether they are applied to provide fixed accumulations or variable accumulations.

Applicants also request an exemption from section 22(d) to permit a beneficiary named under any of the Contracts to apply death benefit proceeds to provide variable annuity payments without the imposition of a sales charge. Applicants state that sales charges will have already been paid on purchase payments under the Contracts, and that no further selling expense will be involved.

Applicants also request an exemption from the provisions of section 22(d) to permit the transfer of a participant's account from one Contract to another, without the imposition of additional sales charges, provided the participant has the consent of the owners of both Contracts. Applicants represent that, under certain circumstances, such as when a participant is successively employed by two or more employers who are owners of Contracts, it would be desirable to combine such employee's accumulated amounts into the Contract of his current employer. Since sales charges have previously been deducted in such instance, Applicants state that it would be inequitable to impose additional charges upon such transfers.

Applicants further request an exemption from section 22(d) to permit experience rating credits under a Contract without further deductions for sales charges in the event gains accrue to Nationwide Life from expense and risk charges made under a Contract which exceed amounts that the Board of Directors of Nationwide Life determine, at their sole discretion, should be added to contingency reserves and surplus. Such gains may be used to purchase additional accumulation units for the benefit of participants under such Contracts. Applicants state, in support of their request, that it is impossible to make any advance determination or projection as to amounts resulting from possible expense deductions, and that sales charges have already been made on payments giving rise to the experience rating credits.

#### SECTIONS 26(a) AND 27(c)(2)

Sections 26(a) and 27(c)(2) of the Act, as here pertinent, provide, in substance, that a registered unit investment trust, and any depositor and underwriter

for the trust, are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, in part, that (i) the custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and, if necessary, from the corpus of the trust for services performed and for reimbursement for expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian. Although the assets of DCVA are held under custodian agreements with the Ohio National Bank of Columbus ("Bank"), a bank having the qualifications described in section 26(a) of the Act, the agreement does not create a trust with respect to the assets of DCVA because Nationwide Life, as a life insurance company, must retain ownership of and control of the disposition of its property under Ohio law. Accordingly, an exemption is requested to the extent necessary from the requirement that the assets be held in a trust.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that, under the custodian agreement, Nationwide Life will pay the expenses for the safekeeping of the DCVA assets. Applicants also state that the ownership of Funds shares by DCVA will be held in an open account so that the ownership of Funds shares by DCVA will be indicated only on the books of the Funds and DCVA, and that, under the agreement, the assets of each DCVA series will be kept physically segregated by the Bank and held separate from the assets of any other firm, person or corporation. The Bank will maintain a record of all purchases and redemptions of Funds shares in each applicable DCVA series and will assist in the preparation of reports to the Commission.

Applicants further state that Nationwide Life is subject to the extensive supervision and control by the Director of Insurance for the State of Ohio and the comparable official of each state in which it does business. Such supervision requires Nationwide Life to file complete and detailed periodic reports. Applicants also state that the activities of Nationwide Life are subject to review by the Ohio Insurance Department and its representatives at all times and are subject to comprehensive examinations periodically. Applicants allege that any substitution of an underlying Fund of

DCVA can only take place by a majority vote of those having an interest in the Fund to be substituted and the prior approval of the Commission. Applicants finally state that Nationwide Life maintains with Fidelity and Deposit Company of Maryland a fidelity bond covering its employees in the amount of \$2,000,000 in the event of wrong doing and \$1,000,000 in the event of securities forgery.

Applicants contend that the foregoing laws, regulations and arrangements will provide substantial assurance that all obligations under the Contracts issued by DCVA will be performed.

Applicants have consented that the foregoing requested exemption may be made subject to the following conditions: (1) That the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of DCVA shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues 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 Applicants at the address stated above. Proof of such service (by affidavit or in 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 said date 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 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.74-27676 Filed 11-26-74; 8:45 am]

[Exception No. 37 to Rev. S.O. No. 1173]

## INTERSTATE COMMERCE COMMISSION

### BURLINGTON NORTHERN INC. ET AL.

#### Notice of Exceptions

NOVEMBER 8, 1974.

Pursuant to the authority vested in me by paragraph (4), section (a) of Revised Service Order No. 1173, the Green Bay and Western Railroad Company is hereby authorized to accept from shipper or shippers, located on their line, thirteen (13) mechanical refrigerator cars marked BNFE, for transport to destination via The Chesapeake and Ohio Railway Company, regardless of the provisions of Revised Service Order No. 1173.

Effective November 8, 1974.

Expires November 25, 1974.

Issued at Washington, D.C., November 8, 1974.

[SEAL] R. D. PFAHLER,  
Chairman,  
Railroad Service Board.

[FR Doc.74-27774 Filed 11-26-74; 8:45 am]

[Exception No. 2 to Second Revised Service Order No. 1186]

### UNIT-TRAIN SHIPMENTS OF COAL

#### Notice of Exception to all Railroads

NOVEMBER 18, 1974.

Pursuant to the authority vested in the Railroad Service Board by section (a) (2) of Second Revised Service Order No. 1186, "Unit-Train" shipments of coal as defined in section (c) of the aforementioned order which are consigned to The Dow Chemical Company, Midland, Mich., and which are loaded in hopper cars owned by The Dow Chemical Company and bearing identifying marks DOWX 84001-84220, inclusive, and which are tendered for shipment in the manner provided in Second Revised Service Order No. 1186 shall be deemed consigned to an industry designated as being "Vital to the Nation's Economy."

Effective November 18, 1974.

Issued at Washington, D.C., November 18, 1974.

By the Commission, Railroad Service Board.

[SEAL] R. D. PFAHLER,  
Chairman,  
Railroad Service Board.

[FR Doc.74-27775 Filed 11-26-74; 8:45 am]

[Exception No. 1 to Second Revised Service Order No. 1186]

### UNIT-TRAIN SHIPMENTS OF COAL

#### Notice of Exceptions to All Railroads

NOVEMBER 15, 1974.

Pursuant to the authority vested in the Railroad Service Board by section (a) (2) of Second Revised Service Order No. 1186, "Unit-Train" shipments of coal as defined in section (c) of the aforementioned order which are consigned to Allied Chemical Corporation, Syracuse, N.Y., and which are loaded in hopper cars owned by Allied Chemical Corporation and bearing identifying marks ACTX 927000-927219, inclusive, and which are tendered for shipment in the manner provided in Second Revised Service Order No. 1186 shall be deemed consigned to an industry designated as being "Vital to the Nation's Economy".

Effective November 18, 1974.

Issued at Washington, D.C., November 15, 1974.

By the Commission, Railroad Service Board.

R. D. PFAHLER,  
Chairman,  
Railroad Service Board.

[FR Doc.74-27776 Filed 11-26-74; 8:45 am]

[Notice No. 94]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 22, 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 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes

to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before January 27, 1975, 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 531 (Sub-No. 300), filed October 29, 1974. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Grimes, Calif., to points in Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Ohio, Tennessee, Texas, and Rhode Island.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 6461 (Sub-No. 14), filed October 25, 1974. Applicant: B-LINE TRANSPORT CO., INC., East 7100 Broadway, Spokane, Wash. 99206. Applicant's rep-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

representative: Max Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, between the plantsite of United States Gypsum Company at or near Tacoma, Wash., and points in Oregon and Washington, and 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 points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon and Elmore Counties, Idaho, in non-radial movements.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 10345 (Sub-No. 95), filed October 25, 1974. Applicant: C & J COMMERCIAL DRIVEWAY, INC., 2400 West St. Joseph, Lansing, Mich. 48903. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Popular Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements in truckaway service, from Wilmington, Del., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, North Carolina, South Carolina and the District of Columbia; and (2) *wrecked, disabled or rejected vehicles*, on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 11220 (Sub-No. 141), filed October 29, 1974. Applicant: GORDONS TRANSPORT, INC., 185 West McLe-more Avenue, Memphis, Tenn. 38101. Applicant's representative: James J. Emigh, 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, 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 Tennant Company, at or near Maple Grove, Minn., as an off-route point in connection with carrier's regular route operations, from and to Minneapolis, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the appli-

cant requests it be held at Minneapolis, Minn.

No. MC 14552 (Sub-No. 58), filed October 21, 1974. Applicant: J. V. MC-NICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between the plantsite and warehouses of Thorofare, Inc., located at or near Austintown Township (Mahoning County), Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and north and west of U.S. Highway 219, and points in Boyd County, Ky., restricted to traffic originating at and/or destined to the above named origins and destinations.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 123991 and subs thereunder, therefore dual operations may be also involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 205), filed November 1, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses, self-propelled and non self-propelled*, weighing less than 15,000 pounds, from points in Los Angeles County, Calif., to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 20722 (Sub-No. 26), filed October 25, 1974. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, N.Y. 14240. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in secondary movements, in truckaway service, between points in Delaware, Maryland, New Jersey, Pennsylvania, New York, the District of Columbia, Connecticut, Massachusetts, Ohio, Illinois, Indiana, Michigan, Missouri, West Virginia, Arkansas, Oklahoma, points in Kentucky contiguous to Indiana and Illinois, and points in Iowa on and east of a line beginning at the Minnesota-Iowa State Boundary line and extending along U.S. Highway 52 to Dubuque, Iowa, thence along U.S. Highway 67 to Davenport, Iowa, and thence along U.S. Highway 61 to the Iowa-Missouri State Boundary line.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 22195 (Sub-No. 158), filed October 29, 1974. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalts, and road oils*, in bulk, in tank vehicles, from Alton, Iowa, to points in Nebraska; and (2) *fly ash*, in bulk, in tank vehicles, from Big Stone City, S. Dak., to points in Minnesota, North Dakota, Iowa, Nebraska, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 22229 (Sub-No. 94), filed November 4, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave. SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories, and materials and supplies*, used in the manufacture and distribution of metal containers, container ends, and container accessories (except in bulk), from Bartow and Orlando, Fla., to points in Illinois, Indiana, Michigan, Missouri, Kentucky, Tennessee, Alabama, Mississippi, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 29120 (Sub-No. 186), filed October 17, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (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, those requiring special equipment, and hides): (1) Between the junction of U.S. Highway 75 and Interstate Highway 29 at or near Council Bluffs, Iowa, and St. Louis, Mo.: From the junction of U.S. Highway 75 and Interstate Highway 29 over Interstate Highway 29 and designated highways connecting uncompleted segments, to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 75 and Interstate Highway 29 for joinder purposes only, restricted against service between Omaha, Nebr. and St. Louis, Mo. and their defined Commercial Zones; and (2) Between the junction of Interstate Highway 80 and Interstate Highway 235 and the junction

of U.S. Highway 65 and Interstate Highway 70: From the junction of Interstate Highway 80 and Interstate Highway 235 over Interstate Highway 235 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Interstate Highway 70, serving no intermediate points, and serving the junction of Interstate Highway 80 and Interstate Highway 235 for joinder purposes only, restricted against service between Des Moines, Iowa, and St. Louis, Mo., and their defined Commercial Zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.; Des Moines, Iowa; or Omaha, Nebr.

No. MC 30605 (Sub-No. 157), filed October 15, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: J. M. Bourk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Lamar, Colo., and Amarillo, Tex.: From Lamar, Colo., over U.S. Highway 287 to Amarillo, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Denver, Colo.

No. MC 31809 (Sub-No. 11) (Correction), filed September 20, 1974, and published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: CLAY'S TRANSFER CO., INC., P.O. Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Landscape timbers and fencing*: (a) from Plymouth and Weyco, N.C., to Salisbury, Md. for stopping-in-transit for rot preventive treatment, thence to points in North Carolina, Virginia, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Maryland and the District of Columbia; and (b) from Plymouth and Weyco, N.C., to Page-land, S.C. for stopping-in-transit for rot preventive treatment, thence to points in the United States in and east of Michigan, Illinois, Kentucky, Tennessee, Mississippi and Louisiana; and (2) *wood chips, sawdust and wood shavings*, from New Bern, N.C., to Morehead City, N.C.

NOTE.—The purpose of this correction is to indicate the correct spelling of Weyco,

N.C. If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C. or Washington, D.C.

No. MC 43421 (Sub-No. 53), filed October 29, 1974. Applicant: DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the Tennant Company located at or near Maple Grove, Minn., as an off-route point in connection with carrier's regular-route operations to and from points in the Minneapolis-St. Paul, Minn. Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 44639 (Sub-No. 84), filed October 31, 1974. Applicant: L. & M. EXPRESS, CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Big Stone Gap, Ewing and Blackwater, Va., on the one hand, and, on the other, points in New Jersey, the New York, N.Y. Commercial Zone and Copiaque, L.I., N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 52110 (Sub-No. 143), filed November 1, 1974. Applicant: BRADY MORTORFRATE, INC., P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth 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 those requiring special equipment), serving the plantsite and facilities of the Tennant Company, located at or near Maple Grove, Minn., as an off-route point in connection with applicant's existing authority to serve Minneapolis, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Minneapolis, Minn.

No. MC 61440 (Sub-No. 145), filed October 29, 1974. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma

City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of The Firestone Tire & Rubber Company, at or near Nashville, Tenn., as an off-route point in connection with applicant's authorized regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 64994 (Sub-No. 117), filed November 1, 1974. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. 27102. Applicant's representative: W. C. Thornton (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 Santa Claus, Ind. as an off-route point in connection with applicant's regular route authority between Louisville, Ky. and Evansville, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 67210 (Sub-No. 6), filed November 4, 1974. Applicant: GLENNON TRANSPORTS, INC., 1000 North Fourteenth Street, St. Louis, Mo. 63106. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 Central Illinois Public Service Company Power Plant, located near Dieterich, Ill., as an off-route point in connection with carrier's regular-route operations to and from Flora, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 73165 (Sub-No. 357), filed November 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, valves, hydrants, hydrant sections, and components, parts, attachments, and accessories for pipe, valves, hydrants, and hydrant sections*, from points in Hamilton County, Tenn., and Marshall County, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 82492 (Sub-No. 115), filed October 24, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from Cincinnati and Norwood, Ohio, to points in Illinois, Kansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 85255 (Sub-No. 55), filed November 4, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, 3720 Airport Way S., Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal cans and can parts*, from Hillsboro, Oreg., to Seattle, Wash.; and (2) *rejected shipments*, on return, from Seattle, Wash., to Hillsboro, Oreg.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 87103 (Sub-No. 14), filed November 4, 1974. Applicant: MILLER TRANSFER AND RIGGING CO., a Corporation, P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Off-the-road equipment tires and earthmoving equipment tires* ranging in size from not less than 8' to 13½' high, which because of size and weight require special lowboy equipment, from the plantsites of The General Tire and Rubber Company located at Akron and Bryan, Ohio, to points in the United States, including Alaska but excluding Hawaii; (2) *used off-the-road equipment tires and used earthmoving equipment tires* ranging in size from not less than 8' to 13½' high which because of size and weight require special lowboy equipment, between points in the United States, including Alaska but excluding Hawaii; and (3) *refused and rejected off-the-road and earthmoving equipment tires and such tires* being returned for repair or recapping which because of size and weight require special lowboy equipment, from points in the United States, including Alaska but excluding Hawaii, to points in Akron and Bryan, Ohio.

NOTE.—Applicant holds contract authority in MC 119302 and subs thereto, therefore dual operations may be involved. Common control may be involved. If a hearing is

deemed necessary, the applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 96881 (Sub-No. 16), filed October 29, 1974. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 801 Dodson Avenue, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, 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 commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Bella Vista, Ark., and Fort Smith, Ark.: From Bella Vista, Ark., over U.S. Highway 71 to Fort Smith, Ark., and return over the same route, serving all intermediate points; and (2) Between Sulphur Springs, Ark., and the junction of Arkansas Highway 68 and U.S. Highway 71: From Sulphur Springs, Ark., over Arkansas Highway 59 to the junction of Arkansas Highway 68, thence over Arkansas Highway 68 to the junction of U.S. Highway 71 and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fayetteville or Fort Smith, Ark., for one week and Dallas, Tex., for one week.

No. MC 99780 (Sub-No. 44) (Amendment), filed July 8, 1974, published in the FEDERAL REGISTER issue of August 22, 1974, and November 7, 1974, and republished as amended this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. 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. Staley 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 east of U.S. Highway 169; and (2) *Foodstuffs*, from (a) the storage facilities of the Dry Storage Corporation, and (b) the plant sites 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 east 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 purpose of this republication is to amend the requests for authority in (1)

and (2) above, to indicate applicant seeks points in Iowa east of U.S. Highway 169. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 100449 (Sub-No. 55), filed October 29, 1974. Applicant: MAL-LINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses* (except hides and commodities in bulk), as defined by Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Albert Lea, Minn., to points in Oklahoma and Texas, restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 102616 (Sub-No. 906), filed October 31, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 106398 (Sub-No. 721), filed October 29, 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: *Metal buildings and related parts and equipment and materials, supplies, and equipment* used in the manufacture of metal building on return, from Portland, Tenn., and Houston, Tex., 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 Houston, Tex.

No. MC 106644 (Sub-No. 197), filed November 1, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, industrial and construction machinery and equipment, tree spades, stump cutter, irrigation equipment, drainage systems, log splitters, log chipper*; and (2) *attachments, parts, and*

supplies used in operation of commodities in (1) above, from Pella, Iowa, and its Commercial Zone, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Texas, Oklahoma, Arkansas, Missouri, Nebraska, Illinois, Indiana, Ohio, and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Washington, D.C.

No. MC 107012 (Sub-No. 211), filed November 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, from Dyersburg, Tenn., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, Texas, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Georgia, Virginia, North Carolina, South Carolina, and Florida.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio.

No. MC 107605 (Sub-No. 19), filed October 25, 1974. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road, Minneapolis, Minn. 55413. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Tennant Company in Maple Grove, Minn., as an off-route point in connection with its regular route operations to and from Minneapolis-St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 108676 (Sub-No. 72), filed October 25, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, from Shady Grove, Pa., and points in Horry County, S.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 109397 (Sub-No. 306), filed October 21, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Business I-44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leiminger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials and non-radioactive waste materials* requiring special disposition for ecological purposes and *containers and equipment* used in the transportation or disposition of such commodities, between the facilities of Nuclear Engineering Company, Inc., located at or near Maxey Flats (Fleming County), Ky., Sheffield, Ill., Richland, Wash., Beatty, Nev., and San Ramon, Calif.; and the facilities of Texas Ecologists Company, Inc., located at or near Robstown, Tex., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), restricted to the handling of traffic originating at or destined to such points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Louisville, Ky., or St. Louis, Mo.

No. MC 109533 (Sub-No. 87), filed October 21, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: E. T. Lipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Jacksonville, Fla., and Houston, Tex., serving all intermediate points and the off-route points of Gonzales, Fla., Port Arthur and Port Neches, Tex., Lemoyne, Ala., Calvert, Ala., and the plant site of Dow Badische Company at or near Calvert, Ala.; From Jacksonville over Interstate Highway 10 (Interstate Highway 90) to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Opelousas, La., thence over U.S. Highway 167 to Lafayette, La., thence over Interstate Highway 10 (Interstate Highway 90) to Houston, and return over the same route; (2) Between junction Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., and junction Interstate Highway 12 and Interstate Highway 10 at or near Baton Rouge, La., serving all intermediate points: From junction Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., over Interstate Highway 12 to junction Interstate Highway 10 at or near Baton Rouge, La., and return over the same route;

(3) Between junction U.S. Highway 190 and U.S. Highway 90 near Slidell,

La. and Baton Rouge, La., serving all intermediate points: From junction U.S. Highway 190 and U.S. Highway 90 near Slidell, La. over U.S. Highway 190 to Baton Rouge, La. and return over the same route; (4) between New Orleans, La. and Baton Rouge, La., serving all intermediate points: From New Orleans, La. over Interstate Highway 10 to Lafayette, La., and return over the same route; (5) Between LaGrange, Ga. and Mobile, Ala., serving no intermediate points, but serving Pensacola and Gonzales, Fla. as off-route points; From LaGrange over Georgia Highway 219 to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Alabama Highway 59, thence over Alabama Highway 59 to junction U.S. Highway 31, thence over U.S. Highway 31 to Mobile, Ala., and return over the same route; and (6) Between Macon, Ga. and Tallahassee, Fla., serving no intermediate points: From Macon over Interstate Highway 75 to junction U.S. Highway 319 at or near Tifton, Ga., thence over U.S. Highway 319 to Tallahassee, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or New Orleans, La.

No. MC 110683 (Sub-No. 102), filed October 22, 1974. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Firestone Tire and Rubber Company at or near Nashville, Tenn. (Rutherford County, Tenn.), in connection with applicant's authorized regular route operations serving Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn. or Washington, D.C.

No. MC 110841 (Sub-No. 18), filed October 30, 1974. Applicant: PORT NORRIS EXPRESS CO., INC., 28 High Street, Port Norris, N.J. 08349. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, N.J., to points in California, Oregon, Washington, Nevada, Idaho, Montana, New Hampshire, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Wisconsin, Illinois,

Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Trenton, N.J.

No. MC 110988 (Sub-No. 318), filed November 8, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. 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: *Dry detergents*, in bulk, from the plantsite of Economics Laboratory, Inc., at or near Channahon, Ill., to points in Texas and New Jersey.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111045 (Sub-No. 121), filed November 4, 1974. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J.V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate, phosphate products, phosphate by-products, fertilizer and fertilizer materials*, from the plantsite and storage facilities of International Minerals and Chemicals Corporation, located in Polk County, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 111302 (Sub-No. 81), filed October 25, 1974. Applicant: HIGHWAY TRANSPORT, INC., 1500 Amherst Road, P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Jerome F. Marks, 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime products*, in bulk, in tank vehicles, from points in Knox County, Tenn., to points in Louisiana, Mississippi, Arkansas, Indiana, and those points in Ohio on and north of U.S. Highway 40.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111397 (Sub-No. 110), filed October 29, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground, and pulverized coal*, in bulk, from the plantsite of Ashland Chemical Company, at or near Hansford, W. Va., to Indianapolis, Ind.; Tiffin, Ohio; and Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 111729 (Sub-No. 474), filed October 24, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media* of all kinds: (a) between Newport News, Va., on the one hand, and, on the other, Durham, Kinston, Raleigh, Wilson, and Winston-Salem, N.C., and Columbia and Florence, S.C.; and (b) between Richmond, Va., on the one hand, and, on the other, Conway, Dillon, and Mullins, S.C.; and points in North Carolina; (2) *video tapes*: (a) from Atlanta, Ga. and Washington, D.C., to Petersburg, Va.; and (b) between Richmond, Va., on the one hand, and, on the other, Conway, Dillon, and Mullins, S.C.; and points in North Carolina; (3) *critical plumbing, heating, industrial, electrical, refrigeration, air conditioning and mechanical tooling replacement parts*, between Newport News, Va., on the one hand, and, on the other, Durham, Kinston, Raleigh, Wilson, and Winston-Salem, N.C.; and Columbia and Florence, S.C.; and (4) *office supplies*: (a) between Newport News, Va., on the one hand, and, on the other, Durham, Kinston, Raleigh, Wilson, and Winston-Salem, N.C., and Columbia and Florence, S.C.; and (b) between Richmond, Va., on the one hand, and, on the other, Conway, Dillon, and Mullins, S.C.; and points in North Carolina, restricted in (2), (3), and (4) above against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 86), filed November 4, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and air conditioning systems and machinery, heating and cooling systems, components, and parts and accessories*, from Beardstown and Danville, Ill., to points in the United States (except Alaska and Hawaii); and (2) *return shipments* of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Beardstown, and Danville, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 113119 (Sub-No. 11), filed October 24, 1974. Applicant: C.S.I., INC., doing business as CONTRACT SERVICE, INC., P.O. Box 281, Trewigtown Rd., Colmar, Pa. 18915. Applicant's representa-

tive: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit pipe and materials and supplies* used in the manufacture thereof, between the facilities of Certain-Teed Products Corporation at Ambler, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, New Jersey, New York, Maine, Maryland, Massachusetts, Pennsylvania, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113459 (Sub-No. 94), filed November 4, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, and in sections*; (2) *building sections and building panels*; (3) *parts and accessories*, used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories*, used in the installation and completion thereof, from the plantsite and storage facilities of Armo Steel Corporation, in Fayette County, Ohio, to points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 114045 (Sub-No. 407), filed November 4, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citric acid*, in bags, drums and containers, from the plant site of Pfizer, Inc., at or near Southport, N.C., to points in Arkansas, Colorado, Louisiana, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 114290 (Sub-No. 74), filed November 4, 1974. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Avenue, Portland, Ore. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, mayonnaise, salad and cooking oils, and salad dressings*, from points in Alameda, San Francisco, Santa Clara, and San Mateo Counties, Calif., to points in Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 114301 (Sub-No. 85), filed November 4, 1974. Applicant: DELAWARE EXPRESS CO., a Corporation, P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Baltimore, Md., to points in Pennsylvania, New Jersey, Delaware, Maryland, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 211), filed October 25, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic shower stalls and tubs and accessories*, from Monroe, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Cincinnati, Ohio.

No. MC 115092 (Sub-No. 35), filed November 4, 1974. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Thomas M. Zarr, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber mill products*, (1) from points in Archuleta, La Plata, Rio Grande, Montezuma, and Eagle Counties, Colo., to points in Wyoming, Missouri, Illinois, Kansas, Nebraska, Iowa, Michigan, Indiana, Wisconsin, and Ohio; (2) from points in San Juan County, Utah, to points in Kansas, Nebraska, Iowa, Wyoming, Missouri, Illinois, Arkansas, Indiana, Texas, Colorado, Ohio, Oklahoma, Michigan, and Wisconsin; and (3) from points in Uintah County, Utah, to points in Wyoming and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 115331 (Sub-No. 380), filed November 1, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills, Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*; (2) *empty malt beverage containers*; and (3) *pulverized limestone*, in bulk, in tank vehicles, (1) from Milwaukee, Wis., to points in Missouri located on and south of Interstate 70 and on and

east of U.S. Highway 65; and (2) from points in Missouri on and south of Interstate 70 and on and east of U.S. Highway 65 to Milwaukee, Wis. and from Valmeyer, Ill. to Mt. Vernon, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 483), filed October 29, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, Homewood, Ala. 35209. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from Roswell, N. Mexico, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Missouri, Minnesota, New Jersey, New York, North Carolina, New Hampshire, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, Arizona, California, Colorado, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 116763 (Sub-No. 297), filed October 29, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food, foodstuffs, and food curing, and preserving and seasonings compounds*, from San Jose, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 116938 (Sub-No. 9), filed November 4, 1974. Applicant: FRANK BEATY, Route 2, Manchester, Tenn. 37355. Applicant's representative: R. Cameron Rollins, 321 E. Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Brick, cinder block, concrete block, and tile, and* (b) *materials and supplies*, used in the manufacture of brick, block and tile (except cement, in bags, and commodities in bulk), between Huntsville, Ala., on the one hand, and, on the other, points in Tennessee, Mississippi, Georgia, and North Carolina; and (2) *materials and supplies*, used in the manufacture of brick, block and tile (except cement in bags, and commodities in bulk), between Huntsville, Ala., on the one hand, and, on the other, points in

Kentucky, under contract with General Shale Products Corporation, at Johnson City, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 117557 (Sub-No. 19), filed October 31, 1974. Applicant: MATSON INC., P.O. Box 43, Cedar Rapids, Iowa 52507. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment, industrial and contractors machinery and equipment truck bodies, truck beds, and conveyor bodies* mounted on vehicle or wheel assemblies, from the plantsite and facilities of Henderson Manufacturing Company located at Manchester, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture of (1) above, from points in the United States to the plantsite and facilities of Henderson Manufacturing Company located at or near Manchester, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 117589 (Sub-No. 25), filed October 30, 1974. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen human blood plasma*, from Spokane, Wash., to Los Angeles, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Ore.

No. MC 117940 (Sub-No. 154), filed October 25, 1974. Applicant: NATIONAL WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Winchester, Va., to Niles, Ill., and Detroit, Mich.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1, and other 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., or Minneapolis, Minn.

No. MC 119641 (Sub-No. 126), filed October 25, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278—Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the Report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from

Shelby, Ohio, to points in Iowa and Missouri; Moline, Rock Island and Quincy, Ill.; and points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State Boundary line and extending along Minnesota Highway 28 to junction Interstate Highway 94, thence east along Interstate Highway 94 to junction Minnesota Highway 23, thence northeast along Minnesota Highway 23 to junction Interstate 35, thence north to Duluth, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 120910 (Sub-No. 9), filed October 30, 1974. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, Ala. 35401. 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: *Phenolic resins*, and *compounds and products* thereof (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities utilized by Reichhold Chemicals, Inc. at or near Tuscaloosa, Ala. and its Commercial Zone, to points in Texas, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Georgia, Florida, North Carolina, South Carolina and Mobile, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tuscaloosa, Ala. or Washington, D.C.

No. MC 123407 (Sub-No. 210), filed October 29, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Loser, Chamber of Commerce Bldg., 320 North Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Harris County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 123956 (Sub-No. 7), filed November 1, 1974. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 970 Washington Street, Akron, Ohio 44311. 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: (1) *Materials* used in the manufacture of rubber products; and (2) *returned and rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, including supplies incidental to the conduct of such business, from the plant-site and manufacturing facilities of Firestone Tire & Rubber Co., located in Davidson and Rutherford Counties, Tenn., to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124078 (Sub-No. 620), filed November 1, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Mississippi, Missouri, and Tennessee.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 (Sub-No. 68), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Chicago, Ill.

No. MC 124154 (Sub-No. 67), filed October 30, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baler presses and shears*, from Taylors, S.C., to points in the United States (except Alaska and Hawaii); and (2) *components parts and materials*, used in the manufacture of baler presses and shears, from points in the United States (except Alaska and Hawaii), to Taylors, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124170 (Sub-No. 47), filed October 29, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 29 South LaSalle St., Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food products*, from points in Michigan on and south of Michigan State Highway 46, to points in Texas, Louisiana, Oklahoma, Kansas, Missouri, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 124170 (Sub-No. 48), filed October 30, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food products*, from points in Michigan on and south of Michigan Highway 46, to points in Iowa, Nebraska, North Dakota, South Dakota, Colorado, Minnesota, Illinois, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 125433 (Sub-No. 53), filed October 29, 1974. Applicant: F-B TRUCK

LINE COMPANY, a Corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles and aluminum products*, including but not limited to, tubing and couplers, from points in Twin Falls County, Idaho, to points in Washington, Oregon, Colorado, Nebraska, Utah, Nevada, Montana, Wyoming, California, Arizona, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 126276 (Sub-No. 106), filed October 16, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and equipment, materials, accessories, and supplies* used in the manufacture and distribution of containers and container ends, when moving with containers and container ends, from the plantsite of National Can Company at Piscataway, N.J., to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Pennsylvania, Vermont, and West Virginia), under a continuing contract or contracts with National Can Company.

NOTE.—Applicant holds motor common carrier authority in MC 134612, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 110), filed October 29, 1974. Applicant: FAST MOTOR SERVICES, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container components, materials, and supplies* used in the sale, manufacture, or distribution of containers, from the plant site of American Can Company at Chicago, Ill., to points in Delaware, Rhode Island, and Virginia, under a continuing contract or contracts with American Can Company.

NOTE.—Applicant holds common carrier authority in MC 134612 Sub-No. 2, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126503 (Sub-No. 7), filed November 4, 1974. Applicant: COMMAND DELIVERIES, INC., 5215 Hesperus Drive, Columbia, Md. 21044. Applicant's representative: Steven L. Weisman, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: (1) *Processed and unprocessed photographic film, photographic equipment, materials, and supplies, and related advertising materials and displays*, from Alexandria, Va., to points in Delaware, Maryland, Martinsburg, W. Va., those in New Jersey south of New Jersey Highway 38, and those in Franklin, Fulton, Adams, Bedford, Lancaster, Cumberland, York, Dolphin, Chester, Montgomery, Delaware, Lebanon, and Burks Counties, Pa.; and (2) *return shipments of such commodities* referred to in (1) above, from the destination described in (1) above to Alexandria, Va., restricted in (1) and (2) above to same day, round trip service performed in the transportation of shipments originating at or destined to the facilities of Cullen Photo Service, Inc., at Alexandria, Va., and further restricted to service performed under a continuing contract or contracts with Cullen Photo Service, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 80), filed October 21, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Suite 703-706, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials and non-radioactive waste materials* requiring special disposition for ecological purposes, and *containers and equipment* used in the transportation or disposition of such commodities, between the facilities of Nuclear Engineering Company, Inc., located at or near Maxey Flats (Fleming County), Ky., Sheffield, Ill., Richland, Wash., Beatty, Nev., and San Ramon, Calif., and the facilities of Texas Ecologists Company, Inc., located at or near Robstown, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the handling of traffic originating at or destined to such points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 127274 (Sub-No. 45), filed October 21, 1974. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closure therefore, glassware, and fibreboard boxes*, from the plantsite and storage facilities of Kerr Glass Manufacturing Corp., located at Sand Springs, Okla., to points in Mississippi and Louisiana and the plantsites and warehouse facilities of Kerr Glass Manufacturing Corp. located at Dunkirk, Ind., to points in Tennessee west of U.S. Highway 127 including Chattanooga, Tenn.; and (2) *returned shipments of glass containers and glassware and pallets*, from points in Louisiana and Mis-

issippi, to points in Sand Springs, Okla. and from points in Tennessee west of U.S. Highway 127 to Dunkirk, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127616 (Sub-No. 20), filed November 8, 1974. Applicant: SAVAGE TRUCKING COMPANY, INC., P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128086 (Sub-No. 3), filed October 29, 1974. Applicant: A & M HAULING, INC., 2024 Trade Street, Billings, Mont. 59801. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Humboldt, Del Norte, Mendocino, Siskiyou, Trinity, Tehama, and Shasta Counties, Calif., to points in Wyoming, North Dakota, and South Dakota.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Missoula or Billings, Mont.

No. MC 128279 (Sub-No. 26) filed October 9, 1974. Applicant: ARROW FREIGHTWAYS, INC., 150 Woodward Rd., SE., P.O. Box 25125, Albuquerque, N. Mex. 87125. Applicant's representative: Olif Q. Boyd (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roof tile*, from the plantsite of Century Roof Tile, Inc., located at or near Albuquerque, N. Mex., to points in Arizona, Colorado, Nevada, Oklahoma, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 128521 (Sub-No. 6), filed November 4, 1974. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. Box 7429, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and articles requiring special equipment), serving the plantsite of the Firestone Tire & Rubber Company, at or near Nashville, Tenn., as an off-route

point in conjunction with applicant's existing authority to serve Nashville, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128981 (Sub-No. 8) (Amendment), filed February 21, 1974, and published in the FEDERAL REGISTER issue of May 16, 1974, and republished, this issue. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities which require special equipment, and automobiles, trucks, and buses as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), between Kansas City International Airport, Kansas City Municipal Airport, and Fairfax Airport, all located in the Kansas City, Mo.-Kans., Commercial Zone, and points in the United States on and east of the Western State Boundary lines of Arkansas, Iowa, Louisiana, Minnesota and Missouri, restricted to traffic moving from, to, or between Air Lines and Air Freight Forwarders.

NOTE.—The purpose of this republication is to add the service restriction stated above. The above proceeding is assigned for hearing on January 27, 1975, at 9:30 a.m., Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 128981 (Sub-No. 9) (Amendment), filed April 30, 1974, and published in the FEDERAL REGISTER issue of June 6, 1974, and republished as amended this issue. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities which require special equipment, and automobiles, trucks and buses as defined by the Commission in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209), between Kansas City International Airport, Kansas City Municipal Airport, located at Kansas City, Mo., and Fairfax Airport, located at Kansas City, Kans., points in Arkansas, Iowa, Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, Minnesota, Nebraska, New Mexico on and east of Interstate Highway 25 and Interstate Highway 10, Oklahoma, Texas, and Wisconsin, in non-radial movements, restricted to traffic moving from, to, or between Air Lines and Air Freight Forwarders.

NOTE.—The purpose of this amended republication is to indicate the restriction imposed on the above service. Hearing is to be set at a later time and place.

No. MC 129326 (Sub-No. 16), filed November 4, 1974. Applicant: CHEMICAL TANK LINES, INC., P.O. Drawer 437, Mulberry, Fla. 33860. Applicant's repre-

sentative: Karel Konicek (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate, phosphate products, phosphate by-products, and fertilizer and fertilizer materials*, from the plantsite and storage facilities of International Minerals and Chemicals Corp., located in Polk County, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 129645 (Sub-No. 54), filed October 31, 1974. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E., Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels, furniture stock panels, and accessories used in the installation thereof* (except lumber, rough or dressed), from the plant and warehouse facilities of The Iron Wood Products Corporation at Bessemer, Mich., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 133936 (Sub-No. 3), filed November 4, 1974. Applicant: SECO TRUCKING, INC., 61 W. Calhoun, P.O. Box 437, Memphis, Tenn. 38102. Applicant's representative: Theodore Polidoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, and parts and items*, used and dealt in by wholesale and retail furniture merchandisers and suppliers; (2) *premiums, prizes, displays, and advertising materials*, used, distributed or dealt in by wholesale and retail furniture merchandisers and suppliers; and (3) *agricultural commodities*, otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities set forth in (1) and (2) above, from points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 134323 (Sub-No. 66), filed November 11, 1974. Applicant: JAY LINES,

INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 14th Street, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dated, printed publications*, from the warehouse and storage facilities of Magazine Shippers Association, Inc., at or near Bridgeport, Conn., to points in Indiana, Kentucky, and Tennessee, under contract with Magazine Shippers Association.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bridgeport, Conn., or Lincoln, Nebr.

No. MC 134477 (Sub-No. 84), filed October 30, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 44118. Applicant's representative: Thomas D. Siszbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Green Bay, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Green Bay Dressed Beef Company, at Green Bay, Wis., and destined to points in the above-named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 134551 (Sub-No. 5), filed October 29, 1974. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., a corporation, No. 3 Caine Drive, Madison, Ill. 62020. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 276, from Kansas City, Kans., to Fulton and Mexico, Mo., and those points in Missouri located on and west of U.S. Highway 63; and Hutchinson, Kans., and those points in Kansas on and east of U.S. Highway 81.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Kansas City, Kans.

No. MC 134574 (Sub-No. 18), filed October 21, 1974. Applicant: FIGOLDIS TRIBUTORS LIMITED, 11041—105th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Manufactured fertilizer* in packages, from ports of entry on the International Boundary Line between the United States and Canada in Washington, Idaho, and Montana, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, restricted to shipments originating at points in the Provinces of Alberta and Saskatchewan, Canada.

NOTE.—Applicant holds contract carrier authority in MC 124972 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Edmonton, Alberta, Canada or Billings, Mont.

No. MC 134915 (Sub-No. 6), filed October 25, 1974. Applicant: SOUTHWEST REFRIGERATED DISTRIBUTING, INC., doing business as REFRIGERATED DISTRIBUTING, P.O. Box 747 Central Station, St. Louis, Mo. 63188. Applicant's representative: Eugene W. Ferguson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except abrasives, detergents, soap, soap stock and soap products), between points in the East St. Louis Commercial Zone, as defined by the Commission. Note: Applicant states that it intends to tack the requested authority with the authority held in MC-134915 (Sub-No. 2) in order to provide a through service from points in the East St. Louis Commercial Zone as defined by the Commission, to points in Alexander, Franklin, Schuyler, Adams, Brown, Cass, Morgan, Pike, Scott, Sangamon, Calhoun, Greene, Macoupin, Christian, Moultrie, Shelby, Montgomery, Jersey, Fayette, Effingham, Bond, Madison, Clinton, Marion, St. Clair, Washington, Jefferson, Monroe, Perry, Randolph, Hamilton, Jackson, Williamson, Saline, Union, and Johnson Counties, Ill., and Ralls, Pike, Monroe, Boone, Audrain, Lincoln, Montgomery, Warren, Callaway, Cole, St. Charles, St. Louis, Gasconade, Osage, Franklin, Jefferson, Crawford, Maries, Washington, Dent, Ste. Genevieve, Reynolds, Iron, Madison, Bollinger, Marion, Phelps, Perry, Cape Girardeau, and St. Francois Counties, Mo., and the City of St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Springfield, Ill.

No. MC 134974 (Sub-No. 3), filed October 7, 1974. Applicant: BEWELL FARMS, INC., Two Franklin Street, Medway, Mass. 02053. Applicant's representative: Frederick T. O'Sullivan, Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of plastic products and supplies, materials, and equipment* used in connection therewith (except in bulk, in tank vehicles, and those which because

of size or weight require the use of special equipment), between Lynn, Mass., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Texas, under a continuing contract or contracts with U.S. Plastics Corporation.

NOTE.—Applicant holds motor common carrier authority in MC 87528, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 135032 (Sub-No. 11), filed November 5, 1974. Applicant: HIA-WATHA PRODUCE COMPANY, a corporation, 4195 West Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy, confections and items used in the sale and distribution of candy and confections* when shipped with candy and confections, from Humboldt Industrial Park at or near Hazleton, Pa., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, North Dakota, South Dakota, Kansas, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 12), filed November 5, 1974. Applicant: HIA-WATHA PRODUCE COMPANY, a corporation, 4195 West Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Rockland, Maine, to points in Arkansas, Tennessee, Wisconsin, Minnesota, Mississippi, South Carolina, Florida, Texas, North Carolina, Oklahoma, Colorado, Louisiana, Alabama, Georgia, and Kansas.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135117 (Sub-No. 7), filed November 4, 1974. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, Iowa 51104. Applicant's representative: S. A. Huff, 314 Security Bank Bldg., Sioux City, Iowa 51101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Ofal and bone*, from points in Nebraska and South Dakota, and that part of Minnesota on and south of U.S. Highway 14, to the Commercial Zone of Sioux City, Iowa, under contract with Flavorland Industries, Inc., and Great Plains Processing.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Kansas City, Mo.

No. MC 135726 (Sub-No. 3), filed October 10, 1974. Applicant: GUST HRONIS, doing business as LANGE TRUCKING SERVICE, Route One, Box

176, West Bend, Wis. 53095. Applicant's representative: William L. Slover, 1224 Seventeenth Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Buffing or polishing compounds, NOI*, including boat, floor, furniture or vehicle polish or wax; (2) *cleaning, scouring or washing compounds, NOI*, liquid or other than liquid; (3) *chemicals, NOI*; (4) *coatings, wax, fruit or vegetable*; (5) *compounds, increasing, reducing, removing or thinning, paint, lacquer or varnish*; (6) *deodorants and disinfectants, NOI* (except toilet preparations); (7) *dressing or blacking, shoe, including shoe whitener and shoe cleaner*; (8) *electric floor polishers or scrubbers*; (9) *insecticides or insect repellents* (except agricultural, NOI, or animal repellents); (10) *metal cutting, drawing or drilling lubricants or compounds, liquid or paste* (except petroleum) NOI; (11) *mops and mop parts, NOI*; (12) *varnishes, NOI*; (13) *plastics, NOI*, liquid and other than liquid; (14) *printed matter, paper or paperboard, NOI*; (15) *shaving cream*; (16) *sizing, NOI*; (17) *Textile softeners*; (18) *liquid starch*; (19) *store display stands or racks*; and (20) *such other commodities* as are sold, dealt in, or manufactured by manufacturers of the above described commodities, from the plant-site and storage facilities utilized by S. C. Johnson & Son, Inc. at Waxdale, Wis., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, under a continuing contract or contracts with S. C. Johnson and Son, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Milwaukee, Wis.

No. MC 135884 (Sub-No. 5), filed October 24, 1974. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, Ore. 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 NW., 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Milk replacer whey and whey-fat mixes* (except in vehicles equipped with mechanical refrigeration), from Dundee and Pittsfield, Ill., and Boscobel, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Oregon, Utah and Washington, under contract with Milk Specialties, a Division of Cudahy Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 136008 (Sub-No. 44), filed October 4, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106, Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Volcanic scoria*, from the plantsite of Twin Mountain Rock Company located 8 miles north of Des Moines, N. Mex., to points in Alabama, Arizona, Arkansas, Colorado,

Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 136208 (Sub-No. 3), filed October 25, 1974. Applicant: CREAGER TRUCKING CO., INC., 5625 Utah Avenue South, Seattle, Wash. 98134. Applicant's representative: George R. La-Bissoniere, P.O. Box 88968, Tukwila Branch, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paint, paint products, iron, steel and aluminum*, in bars, sheets, plates and tubing, between Berkeley, Calif.; points in Los Angeles County, Calif.; Portland, Ore.; and points in Washington; and (2) *steel fence posts*, from Los Angeles, Calif., to points in Oregon and Washington, restricted in (1) above against traffic moving between points in Washington.

NOTE.—Applicant holds motor contract carrier authority in MC 129352 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138043 (Sub-No. 3), filed November 4, 1974. Applicant: F. W. CASPERSEN, Rural route 3, Box 340, 121 Lake Street, Antioch, Ill. 60002. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Radio pharmaceuticals, radioactive drugs, medical isotopes, and medical test kits*, between St. Louis, Mo., and Chicago, Ill., on the one hand, and, on the other, points in Michigan, Ohio, and Pennsylvania, under a continuing contract or contracts with Mallinckrodt/Nuclear.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 138115 (Sub-No. 4), filed October 31, 1974. Applicant: FRANK D. CORBIN, 1308 Ambrose Drive, Winchester, Va. 22601. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21470. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Scrap paper*, for recycling, from Hagerstown, Md. to points in Pennsylvania, Virginia, and West Virginia; (2) *printed matter*, from Hagerstown, Md., to points in Virginia, the District of Columbia, West Virginia, Pennsylvania, Delaware, and New Jersey; and (3) *paper*, from points in Virginia, Pennsylvania, and the District of Columbia to Hagerstown, Md., under a continuing contract with Hagerstown Bookbinding and Printing Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138663 (Sub-No. 2), filed October 21, 1974. Applicant: THE TERMINAL SERVICE CO., a corporation, 600 Provident Bank Bldg., Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Employees of the Penn Central Transportation Co.*, for the account of Penn Central Transportation Co., between the facilities of Penn Central Transportation Co., at points in Indiana, Ohio and Illinois, restricted against a transportation service of passengers whose entire ride is between any of the following points: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Lima, Mansfield, Toledo and Youngstown, Ohio; Elkhart, Evansville, Fort Wayne, Gary-Hammond, Indianapolis, Richmond and Terre Haute, Ind.; Champaign, Chicago, Danville, Effingham, East St. Louis, Marion, Mt. Vernon, Paris, and Springfield, Ill.; under a continuing contract or contracts with Penn Central Transportation Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati or Columbus, Ohio.

No. MC 138719 (Sub-No. 4), filed November 4, 1974. Applicant: PATTEN TRUCKING COMPANY, INC., c/o Mr. Thomas L. Deigan, Jr., Frankford Supply Company, Bristol, Pa. 19007. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and wooden fencing*, from points in Vermont and New Hampshire, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract with Northern Mill and Lumber Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 139193 (Sub-No. 22), filed October 21, 1974. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126-16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses*, as defined by the Commission 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, from the plantsite and storage facilities of John Morrell & Co., at Sioux Falls, S. Dak., to points in Oklahoma and Texas; and (2) *such commodities as are used by meat packing*

*houses in conduct of their business*, from points in Oklahoma and Texas, to the plantsite and storage facilities of John Morrell & Co., at Sioux Falls, S. Dak., restricted to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139193 (Sub-No. 23), filed October 30, 1974. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at El Paso, Tex., to points in the United States (except Alaska and Hawaii); and (2) *such commodities as are used by meat packinghouses in the conduct of their business*, from points in the United States (except Alaska and Hawaii), to El Paso, Tex., restricted to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 139495 (Sub-No. 14), filed October 30, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and compounds, derivatives and products thereof*, in containers, from the facilities of P.V.O. International, Inc., at or near Boonton, N.J., to Winchester, Va., Pittsburgh, Pa., and points in Indiana, Illinois, Missouri, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 15), filed October 30, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from the facilities of the Cities Service Oil Company at or near Cicero, Ill., and the facilities of the Southern Petroleum Industry at or near West Memphis, Ark., to points in Kansas, those in Oklahoma on

and north of U.S. Highway 40, points in Texas on and north of Interstate Highway 40, and Kimball, Nebr.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139782 (Sub-No. 1), filed October 29, 1974. Applicant: REYNOLDS DISTRIBUTING CO., INC., 845 S. Montana Street, Butte, Mont. 59701. Applicant's representative: Ray J. Reynolds (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Los Angeles and San Francisco, Calif., Portland, Oreg., and Minneapolis-St. Paul, Minn., to Bozeman, Dillon, Helena, Great Falls, Missoula, and Kalispell, Mont.; (2) *fruit juices and vegetable juices*, from Minneapolis, Minn., to Dillon, Helena, Great Falls, Bozeman, Missoula, and Kalispell, Mont.; and (3) *beverage mixes*, from Los Angeles, Calif., and Minneapolis, Minn., to Butte, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Butte, Helena, or Billings, Mont.

No. MC 139892 (Sub-No. 1) (Correction), filed September 16, 1974, and published in the FEDERAL REGISTER issue of October 17, 1974, and republished as corrected this issue. Applicant: M. E. TRANSFER & STORAGE, INC., 200 West Broadway, P.O. Box 1095, Moses Lake, Wash. 98837. 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: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between points in Grant, Adams, and Lincoln Counties, Wash., and the Othello Air Force Station in Franklin County, Wash.

NOTE.—The purpose of this correction is to add the Othello Air Force Station in Franklin County, Wash., as a service point. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140022 (Sub-No. 2), filed October 29, 1974. Applicant: DONOVAN P. RODRIGUEZ, doing business as MICHIGAN TRUCKING SERVICE, 4630 Benzie Hwy., Benzonia, Mich. 49616. Applicant's representative: James R. Davis, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet stock in mixed shipments with pallets on flat bed equipment*, (1) between points in Michigan and points in Indiana on and north of Interstate Highway 70; and (2) between points in Michigan (except those points located east of

U.S. Highway 127 and south of Michigan Highway M-21) and points in Ohio on and north of Interstate Highway 70.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 140043 (Sub-No. 2), filed October 29, 1974. Applicant: ANTHONY REPACI & SONS, INC., 835 Route 1, Iselin, N.J. 08830. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cashew nut shell liquid*, in bulk, in tank vehicles, (1) from piers at Brooklyn, N.Y., to Newark and Cedar Knolls, N.J., and Stratford, Conn.; and (2) from Cedar Knolls, N.J., to Green Island, North Tonawanda, and Schenectady, N.Y., and Stratford, Conn., under contract with Colloid Chemical Laboratories, Inc., at Cedar Knolls, N.J.; Raybestos Manhattan, at Stratford, Conn., and Minnesota Mining & Manufacturing Corp., at Newark, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140060 (Sub-No. 2), filed October 21, 1974. Applicant: JOE REI, doing business as JOE REI TRUCKING COMPANY, a Proprietorship, Box 57, Blue Mound, Kans. 66010. Applicant's representative: Robert B. Sullivan, 1100 Commerce Bank Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Un-assembled steel grain bins, related component parts, and related agriculture equipment*, from the facilities of Circle Steel Corporation at or near Taylorville, Ill., and Falls City, Nebr., to the facilities of Jet-Flow Manufacturing, Inc., at or near LaCygne, Kans., under a continuing contract or contracts with Jet-Flow Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Topeka, Kans., or Kansas City, Mo.

No. MC 140092 (Sub-No. 1), filed November 4, 1974. Applicant: KEYSTONE TRUCKING CORP., Suite 1803, 744 Broad Street, Newark, N.J. 07102. Applicant's representative: A. David Millner, Suite 2005, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail chain grocery and food business houses, and, in connection therewith, equipment, material, and supplies*, used in the conduct of such business, between points in New Jersey; New York, N.Y., and points in Broome, Chemung, Delaware, Nassau, Orange, Rockland, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, and Westchester, Counties, N.Y.; and those points in Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sulli-

van, Susquehanna, Wayne, Wyoming, Tioga, and Union Counties, Pa., under contract with The Great Atlantic & Pacific Tea Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 140177 (Sub-No. 2), filed November 1, 1974. Applicant: BLACK DIAMOND TRANSPORT, INC., P.O. Box 291, Emporium, Pa. 15834. Applicant's representative: John E. Rydesky, National Bank Bldg., Emporium, Pa. 15834. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and clay*, from points in Clinton, Cameron, and Tioga Counties, Pa., to points in Maryland, New Jersey, New York, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or either Erie or Pittsburgh, Pa.

No. MC 140240 (Sub-No. 2), filed October 31, 1974. Applicant: TIPPECANOE WAREHOUSING, INC., 192 Farabee Drive, Lafayette, Ind. 47905. Applicant's representative: Francis W. McInerney, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hospital and medical supplies, and articles dealt in by drug stores*, from Monticello and Lafayette, Ind., to Chicago, Ill., under a continuing contract or contracts with Chesebrough-Pond's Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140325 (Sub-No. 1), filed November 4, 1974. Applicant: T. J. LEASING, INC., 34162 E. Cloverdale, Creswell, Ore. 97426. Applicant's representative: Jerry R. Woods, 620 Blue Cross Bldg., 100 S.W. Market St., Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, parts and attachments thereof, aluminum auto wheels, aluminum automobile engine valve covers, aluminum computing machine parts, and cast aluminum aircraft components*, from the plantsite of Ireco Industries, Inc., at Eugene, Ore., to points in the United States (except Alaska and Hawaii); and (2) *Iron and steel articles, aluminum tubing, plastic tubing, steel tubing, aluminum ingot, grease in packages, lubricating and hydraulic oils in packages, galvanized steel spokes, orbit motors, and steel chain*, from points in the United States (except Alaska and Hawaii), to the plantsite of Ireco Industries, at Eugene, Ore., under contract with Ireco Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland or Eugene, Ore.

No. MC 140347, filed October 23, 1974. Applicant: KANGAROO CAR CARRIERS, INC., 14 Carolyn Place, Armonk, N.Y. 10504. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Privately owned, in use passenger vehicles*, between New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Orange, and Rockland Counties, N.Y., Fairfield County, Conn., and Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140351, filed October 23, 1974. Applicant: ARTHUR S. MALANSON, Box 94, Lancaster, N. Hamp. 03584. Applicant's representative: Grenville Clark III, 40 Stark Street, Manchester, N. Hamp. 03101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck parts and truck cabs*, between Hagerstown, Md.; Allentown and Philadelphia, Pa., and Somerville, N.J., on the one hand, and, on the other, Manchester and Lancaster, N.H., and Bangor, Portland, Waterville, and Dickey, Maine, under contract with White Mt. Mack, Inc., and Maine Mack, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Manchester or Concord, N.H.

No. MC 140359, filed October 24, 1974. Applicant: BUFTON ASSOCIATES LIMITED, Line 1 and Creek Road, Virgil, Ontario, Canada. Applicant's representative: David A. Sutherland, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and materials and supplies*, used in the manufacture of iron and steel products, between Tonawanda, N.Y., and Warrenton, Va., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, under continuing contracts with New York Wire Mills Corp. and Virginia Wire and Fabric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140362, filed October 24, 1974. Applicant: CASS COUNTY ELEVATOR, INC., Atlantic, Iowa 50022. Applicant's representative: Einar Viren, 904 City National Bank Bldg., Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients, including alfalfa meal and bean meal*, in bulk and in bags, from points in Cass County, Iowa, to points in Buchanan County, Mo., Doniphan County, Kans., and Platte and Lancaster Counties, Nebr.; and (2) from points in Nebraska, to points in Cass County, Iowa, under contract with Allied Mills, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC. 140364, filed October 23, 1974. Applicant: ATL, INC., 222 S. 72nd St., Omaha, Nebr. 68114. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat byproducts, 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 of Armour Food Company at Hereford, Tex., and the public warehouse and storage facilities used by Armour Food Company's plant at Hereford, Tex., located within 100 miles of Hereford, to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, under a continuing contract or contracts with Armour Food Company (a division of Armour and Company); and (2) *parts, equipment, and materials* used in the manufacture and assembly of automotive buses, from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin, to the plantsite of Transportation Manufacturing Corporation at Roswell, N. Mex., under a continuing contract or contracts with Transportation Manufacturing Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140366, filed October 30, 1974. Applicant: CREAMY TRUCKING, INC., P.O. Box 447, Highway 231 and 31-E, Westmoreland, Tenn. 37186. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used in the maintenance and operation of printing plants (except commodities in bulk, in tank vehicles), between the plantsite of R. R. Donnelly & Sons Company located at or near Gallatin, Tenn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin, under a continuing contract or contracts with R. R. Donnelly & Sons Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 140367, filed October 29, 1974. Applicant: AIR FREIGHT FORWARDERS, INC., 601 Memory Avenue, Green Bay, Wis. 54301. 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: *General commodities, between points in Brown, Oconto, Shawano, Langlade, Menominee, Marinette, Florence, Forest, Lincoln, Oneida, Vilas, Iron, Ashland, and Prince Counties, Wis., and Menominee County, Mich.*, restricted to the transportation of traffic having a prior or subsequent movement by air or moving in substituted motor-for-air service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay, Wis., Marinette, Wis., or Menominee, Mich.

No. MC 140370, filed October 29, 1974. Applicant: V. G. H. TRUCKING, INC., Highway 2 East, East Grand Forks, Minn. 56721. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Crookston, Fosston, and the Minneapolis-St. Paul Commercial Zone, Minn., to points in Mississippi, Alabama, Louisiana, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, and Florida, restricted to the transportation of traffic under a continuing contract or contracts with J. R. Simplot Company; and (2) *Foodstuffs*, from Grand Forks, N. Dak., to points in Mississippi, Alabama, Louisiana, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, and Florida, restricted to the transportation of traffic under a continuing contract or contracts with Western Potato Service, Inc., a division of American Kitchen Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Denver, Colo.

No. MC 140376, filed November 4, 1974. Applicant: J. T. ARNETT-GRAIN CO., INC., 600 East 10th Avenue, P.O. Box 25, Corsicana, Tex. 75110. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. 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 Mobile, Ala., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 15364 (Sub-No. 17), filed October 23, 1974. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, Wis. 54302. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at all authorized service points on applicant's presently authorized regular routes located in Wisconsin and Michigan, and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay or Milwaukee, Wis., or Chicago, Ill.

No. MC 54534 (Sub-No. 7), filed October 25, 1974. Applicant: GRAND ISLAND TRANSIT CORPORATION, 5355 Junction Road, Lockport, N.Y. 14094. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from points in Niagara and Orleans Counties, N.Y., and Buffalo, Tonawanda, Amherst, Cheektowaga, West Seneca, Lackawanna, Kenmore, Sloan, Williamsville, Depew, Lancaster, and Grand Island, N.Y., to points in the United States, including Alaska but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 135288 (Sub-No. 3), filed October 24, 1974. Applicant: MCGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Avenue, P.O. Box 626, Asheboro, N.C. 27203. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, D.C. 20001. 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 High Point, N.C., and points in its Commercial Zone, and those in Alamance, Anson, Chatham, Davidson, Guilford, Hoke, Lee, Montgomery, Moore, Orange, Randolph, Richmond, Robeson, Scotland, Stanly, and Union Counties, N.C., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Asheboro or Greensboro, N.C.

No. MC 139707 (Sub-No. 3), filed October 31, 1974. Applicant: RESORT BUS LINES, INC., 41 Railroad Avenue, Yonkers, N.Y. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from points in New York City, Nassau, Suffolk, and Westchester Counties, N.Y., to Montvale and Paterson, N.J., and return, under a continuing contract or contracts with Great Atlantic & Pacific Tea Company.

NOTE.—Common control may be involved. Applicant holds common carrier authority

in MC 67340 Subs 4 and 9, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

## BROKERAGE APPLICATIONS

No. MC 12797 (Sub-No. 5), filed October 11, 1974. Applicant: PRESLEY TOURS, INC., Makanda, Ill. 62958. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a broker, at Makanda and Elmhurst, Ill., to sell or offer to sell transportation by motor, rail, water, and air carriers, in an intermodal method and independently by any component of the transportation industry, in the transportation of passengers and their baggage, in charter and special operations in round-trip, all expense tours, beginning and ending at points in Missouri, Indiana, Ohio, and Illinois (except Chicago), and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 130272, filed October 21, 1974. Applicant: ANNAMARIE SPADUZZI AND RALPH SPADUZZI, a Partnership, 123 Huntington Avenue, New Haven, Conn. 06512. Applicant's representative: Annamarie Spaduzzi and Ralph Spaduzzi (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker, at East Haven, Conn., to sell or offer to sell the transportation of Groups of passengers and their baggage, by motor carrier vehicles, from East Haven, Conn., to points in New York, New Jersey, Vermont, Pennsylvania, the District of Columbia, Massachusetts, Florida, and the ports of entry on the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at East Haven, Conn., New Haven, Conn., or Hartford, Conn.

No. MC 130274, filed October 25, 1974. Applicant: WILLIAM S. PEPPER and ANN C. PEPPER, doing business as MOUNT DESERT TRAVEL, Box 407, Main Street, Northeast Harbor, Maine 04662. Applicant's representative: William S. Pepper (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker, at Northeast Harbor, Maine, transporting: Passengers and their baggage, in charter operations, in round trip tours, beginning and ending at points in the United States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Ellsworth, Bangor, or Portland, Maine.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27783 Filed 11-26-74; 8:45 am]

[Notice No. 641]

## ASSIGNMENT OF HEARINGS

NOVEMBER 22, 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 27, 1974.

MC-F-12199, General Highway Express, Inc.—Purchase—Roethlisberger Transfer Co.; F.D. 27692, General Highway Express, Inc., Securities, and MC 97841 Sub 20, General Highway Express, Inc., now being assigned January 20, 1975 (1 week) at Columbus, Ohio.

MC-C-8417, Rockland Coaches, Inc.—Investigation and Revocation of Certificates—now assigned December 3, 1974, at New York, New York, will be held at the U.S. Customs Court, 1 Federal Plaza.

MC 139614, Erin Tours, Inc., now assigned December 9, 1974, at Brooklyn, N.Y., will be held in Hearing Room No. 2, 24th Floor, New York State Public Service Commission, 2 World Trade Center.

MC 130228, Moreno Tours, Inc., now assigned December 5, 1974, at New York, New York, will be held in Hearing Room No. 2, 24th Floor, New York State Public Service Commission, 2 World Trade Center.

MC 126266 (Sub-No. 8), Dudley Boat & Trailer Transportation Inc., Extension—Oregon and Washington, now assigned December 12, 1974, at Olympia, Washington, will be held in Room 3F21, Highway Administration Building, 14th & Jefferson Streets.

MC 126276 Sub 96, Fast Motor Service, Inc., now being assigned hearing January 14, 1975 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

No. 36061, Increased Fares, Transport of New Jersey, now assigned December 9, 1974, and MC 30844 Sub 505, Kroblin Refrigerated Xpress, Inc., now assigned December 12, 1974, at New York, N.Y., will be held in U.S. Customs Court, 1 Federal Plaza, instead of Room A-238, Court of Claims, 26 Federal Plaza.

I & S No. 8986, Quarterly Settlements of Training Accounts—WTL, SWL Territories, now being assigned January 15, 1975 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 71459 Sub 42, O.N.C. Freight Systems, now assigned January 14, 1975, at Salt Lake City, Utah, is cancelled and the application is dismissed.

MC 77972 Sub 19, Merchants Truck Line, Inc., the application is dismissed.

No. 36051, Lake Superior & Ishpeming Railroad Company v. Chicago and North Western Transportation Company, now being assigned January 14, 1975 (2 days), at Chicago, Ill., in a hearing room to be designated later.

I & S No. M 28100, Increased Fares, North Boulevard Transportation Co., now being assigned January 23, 1975 (2 days), at New York, N.Y., in a hearing room to be designated later.

MC 119493 Sub 110, Monkem Co., Inc., now being assigned January 16, 1975 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27777 Filed 11-26-74; 8:45 am]

[Notice No. 38]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 22, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 27, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

## MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 132), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed November 18, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Strafford, Mo., over Missouri Highway 125 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 19, thence over Missouri Highway 19 to junction

U.S. Highway 61, thence over U.S. Highway 61 to Davenport, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Strafford, Mo., over U.S. Highway 66 to Springfield, Ill., thence over Illinois Highway 29 to LaSalle, Ill., thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Davenport, Iowa, and return over the same route.

No. MC 59856 (Deviation No. 4), SALT CREEK FREIGHTWAYS, 6540 North Washington Street, Denver, Colo. 80229, filed November 5, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Billings, Mont., over Montana Highway 3 to junction U.S. Highway 12 near Lavina, Mont., thence over U.S. Highway 12 to junction U.S. Highway 191 near Harlowton, Mont., thence over U.S. Highway 191 to junction U.S. Highway 87 near Moore, Mont., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Billings, Mont., over U.S. Highway 87 to junction U.S. Highway 191 near Moore, Mont., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-27779 Filed 11-26-74; 8:45 am]

[Notice No. 23]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 22, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 27, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identifica-

tion and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 685) (Cancels Deviation No. 661), GREY-HOUND LINES, INC. (Eastern Division), P.O. Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed November 14, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (A) From Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 90, near Tallahassee, Fla., with the following access routes: (1) From Lake City, Fla., over U.S. Highway 441 to junction Interstate Highway 10, (2) From Live Oak, Fla., over U.S. Highway 129 to junction Interstate Highway 10, (3) From Madison, Fla., over Florida Highway 53 to junction Interstate Highway 10, and (4) From Monticello, Fla., over U.S. Highway 19 to junction Interstate Highway 10, and (B) From junction U.S. Highway 31 and Interstate Highway 10 at Spanish Fort, Ala., over Interstate Highway 10 to junction Florida Highway 279, thence over Florida Highway 279 to junction U.S. Highway 90 at Caryville, Fla., with the following access routes: (1) From Pensacola, Fla., over U.S. Highway 29 to junction Interstate Highway 10, (2) From Milton, Fla., over Florida Highway 191 to junction Interstate Highway 10, (3) From Crestview, Fla., over Florida Highway 85 to junction Interstate Highway 10, and (4) From Defuniak Springs, Fla., over U.S. Highway 331 to junction Interstate Highway 10, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Mobile, Ala., over U.S. Highway 31 to junction U.S. Highway 90, thence over U.S. Highway 90 via Pensacola, Fla., to Caryville, Fla., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-27781 Filed 11-26-74; 8:45 am]

[Notice No. 95]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 22, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

*Special Notice:* The publications hereinafter set forth reflect the scope of the

applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

#### MOTOR CARRIERS OF PROPERTY

No. MC 20916 (Sub-No. 13) (Republication), filed April 12, 1974, and published in the FEDERAL REGISTER issue of May 31, 1974, and republished this issue. Applicant: JOHN T. SISK, Rt. 2, Box 182-B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. An Order of the Commission, Operating Rights Board, dated October 22, 1974, and served November 15, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *wire and wire rope*, between Culpeper, Va., and Baltimore, Md. (2) *precast concrete and precast concrete products* (a) from Midland, Va., to points in Delaware, Georgia, Florida, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, West Virginia, and the District of Columbia, and (b) from Gainesville, Ga., to points in Virginia, and (3) *crushed stone, stone dust, sand, and gravel*, from Culpeper and Fredericksburg, Va., to Washington, D.C., and points in Montgomery, Howard, Prince Georges, Ann Arundel, and Charles Counties, Md.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate that the authority in (1) above has been changed from radial to non-radial, and to indicate that the territorial description in (2)(b) above has been changed. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-35072 (Notice of filing of petition to add additional county), filed October 29, 1974. Petitioner: EDWIN L. ELLOR & SON, INC., 29 Mountain Blvd., Warren, N.J. 07060. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *contract carrier* permit in No. MC 35072, issued February 9, 1942, authorizing transportation,

as pertinent, over irregular routes, of (1) *Machinery, hydrants, pipes, patterns, metal castings, valves, and contractors' supplies*, between points in Essex, Hudson, Bergen, Union and Passaic Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and Philadelphia, Pa., and points within 20 miles of Baltimore and Philadelphia, New York, N.Y., and points in Westchester, Nassau, Orange, Rockland, Dutchess, and Suffolk Counties, N.Y., and Fairfield County, Conn., (2) *meters*, between East Orange, N.J., on the one hand, and, on the other, New York, N.Y., (3) *tapping, inserting, and cutting machines, and material and supplies*, used or useful in making repairs to waterlines, between East Orange, N.J., on the one hand, and, on the other, points in New York, Connecticut, Pennsylvania, and Maryland within 200 miles of East Orange, and (4) *electric motors*, from Bendix and Ampere, N.J., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to add an additional county to the authority described in (1) above. The authority in (1) above would read: "(1) *Machinery hydrants, pipes, patterns, metal castings, valves, and contractors' supplies*, between points in Essex, Hudson, Bergen, Union, Passaic and Morris Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and Philadelphia, Pa., and points within 20 miles of Baltimore and Philadelphia, New York, N.Y., and points in Westchester, Nassau, Orange, Rockland, Dutchess, and Suffolk Counties, N.Y., and Fairfield County, Conn." Everything else will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 66562 (Sub-Nos. 1412 and 1415) (Notice of filing of petition for extension of explosive authority), filed October 2, 1974. Petitioner: REA EXPRESS, INC., 219 East 42nd Street, New York, N.Y. 10017. Petitioner's representative: Michael J. Briody (same address as petitioner). Petitioner holds a motor common carrier certificate in No. MC 66562 (Sub-Nos. 1412 and 1415) issued September 10, 1970, authorizing transportation, over regular routes, in Sub-No. 1412 of *General commodities*, moving in express service, between Roanoke, Va., and Bristol, Va., serving the intermediate points of Salem, Elliston, Christiansburg, Radford, Dublin, Pulaski, Wytheville, Marion, Chilhowie, and Abingdon, Va., and the off-route points of Cambria, Max Meadows, Rural Retreat, Glade Spring, Emory, and Meadow View, Va.: From Roanoke over U.S. Highway 460 to junction Alternate U.S. Highway 460, thence over Alternate U.S. Highway 460 to Salem, Va., thence over U.S. Highway 11 to Bristol, and return over the same route. From Columbia, S.C., to Aiken, S.C., serving the intermediate points of Perry, Salley, and Springfield, S.C.: From

Columbia over South Carolina Highway 215 to junction South Carolina State Road S-2-237, thence over South Carolina State Road S-2-237 to junction South Carolina Highway 39, thence over South Carolina Highway 39 to junction South Carolina Highway 4, thence over South Carolina Highway 215, thence over South Carolina Highway 215 to Aiken, and return over the same route with no transportation for compensation except as otherwise authorized.

Restriction: The service authorized herein is subject to the following conditions: The service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, and immediately prior or an immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operation to that which is auxiliary to, or supplemental of, air or railway express service. The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring September 30, 1973, and in Sub-No. 1415 of (1) *General commodities*, except classes A and B explosives, moving in express service, between Leechburg, Pa., and Schenley, Pa. (Kishiminetas Junction, Pa.), serving no intermediate points: From Leechburg over Pennsylvania Highway 66 to junction unnumbered highway known as Old Schenley Road, thence over unnumbered highway to Schenley, and return over the same route and (2) *general commodities*, moving in express service, between Asheville, N.C., and Spruce Pine, N.C., serving the intermediate point of Burnsville, N.C.; From Asheville over combined U.S. Highways 19-23 to junction U.S. Highways 19 and 23, thence over U.S. Highways 19 and 19E to Spruce Pine, and return over the same route. Restriction: The authority granted herein is subject to the following conditions: The service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operation to that which is auxiliary to, or supplemental of, air or railway express service. The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring September 16, 1973. By the instant petition, petitioner seeks for an extension of its authority in its certificates to trans-

port explosives. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115215 (Sub-No. 13) (Notice of filing of petition to reinstate certificate), filed October 30, 1974. Petitioner: NEW TRUCK LINES, INC., P.O. Box 639, Hwy. 27 South, Perry, Fla. 32347. Petitioner's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Petitioner holds a motor common carrier certificate in No. MC 115215 (Sub-No. 13) issued May 21, 1969, authorizing transportation, over irregular routes, of (1) *Explosives, explosive components, and explosive products*, except commodities in bulk and commodities because of their size or weight require the use of special equipment, from the plant site of Martin Electronics, Inc., at or near Perry, Fla., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin and (2) *materials and supplies* used in the manufacture of the above-named commodities, except commodities in bulk and commodities because of their size or weight require the use of special equipment, from points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin, to the plantsite of Martin Electronics, Inc., at or near Perry, Fla. By the instant petition, petitioner seeks to reinstate its certificate which expired May 21, 1974. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 121060 (Sub-No. 19) (notice of filing of petition for modification of certificate), filed November 11, 1974. Petitioner: ARROW TRUCK LINES, INC., 1220 West 3rd St., P.O. Box 1416, Birmingham, Ala. 35207. Petitioner's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Petitioner holds a motor common carrier certificate in No. MC 121060 (Sub-No. 19) issued October 17, 1974, authorizing transportation, as pertinent, over irregular routes, of *Construction materials* (except commodities

in bulk), from the facilities of the Celotex Corporation, at Charleston, Ill., to points in Delaware, Indiana, Iowa, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Virginia, Wisconsin, and West Virginia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of the Celotex Corporation at Charleston, Ill., and destined to points in the above-described destination area. By the instant petition, petitioner seeks to delete the restriction above which reads as follows: "Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of the Celotex Corporation at Charleston, Ill., and destined to points in the above-described destination area". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136100 (Sub-No. 1) (Notice of filing of petition for modification of permit), filed November 1, 1974. Petitioner: K & K TRANSPORTATION CORP., 4515 No. 24 Street, Omaha, Nebr. 68110. Petitioner's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Petitioner holds a motor contract carrier permit in No. MC 136100 (Sub-No. 1) issued December 11, 1972, authorizing transportation, as pertinent, over irregular routes, of (1) *Folding cartons*, From Omaha, Nebr., to points in the United States (including Alaska but excluding Hawaii), with no transportation for compensation on return except as otherwise authorized, (2) *carton forming machinery*, (a) From Omaha, Nebr., (3) *plastic film*, From points in the United States (including Alaska but excluding Hawaii), and; (b) From points in the United States (including Alaska but excluding Hawaii), to Omaha, Nebr., (3) *plastic film*, From Chicago, Ill., and Bridgeport, Conn., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Malnove Specialty Box Company, of Omaha, Nebr., (4) *packaging equipment, heat sealing electrical tools, marking pens, paper clips, plastic aprons, sawdust, and cash register tapes*, From Omaha, Nebr., to points in the United States (including Alaska but excluding Hawaii), with no transportation for compensation on return except as otherwise authorized, (5) *packaging materials*, From Los Angeles, Calif., Jacksonville, Ill., Ft. Madison and Olevine, Iowa, St. Louis, Mo., New Rochelle, N.Y., Hoboken, N.J., Hickory and Patterson, N.C., Akron, Ohio, Downingtown, and Marcus Hook, Pa., and Fredricksburg, Va., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (6) *paper clips and staples*, From Chicago, Ill., and Long Island City, N.Y., to

Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (7) *heat sealing electrical tools*, From Cleveland, Ohio, to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (8) *cash register tapes*, From Port Austin, Mich., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (9) *frozen vegetables*, From Sanger, Calif., American Falls and Nampa, Idaho, and Milton-Freewater, Oreg., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Midwest Supply Company, Division of The Alger Corporation, of Omaha, Nebr. By the instant petition, petitioner seeks modification of its commodity description in (4) above to read: "(4) *Packaging equipment and supplies, heat sealing electrical tools, marking pens, paper clips, plastic aprons, sawdust, and cash register tapes*". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1,240).

#### MOTOR CARRIERS OF PROPERTY

##### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 68917 (Sub-No. 8) (Amendment), filed December 27, 1973 published in the FEDERAL REGISTER issue of January 23, 1974, and republished as amended this issue. Applicant: H. P. WELCH CO., 7401 Newman Boulevard, LaSalle, 660, P.Q. Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Massachusetts as off-route points in connection with carrier's authorized regular routes, Between Lowell, Mass., and Springfield, Mass.: From Lowell, Mass., over U.S. Highway 495 to junction U.S. Highway 290 thence over U.S. Highway 290 to U.S. Highway 90, thence over U.S. Highway 90 to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: From Lowell,

Mass., over U.S. Highway 3 to Massachusetts Highway 128, thence over Massachusetts Highway 128 to Massachusetts Turnpike, and thence over Massachusetts Turnpike, to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: From Lowell, Mass., over U.S. Highway 3 to Massachusetts Highway 128, thence over Massachusetts Highway 128 to U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: Between Boston, Mass., and Springfield, Mass.: From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., and thence over U.S. Highway 20 to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: From Boston, Mass., over unnumbered highways to Massachusetts Turnpike at or near Newton, Mass. (U.S. Highway 90), and thence over Massachusetts Turnpike (U.S. Highway 90), to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points.

NOTE.—The purpose of this republication is to add a commodity restriction and to change irregular route authority to that of a regular route. The purpose of this application is to convert the Certificate of Registration issued under MC 96691 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to a section 5 proceeding in MC F 12087 published in the FEDERAL REGISTER issue of January 16, 1974. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 109397 (Sub-No. 307), filed October 7, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Business I-44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and animal food*, from points in Merced, Santa Clara, Alameda, Contra Costa, Los Angeles and San Benito Counties, Calif., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. This is a matter directly related to the section 5 proceeding in MC F 12360 published in the FEDERAL REGISTER issue of November 20, 1974. If a sharing is deemed necessary, the applicant requests it be held at either San Francisco, Calif.; Denver, Colo.; Kansas City, Mo.; or Washington, D.C.

No. MC 121393 (Sub-No. 5), filed October 18, 1974. Applicant: HEMPSTEAD DELIVERY CO., INC., 407 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing*

apparel, as described in Appendix X in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and accessories and dry goods, between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; and (2) wearing apparel, and accessories, between points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE.—Applicant seeks to purchase portion of the authority held by Empire Carriers Corporation. This is a matter directly related to the section 5 proceeding in MC F 12344 published in the FEDERAL REGISTER issue of October 31, 1974. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC F 12126 (Amendment) (Redbank Transport, Inc.—purchase—Carl Krebs), published in the February 13, 1974, issue of the FEDERAL REGISTER on page 5543. By amendment filed November 8, 1974, applicants seek to amend the application to substitute Union Mechling Corporation, as applicant in place of Redbank Transport, Inc. and to read as follows: UNION MECHLING CORPORATION—PURCHASE—CARL KREBS.

NOTE.—Dravo Corporation owns 100% of the outstanding stock of Union Mechling Corporation.

No. MC F 12355. (Correction) (C & J COMMERCIAL DRIVEAWAY, INC.—PURCHASE (PORTION)—DEALERS TRANSIT, INC.), published in the November 13, 1974, issue of the FEDERAL REGISTER on page 40089. Prior notice should be modified to read: C & J COMMERCIAL DRIVEAWAY, INC.—LEASE (PORTION)—DEALERS TRANSIT, INC.

NOTE.—This publication does not affect the due date for filing protest.

No. MC F 12364. Authority sought for control by ARKANSAS BEST CORPORATION, a non-carrier, 1000 So. 21st St., Fort Smith, AR 72901, of CONTAINER CARRIER CORPORATION, 301 So. 11th St., Fort Smith, AR 72901. Applicants' attorney: Thomas Harper, 13 No. 7th St., P.O. Box 43, Fort Smith, AR 72901. Operating rights sought to be controlled: Order in No. MC-135419, conditioned the grant of authority therein upon the filing of this application by ARKANSAS BEST CORPORATION. Operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of general commodities (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, bananas, and commodities which because of their size and weight require special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, (a) between Houston, Tex., and New Orleans, La., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana north of U.S. Highway 84, Michigan, Mississippi, Missouri, Nebraska (except Alliance, David City, Fairbury, Fremont, Lincoln, McCook

Norfolk, Omaha, and Scottsbluff) New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas west of U.S. Highway 277, and Wisconsin, and (b) between Mobile, Ala., on the one hand, and, on the other, points in Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; (2) of general commodities (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, bananas, commodities which because of their size and weight require special equipment, and alcoholic beverages), in containers or in trailers having an immediately prior or subsequent movement by water, from New Orleans, La., and Houston, Tex., to Alliance, David City, Fairbury, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr.; and (4) of empty used containers, used trailers, and used trailer chassis between Houston, Tex., Mobile, Ala., and New Orleans, La., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and with all authority set forth above, subject to the extent that the grant of authority herein duplicate certain existing authority held by Arkansas-Best Freight System, Inc., it shall not be construed as conferring more than a single operating right. ARKANSAS BEST CORPORATION, holds no authority from this Commission. However it is affiliated with ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901, MC 29910, which is authorized to operate as a common carrier in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC F 12365. Authority sought for control by LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431, of CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Ave., Nashville, TN 37203, and for acquisition by HERBERT A. LIGON, JR., also of Madisonville, KY 42431, of

control of CHEROKEE HAULING & RIGGING, INC., through the acquisition by LIGON SPECIALIZED HAULER, INC. Applicants' attorneys: Robert M. Pearce, P.O. Box E, Bowling Green, KY 42101, and Paul M. Daniell, Suite 1600, First Federal Bldg., Atlanta, GA 30303. Operating rights sought to be controlled: certain specified commodities as a common carrier, over irregular routes, from, to, and between all of the States in the United States (except Hawaii), with certain restrictions, as more specifically described in Docket No. MC 127834 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. LIGON SPECIALIZED HAULER, INC., is authorized to operate as a common carrier in all of the States in the United States (except Hawaii), and as a contract carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

## NOTICE

The Missouri Pacific Railroad Company, The Texas and Pacific Railway Company, and the Chicago & Eastern Illinois Railroad Company hereby give notice that on the 1st day of November, 1974, they jointly filed an Application, assigned F.D. 27773 with the Interstate Commerce Commission at Washington, D.C.: (1) Under section 5(2) of the Interstate Commerce Act for an Order Authorizing (a) the Merger of the Property and Franchise of The Texas and Pacific Railway Company and the Chicago & Eastern Illinois Railroad Company with and into the Missouri Pacific Railroad Company, and (b) the Acquisition by Missouri Pacific Railroad Company, through Ownership of Stock, of Sole or Joint Control of Carriers Subsidiary to or Affiliated with The Texas and Pacific Railway Company and the Chicago & Eastern Illinois Railroad Company; (2) under section 20a of the Interstate Commerce Act for an Order Authorizing the Surviving Corporation Resulting from such Merger, i.e., Missouri Pacific Railroad Company, to Issue Common Stock and to Assume Liability in Respect of Securities to the Extent to which any other Applicant is Liable as Obligor or Guarantor Thereon. This application has been assigned F.D. 27774.

(i) The names and addresses of the applicants are as follows:

Missouri Pacific Railroad Company, Missouri Pacific Building, 210 North 13th Street, St. Louis, Missouri 63103.

The Texas and Pacific Railway Company, 505 North Industrial Boulevard, Dallas, Texas 75207.

Chicago & Eastern Illinois Railroad Company, Missouri Pacific Building, 210 North 13th Street, St. Louis, Missouri 63103.

The names and addresses of Appli-

cants' Attorneys are as follows:

For the Missouri Pacific Railroad Company

Mark M. Hennelly, Vice President & General Counsel, Missouri Pacific Railroad Company, 2003 Missouri Pacific Building, St. Louis, Missouri 63103.

For The Texas and Pacific Railway Company.

William R. McDowell, Vice President & General Counsel, The Texas and Pacific Railway Company, 505 North Industrial Boulevard, Dallas, Texas 75207.

For the Chicago & Eastern Illinois Railroad Company

Patrick C. Mullen, Vice President & General Counsel, Chicago & Eastern Illinois Railroad Company, 72 West Adams Street, Chicago, Illinois 60603.

(ii) The nature of the proposed transaction is a merger of Railroads subject to Part I of the Interstate Commerce Act.

(iii) A brief geographical description of the operations of the Missouri Pacific Railroad Company, as the surviving, unified corporation, is the same as it presently performs as the Missouri Pacific System, i.e.: Class I railroad service from Chicago, Illinois, on the North, to the Gulf Coast Region of both Louisiana and Texas on the South, and from the Mississippi River on the East to Pueblo, Colorado and El Paso, Texas, on the West.

(iv) A brief description of the line of railroad, including principal city and state locations, termini, and approximate mileage is as follows:

#### MISSOURI PACIFIC RAILROAD COMPANY

Missouri Pacific Railroad operates 8,906 miles of main line and 4,131 miles of branch line railroad in the States of Illinois, Missouri, Kansas, Nebraska, Colorado, Arkansas, Oklahoma, Louisiana, Texas, Tennessee, and Mississippi.

To the West, Missouri Pacific's principal main lines run from St. Louis to Kansas City, Missouri, and thence (1) on a line West through Kansas to Pueblo, Colorado, and (2) on a line Northwest to Omaha, Nebraska. To the Southwest, it has principal lines extending from St. Louis and Kansas City, Missouri, to Little Rock, Arkansas, through Missouri, Kansas, and Oklahoma, and from Little Rock said line proceeds to Texarkana, Arkansas. Another principal line runs from East St. Louis, South through Illinois, crosses the Mississippi River at Thebes, Illinois, and then proceeds Southwest through Arkansas and Louisiana to Lake Charles, Louisiana, on the Gulf Coast of Mexico. Another important line has terminus at Memphis and connects with St. Louis-Little Rock line North of Little Rock.

Principal lines in the Southwest are (1) a line from Texarkana via The Texas and Pacific to Longview, Texas, and thence proceeds Southwest through Austin and San Antonio to Laredo on the Mexican border, (2) a line from New Orleans, Louisiana, which parallels the Gulf of Mexico, passes through Houston, Texas, and terminates at Brownsville,

Texas, also on the Mexican border, (3) a line from New Orleans, Louisiana, which runs Northwest to Alexandria, Louisiana, where it connects with the main line from the North, and (4) a line from Fort Worth which runs Southeast to the Gulf Ports of Houston and Galveston, Texas.

#### THE TEXAS AND PACIFIC RAILWAY COMPANY

The Texas and Pacific Railway Company operates 2,551 miles of main lines and 501 miles of branch line railroad in the States of Texas, Louisiana and Oklahoma.

Its main line runs from New Orleans, Louisiana, Northwest through Alexandria to Shreveport, Louisiana; thence West to Dallas and Fort Worth, Texas; and thence West to its terminus at El Paso, Texas. Another line runs from Fort Worth, North to Denison, Texas, North, through Muskogee, Oklahoma, to Tulsa, Oklahoma.

#### CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY

The Chicago & Eastern Illinois Railroad Company operates 1,024 miles of main line and 43 miles of branch line railroad in the States of Illinois and Missouri.

Its main line runs from Chicago, Illinois, South through Woodland Junction, Villa Grove, Findlay Junction, Mt. Vernon, Benton, Thebes, Illinois, to its terminus at Chaffee, Missouri. Another line runs from Findlay Junction, Illinois, through Pana, Illinois, to St. Louis, Missouri.

Applicant has alleged in its application that the quality of the human environment will not be affected by the proposed Commission action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27782 Filed 11-26-74; 8:45 am]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 22, 1974.

The following applications for motor common carrier authority to operate in

intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55312 filed November 14, 1974. Applicant: SENNA TRUCKING CO., INC., 2101 Davis Street, San Leandro, Calif. 94577. Applicant's representative: E. H. Griffiths, 1182 Market Street Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of A. *General commodities*, except as hereinafter provided: Between all points and places in the San Francisco Territory as described in Part I. Except that Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks and buses, viz.: New and used, finished and unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks.

(6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary values; and (10) Fresh fruits and vegetables. B. Transportation of the following commodities between San Francisco Territory and Los Angeles Territory, Part I and Part II, respectively: Boilers, furnaces, radiators, stoves, related articles or parts named. As described in Items Nos. 25400 to 27682. Iron or steel. As described in Items Nos. 104000 to 107520. Conduits, pipe, smokestacks, tubing or fittings, other than clay, concrete or earthen. As described in Items Nos. 50750 to 52620. Aluminum articles. As described in Items Nos. 13100 to 13812. Brass, bronze and copper. As described in Items Nos. 30100 to 31000.

**Machinery.** As described in Items Nos. 114000 to 133454. **Miscellaneous commodities, viz.:** Rubber, reclaimed, Rubber, crude, Scrap metal. C. Transportation of lumber and forest products: (1) Between all points in that part of California north of a line beginning at the Pacific Coast and extending through Carmel and Merced, California, to the California-Nevada State Line near the Junction of U.S. Highway 395 and State Highway 89. (2) Applicant may use any and all streets, roads, highways, and bridges necessary or convenient for the performance of service within the above described area.

Part I.: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road.

Southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Eu-

clid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue), northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Part II.: Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway 101, Alternate, thence northeasterly on Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and the Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the city of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway 19; southerly along State Highway 19 to its intersection with U.S. Highway 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101, Alternate; thence northerly along an imaginary line to point of beginning. Intrastate, interstate and foreign commerce authority sought.

**HEARING:** Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and

should not be directed to the Interstate Commerce Commission.

Louisiana Docket No. T 12692, filed October 31, 1974. Applicant: PACKARD TRUCK LINES, INC., P.O. Drawer H, Buras, La. 70041. Applicant's representative: Henry O'Connor, Jr., 1440 Oil & Gas Bldg., New Orleans, La. 70112. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Oilfield equipment and materials, timbers, machinery, pipe, cement, lumber, and materials, supplies, and equipment* to be used in the construction, development, operation and maintenance of facilities for the discovery and development of natural gas and petroleum, fertilizer and building materials, excavating and construction of dirt work, over irregular routes. Intrastate, interstate and foreign commerce authority sought.

**HEARING:** Date, time and place not shown. Requests for procedural information should be addressed to the Louisiana Public Service Commission, P.O. Box 44035, Capitol Station, Baton Rouge, La. 70804, and should not be addressed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4470 (Sub-No. 13), filed October 31, 1974. Applicant: POTTER FREIGHT LINES, INC., P.O. Box 428, Sparta, Tenn. 38583. Applicant's representative: James Clarence Evans and Charles Carter Baker, Jr., Eighteenth Floor, Third National Bank Bldg., Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General Commodities* excluding used household goods and commodities in bulk in intrastate commerce and co-extensively in interstate commerce as follows: Between Nashville, Tenn., and the plantsite of Firestone Tire and Rubber Company in Rutherford County, LaVerne, Tenn., over irregular routes. The foregoing routes and authority are to be used in conjunction with all of Applicant's existing authority by tacking or joinder.

**HEARING:** December 18, 1974, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27780 Filed 11-26-74; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications; Notice

NOVEMBER 22, 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 27, 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 21170 (Sub-No. 269G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the plantsite and warehouse of the Pillsbury Corporation in New Albany, Ind., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63.

No. MC 21170 (Sub-No. 271G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. 272G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. 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, in tank vehicles), from Minnesota, points in Kansas east of U.S. High-

way 81, and those points in Missouri on and north of U.S. Highway 50 and on the west of U.S. Highway 63 to points in Illinois (except Chicago, Ill. and points in the Commercial Zone thereof, as defined by the Commission, and except Rock Island, Moline, and East Moline, Ill.). The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 21170 (Sub-No. 273G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. 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, restricted against the transportation of commodities in bulk, in tank vehicles, and hides, from the plantsite of Swift and Company at or near Grand Island, Nebr., to points in Iowa. The purpose of this filing is to eliminate the gateway of those points in Missouri on and north of U.S. Highway 50 and on the west of U.S. Highway 63.

No. MC 21170 (Sub-No. 274 G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in the appendix to the report in *Modification of Permits-Packinghouse Products*, 48 M.C.C. 628, from points in Minnesota, to La Crosse, Madison, Milwaukee, Racine, and Kenosha, Wis. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 45194 (Sub-No. 13G), filed September 15, 1974. Applicant: LAT-AVO BROTHERS, INC., P.O. Box 820, 500 Cleveland Ave. N., Canton, Ohio 44701. Applicant's representative: John P. McMahon, 100 East Broad, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 Ohio, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 40 and points in that part of Pennsylvania on and west of a line beginning at Erie, Pa., and extending along Penn-

sylvania Highway 8 to Pittsburgh, Pa., thence along Pennsylvania Highway 88 to Point Marion, Pa., thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateways at Youngstown, Boardman, Canfield, and Poland in Mahoning County, Ohio, and Cleveland, Ohio. (2) *Iron and steel articles, contractors' and builders' supplies and equipment, and building and construction materials* (except commodities in bulk), between points in Ohio, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways at Neville Island, Coraopolis, Washington, and Beaver Falls, Pa., the junction of U.S. Highway 19 and Interstate Highways 70 and 80-S at Interchange No. 3 of the Pennsylvania Turnpike north of Pittsburgh in Allegheny County, Pa., and the junction of U.S. Highways 30 and 22 west of Pittsburgh in Allegheny County, Pa.

No. MC 46365 (Sub-No. 3G), filed June 4, 1974. Applicant: P. W. LINCOLN HORSE TRANSPORTATION, INC., 660 Broadway, North Attleboro, Mass. 02760. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock horses* (other than ordinary livestock), *race horses, show and saddle horses and polo ponies and stable supplies and equipment, stable dogs and pets and personal effects of attendants in the same vehicle with such horses*, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Florida, Louisiana, Texas, Arkansas, Missouri, Tennessee, Kentucky, Illinois, Indiana, Michigan, and Ohio, restricted against movement between Tennessee and South Carolina. The purpose of this filing is to eliminate the gateways at Lexington, Ky., and points in West Virginia, Maryland, and Pennsylvania.

No. MC 65112 (Sub-No. 11-G), filed June 4, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arizona, Arkansas, Colorado, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this

filing is to eliminate the gateways of Dallas, Fort Worth, and Houston, Tex.; Texas and Florida.

No. MC 71536 (Sub-No. 10G), filed June 4, 1974. Applicant: ARROW CARRIER CORPORATION, 160 Route 17, Rochelle Park, N.J. 07662. Applicant's representative: A. David Millner, Suite 2005, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Philadelphia, Pa., and points within 15 miles of Philadelphia, on the one hand, and, on the other, points in Bergen, Essex, Hudson, and Passaic Counties, N.J., and those in Albany, Rensselaer, Greene, Ulster, Orange, Rockland, Columbia, Dutchess, Putnam, Westchester, Sullivan, and Delaware Counties, N.Y.; and (b) between points in Bergen and Passaic Counties, N.J., on the one hand, and, on the other, points in Orange, Sullivan, Ulster, and Delaware Counties, N.Y.; (2) *General commodities* (except brick, coal and coke, coin, currency, valuable papers, gems, or other articles of extraordinary value, conduits or pipe (clay or terra cotta), cut glass, dangerous explosives, fireworks, fish fresh or frozen, flowers, fruits, fresh vegetables, furs, compressed gases, gasoline or other inflammable liquids or articles, hides, skins or pelts, livestock and live poultry, motion picture films, sand, gravel or crushed stone for building material purposes, X-ray machines or tubes, commodities in bulk in tank trucks or dump trucks, commodities exceeding ordinary equipment and loading facilities, or unsuitable ordinary equipment and loading facilities, or unsuitable for transportation by truck, and household goods as defined by the Commission), between points in New Jersey within 35 miles of Columbus Circle, New York, N.Y., other than those in Bergen, Passaic, Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Orange, Sullivan, Ulster, and Delaware Counties, N.Y.; and (b) between points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Orange, Sullivan, and Delaware Counties, N.Y. The purpose of this filing is to eliminate the gateways in (1) and (2) above, at New York, N.Y., Philadelphia, Pa., and points in Bergen, Passaic, and Essex Counties, N.J.

(3) *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (except with respect to the 35 mile non-radial radius of Columbus Circle, New York City, N.Y.), from Philadelphia, Pa., and points within 15 miles of Philadelphia, points in Bergen, Hudson, Essex, Union, and Passaic Counties, N.J., those points in Middlesex County, N.J. north of the Raritan River, those points in

Albany, Rensselaer, Greene, Ulster, Orange, Rockland, Columbia, Dutchess, Putnam, Westchester, Delaware, and Sullivan Counties, N.Y., to points in Sussex County, N.J. The purpose of this filing is to eliminate the gateway at Port Jervis, N.Y.

No. MC 79196 (Sub-No. 5G), filed June 4, 1974. Applicant: TRANS UNIVERSAL VAN LINES, INC., 7230 South Chicago Avenue, Chicago, Ill. 60619. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. 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 Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, West Virginia, and Wisconsin, and, on the other, points in Colorado, Connecticut, Illinois, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 92633 (Sub-No. 26G), filed June 2, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Logging, mining and contractors materials, supplies, and equipment, petroleum products in containers, agricultural commodities, and farm machinery and tractors*, between points in Washington west of the Cascade Mountains and points in Oregon, on the one hand, and, on the other, points in Washington east of the Cascade Mountains and points in Idaho. The purpose of this filing is to eliminate the gateway of a point within 100 miles of Lewiston, Idaho.

No. MC 105457 (Sub-No. 79G), filed June 4, 1974. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo, P.O. Box 10638, Charlotte, N.C. 28201. 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 those points in South Carolina west of a line extending from the North Carolina-South Carolina State line along South Carolina Highway 49 to York, S.C., thence along U.S. Highway 321 to Ulmers, S.C., thence along U.S. Highway 301 to the South Carolina-Georgia State line, on the one hand, and, on the other, those points in North Carolina on and east of U.S. Highway 29 and Winston-Salem, N.C. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 111401 (Sub-No. 426G), filed June 3, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to junction U.S. Highway 83, and on and east of U.S. Highway 83 from its junction with U.S. Highway 66 to the boundary line between Texas and Mexico, to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Iowa, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Mexico, South Carolina, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Texas City, Longview, Kings Mill, and Etter, Tex.

No. MC 107515 (Sub-No. 922G), 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., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *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, 272, and 766: From points in Iowa, to points in Alabama, Florida, Tennessee, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateway of points in Georgia. (2) (a) *unfrozen meat*, (b) *meat products*, (c) *edible meat, meat products, meat by-products, and dairy products*, 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, 272, and 766, from points in Iowa, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Gatesville, N.C. (3) *Edible meat, 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, 272, and 766: From points in Iowa to points in Virginia. The purpose of this filing is to eliminate the gateways of Rocky Mount and Ayden, N.C. (4) (a) *unfrozen meat*, (b) *meat products*, (c) *frozen edible 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, 272, and 766: From points in Iowa to points in Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateways of Rocky Mount and Gatesville, N.C.

No. MC 107515 (Sub-No. 925G), 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. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from Oklahoma City, Okla., and points in its Commercial Zone, to points in Illinois, Pennsylvania, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Booneville, Miss., and the plant site of Odom's Sausage Co., at Madison, Tenn. (b) from Oklahoma City, Okla., and points in its Commercial Zone, to points in Kentucky and Maryland. The purpose of this filing is to eliminate the gateway of Booneville, Miss. (2) *fresh and cured meats and dairy products*, from Oklahoma City, Okla., and points in its Commercial Zone, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 113459 (Sub-No. 85G), filed June 4, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and (B) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers, (a) between points in New Mexico and Wyoming, and (b) between points in New Mexico and Colorado. The purpose of this filing is to eliminate the gateway of Oklahoma. (2) (A) *commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and (B) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers, (a) between points in Texas and Minnesota, (b) between points in Texas and Iowa, (c) from points in Texas, to points in Ohio, and (d) from points in Oklahoma, to points in Ohio. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

(3) (A) *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; or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; (B) *commodities*, the transportation of which by reason of size or weight, require the use of special equipment or handling and; (C) *parts* of commodities authorized in (3)(B) above either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments and (D) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, when moving in connection therewith, restricted to commodities transported on trailers, between points in Colorado and Utah. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 117344 (Sub-No. 234G), filed June 4, 1974. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (2) *petroleum products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (3) *Caustic soda, alkaline cleaning compounds, and buffing, polishing, and abrasive compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (4) *Hydrochloric acid*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (5) *Cleaning and washing compounds and wetting agents*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Georgia, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, Tennessee (except Kingsport), and Wisconsin. The purpose of this filing is to eliminate the gateway at Owensboro, Ky.

(6) *Chemicals* (except petrochemicals) in bulk, in tank or hopper type vehicles, from Cincinnati, Ohio, to points in Georgia, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), Indiana, Iowa, Minnesota, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, Tennessee (except Kingsport), and Wisconsin. The purpose of this filing is to eliminate the gateway at Owensboro, Ky. (7) *vegetable oil products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in North

Carolina. The purpose of this filing is to eliminate the gateway at Columbus, Ohio. (8) *Chemicals*, in bulk, in tank vehicles, from Delaware, Ohio, to points in Georgia, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, Tennessee (except Kingsport), and Wisconsin. The purpose of this filing is to eliminate the gateway at Jackson County, Ind., or Owensboro, Ky. (9) *liquid chemicals*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Indiana, Iowa, Minnesota, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, and Wisconsin. The purpose of this filing is to eliminate the gateway at Owensboro, Ky.

No. MC 123956 (Sub-No. 5G), filed June 4, 1974. Applicant: T. T. BROOKS TRUCKING COMPANY, INC., 970 Washington, Street, Akron, Ohio 44311. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are usually manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and empty textile cones, from points in Ohio, to points in Tennessee, restricted to shipments moving from, to, or between facilities of rubber products manufacturers; (2) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to or used in the conduct of such businesses, from points in Ohio, to Knoxville, Chattanooga, and Nashville, Tenn.; Jackson, Laurel, Meridian, and Columbus, Miss.; and points in Alabama and Georgia; and (3) *Materials, equipment, and supplies*, used in the manufacture of rubber products, from Knoxville, Chattanooga, and Nashville, Tenn.; Jackson, Laurel, Meridian, and Columbus, Miss.; and points in Alabama and Georgia, to points in Ohio. The purpose of this filing is to eliminate the gateway at Akron, Ohio.

No. MC 124111 (Sub-No. 48G), filed June 4, 1974. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Act in mixed loads with bananas, from points in the New York, N.Y., Commercial Zone, to points in Pennsylvania, Ohio, Michigan, Indiana, Illinois, Kentucky, West Virginia, Wisconsin, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Albany, N.Y.

INTERSTATE COMMERCE COMMISSION  
Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS  
OF PROPERTY-ELIMINATION OF GATEWAY  
LETTER-NOTICES

## NOTICE

NOVEMBER 22, 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 within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 52953 (Sub-No. E2), filed May 3, 1974. Applicant: ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Delaware, New Jersey, and Pennsylvania within 35 miles of Philadelphia, Pa., and points in New Jersey within 35 miles of the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Burke, Cleveland, McDowell, Polk, and Rutherford Counties, N.C., points in that part of Catawba County, N.C., on and west of a line beginning at the northern Catawba County line and extending along North Carolina Highway 127 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to the southern Catawba County line, and points in Caldwell County, N.C., on and west of a line beginning at the northern Caldwell County line and extending along U.S. Highway 321 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to the southern Caldwell County line. The purpose of this filing is to eliminate the gateway of Asheville and Swannanoa, N.C.

No MC 83835 (Sub-No. E5), filed July 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's

representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' machinery, equipment, materials and supplies* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment, except 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 materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipeline, including the stringing and picking up thereof; or which are self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith. (a) between points in Wisconsin, on the one hand, and, on the other, points in New Mexico, Texas, and in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 67.

Thence along U.S. Highway 67 to its junction with Arkansas Highway 24, thence along Arkansas Highway 24 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line, and points in that part of Louisiana on and west of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 24 to its junction with Louisiana Highway 20, thence along Louisiana Highway 20 to its junction with Louisiana Highway 18, thence along Louisiana Highway 18 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 74, thence along Louisiana Highway 74 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Louisiana Highway 124, thence along Louisiana Highway 124 to junction with Louisiana Highway 126, thence along Louisiana Highway 126 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to the Louisiana-Arkansas State line; (c) between points in Louisiana on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S.

Highway 53 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with Wisconsin Highway 70, thence along Wisconsin Highway 70 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to its junction with Wisconsin Highway 77.

Thence along Wisconsin Highway 77 to the Michigan-Wisconsin State line; (d) between points in Wisconsin on and west of a line beginning at Sister Bay, thence along Wisconsin Highway 57 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in that part of Louisiana on and west of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 24 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 95, thence along Louisiana Highway 95 to its junction with Louisiana Highway 74, thence along Louisiana Highway 74 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with the Mississippi River, thence along the Mississippi River to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Louisiana Highway 124, thence along Louisiana Highway 124 to its intersection with Louisiana Highway 8, thence along Louisiana Highway 8 to its junction with Louisiana Highway 15 to the Louisiana-Arkansas State line; (e) between points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65, to its junction with U.S. Highway 79, thence along U.S. Highway 79 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Wisconsin on and north of a line beginning at Lake Michigan, thence along U.S. Highway 41 to its junction with Wisconsin Highway 22, thence along Wisconsin Highway 22 to its junction with Wisconsin Highway 29, thence along Wisconsin Highway 29 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Wisconsin Highway 153.

Thence along Wisconsin Highway 153 to its junction with Wisconsin Highway 97, thence along Wisconsin Highway 97 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 10, to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line; (f) between points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Michigan on and north of a line beginning at Lake Michigan, thence along Interstate Highway 96

to its junction with Michigan Highway 21, thence along Michigan Highway 21 to the U.S.-Canadian International Boundary line (except points in the upper peninsula of Michigan); (g) between points in Wisconsin, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 15 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to its junction with Louisiana Highway 8, thence along Louisiana Highway 8 to its junction with Louisiana Highway 124, thence along Louisiana Highway 124 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Louisiana Highway 129, thence along Louisiana Highway 129 to Acme, thence along the Red River to Simmesport, thence along Louisiana Highway 105 to its junction with U.S. Highway 190, thence along U.S. Highway 190 to its junction with Louisiana Highway 77, thence along Louisiana Highway 77 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 24, thence along Louisiana Highway 24 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Illinois and Oklahoma.

No. MC 83835 (Sub-No. E6), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, and *commodities* which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment (except 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 materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (a) between points in Arkansas, Louisiana, and Texas, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming; (b) between points in Utah, on the one hand, and, on the other, points in Arkansas and Louisiana; (c) between points in New Mexico, on the one hand, and, on the other, points in Missouri; (d) between points in Utah, on the one hand, and,

on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 83 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to its junction with U.S. Highway 277, thence along U.S. Highway 277 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the U.S.-Mexico International Boundary line.

(e) Between points in South Dakota, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with New Mexico Highway 102, thence along New Mexico Highway 102 to its junction with New Mexico Highway 65, thence along New Mexico Highway 65 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with New Mexico Highway 3, thence along New Mexico Highway 3 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with New Mexico Highway 78, thence along New Mexico Highway 78 to the New Mexico-Arizona State line; (f) between points in New Mexico, on the one hand, and, on the other, points in that part of North Dakota on and east of U.S. Highway 83, and that part of South Dakota on and east of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 83 to its junction with U.S. Highway 16, thence along U.S. Highway 16 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line; (g) between points in North Dakota, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 66 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line; (h) between points in that part of Wyoming on and east of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 296 to its junction with Wyoming Highway 120.

Thence along Wyoming Highway 120 to its junction with Wyoming Highway 789, thence along Wyoming Highway 789 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with Wyoming Highway 220, thence along Wyoming Highway 220 to its junction with Wyoming Highway 487, thence along Wyoming Highway 487 to its junction with Wyoming Highway 91, thence along Wyoming Highway 91 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line, on the one hand, and, on the other, points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State

line, thence along New Mexico Highway 18 to its junction with New Mexico Highway 88, thence along New Mexico Highway 88 to its junction with New Mexico Highway 330, thence along New Mexico Highway 330 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to the New Mexico-Texas State line; (i) between points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line, on the one hand, and, on the other, points in that part of Wyoming on and east of a line beginning at the Wyoming-Nebraska State line, thence along Wyoming Highway 151 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with Wyoming Highway 313, thence along Wyoming Highway 313 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Wyoming Highway 120, thence along Wyoming Highway 120 to its junction with Wyoming Highway 296, thence along Wyoming Highway 296 to the Wyoming-Montana State line; (j) between points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with U.S. Highway 56, thence along U.S. Highway 56 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with New Mexico Highway 219, thence along New Mexico Highway 219 to its junction with U.S. Highway 54.

Thence along U.S. Highway 54 to the New Mexico-Texas State line, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the U.S.-Canada International Boundary line, thence along U.S. Highway 93 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line; (k) between points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 380, thence along U.S. Highway 380 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with New Mexico Highway 90, thence along New Mexico Highway 90 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line, thence along

U.S. Highway 87 to its junction with U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Canada International Boundary line; (1) between points in Utah, on the one hand, and, on the other, points in that part of Texas on and east of U.S. Highway 75; restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Kansas and Oklahoma.

No. MC 95084 (Sub-No. E1) filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Yates Bldg., 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fence posts, and bolts, nuts, and fittings* therefor, from Bartonville, Ill., to points in Colorado, North Dakota, Wyoming, points in Minnesota on and west of U.S. Highway 169, and points in Nebraska on and west of a line from the Nebraska-Kansas State line along Nebraska Highway 15 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E2), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Yates Bldg., 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel fence posts*, from Chicago Heights, Ill., to points in Colorado, Nebraska, North Dakota, South Dakota, and Wyoming, points in Kansas (except points in Johnson, Leavenworth and Wyandotte Counties), and points in Minnesota on and west of a line from the Iowa-Minnesota State line along U.S. Highway 65 to the junction of Minnesota Highway 13, thence along Minnesota Highway 13 to the junction of Minnesota Highway 19, thence along Minnesota Highway 19 to the junction of Minnesota Highway 15, thence along Minnesota Highway 15 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E3), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stan Hope, Iowa, 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa, 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fence posts and bolts, nuts and fittings* therefor, from Joliet, Ill., to points in Colorado, Nebraska, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State line along U.S. Highway 75 to the junction of Inter-

state Highway 70, thence along Interstate Highway 70 to the junction of U.S. Highway 156, thence along U.S. Highway 156 to the junction of U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Oklahoma State line, and points in Minnesota on and west of a line from the Minnesota-Iowa State line along Minnesota Highway 22 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E4), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stan Hope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fence posts, bolts, nuts, and fittings* therefor, from Princeton, Ill., to points in Colorado, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State line along U.S. Highway 75 to the junction of Interstate Highway 85, thence along Interstate Highway 35 to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, and points in Nebraska on and south of a line from the Iowa-Nebraska State line along U.S. Highway 30 to the junction of Nebraska Highway 31, thence along Nebraska Highway 31 to the junction of Nebraska Highway 50, thence along Nebraska Highway 50 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E5), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements, and parts* when transported with farm machinery and agricultural implements from Hesston, Kans., to points in Wisconsin and points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to the Minnesota-North Dakota State line, and points in North Dakota on and west of North Dakota Highway 1. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa and points within 1 mile thereof.

No. MC 95084 (Sub-No. E6), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* from Sandwich, Ill., to points in Colorado,

Nebraska, North Dakota, South Dakota, Wyoming, points in Minnesota on and west of a line from the Iowa-Minnesota State line along U.S. Highway 69, to the junction of Minnesota Highway 13, thence along Minnesota Highway 13 to the junction of Minnesota Highway 19, thence along Minnesota Highway 19 to the junction of Minnesota Highway 22, thence along Minnesota Highway 22 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line and points in Kansas on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and points within 1 mile thereof.

No. MC 106920 (Sub-No. E48), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. 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: *Dairy products* as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Texas to points in Kentucky on and north of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 27 to junction Kentucky Highway 617, thence along Kentucky Highway 617 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 165, thence along Kentucky Highway 165 to junction Kentucky Highway 32, thence along Kentucky Highway 32 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Virginia State line; and *empty containers* used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Auglaize, and Mercer Counties, Ohio.

No. MC 106920 (Sub-No. E49), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. 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: *Dairy products* as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Texas on and north of a line beginning at the Texas-New Mexico State line, and extending along Interstate Highway 40 to junction Texas Highway 207, thence along Texas Highway 207 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Texas-Oklahoma State line to points in South Carolina on and north of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 276 to junction Interstate Highway 26, thence along Interstate Highway 26 to Columbia,

thence along U.S. Highway 76 and 378 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to the East Coast; and empty containers used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107403 (Sub-No. E571). (Correction), filed May 29, 1974, re-published in the FEDERAL REGISTER November 7, 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 bulk, in tank vehicles, from the plant site of Freeport Chemical Co., near Uncle Sam, La., to points in Colorado, Illinois, Indiana, Missouri, North Carolina, South 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 107515 (Sub-No. E173), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, in packages, from Tampa, Fla., to the District of Columbia, and to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, and Maine. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E285), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen poultry and frozen pies*, in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Colorado. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E286), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Rocky Mount,

N.C., to points in Michigan. The purpose of this filing is to eliminate the gateway of any point in Ohio.

No. MC 107515 (Sub-No. E288), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), (1) from points in that part of North Carolina on and east of U.S. Highway 29 to points in Minnesota and Missouri, and (2) from points in that part of North Carolina on and east of North Carolina Highway 49 to Deerfield and Des Plaines, Ill., and to points in Wisconsin and that part of Illinois on and west of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 80 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Illinois Highway 83, thence along Illinois Highway 83 to Lake Michigan. The purpose of this filing is to eliminate the gateways of (1) the plant site of Commercial Cold Storage at Doraville, Ga., and (2) the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E290), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salads and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Arkansas, Kansas, North Dakota, Oklahoma, South Carolina, Texas, and that part of Ohio on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 107515 (Sub-No. E291), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pizza, salads, and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Minnesota, Missouri, Wisconsin, Illinois, and Iowa. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, a Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E296), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box

308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Goldsboro, N.C., to points in Arkansas, Oklahoma, and Texas, restricted against the transportation of traffic originating at points in Florida. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E297), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant sites of Family Foods, Inc., and Ambrosia Chocolate Co., Division of W. R. Grace & Co., at Charlotte, N.C., to points in Louisiana and Mississippi, restricted against the transportation of candy and confectionery. The purpose of this filing is to eliminate the gateway of the plant site of Commercial Cold Storage, at Doraville, Ga.

No. MC 107515 (Sub-No. E298), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Minnesota, Missouri, Wisconsin, and Iowa. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E300), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A 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, and hides), from Adairsville, Ky., to points in Rhode Island and Massachusetts and that part of New York on and east of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction Interstate High-

way 84, thence along Interstate Highway 84 to the New York-Connecticut State line, restricted against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 107515 (Sub-No. E370), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Columbus, Ohio, to points in that part of Texas on and south of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 20 to junction Texas Highway 42, thence along Texas Highway 42 to junction Texas Highway 31, thence along Texas Highway 31 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 171, thence along Texas Highway 171 to junction U.S. Highway 180, thence along U.S. Highway 180 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E373), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gelatin salads*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of the plant sites of Family Foods, Inc., or Ambrosia Chocolate Company, division of W. R. Grace and Company at Charlotte, N.C.

No. MC 107515 (Sub-No. E374), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, in vehicles equipped with mechanical refrigeration during the season April 15 to September 15, both inclusive of each year, from Atlanta, Ga., to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, division

of W. R. Grace and Company at Charlotte, N.C.

No. MC 110525 (Sub-No. E1119), (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: (A) *Liquid synthetic resins and plasticizers*, in bulk, in tank vehicles, from Anniston, Ala., (1) to points in Connecticut, Massachusetts, and Rhode Island (Greensboro, N.C., and Newark, N.J.)\*, (2) to points in Maine, New Hampshire, and Vermont (Greensboro, N.C., and Syracuse, N.Y.)\*, (3) to points in Virginia (points in North Carolina)\*, and (4) to points in West Virginia (points in that part of Tennessee on and east of U.S. Highway 27)\*; and (B) *Synthetic resins and plasticizers*, from Anniston, Ala., to points in Ohio (Copperhill, Tenn.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include (B) above.

No. MC 110525 (Sub-No. E1130), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in Kanawha County, W. Va., to points in that part of Arizona on and south of Interstate Highway 40, and that part of California on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 110525 (Sub-No. E1156) (Correction), filed May 20, 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 chemicals* (except vegetable oil, crude tall oil, sulphate, black liquor skimmings, and naval stores), in bulk, in tank vehicles, from points in Dade County, Fla.; (1) to points in Arkansas (Atlanta, Ga.)\*; (2) to points in Oklahoma (Baton Rouge, La.)\*; and (3) to points in Arizona, California, Colorado, and Wyoming (Baton Rouge, La., and Texas City, Tex.)\*, restricted in (1) above against the transportation of hydrofluosilic acid and liquid alum. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the exception and to include the restriction.

No. MC 110525 (Sub-No. E1168), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E1169), 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: *Commodities*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E1213), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to Tulsa, thence along Interstate Highway 44 to Oklahoma City, thence along Interstate Highway 35 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1226), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nickel plating solutions and liquid fluoride compounds*, in bulk, in tank vehicles, from points in Indiana to points in that part of Pennsylvania on, south, and east of U.S. Highway 62. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Josephstown, Pa.

No. MC 110525 (Sub-No. E1245), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Fatty acids, lard, tallow, and animal oil*, in bulk, in tank vehicles, from Asheville, N.C., to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Philadelphia, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E1259), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles; (1) from Palmerton, Pa., to points in Delaware (Camden, N.J., and Lima, Pa.) \*; and (2) from Palmerton, Pa., to points in Virginia, restricted against the transportation of bituminous products and materials (Camden, N.J., Lima, Pa., and the District of Columbia) \*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1272), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, between the District of Columbia and points in Delaware and Maryland, on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa., and points in the New York, N.Y., commercial zone.

No. MC 110525 (Sub-No. E1282), (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: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, from points in Maryland to points in Connecticut. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Newark, N.J. The purpose of this correction is to clarify the commodity description.

No. MC 110525 (Sub-No. E1285), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63

M.C.C. 677, from points in that part of Alabama on and south of U.S. Highway 278 (except Anniston), to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC 110525 (Sub-No. E1288) (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: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, from points in Maryland to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Newark, N.J. The purpose of this correction is to clarify the commodity description.

No. MC 110525 (Sub-No. E1301), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston* (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 that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 81 to Lima, thence along Interstate Highway 75 to Findley, thence along Ohio Highway 12 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to Sandusky. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 112696 (Sub-No. E1), filed June 3, 1974. Applicant: HARTMANS, INC., 833 Chicago Ave., Harrisonburg, Va. 22801. Applicant's representative: James E. Wilson, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Baltimore, Md., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin; and (2) from Martinsburg, W. Va., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Harrisonburg, Va., for points in (1) above, and Winchester, Va., for points in (2) above.

No. MC 112822 (Sub-No. E145) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 5, 1974. Applicant: BRAY LINES, INC., 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: *Frozen foods*, from points in that part of California on and north of a line beginning at the Pacific Ocean and extending along California Highway 68 to Salinas, thence along U.S. Highway 101 to junction California Highway 152, thence along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 180, thence along California Highway 180 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 190, thence along California Highway 190 to the California-Nevada State line, to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Idaho. The purpose of this correction is to clarify the destination territory.

No. MC 113495 (Sub-No. E48) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in Greenbrier County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113495 (Sub-No. E49) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Ohio 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in McDowell, Mercer, Summers, and Monroe Counties in West Virginia. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113495 (Sub-No. E50) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in Hardy, Hampshire, Morgan, Berkeley, and Jefferson Counties, in West Virginia. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113495 (Sub-No. E51) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in Pendleton County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 115331 (Sub-No. E8), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, in bulk, from Davenport, Iowa, to points in Arkansas, Tennessee, Kansas, Texas, Colorado, Oklahoma, Louisiana, and points in Kentucky on and south of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 62 to its junction with Interstate Highway 64, thence along Interstate Highway 64 to its junction with the Kentucky-West Virginia State line (Adams County, and Quincy, Ill., and Hannibal, St. Genevieve, and Kansas City, Mo.); (2) *Limestone products*, in bulk, from Davenport, Iowa, to points in Alabama, Florida, and points in Georgia on and south of a line beginning at the Alabama-Florida State line and extending along U.S. Highway 280 to its junction with U.S. Highway 341, thence along U.S. Highway 341 to the Atlantic Ocean (St. Francois County, Mo., and Roberta, Ala.); (3) *Crushed or ground limestone*, in bulk, from Davenport, Iowa, to points in Mississippi (Valmeyer, Ill.); and (4) *Lime and limestone products*, which are defined as chemicals, in bulk, from Davenport, Iowa, to points in Kentucky (El Paso, Ill.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E9), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. 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: *Lime and limestone products*, as defined as chemicals, in bulk, in dump vehicles, from points in Iron County, Mo., to points in Iowa, Kansas, Ohio, Oklahoma, Minnesota, Wisconsin, South Dakota, Michigan, Nebraska, Colorado, Montana, North Dakota, and Wyoming. The purpose of this filing is to eliminate the gateways of Chicago and East St. Louis, Ill., Davenport, Iowa, and Hannibal and Kansas City, Mo.

No. MC 115331 (Sub-No. E10), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois, 62201. 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: (1) *Lime and limestone products*, as defined as chemicals, in bulk, from Kansas City, Mo., to points in Kentucky, Indiana, and points in Illinois on and south of a line beginning at the Iowa-Illinois State line, and extending along U.S. Highway 20 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its intersection with the Illinois-Indiana State line, (St. Louis, Mo.)\* (2) *Lime and limestone products*, in bulk, from Kansas City, Mo., to points in Tennessee. (Ste. Genevieve, Mo.)\* (3) *Limestone products*, in bulk, from Kansas City, Mo., to points in Ohio (points in St. Francois County, Mo.)\* (4) *Lime*, in bulk, from Kansas City, Mo., to points in the lower peninsula of Michigan. (St. Louis, Mo., and Chicago, Ill.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E14), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. 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: (1) *Lime and limestone products*, in bulk, from points in Manitowoc County, Wis., to points in Arkansas, Nebraska, Kansas, Texas, Colorado, Oklahoma, points in Tennessee on and west of Interstate Highway 65, points in South Dakota on and south of Interstate Highway 90 (Ste. Genevieve, Kansas City, and Hannibal, Mo., Limesdale, Ark., Davenport, Iowa)\* (2) *Lime*, in bulk, (except lime used for agricultural purposes) from points in Manitowoc County, Wis., to points in Louisiana, (Ste. Genevieve, Mo., and Limesdale, Ark.)\* (3) *Lime and limestone products*, as defined as chemicals, in bulk, from points in Manitowoc County, Wis., to points in Kentucky (El Paso, Ill.)\* (4) *Crushed and ground limestone*, in bulk, from points in Manitowoc County, Wis., to points in Mississippi (Valmeyer, Ill.)\* (5) *Lime*, in bulk, from points in Manitowoc County, Wis., to points in Michigan on and south of Michigan Highway

32. (Chicago, Ill.)\* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 128007 (Sub-No. E38), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Friona, Tex., to points in Wisconsin, Indiana, Ohio, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., Liberal, Kans., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E39), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Pampa, Tex., to points in Ohio, Indiana, Wisconsin, Mississippi, and Tennessee (except points in Shelby County, Tenn.)\*. The purpose of this filing is to eliminate the gateways of Liberal, Kans., Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E40), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Quanah, Tex., to points in Indiana, Wisconsin, Ohio, and Mississippi. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E41), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Amarillo, Tex., to points in Wisconsin, Indiana, Ohio, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E42), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Dry fertilizer*, from Lawrence, Kans., to points in Texas (except points in Dullam, Sher-

man, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, and Oldham Counties). The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC 128007 (Sub-No. E43), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from McPherson and Wichita, Kans., to points in New Mexico, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E44), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Hereford, Tex., to points in Ohio, Mississippi, Wisconsin, and Indiana. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 129872 (Sub-No. E3), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery*; (1) between points in that part of Minnesota on, south, and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to the Minnesota-South Dakota State line, on the one hand, and, on the other, points in that part of Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 51 to junction Wisconsin Highway 59, thence along Wisconsin Highway 59 to junction U.S. Highway 18, thence along U.S. Highway 18 to Milwaukee; (2) between points in that part of Illinois on and south of a line beginning at the Illinois-Iowa State line, thence along Illinois Highway 9 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130.

Thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line, and points on, north, and east of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to Cairo, on the one hand, and, on the other, points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 71 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction Minnesota Highway 92, thence along Minnesota Highway 92 to junction unnumbered Minnesota near Clearbrook, thence along unnumbered Minnesota highway to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line; (3) between Rock Island, Moline, and East Moline, Ill., and points in that part of Illinois on and south of U.S. Highway 150, and points on and north of a line beginning at the Iowa-Illinois State line, thence along Illinois Highway 9 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 121.

Thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, and thence along Minnesota Highway 86 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 273, thence along Minnesota Highway 273 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 32, thence along Minnesota Highway 32 to junction Minnesota Highway 11,

thence along Minnesota Highway 11 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line; (4) between Rock Island, Moline, and East Moline, Ill., and points in that part of Illinois north of U.S. Highway 150, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line.

(5) Between points in that part of Illinois on and west of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to Cairo, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line thence along Minnesota Highway 4 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line near International Falls, Minn.; (6) between Lexington and Grand Island, Nebr., on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Missouri-Arkansas State line, thence along Missouri Highway 25 to junction Missouri Highway 74, thence along Missouri Highway 74 to Cape Girardeau.

(7) Between points in that part of Nebraska within an area on and bounded by a line beginning at the Colorado-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 92, thence along Ne-

braska Highway 92 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway L-62A, thence along Nebraska Highway L-62A to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, thence along the Nebraska-Wyoming State line to the Nebraska-Colorado State line, thence along the Nebraska-Colorado State line to Interstate Highway 80, on the one hand, and, on the other, points in that part of Missouri on and east of U.S. Highway 67; (8) between points in that part of Missouri on and east of U.S. Highway 69, on the one hand, and, on the other, Scottsbluff, Nebr., and points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 35 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway L-62A, thence along Nebraska Highway L-62A to junction U.S. Highway 26, thence along U.S. Highway 26 to the

Wyoming-Nebraska State line; and (9) between points in that part of Nebraska on and north of U.S. Highway 20, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of LeMars, Iowa, and points within 25 miles thereof.

No. MC 129872 (Sub-No. E4) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: SCHUSTER TRANSPORT, INC., Canpp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*; (1) between points in Illinois and Wisconsin, on the one hand, and, on the other, points in Nebraska and South Dakota; and (2) between points in Missouri, on the one hand, and, on the other, points in South Dakota and Minnesota. The purpose of this filing is to eliminate the gateway of LeMars, Iowa, and points within 25 miles thereof. The purpose of this correction is to correct the "E" number, previously published as E1.

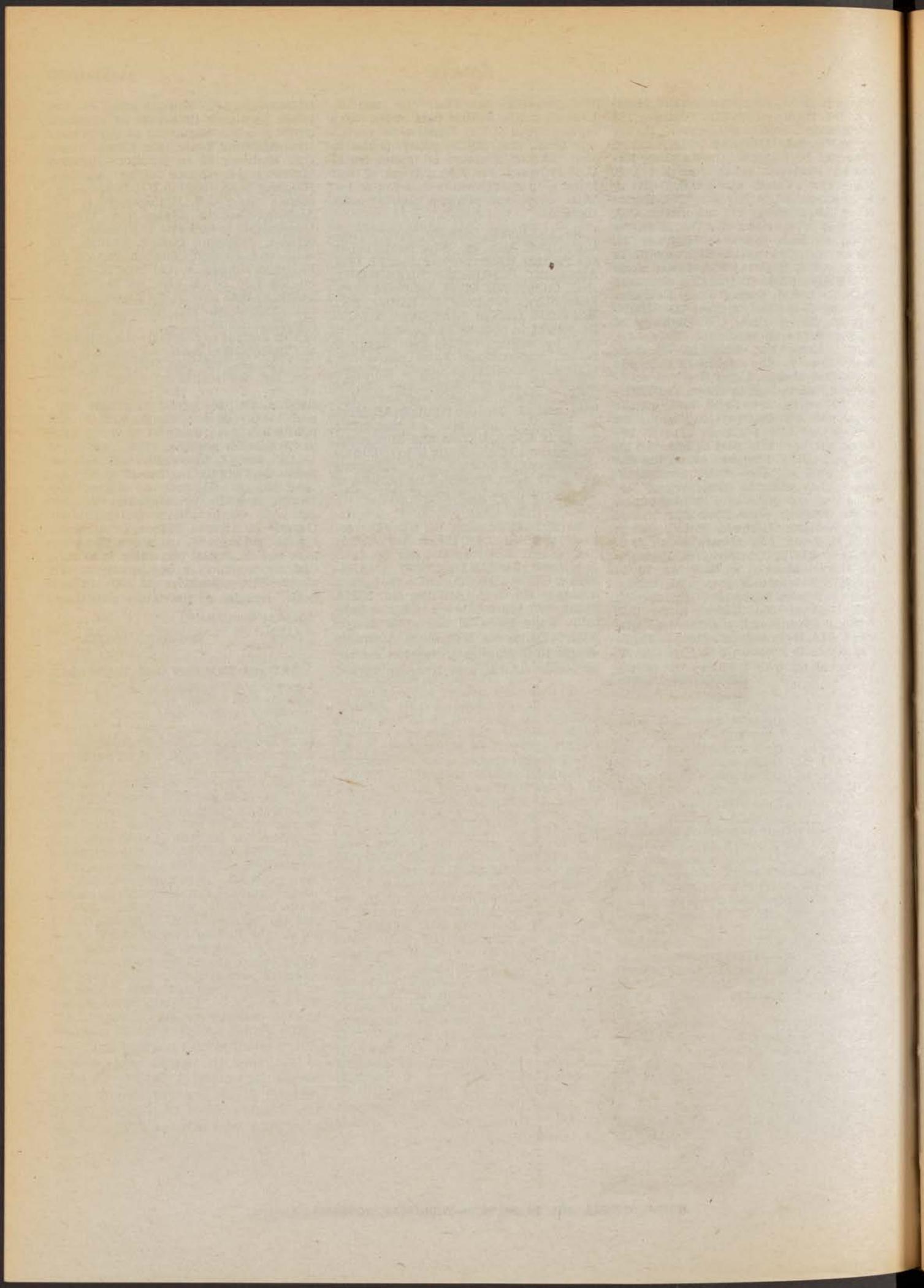
No. MC 134838 (Sub-No. E1) (Correction), filed June 4, 1974, republished in the FEDERAL REGISTER October 22, 1974. Applicant: SOUTHEASTERN TRANSPORT & STORAGE CO., INC., 2567 Plant Atkinson Rd. NW., Atlanta, Ga. 30318. Applicant's representative: Charles Ephraim, Suite 600-1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Wooden poles*; (a) between points in that part of Alabama north of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line (except those points in and east of Pickens, Tuscaloosa, Jefferson, Blount, Etowah, De Kalb, and Jackson Counties, and except Florence, Huntsville, and Athens, Ala.), on the one hand, and, on the other, points in that part of Tennessee on and east of Scott, Morgan, Roane, Rhea, and Hamilton Counties; . . . The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., for points in (1) (a), (b), (e), (f), and 5(a) above; Macon, Ga., for points in (1) (c), (4) (c), (d), (e), (f), (g), (h), and (i) above; Atlanta, Ga., for points in (1) (d), (g), and (4) (a) above; Florence, S.C., for points in (2) (a), and (b) above; points in Georgia for points in (2) (c), (d), (e), (i), (j), and (3) above; Florence, S.C., or points in Georgia for points in (2) (f), (g), (h), (k), (l), and (m) above; and Macon, Atlanta, or Augusta, Ga., for points in (4) (b) above; and points in Georgia or Atlanta, Macon, or Augusta, Ga., for points in (5) (b) above. The purpose of this partial correction is to correct the commodity description in (1) above. The remainder of this letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-27778 Filed 11-26-74; 8:45 am]



# **federal register**

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PART II



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## **DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

### **SOCIAL AND REHABILITATION SERVICE**

■

#### **MEDICAL ASSISTANCE PROGRAM**

**Proposed Reimbursement of Drug Cost**

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Social and Rehabilitation Service

[ 45 CFR Part 250 ]

REIMBURSEMENT OF DRUG COST—  
MEDICAL ASSISTANCE PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement the provisions of section 1903(i) of the Social Security Act mandating upper limits of reimbursement for prescribed drugs in the medical assistance program administered under title XIX, Social Security Act. The proposed changes are as follows:

**Reimbursement Policy for All Prescribed Drugs.** Section 1902(a)(30) of the Social Security Act, enacted as part of the 1967 Social Security Amendments, requires that a State medical assistance plan include methods and procedures to safeguard against payments in excess of reasonable charges for drugs, consistent with efficiency, economy, and quality of care. Section 224 of the 1972 Social Security Act Amendments, Pub. L. 92-603, limits Federal financial participation for items or services that do not generally vary significantly in quality from one supplier to another, to the lowest charge levels at which they are widely and consistently available in a locality, except as otherwise specified by the Secretary. The new regulations provide upper limits for reimbursement of the cost of prescribed drugs which are consistent with the 1972 statutory requirement.

Achieving the mandated economies in drug cost reimbursement involves two principal elements: the cost of the drug to the provider and the provider's charge for dispensing. Current regulations under section 1902(a)(30), in effect since 1969, governing the upper limits of reimbursement for prescribed drugs, provide that the State may reimburse providers either on the basis of drug cost plus a fixed dispensing fee, or the usual charge to the general public.

**Dispensing Charges.** Since 1969, there has been a steady movement toward reimbursement on the basis of cost plus dispensing fee. Of the 49 States and jurisdictions which include prescribed drugs in their Medicaid programs, more than two-thirds now reimburse on this basis. It is also used by a growing number of non-governmental third party programs and an increasing number of retail pharmacists in determining drug charges to the general public. Compared to reimbursement on the basis of "usual charge," the fee system offers several important advantages: it recognizes that the cost of dispensing is not necessarily related to the cost of the drug; it facilitates automated claims processing and speeds the payment of claims; and it lessens the need of monitoring to assure that drug charges to the program do not exceed those to the public.

For these reasons the proposed regulation requires that the method of reimbursement under Medicaid be on the basis of drug cost plus dispensing fee.

**Acquisition Costs.** In referring to drug cost, current regulations specify "cost as determined by the State." Most States use average wholesale price, Red Book data, Blue Book data, survey results or similar standard costs. Such standard prices are frequently in excess of actual acquisition costs to the retail pharmacist. Thus, to achieve maximum savings to the Medicaid program, the proposal requires the use of actual acquisition cost.

**Reimbursement for Unit Dose Dispensing.** The proposed regulation also clarifies the use of a dispensing fee for drugs furnished recipients of medical assistance in long term care facilities by pharmacies employing a unit dose system. This system involves the dispensing of only that amount of drug intended to be consumed in a given time period. This method is considered by many to result in both cost savings and increased quality of care. Dollar savings result from paying only for drugs which are actually consumed. Savings also result from reduced personnel costs in long term care facilities but these may be offset to some extent by the relative increase in the dispensing cost paid to the pharmacy. Factors which contribute to increased quality include fewer medical errors, close monitoring of drug intake, and fewer drug interactions.

**Cost Limits on Multiple Source Drugs.** On November 15, 1974, the Secretary published a proposal for a Pharmaceutical Reimbursement Board which will publish and periodically revise maximum allowable cost (MAC) limitations on the reimbursement of multiple-source drug costs in Departmentally-supported health programs. Under the regulations proposed herein, cost will be limited to the lower of the MAC or actual acquisition cost plus 25 percent of the differential between actual acquisition cost and the established MAC, unless the prescribing physician certifies that a specific brand of a multiple-source drug is medically indicated.

Medicaid recipients also are furnished drugs while they are inpatients in hospitals. Payment for inpatient hospital care under Medicaid is on a reasonable cost basis using the Medicare formula. Since regulations are concurrently being published by the Social Security Administration for Medicare (title XVIII) placing restrictions on the level of reimbursement for multiple source drugs used in hospitals, such restrictions will automatically apply to the State Medicaid programs.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013 on or before January 27, 1975. Comments received will be available for public inspection in

Room 5326 of the Department's offices at 301 C Street, SW, Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (Area Code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))  
(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: October 30, 1974.

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

Approved: November 21, 1974.

CASPAR W. WEINBERGER,  
Secretary.

Section 250.30(b)(2) of Part 250, Chapter II, Title 45, Code of Federal Regulations, is revised as set forth below:

§ 250.30 Reasonable charges.

(b) *Upper limits.* \* \* \*

(2) *Drugs.* The upper limit for payment for prescribed drugs—whether legend items (for which a prescription is required under Federal law) or non-legend items—shall be based on the cost of the drug (as determined in accordance with paragraph (b)(2)(ii) of this section) plus a dispensing fee established by the State.

(i) The dispensing fee should be ascertained by analysis of pharmacy operational data which includes such components as overhead, professional services, and profit. Indices to be considered shall include payment practices of other third-party organizations, including other Federal programs.

(a) The dispensing fee may vary according to the size and location of the pharmacy and according to whether the dispensing is done by a physician or by an outpatient drug department of an institution and according to whether the drug is a legend or a non-legend item.

(b) The dispensing fee may also vary for prescribed drugs furnished to title XIX recipients in an institutional setting by a pharmacy employing a unit dose system. In such instances the dispensing fee may be either: (1) An amount added to the cost of each unit dose furnished by the pharmacy or (2) a daily or monthly capitation rate per resident for whom prescribed drugs are being furnished. In either case, the dispensing fee is added to the ingredient cost of the prescribed drug which is actually consumed.

(c) In evaluating a dispensing fee by analysis of operational data, the objective of the State agency should be to insure that the average prescription price paid by the State agency does not exceed the average prescription price paid by the general public.

(ii) For each multiple source drug designated by the Pharmaceutical Reimbursement Board and published in the FEDERAL REGISTER, cost will be limited to the lesser of (a) the maximum allowable cost established by the Board for such drug, and published in the FEDERAL REGISTER, or (b) the actual acquisition cost plus 25 percent of the amount, if any, by which the maximum allowable

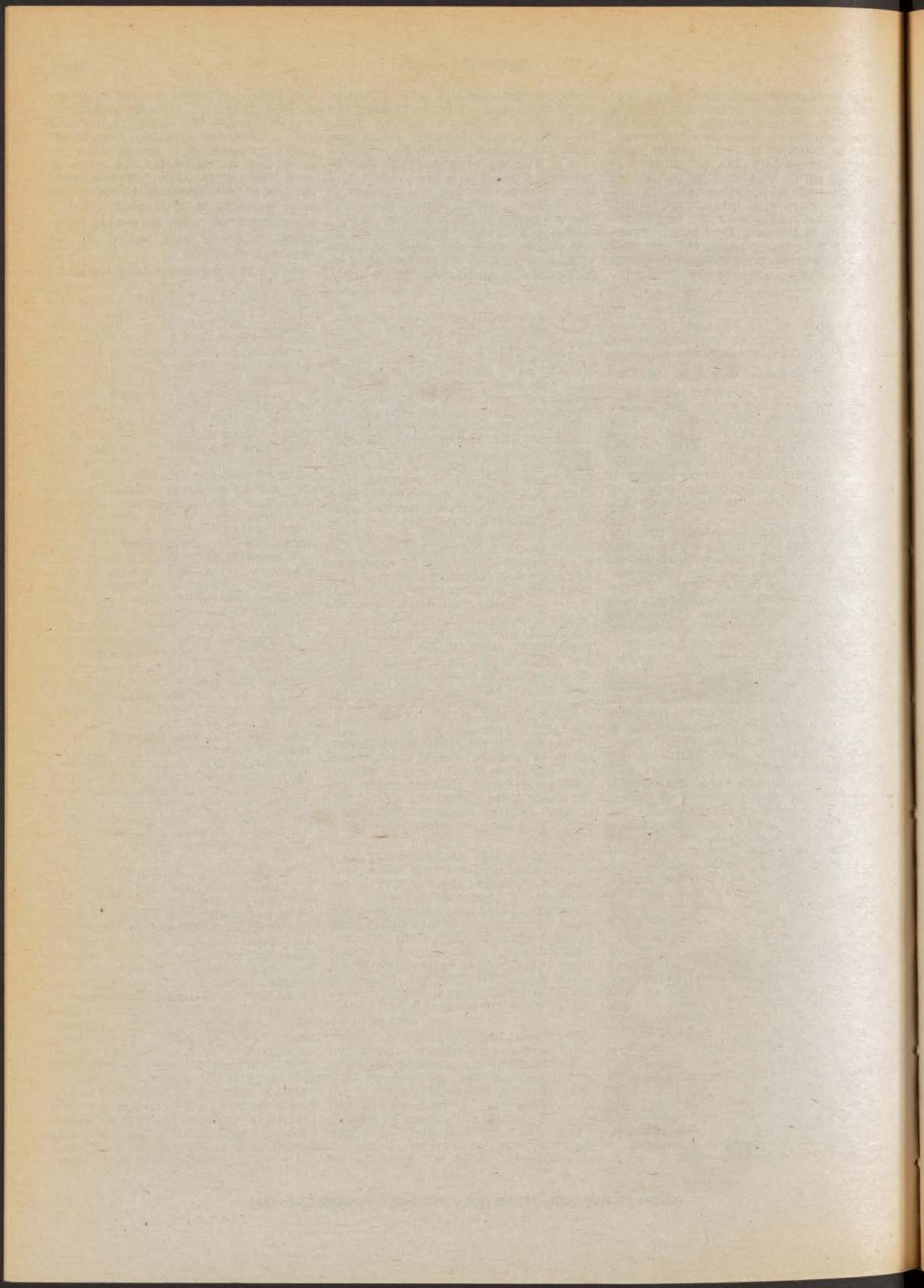
cost exceeds the acquisition cost; except that such limitation shall not apply in any case where a physician certifies in writing that only a specific brand of drug can be tolerated by or is effective for a particular patient. For all other prescribed drugs, cost shall be determined on the basis of actual acquisition cost. For the purposes of this section, "actual acquisition cost" means the cost of the product to the provider less any quantity, trade, and promotional discounts and allowances except cash discounts not in excess of 2 percent of cost. It may in-

clude warehousing and other distributional costs incurred by a provider who maintains a warehouse separate from his retail place of business. In no case shall the claimed acquisition cost be greater than the lowest cost which would have been incurred if the product had been obtained through a wholesaler.

(iii) The upper limits governing reimbursement by State agencies to providers of prescribed drugs specified in this section shall also apply in cases where prescribed drugs are furnished as part of skilled nursing facility or inter-

mediate care facility services or under prepaid capitation arrangements. Contracts between the State agency and the underwriter, carrier, foundation, health maintenance organization or other insurers containing the terms of such prepaid capitation arrangements shall include a provision imposing the same upper limits for reimbursement or prescribed drugs as are imposed by paragraph (b)(2) of this section on the State agency.

[FR Doc.74-27718 Filed 11-26-74;8:45 am]



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PART III



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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary  
for Housing Production and  
Mortgage Credit—Federal  
Housing Commissioner



### COINSURANCE

Eligibility Requirements; Contract Rights  
and Obligations

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

OFFICE OF ASSISTANT SECRETARY FOR  
HOUSING PRODUCTION AND MORT-  
GAGE CREDIT—FEDERAL HOUSING  
COMMISSIONER

[ 24 CFR Part 204 ]

[ Docket No. R74-306 ]

COINSURANCE

Proposed Eligibility Requirements, Contract  
Rights and Obligations

Section 307 of the Housing and Community Development Act of 1974 amended the National Housing Act by adding a new section 244, entitled Co-insurance. The amendment authorizes the Secretary, upon request of an approved mortgagee, to insure and make commitments to insure mortgages, loans or advances under Title II of the National Housing Act pursuant to a co-insurance contract which provides that the mortgagee will: (1) Assume a percentage of any loss and receive a percentage of any premium paid on the insured mortgage, and (2) carry out such credit approval, appraisal, inspection, commitment, property disposition or other functions as the Secretary pursuant to regulation may approve as consistent with the purposes of the Act.

Notice is hereby given that the Secretary proposes to amend Chapter II of Title 24 of the Code of Federal Regulations by adding a new Part 204 to implement the co-insurance program authorized by the Housing and Community Development Act of 1974.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views and arguments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received on or before December 23, 1974 will be considered before adoption of the final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

In consideration of the foregoing, and pursuant to authority contained in section 211 of the National Housing Act, 12 USC 1715b, it is proposed to amend Chapter II of Title 24 of the Code of Federal Regulations by adding a new Part 204, as set forth below.

1. A new Part 204, is added as set forth below.

PART 204—COINSURANCE

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AUTHORITY: 12 U.S.C. 1715b.

Subpart A—Eligibility Requirements

§ 204.1 Incorporation by reference.

All of the provisions of Subpart A, Part 203 of this Chapter concerning eligibility requirements of mortgages under section 203(b) of the National Housing Act apply to mortgages, covering one- to four-family dwellings, to be insured under section 203(b) pursuant to the co-insurance authority of section 244 of the National Housing Act except the following provisions.

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203.102	Late charge.

§ 204.2 Approval of coinsuring mortgagees.

(a) A mortgagee approved under §§ 203.1, 203.2, 203.4(b) or 203.4(c) of this chapter and meeting the following special requirements may be approved as a coinsuring mortgagee under this part:

(1) It shall have sound capital funds (net worth) of a value of not less than \$500,000.

(2) It shall submit evidence satisfactory to the Commissioner that it is capable of discharging full underwriting, servicing and property disposition responsibilities as required under instructions and standards issued by the Commissioner.

(3) It shall submit to such monitoring, auditing and review as the Commissioner may require.

(4) It shall submit a detailed audit report of its books made by an independent accountant satisfactory to the Commissioner, reflecting a condition satisfactory to him.

(5) It shall file with the Commissioner similar annual audits within 75 days of the closing of its fiscal year so long as its approval as a coinsuring mortgagee continues.

(6) It shall comply with any other conditions that the Commissioner may impose.

(b) Approval of a coinsuring mortgagee under this part may be withdrawn for the causes provided in § 203.7 of this chapter or for any of the following causes:

(1) Failure to maintain the required sound capital funds;

(2) Failure to properly perform underwriting, servicing or property disposition functions in accordance with instructions and standards issued by the Commissioner;

(3) Failure of an originating mortgagee to discharge its responsibilities under a contract for coinsurance;

(4) Failure to make full payment to an investing mortgagee as required in this part.

(5) Such other causes as the Commissioner determines to be justified.

§ 204.3 Delegation of authority.

(a) A mortgagee approved for coinsurance is authorized to make determinations relating to the eligibility of the mortgage, the mortgagor and the property, pursuant to instructions and standards issued by the Commissioner, for insurance of a mortgage with respect to any mortgage to be coinsured by the Commissioner and the mortgagee, except:

(1) Mortgages covering property which has been occupied by parties other than the owner for 2 years or less preceding the application for insurance.

(2) Mortgages covering proposed construction in new subdivisions which have not been approved by the Commissioner.

(b) In making the determinations set forth in this section the mortgagee shall utilize only staff or fee appraisers, mortgage credit examiners and inspectors approved by the Commissioner.

§ 204.4 Application fees.

(a) When the mortgagee determines the appraised value of the property, the eligibility of the property for insurance, and the mortgage amount which may be insured, the mortgagee may collect from the mortgagor for its own use an application fee as follows:

(1) \$50 for an application involving existing housing.

(2) \$65 for an application involving proposed construction.

(b) When the mortgagee submits an application for conditional commitment to be processed by the Commissioner the mortgagee shall pay the application fees required by § 203.12 of this chapter.

§ 204.5 Mortgagor's payments when mortgage is executed.

The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, the estimated taxes, special assessments, flood insurance premiums, if required, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage plus an amount sufficient to pay the initial mortgage insurance premium.

§ 204.6 Mortgage servicing during coinsurance period.

Servicing functions during the period of coinsurance shall be performed only by the originating mortgagee or by an approved coinsuring mortgagee which agrees to assume the originating mortgagee's liability under the contract of coinsurance: *Provided, however,* That the investing mortgagee may elect to transfer servicing to other than an approved coinsuring mortgagee if the investing mortgagee assumes the obligations of the originating mortgagee under the contract of coinsurance.

Subpart B—Contract Rights and Obligations

§ 204.251 Definitions.

As used in this subpart the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(e) "Mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators and assigns.

(f) "Mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Originating mortgagee" means the original coinsured lender, or an assignee which has assumed responsibility for the original coinsured lender's liability under the coinsurance contract, with the approval of the Commissioner.

(h) "Investing mortgagee" means a lender approved by the Commissioner pursuant to §§ 203.1 through 203.6 of

this section to which the coinsured mortgage has been sold, assigned or transferred and which has not assumed responsibility for the originating mortgagee's liability under the coinsurance contract, except as provided in § 204.6.

(i) "Insured mortgage" means a mortgage which has been insured as evidenced by the issuance of a Mortgage Insurance Certificate by the Commissioner.

(j) "Contract of insurance" means the agreement evidenced by the issuance of a Mortgage Insurance Certificate incorporating by reference the regulations in this part and the applicable provisions of the Act.

(k) "Period of coinsurance" means a period of time beginning on the effective date of the Mortgage Insurance Certificate and ending on the date the 60th monthly amortization payment is actually made by the mortgagor.

(l) "Fully insured" means entitlement to the benefits, and subject to the conditions, of §§ 203.295 through 203.435 of this chapter.

(m) "MIP" means the mortgage insurance premium paid by the mortgagee to the Commissioner in consideration of the contract of insurance.

(n) "Maturity" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(o) "Debentures" means registered, transferable securities which are valid and binding obligations, issued in the name of the Mutual Mortgage Insurance Fund in accordance with the provisions of this part; such debentures are the primary liability of the Mutual Mortgage Insurance Fund and are unconditionally guaranteed as to principal and interest by the United States.

(p) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

ENDORSEMENT AND CONTRACT OF INSURANCE

§ 204.254 Application for insurance.

The mortgagee shall submit to the Commissioner, on forms prescribed by him, within 15 days after the date of closing the loan evidence that the mortgage, the mortgagor and the property are eligible for insurance, that the principal amount of the loan has been disbursed to the mortgagor or for his account, and such other matters as the Commissioner may require.

§ 204.255 Insurance of mortgage.

Upon compliance with the requirements of this part the Commissioner will insure the loan as of the date of closing evidencing the insurance by the issuance of a Mortgage Insurance Certificate which the loan is insured and the date which the loan is insured on the date of insurance.

§ 204.256 Reinsurance prohibited.

The mortgagee shall not obtain reinsurance of its share of any loss suffered under this part.

**§ 204.257 Contract created by Mortgage Insurance Certificate.**

The mortgage shall be a coinsured mortgage from the effective date of the Mortgage Insurance Certificate and continuing through the period of coinsurance; thereafter, the mortgage shall be fully insured until termination of the mortgage insurance contract. After the effective date of a Mortgage Insurance Certificate the Commissioner and the mortgagee shall be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage including the provisions of the regulations in this subpart and of the Act.

**MORTGAGE INSURANCE PREMIUMS—  
IN GENERAL**

**§ 204.260 Method of payment of MIP.**

The payment of any MIP under this subpart shall be made to the Commissioner by the mortgagee either in cash or debentures at par plus accrued interest. All premiums are payable in advance and no refund will be made of any portion thereof except as provided in this subpart.

**INITIAL MORTGAGE INSURANCE PREMIUM**

**§ 204.261 Amount of initial MIP.**

The initial MIP shall be in an amount equal to one percent of the average outstanding principal obligation for the first year of amortization under the mortgage, without taking into account delinquent payments or prepayments.

**§ 204.262 Due date of initial MIP.**

The initial MIP shall be due and payable by the mortgagee upon receipt from FHA of a monthly statement covering the related transaction.

**§ 204.263 Period covered by initial MIP.**

The initial MIP shall cover the period beginning with the effective date of the Mortgage Insurance Certificate and ending on the next anniversary of such date. Subsequent premium payments shall cover the 12-month period following each anniversary date.

**ANNUAL MORTGAGE INSURANCE PREMIUM**

**§ 204.265 Amount of annual MIP.**

After payment of the initial MIP an annual MIP shall be paid in an amount equal to one-half percent of the average outstanding principal obligation for the 12 month period following the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

**§ 204.266 Due date of annual MIP.**

After payment of the initial MIP an annual MIP shall be paid on each anniversary date of the effective date of the Mortgage Insurance Certificate.

**§ 204.267 Duration of annual MIP.**

After payment of the initial MIP the mortgagee shall pay an annual MIP to the Commissioner until the earliest date on which one of the following occurs:

(a) The fifth anniversary date of the effective date of the Mortgage Insurance Certificate; or

(b) The mortgage is paid in full; or

(c) A deed to the mortgagee is filed for record; or

(d) The contract of insurance is otherwise terminated with the consent of the Commissioner.

**ADJUSTED MORTGAGE INSURANCE PREMIUM**

**§ 204.268 Discontinuance of adjusted premium charge.**

Notwithstanding any provision in the mortgage instrument there shall be no adjusted mortgage insurance premium due the Commissioner on account of the prepayment of any mortgage.

**COINSURANCE RESERVE**

**§ 204.270 Annual coinsurance reserve.**

There shall be established by the Commissioner for each originating mortgagee an Annual Coinsurance Reserve which shall consist of credits and debits relating to all mortgages insured with respect to such mortgagee under this part during each calendar year.

**§ 204.271 Credits to reserve.**

(a) There shall be credited to each Annual Coinsurance Reserve on the date of receipt of a mortgage insurance premium, as follows: 1.90 percent of the initial MIP, 13.5 percent of the first annual MIP, 13.9 percent of the second annual MIP, 12.2 percent of the third annual MIP, 9.7 percent of the fourth annual MIP.

(b) In the event of the stop loss limit becoming applicable pursuant to § 204.321(c), no future premium income will be credited to the Annual Coinsurance Reserve to which the stop loss was applied.

**§ 204.272 Debits to reserve.**

There shall be debited to each Annual Coinsurance Reserve all losses paid by the Commissioner for which the mortgagee is responsible pursuant to § 204.321(c), and all amounts due the Commissioner pursuant to § 204.284(a)(2).

**§ 204.273 Distribution of reserve.**

On the sixth anniversary of the establishment of an Annual Coinsurance Reserve with respect to any mortgagee, or as soon thereafter as is practicable, the Commissioner will pay to the mortgagee the credit balance remaining in the reserve.

**§ 204.275 Transfer of Annual Coinsurance Reserve.**

MIP credits and loss debits shall not be transferred from any Annual Coinsurance Reserve established pursuant to § 204.270 to any other Annual Coinsurance Reserve of the same or a different mortgagee. If there is an approved transfer of servicing responsibility with respect to a coinsured mortgage, the mortgagee's share of insurance premiums received and losses occurring subsequent to the date of transfer shall be credited or debited to the Annual Coinsurance Reserve of the transferee.

**§ 204.276 Mortgagee's Participating share.**

(a) The Commissioner will maintain a separate account of all receipts, disbursements and expenses attributable to all mortgages coinsured in each calendar year. He will share with all coinsuring mortgagees the aggregate amount available for the mortgagees' participating share which shall consist of one-half of the difference between the net income so computed and the assumed actuarial basis used in the premium computation.

(b) The Commissioner will pay to each coinsuring mortgagee, that portion of the aggregate amount available for the mortgagees' participating share in the proportion that the credit balance remaining in the mortgagees' Annual Coinsurance Reserve bears to the credit balance remaining in Annual Coinsurance Reserves for all mortgagees in the applicable year.

(c) In no event will a mortgagee receive an amount in excess of one-half of one percent of the total of the original principal obligations of the mortgages coinsured by such mortgagee in the applicable calendar year and of the mortgages, for which such mortgagee assumed coinsurance liability, which were originated in the applicable calendar year.

(d) The determination of the Commissioner as to the amount to be paid to any mortgagee from the mortgagees' participating share shall be final and conclusive.

**TERMINATION**

**§ 204.280 Termination of insurance contract.**

The contract of insurance shall be terminated if:

(a) The mortgage is paid in full prior to its maturity; or

(b) The mortgagee acquires the mortgaged property and notifies the Commissioner that no claim for insurance benefits has been or will be made; or

(c) After foreclosure the property is redeemed; or

(d) The property is bid in and acquired at a foreclosure sale by a party other than the mortgagee; or

(e) The mortgagor and mortgagee jointly request termination. The mortgagee shall cancel the insurance endorsement on the Mortgage Insurance Certificate upon receipt of notice from the Commissioner that the contract of insurance is terminated.

**§ 204.281 Notice of termination by mortgagee.**

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 30 days from the occurrence of one of the approved methods of termination set forth in this subpart.

**§ 204.282 Notice and date of termination by Commissioner.**

The Commissioner shall notify the mortgagee that the contract of insurance

has been terminated and the effective termination date. The termination date shall be the last day of the month in which any one of the following events first occurs:

(a) The date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee, if the mortgagee notifies the Commissioner that no claim for insurance benefits has been or will be made;

(b) The date the mortgage was prepaid in full;

(c) The date a voluntary termination request is received by the Commissioner.

**§ 204.283 Effect of termination.**

Upon termination of the contract of insurance, the obligation to pay any subsequent MIP shall cease and all rights of the mortgagor and mortgagee shall be terminated.

**§ 204.284 Termination of coinsurance provisions of the insurance contract.**

(a) The coinsurance provision of the mortgage insurance contract shall cease and the mortgage shall be fully insured upon:

(1) Expiration of the period of coinsurance; or

(2) Failure or inability of the originating mortgagee to perform its servicing responsibilities because of dissolution, bankruptcy or withdrawal of approval as a mortgagee, provided that the originating mortgagee will remain liable for any losses under the coinsurance provisions of the mortgage insurance contract.

(b) If the mortgagee agrees to provide forbearance relief, or recasting or forbearance relief for military personnel, pursuant to § 204.294, the Commissioner upon request may agree to terminate the coinsurance provisions of the mortgage insurance contract after which the mortgage will be fully insured on the due date of the 60th scheduled monthly payment under the original terms of the mortgage, provided that payments are current on such date under the terms of the forbearance or recasting agreement.

**DEFAULT UNDER MORTGAGE**

**§ 204.290 Definition of default.**

If the mortgagor fails to make any payment, or to perform any other obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default for the purposes of this subpart.

**§ 204.291 Date of default.**

For the purposes of this subpart, the date of default shall be considered as 30 days after—

(a) The first uncorrected failure to perform any obligation under the mortgage; or

(b) The first failure to make a monthly payment which is not covered by subsequent payments made by the mortgagor when such subsequent payments are applied to the overdue monthly payments in the order in which they became due.

**§ 204.292 Notice of default.**

The mortgagee shall, within 60 days after the date of default as defined in this part, give written notice thereof to the Commissioner on a form prescribed by him, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

**§ 204.293 Reinstatement of defaulted mortgage.**

If after default and prior to the completion of foreclosure proceedings the mortgagor shall cure the default, the insurance shall continue as if a default had not occurred, provided the mortgagor pays to the mortgagee such expenses as the mortgagee has incurred in connection with the foreclosure proceedings and the mortgagee gives written notice of reinstatement to the Commissioner.

**§ 204.294 Forbearance relief and recasting of mortgage.**

All of the provisions of §§ 203.340 through 203.346 of this chapter shall apply to mortgages insured under this part.

**CLAIM PROCEDURE**

**§ 204.300 Claim procedure in general.**

(a) The provisions of §§ 204.301 through 204.381 of this chapter shall be applicable to mortgages foreclosed and property acquired during the period of coinsurance.

(b) The provisions of §§ 203.295 through 203.425 of this chapter shall be applicable to mortgages foreclosed or assigned and property conveyed to the Commissioner after termination of the period of coinsurance and while the mortgage is fully insured.

**§ 204.301 Acquisition of property.**

At any time within one year from the date of default, or such additional period of time as may be approved by the Commissioner, the mortgagee, at its election, shall either—

(a) Commence foreclosure of the mortgage; or

(b) Acquire possession of, and title to, the mortgaged property by means other than foreclosure.

**§ 204.302 Notice of foreclosure.**

The mortgagee shall give written notice to the Commissioner on a form prescribed by him within 30 days after the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

**§ 204.303 Deed in lieu of foreclosure.**

In lieu of instituting or completing a foreclosure, the mortgagee may acquire property by voluntary conveyance from the mortgagor. Conveyance of the property by deed in lieu of foreclosure is approved subject to the following requirements:

(a) The mortgage is in default at the time the deed is executed and delivered;

(b) The credit instrument is cancelled and surrendered to the mortgagor;

(c) The mortgage is satisfied of record as a part of the consideration for such conveyance;

(d) The deed from the mortgagor contains a covenant which warrants against the acts of the grantor and all claiming by, through, or under him and conveys good marketable title.

**§ 204.304 Notice of acquisition of title.**

The mortgagee shall give written notice to the Commissioner on a form prescribed by him within 15 days of acquisition of good marketable title to the property.

**§ 204.305 Disposition of the property.**

(a) The mortgagee shall take possession of, preserve and repair the property, and within six months after date of acquisition of marketable title, shall sell the property for the best price obtainable. Repairs shall not exceed those needed to meet the requirements of local codes, law or ordinances; those necessary to meet FHA Minimum Property Standards in cases where the sale is made with FHA-insured or VA-guaranteed financing; or those which the Commissioner has specifically approved in advance.

(b) The mortgagee shall not enter into a contract for the preservation, repair or sale of the property with any officer, employee, owner of ten percent or more interest in the mortgagee or with any other person or organization having an identity of interest with the mortgagee or with any relative of such officer, employee, owner or person.

**§ 204.306 Application for insurance benefits.**

(a) Within 30 days after the sale of the property the mortgagee shall notify the Commissioner on a form prescribed by him of the sale of the property, the purchase price, income, and expenses incurred in connection with the acquisition, repair and sale of the property and shall assign to the Commissioner without recourse or warranty any and all claims (other than the mortgage financing such sale) which the mortgagee has acquired in connection with the mortgage transaction.

(b) If the property is not expected to be sold within six months after the date of acquisition of marketable title the mortgagee shall, at least 15 days prior to the expiration of the six-month period, notify the Commissioner who will promptly cause an appraisal of the property to be made by an independent appraiser. Within 15 days of receipt of the notice of the appraised value the mortgagee shall notify the Commissioner as provided in paragraph (a) of this section, utilizing the appraised value in lieu of the purchase price.

**PAYMENT OF INSURANCE BENEFITS**

**§ 204.320 Method of payment.**

If the application for insurance benefits is acceptable to the Commissioner,

payment of the insurance claim shall be made in cash, in debentures or a combination of both, as determined by the Commissioner at the time of payment.

#### § 204.321 Amount of payment.

(a) The basis for the computation of insurance benefits during the term of coinsurance shall be the sum of the original principal of the mortgage which was unpaid on the date of the institution of foreclosure proceedings or on the date of acquisition of the property otherwise after default, plus the amount of all payments made by the mortgagee and allowances for items as set forth in § 204.332, less all items as set forth in § 204.323.

(b) The amount of insurance benefits shall be 90 percent of the amount computed pursuant to paragraph (a) of this section.

(c) The originating mortgagee will be responsible for ten percent of the amount computed pursuant to paragraph (a) of this section.

(d) The aggregate amount for which a mortgagee will be responsible with respect to mortgages insured in any calendar year shall not exceed one percent of the total of the original principal amount of all mortgages insured by the mortgagee in such calendar year (including mortgages for which the coinsurance liability has been transferred), plus the total of the original principal amounts of all additional mortgages originated during such calendar year for which such mortgagee has assumed coinsurance liability. In the event an application for insurance benefits is accepted by the Commissioner which would cause the mortgagee's responsibility to exceed such limitation, the amount of insurance benefits shall be 100 percent of the amount computed pursuant to paragraph (a) of this section.

(e) The Commissioner will pay the originating mortgagee 100 percent of the amount computed pursuant to paragraph (a) of this section and will debit to the Annual Coinsurance Reserve any payment in excess of the amount of insurance benefits, provided the credit balance in the Annual Coinsurance Reserve is equal to, or more than, the amount of the mortgagee's responsibility under paragraph (c) of this section.

#### § 204.322 Items included in payment.

The insurance benefits paid shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage, prorated to the date of disposition of the property;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, prorated to the date of disposition of the property;

(c) Hazard insurance on the mortgaged property, prorated to the date of disposition of the property;

(d) MIP;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee;

(f) Foreclosure costs or costs of acquiring the property otherwise actually paid by the mortgagee and approved by the Commissioner, in an amount not in excess of two-thirds of such costs or \$75, whichever is the greater. Where the foreclosure involves a mortgage executed in connection with the sale of property by the Secretary, the mortgagee shall be reimbursed (in addition to the amount determined under the foregoing) for any extra costs incurred in the foreclosure as a result of a defect in title which existed at or prior to the time the mortgage was filed for record, if the mortgagee establishes to the satisfaction of the Commissioner that such extra costs are over and above those customarily incurred in the area.

(g) Any uncollected mortgage interest allowed pursuant to forbearance relief granted under § 204.294;

(h) An amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of any MIP by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means under a mortgage to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply during any part or all of the period of the mortgagor's military service and three months thereafter.

(i) Charges for the administration, operation, maintenance or repair of community-owned property or the maintenance and repair of the mortgaged property paid by the mortgagee with respect to which it certifies to the Commissioner that payment was made for the purpose of discharging an obligation arising out of a covenant filed for record and approved by the Commissioner prior to the insurance of the mortgage.

(j) An amount equivalent to the debenture interest which would have been earned on the portion of the insurance benefits paid in cash, from the date of default to the date of acquisition of marketable title except that when the mortgagee fails to meet any one of the applicable requirements of §§ 204.301, 204.302, 204.304, 204.305 or 204.306 within the specified time and in a manner satisfactory to the Commissioner (or within such further time as the Commissioner may approve in writing), the interest allowance in such cash payment shall be computed only to the date on which the particular required action should have been taken or to which it was extended.

(k) An amount equivalent to mortgage interest on the unpaid principal of the mortgage from the date of acquisition of marketable title to 15 days after disposition or appraisal of the property pursuant to § 204.306(b).

(l) Reasonable payments made by the mortgagee for:

(1) Preservation and maintenance of the property;

(2) Repairs necessary to meet local codes, law or ordinances; repairs necessary to meet FHA Minimum Property Standards in those cases where the sale

is made with FHA-insured or VA-guaranteed financing; or such additional repairs as may be specifically approved in advance by the Commissioner.

(3) Expenses in connection with the sale of the property including a sales commission at the rate customarily paid in the community and, if the sale to a buyer involves an FHA or VA mortgage, a discount at a rate approved by the Commissioner.

(m) An amount to compensate the mortgagee for overhead costs, not to exceed \$40 plus \$15 per month for each month, or a part thereof, from the date of acquisition of title to the date of sale.

#### § 204.323 Items deducted from payment.

There shall be deducted from the total of the added items in §§ 204.321(a) and 204.322 the following cash items:

(a) All amounts received by the mortgagee on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default.

(b) All amounts received by the mortgagee from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

(c) All cash retained by the mortgagee including amounts held or deposited for the account of the mortgagor or to which it is entitled under the mortgage transaction that have not been applied in reduction of the principal amount of the mortgage indebtedness.

(d) All amounts received by the mortgagee from any source relating to the sale of the property or the appraised value of the property as determined by an independent appraiser pursuant to § 204.306(b).

#### § 204.330 Benefits to investing mortgagees.

Unless the originating mortgagee and the investing mortgagee otherwise agree, the originating mortgagee shall pay to the investing mortgagee:

(a) Within 15 days of sale of the property or within 6 months and 15 days of acquisition of the property, whichever first occurs, the original principal of the mortgage which was unpaid on the date of institution of foreclosure proceedings or on the date of acquisition of the property otherwise after default.

(b) Within 5 days of receipt of insurance benefits, contract and debenture interest as provided in § 204.322, less one-third of the cost of foreclosure.

#### § 204.350 Debentures.

All of the provisions of §§ 203.405 through 203.409 and § 203.411 of this Chapter shall apply to mortgages insured under this subpart, except that the debentures shall bear interest at the rate in effect on the effective date of the Mortgage Insurance Certificate.

#### § 204.351 Issue date of debentures.

The debenture shall be issued as of the date of default as defined in this part.

§ 204.355 Mutual Mortgage Insurance Fund and distributive shares.

All of the provisions of §§ 203.420 through 203.425 of this Chapter shall apply to mortgages insured under this subpart except with respect to the rights and obligations of originating mortgagee.

§ 204.360 Sale, assignment and pledge of insured mortgages.

All of the provisions of §§ 203.430 through 203.435 of this Chapter shall apply to mortgages insured under this subpart.

EXTENSION OF TIME

§ 204.380 Actions to be taken by mortgagee or lender.

With respect to any action required by the mortgagee or lender within a period of time prescribed by this subpart the Commissioner may extend such period.

AMENDMENTS

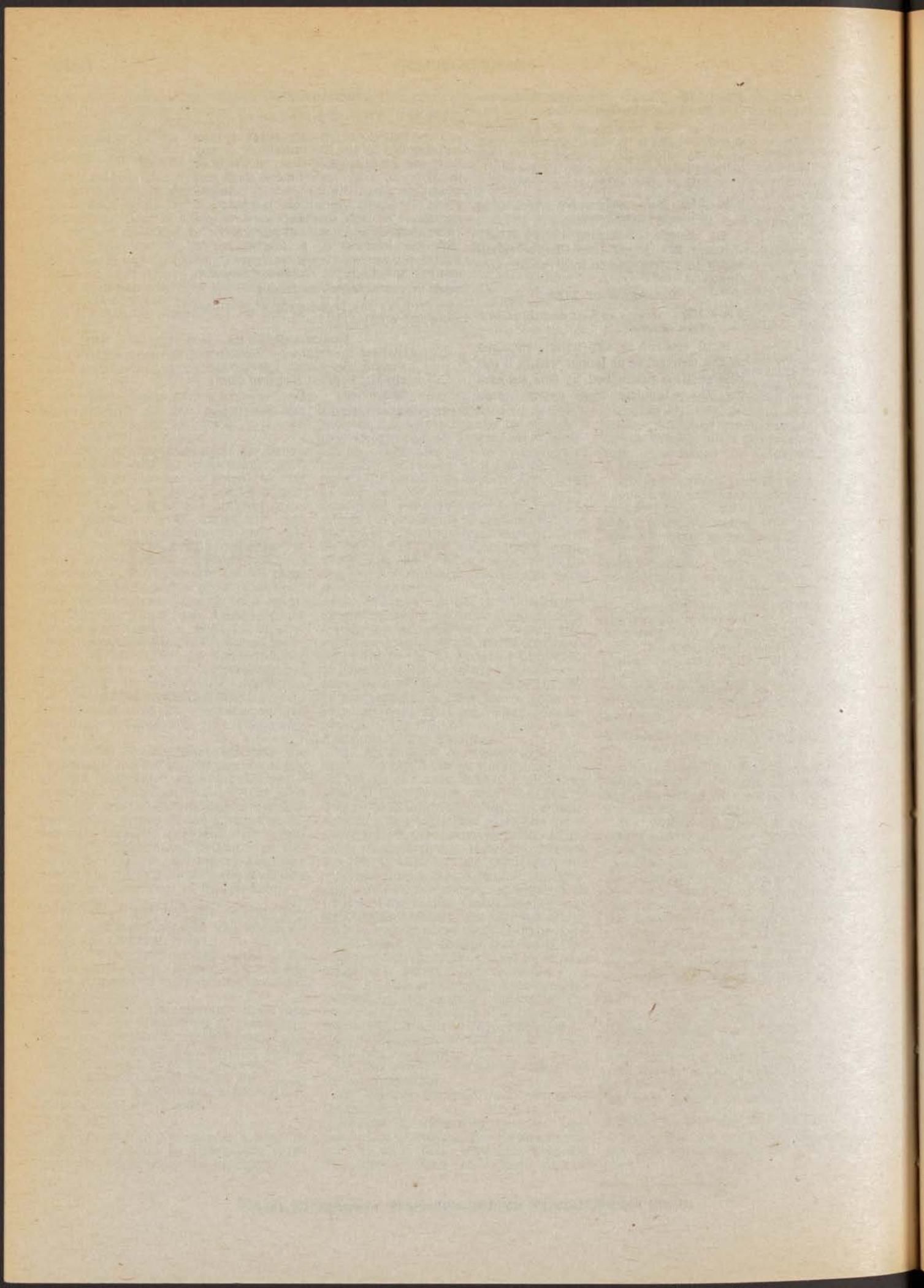
§ 204.381 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interest of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

SHELDON B. LUBAR,  
*Assistant Secretary for Housing  
Production and Mortgage  
Credit, Federal Housing Com-  
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PART IV



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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary  
for Community Planning and  
Development

■

### COMMUNITY DEVELOPMENT BLOCK GRANTS

Notice of Proposed Rulemaking

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Office of Assistant Secretary for Community  
Planning and Development

[ 24 CFR Part 570 ]

[Docket No. R-74-307]

**COMMUNITY DEVELOPMENT BLOCK  
GRANTS**

**Notice of Proposed Rulemaking**

The Department of HUD on 11/13/74 at 39 FR 40136 amended Title 24 of the Code of Federal Regulations by adding a new Part 570 to Chapter V reserving Subpart E—Applications and Criteria for Discretionary Grants. The Department herewith publishes its proposed regulations for Subpart E.

These regulations deal with the distribution and application process for these discretionary grants as more fully defined in § 570.104. Funds for discretionary grants. There are four basic sources of funds authorized by Title I of the Housing and Community Development Act of 1974. The first source is entitlement grants which were described in the November 13, 1974, FEDERAL REGISTER publication referred to above. The other three sources of funds are the urgent needs fund, metropolitan and nonmetropolitan discretionary balances, and the Secretary's fund, which are all described in these proposed regulations.

The urgent needs funds is authorized by section 103(b) of the Act. This fund, referred to in § 570.104(b) of the November 13, 1974, FEDERAL REGISTER publication as the "transition fund," will be hereafter called the "urgent needs fund."

Grants made from metropolitan and nonmetropolitan discretionary balances are authorized by section 103(a) of the Act, and the amounts are established under sections 160 (d) and (f) of the Act.

The Secretary's fund is authorized by section 107 of the Act and is available for the following purposes: new communities; areawide projects; Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands; innovative projects; federally recognized disasters; and correction of inequities resulting from the allocation provisions of section 106 of the Act.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views or statements. Comments should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All relevant material received on or before December 27, 1974 will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

To Subchapter D of Chapter V, Part 570, add a new Subpart E to read as follows:

**Subpart E—Applications and Criteria for  
Discretionary Grants**

- Sec.  
570.400 General.  
570.401 Urgent needs fund.

- Sec.  
570.402 Metropolitan and nonmetropolitan discretionary balances.  
570.403 New communities.  
570.404 Areawide projects [Revised].  
570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.  
570.406 Innovative projects.  
570.407 Federally recognized disasters.  
570.408 Inequities.

**AUTHORITY:** Title I of the Housing and Community Development Act of 1974 (Pub. Law 93-383; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

**Subpart E—Applications and Criteria for  
Discretionary Grants**

**§ 570.400 General.**

(a) *Applicability of rules and regulations.* The policies and procedures set forth in Subpart A, B, C, F, G, H, I, and J of this Part shall apply to this subpart and to the funds described in § 570.104, except to the extent that they are specifically modified or augmented by the contents of this subpart, including specified exemptions described herein. The HUD Environmental Review Procedures contained in 24 CFR Part 58 also apply to this subpart, unless otherwise specifically provided herein.

(b) *Preapplications.* Preapplications will be accepted for metropolitan and nonmetropolitan discretionary balances described in § 570.402, and for areawide projects and innovative projects described in § 570.404 and § 570.406, respectively.

(1) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate HUD Area Office. The preapplication shall consist of a brief description of the applicant's community development needs, the activities proposed to meet those needs, and the general location and estimated cost of the proposed activities. The purpose of the preapplication is basically: (i) To determine how well the application compares with similar applications from other jurisdictions, and (ii) to discourage applications which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application.

(2) *HUD review of preapplications.* HUD will review preapplications to determine how well an application is likely to compete with other applications for the same discretionary funds submitted by other jurisdictions. Applicants will be advised of HUD's determinations and judgments on the preapplication, and of the availability of funds for that particular fiscal year. Notwithstanding the nature of such advice, any eligible applicant may submit an application under the provisions of this subpart.

(3) *Preapplication submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of preapplications for each fiscal year. For Fiscal Year 1975, the earliest date for submission of a preapplication shall be January 1, 1975; the latest date shall be March 1, 1975.

(c) *Applications—(1) Submission requirements.* Applications shall be submitted on HUD forms to the appropriate

HUD Area Office. Specific submission requirements are contained in the following sections of this subpart which describe each discretionary fund. In addition, applicants shall submit the certification described in § 570.303(e)(7). To the maximum extent possible, and with the prior concurrence of the Secretary, documentation submitted in support of an application previously submitted for funding under this part will be accepted and need not be resubmitted with an application for a discretionary grant. For new activities to be carried out with a discretionary grant the applicant shall apply for discretionary funds in an amount which, along with any other resources that may be available, will be adequate to complete the activities. Applicants shall not anticipate additional discretionary funding in subsequent years to continue or extend the activities.

(2) *Application submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of applications for discretionary grants for each fiscal year. For Fiscal Year 1975 the earliest and latest dates shall be as follows:

(i) Metropolitan and nonmetropolitan discretionary balances—March 15, 1975 through May 15, 1975;

(ii) Urgent needs fund—January 1, 1975 through May 15, 1975;

(iii) Secretary's fund:

(A) New communities—February 1, 1975 through May 15, 1975;

(B) Areawide projects—March 15, 1975 through May 15, 1975;

(C) Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands—February 1, 1975 through May 15, 1975;

(D) Innovative projects—March 15, 1975 through May 15, 1975;

(E) Federally recognized disasters—January 1, 1975 through June 30, 1975; and

(F) Inequities—February 1, 1975 through May 15, 1975.

(d) *Meeting the requirements of OMB Circular No. A-95.* Applicants must comply with the procedures set forth in OMB Circular No. A-95 which require the submission of pre-applications and applications to the State and areawide clearinghouses for review and comment prior to submission to HUD.

(e) *Advances of funds.* Applicants are not authorized to receive an advance of funds from discretionary grants, except for Guam and the Virgin Islands which may receive an advance of funds in an amount not to exceed ten percent of their hold harmless amounts.

(f) *Review of applications for discretionary grants—(1) Acceptance of application.* HUD will accept an application for review, *Provided*, That:

(i) It has been received before the close of business on the final date established by HUD for submission of applications for each fiscal year;

(ii) The application is complete, as required in this subpart;

(iii) The required certifications have been properly executed; and

(iv) The applicant has attached or enclosed any comments or recommendations made by or through state and area-wide clearinghouse; or has stated that no comments or recommendations have been received.

(2) *Timing of review.* While the Secretary is not required by the Act to review and approve a discretionary grant application within any specified time period, the Secretary will make every effort to complete his review of all such applications within 75 days.

(3) *Notification to applicants.* The Secretary will notify the applicant in writing that the application has been approved, partially approved, or disapproved. If an application is partially approved or disapproved, the applicant will be informed of the specific reasons for partial approval or disapproval. The Secretary may make conditional approvals, as provided in § 570.306(e).

(g) *Performance Report.* Except for new communities applicants, each applicant shall, upon completion of the activities carried out with the discretionary grant, submit a performance report as described in § 570.906(b), and shall meet the requirements of § 570.906(c) concerning notice of the availability of the report for examination by the public.

#### § 570.401 Urgent Needs Fund.

(a) *Eligible applicants.* Eligible applicants include any unit of general local government as defined in the first sentence of § 570.3(v).

(b) *Criteria for Funding.* The Secretary shall select eligible applicants and request the submission of applications for funds under this section in accordance with one or more of the following criteria:

(1) The analysis performed by the unit of general local government of its ongoing projects or program undertaken pursuant to Title I of the Housing Act of 1949 indicates that the amount of hold harmless funds attributable to such program or projects (or the amount of its formula entitlement, whichever is the lesser) is: (i) Insufficient, over a three-year period beginning January 1, 1975, to complete the program or project plan as approved by HUD; or (ii) in any one of those three years the funds available from such sources will be insufficient to maintain the progress schedules adopted locally for achievement of the program and the inability to maintain such progress will seriously and adversely affect the financial interest of the Federal Government.

(2) A unit of general local government has experienced substantial decreases in funding levels in FY 1975 or FY 1976 from levels of funding previously available during FY 1971 to 1974 due to the locality's participation in the planned variations demonstration assisted under the provisions of the Demonstration Cities and Metropolitan Development Act of 1966.

(3) A unit of general local government, as a result of cost increases due to

circumstances beyond its control, has been unable to complete an ongoing project assisted under one or more of the following terminated categorical programs: (i) Water and sewer facilities under section 702 of the Housing and Urban Development Act of 1965; (ii) neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965; (iii) open-space land under Title VII of the Housing Act of 1961; and the Secretary's analysis of the financial capacity of the unit of general local government indicates a lack of available resources locally or otherwise to finance completion of the project and the Federal investment in the project as of January 1, 1975 warrants the incremental Federal assistance required to complete the project.

(c) *Application requirements.* Applications for funds to meet urgent community development needs shall be submitted by units of general local government to the HUD Area Office serving the locality. Applications shall be submitted on forms prescribed by HUD. The required documentation establishing the basis for grants under this section shall be supplied by applicants at the request of the HUD Area Office.

#### § 570.402 Metropolitan and nonmetropolitan discretionary balances.

(a) *Eligible applicants.* Eligible applicants include any unit of general local government as defined in the first sentence of § 570.3(v), excluding metropolitan cities, urban counties and units of general local government which are included in urban counties as described in § 570.105(b)(3)(ii) and (iii). Such applicants may apply under this section for grants made on the basis of the funding criteria set forth in paragraph (b) of this section.

(b) *Criteria for funding.* In selecting among applications, priority will be extended to those applications showing the highest aggregate combination of the following conditions, and activities which directly or indirectly relate to these conditions:

(1) Extent of overcrowded housing as defined in § 570.3(i).

(2) Extent of poverty as defined in § 570.3(j).

(3) Urgent community development needs.

In addition, priority may be extended where there is an extraordinarily high rate of growth, or a severe and rapid decline in population and economic activity, either one of these conditions being induced primarily because of the impact of national policy decisions or direct Federal program decisions, and where the program is designed to offset or mitigate the adverse effects of such sudden spurts or declines in growth. Area Offices of HUD are authorized at their discretion (but not required) to set maximum grant limits for each fiscal year, related to the total amount of discretionary balance available in that year to a given metropolitan area or to the nonmetropolitan portion of a State. A judgmental factor to be applied by each

Area Office shall be an estimate of the capacity of the applicant to meet satisfactorily the various requirements of this Part, including performance under the required assurances and certifications. These funding criteria shall also govern grants made pursuant to the reallocation provisions of § 570.107.

(c) *Application requirements.* Applicants for metropolitan and nonmetropolitan discretionary balances shall meet the application requirements in § 570.303.

(d) *Waiver of Application requirements.* The provisions of § 570.304 shall also apply to applications for metropolitan and nonmetropolitan discretionary balances.

(e) *Applications submitted by States.* States (including the Commonwealth of Puerto Rico) may apply for metropolitan and nonmetropolitan discretionary balances for grants to carry out eligible activities in metropolitan and nonmetropolitan areas, respectively.

#### § 570.403 New communities.

(a) *General.* This Section covers grants made in behalf of activities and projects to be undertaken in direct support of a new community (which term means a new community approved by the Secretary under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968), and reflected in a current new community development plan (the development plan which forms an attachment to each new community project agreement by and between each developer and the United States, as the same may be revised and amended from time to time).

(b) *Eligible Applicants.* Units of general local government which meet the definition contained in § 570.3(v) may apply under this subsection for grants made on the basis of the provisions of this section. For the purpose of this section, the second sentence in § 570.3(v) includes:

(1) A State land development agency or local public body or agency with authority to act as a developer of a new community.

(2) Any Homes Association, Community Association, or other similar non-profit organization established in a new community under covenants approved by the Secretary in connection with approved new community development projects, or any Community Authority established under State law for similar purposes, or any of the foregoing organizations otherwise approved by the Secretary which possesses the legal basis and administrative capacity to carry to successful completion those projects for which grant assistance is sought by the applicant.

(3) A new community developer or any subsidiary thereof organized in a form satisfactory to the Secretary, *Provided*, That grants will be awarded to private new community developers only when no appropriate governmental body or non-profit organization is available to serve as grantee for the direct benefit of a new community.

Ordinarily, the Secretary will make grants to units of general local government rather than to special purpose units of government or to community associations or other similar organizations.

(c) *Application Requirements*—(1) *General*. The requirements of this paragraph shall be applicable only for the geographic area within the new community. The requirements set forth in this paragraph are designed to supplement application procedures and approval requirements of the new communities program under which applicants will have already provided substantial information to the Secretary.

(2) *Activities Program*. The application shall include a brief description of the activities and costs to be funded from the grants for the program year. The application shall identify separately any activities not previously submitted to and approved by the New Communities Administration (NCA) of the Department of Housing and Urban Development as part of Title IV or Title VII documentation. The estimated costs and general location of these latter activities are to be shown.

(3) *Certifications*. The Applicant shall submit certifications in such form as HUD will prescribe, providing the assurances required under § 570.303(e) (1), (3), (5), and (6) with respect to activities undertaken with funds under this Part.

(4) *Environmental review requirements*. (i) To the extent that proposed activities are part of new community plans or programs that have already received environmental review, such review need not be repeated if NCA determines that: (A) The activities have been covered in sufficient detail in the initial review, (B) the activities do not represent a substantial change from the initial plan or program, or (C) there have been no significant changes in conditions. (ii) Activities not meeting the criteria set out in paragraph (c) (4) (i) of this section must provide the certification required by § 570.303(e) (4) and follow the environmental review process prescribed in § 570.603. However, activities which do not meet the criteria set out in paragraph (c) (4) (i) of this section and which are to be performed by community organizations or other similar organizations or by private new community developers must comply with the environmental review process prescribed in HUD Circular 1390.1.

(5) *Clearinghouse review*. Applicants must comply with the procedures set forth in OMB Circular A-95 (requiring review by a clearinghouse) only where the proposed Title I funded activities have not previously been the subject of clearinghouse review.

(6) *Performance report*. Progress in execution activities funded under the Act shall be reported to NCA as a part of the quarterly and annual reporting and review procedures.

(7) *Program amendments*. Grantees shall conform to § 570.305(a) concerning mid-program year amendments, except that amended applications shall be sub-

mitted to NCA through the appropriate HUD Area Office. The provisions of § 570.305(b) concerning other program amendments shall not apply to grants made under this section; instead, grantees shall be authorized to modify the budgets for approved activities by reallocation of funds among approved budget lines, to the extent that no such reallocation results in a modification of any line in excess of 10 percent of the amount HUD has theretofore approved.

(d) *Review and approval of applications*. All applications for grants to assist new community development projects pursuant to this section shall be submitted to NCA through the appropriate HUD Area Office.

(1) *Scope of review*. NCA will review the application, based upon data and information supplied by the developer of the new community project and other independent reviews conducted by NCA staff or others at NCA request, to determine pertinent facts and goals and their consistency with information contained in the Project Agreement, Development Plan, and other documents submitted by the developer or obtained by NCA in the project review process. The review will include application of the selection criterion in paragraph (d) (2) of this section.

(2) *Selection criterion*. The criterion to be used in selecting among applications and activities is whether the grants are necessary to achieve new community objectives, including the financial viability of a new community.

(e) *Grant administration*. The provisions of Subpart F, Grant Administration, shall be applicable to applicants, except that private developers shall not be required to comply with the competitive bidding requirements of subsections 3c (5), (6) and (8) of Attachment 0, FMC Circular 74-7, which is incorporated in § 570.507.

(f) *Program management*. Program management shall be accomplished within the framework of NCA project management, including the financial and physical progress reports required by NCA administrative procedures.

(g) *Remedies for non-compliance*. The provisions of § 570.911 shall apply except that § 570.911 (b) (requests to State governors to secure compliance) shall not apply to private developers, or prospective grantees controlled by private developers.

#### § 570.404 Areawide projects [Reserved]

#### § 570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(a) *Eligible applicants*. Eligible applicants are Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(b) *Criteria for funding*. Applicants may submit applications for discretionary grants for the full range of eligible activities described in § 570.200. The Secretary will establish for each fiscal year an amount for which each eligible applicant may apply. For Fiscal Year 1975, the following shall apply:

(1) Guam and the Virgin Islands shall each receive their hold-harmless amount as calculated pursuant to § 570.103(c). Guam and the Virgin Islands may also apply for funds to cover urgent needs not met by the hold-harmless amounts.

(2) The Secretary shall establish a funding level for American Samoa and the Trust Territory of the Pacific Islands, taking into account their needs and their local administrative capacity.

(c) *Application requirements*. Applicants shall meet application requirements in § 570.303.

#### § 570.406 Innovative projects.

(a) *Eligible applicants*. States and units of general local government, and combinations of the above, are eligible to submit proposals for innovative community development projects.

(b) *Criteria for funding*—(1) *Definition*. An innovative community development project is one which encompasses a concept, system, or procedure that is unique, advances the state of the community development art and has the potential for transferability. Where a proposed project is one which has been demonstrated or is in use elsewhere, the applicant will be expected to show the key variables of the project within the applicant's jurisdiction which will be significantly different from previous projects or that the circumstances and environment for its adaptation are different. In general, a project will not be considered as meeting innovative criteria if it does not significantly advance the state of the community development art.

(2) *Selection criteria*. Each year HUD may establish areas of national significance which will be given priority in the review of application for funds under this section. In Fiscal Year 1975 priority will be given to projects which address one or more of the following areas:

(i) *Public service productivity*. Efforts to make local government service more effective, more efficient and less costly, and which are designed to mitigate the effects of inflation.

(ii) *Community development energy conservation*. Projects designated to enhance energy conservation in community development.

(iii) *Neighborhood preservation*. Projects which maximize the use of existing housing stock and community development resources for neighborhood preservation.

In subsequent years, HUD will establish such priorities annually.

(3) In addition to the above criteria, HUD will consider the degree to which applications:

(i) Integrate and relate the provision of housing to the provision of public facilities and/or supportive social services.

(ii) Demonstrate improved policy-planning-management capacity.

(iii) Demonstrate the involvement of both the public and private sectors.

(iv) Encourage and reinforce the creation of community and neighborhood urban development organizations with

the required persons and ability to attract and involve public and private resources.

(v) Serve as a prototype for improving community development activities, which without Federal assistance could not otherwise be undertaken.

(vi) Promote an increase in the diversity and vitality of neighborhoods.

(c) *Application requirements.* Each application must include a full description of the project identifying the unit or units of general local government involved, the proposed activity, the estimated cost, and the specific innovative impact. Applications shall be submitted to HUD's Office of Policy Development and Research through the appropriate HUD Area Office on forms and in the manner prescribed by HUD.

**§ 570.407 Federally recognized disasters.**

(a) *General.* Grants under this section shall be for the purpose of meeting emergency community development needs caused by federally recognized disasters. For purposes of this section, "federally recognized disasters" means major disasters declared by the President on or after January 1, 1975, pursuant to section 301(b) of the Disaster Relief Act of 1974.

(b) *Eligible Applicants.* Eligible applicants include units of general local gov-

ernment as defined in the first sentence of § 570.3(v) which have emergency community development needs caused by Presidentially declared major disasters. (See 24 CFR Part 2205.)

(c) *Criteria for Funding.* Within the limits of available funds, applications will be funded on the basis of the following criteria:

(1) Severity and magnitude of declared disaster.

(2) Resources are not available from other sources to meet emergency community development needs in a timely fashion.

(3) Emergency community development needs have been identified which are essential for the immediate restoration or maintenance of community health, safety, or economic stability.

(d) *Application Requirements.* An application should be submitted within 120 days after the Presidential declaration. The application shall describe the emergency needs, the proposed program of activities, sources of funds and the level of funding requested. If the emergency nature of the needs requires, satisfaction of selected application requirements may be postponed or waived by the Secretary. Applications shall be submitted to the Secretary through the Federal Coordinating Officer designated to coordinate Federal assistance in the federally recognized-disaster area and the FDAA

Regional Director to ensure coordination with respect to other disaster relief and emergency measures undertaken or being considered.

**§ 570.408 Inequities funds.**

(a) *General.* Funds are available under this subpart to correct in whole or in part inequities resulting from the allocation provisions of Section 106 of the Act.

(b) *Eligible applicants.* Eligible applicants include any unit of general local government as defined in the first sentence of § 570.3(v).

(c) *Criteria for funding.* Applications for funds available under this subpart shall be reviewed by the Secretary in accordance with the following criteria:

(1) Funding under this subpart is necessary to correct a technical error in the computation of a locality's entitlement amount and the error is acknowledged by the Secretary subsequent to the establishment of entitlement amounts in any fiscal year.

(2) Funding under this subpart is needed by an applicant, meeting the criteria as specified in § 570.401(b) for urgent needs funds.

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