AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

MONDAY, SEPTEMBER 16, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 180

Pages 33197–33292



HIGHLIGHTS OF THIS ISSUE

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

PRESIDENTIAL PROCLAMATION—Citizenship Day and Constitution Week, 1974 33197

FOOD–DRUG–COSMETIC–DEVICE–LABELING—FDA proposed regulations regarding failure to reveal material facts; comments by 11–15–74 33229

GROUND PROXIMITY WARNING SYSTEM—DoT/FAA proposes installation in certain large turbine-powered airplanes; comments by 12–16–74 33234

FOOD STAMP PROGRAM—
USDA/FNS regulations concerning implementation on Indian Reservations; effective 9–16–74 33199
USDA/FNS proposal on eligibility of certain students who are tax dependents of ineligible persons; comments 10–16–74 33228

TRAFFIC SURVEILLANCE—DoT/FHWA establishes policies and procedures to reduce congestion; effective 10–6–74 .. 33208

FEDERAL RECREATION—Interior issues regulations on collection of certain fees; effective 9–16–74 33216

PRIVATE EXPRESS STATUTES—Postal Service adopts rules of practice; effective 10–20–74 33213

PRIVATE CARRIAGE OF LETTERS—Postal Service adopts comprehensive standards; effective 10–20–74 33209

(Continued inside)

September 16, 1974—Pages 33197–33292

reminders

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

Rules Going Into Effect Today

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

page no. and date

USDA—Standard packaging and labeling requirements; autogenous biologics. 29915; 8–19–74

DoT/FAA—Airworthiness directives; Sargent industries..... 28229; 8–6–74

FCC—Cable television service; report and order regarding public inspection files and permit system inspections.. 29185; 8–14–74

—High frequency transmitter operators; report and order regarding radiotelephone operator's license.. 29187; 8–14–74

—Land mobile radio services; automotive vehicle locator system.... 28881; 8–12–74

—Radio broadcast services; table of assignments; first report and order regarding Milton, Florida..... 29184; 8–14–74

FHLBB—Federal Savings and Loan Insurance Corporation; employment contracts..... 28610; 8–9–74

—Federal Savings and Loan System; employment contracts..... 28609; 8–9–74

FRS—Membership of state banking institutions in the Federal Reserve System; standby letters of credit and ineligible acceptances..... 29916; 8–19–74

—Securities of state member banks; disclosure of standby letters of credit. 29916; 8–19–74

HUD—Multifamily previous participation review and clearance.... 29351; 8–15–74

TREASURY DEPARTMENT—Disclosure requirements, form and content of financial statements.... 28974; 8–13–74

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5266. For information on obtaining extra copies, please call 202–523–5240.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MEETINGS—
DoD/Army: Junior Science and Humanities Symposia Advisory Committee, 10–17–74 ... 33216
USDA/FS: Pacific Northwest Forestry Research Advisory Committee, 10–8 and 10–9–74 ... 33249
Pennsylvania Avenue Development Corporation:
Community Advisory Group, 10–3–74 ... 33262
Owners and Tenants Advisory Board, 10–1–74 ... 33262
NSF: Advisory Panel for Metabolic Biology, 10–2 through 10–4–74 ... 33262
CPSC: Technical Advisory Committee on Poison Prevention Packaging, 10–1 and 10–2–74 ... 33255
HEW/NIH: Diagnostic Radiology Committee, 10–31 and 11–1–74 ... 33252
Mammalian Mutant Cell Lines Committee, 10–16–74 ... 33253
Diagnostic Research Advisory Group, 10–15 and 10–16–74 ... 33252
Biomedical Library Review Committee, 10–8 and 10–9–74 ... 33251
General Clinical Research Centers Committee, 10–4–74 ... 33253
Virus Cancer Program Scientific Review Committee A, 10–2–74 ... 33253
Colon-Rectum Cancer Advisory Committee, 10–1 and 10–2–74 ... 33252
Committee on Cancer Immunotherapy, 10–10–74 ... 33252
National Cancer Advisory Board, 10–7 through 10–9–74 ... 33253
Board of Scientific Counselors, 10–16 through 10–18–74 ... 33251
Board of Scientific Counselors, 10–4 and 10–5–74 ... 33251
Population Research Committee, 10–24 and 10–25–74 ... 33253
Administrative Conference of the United States: Committee on Rulemaking and Public Information, 9–19–74 ... 33254
NEH: Advisory Committee on Scientific Knowledge and Human Values, 10–7–74 ... 33262
IRS: Commissioner's Advisory Group, 10–22 and 10–23–74 ... 33246

contents

THE PRESIDENT

Proclamations

Citizenship Day and Constitution Week, 1974 ... 33197

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notices

Meeting:
Committee on Rulemaking and Public Information ... 33254

AGRICULTURAL MARKETING SERVICE

Rules

Grade standards:
Raisins; correction ... 33199
Limitation of handling:
Almonds grown in California ... 33201
Grapes (Tokay) in California ... 33201
Lemons grown in California and Arizona ... 33200
Prunes grown in certain areas of Idaho and Oregon ... 33200

Proposed Rules

Oranges and grapefruit grown in Lower Rio Grande Valley in Texas; expenses and fixing of rate of assessment and carryover of unexpended funds ... 33227

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Commodity Credit Corporation; Food and Nutrition Service; Forest Service; Rural Electrification Administration.

Rules

Authority delegations:
Administrator of the Farmers Home Administration ... 33199
Assistant Secretary for Rural Development ... 33199

ARMY DEPARTMENT

Notices

Meeting:
Junior Science and Humanities Symposia (JSHS) Advisory Committee ... 33246

ATOMIC ENERGY COMMISSION

Rules

Licensing and regulatory policy and procedures; correction ... 33202

Notices

Applications, etc.:
Lowell Technological Institute ... 33254
Metropolitan Edison Co. et al ... 33254

CHILD DEVELOPMENT OFFICE

Proposed Rules

Child Abuse and Neglect Prevention and Treatment Program; correction ... 33233

CIVIL SERVICE COMMISSION

Notices

Personnel definition; hearing ... 33255

COMMERCE DEPARTMENT

See Domestic and International Business Administration.

COMMODITY CREDIT CORPORATION

Rules

Wheat; 1974 crop; loan and purchase program ... 33202

Notices

Authority delegation:
Administrator, Foreign Agricultural Service ... 33249

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Meetings:
Technical Advisory Committee on Poison Prevention Packaging ... 33255

CUSTOMS SERVICE

Rules

American manufacturers, producers ,and wholesalers; filing and inspection requirements ... 33207
X-radial steel belted tires from Canada; countervailing duties ... 33207

Proposed Rules

Examination, sampling, and testing of merchandise; documents to be filed with entry of wool or hair ... 33227
San Diego International Airport; rescinding of proposed revocation of international airport status ... 33227

DEFENSE DEPARTMENT

See Army Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Scientific articles; duty-free entry:
National Institute of Neurological Diseases and Stroke, et al ... 33249

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air quality implementation plans:
Kansas ... 33236
Water quality and pollutant point source monitoring; correction ... 33236

Notices

Pesticide registration; applications ... 33255

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Boeing (2 documents) ... 33203
Standard instrument approach procedure ... 33204

(Continued on next page)

Proposed Rules

Airworthiness directives:
- Dowty Rotol ... 33233
- Grumman ... 33234

Large turbine-powered airplanes; installation of ground proximity warning systems ... 33234

Transition area ... 33234

FEDERAL COMMUNICATIONS COMMISSION

Rules

Low power communication devices; bilateral certification ... 33226

Proposed Rules

FM broadcast stations; table of assignments:
- Arizona (2 documents) ... 33239, 33240
- New York ... 33237
- Texas ... 33240

Notices

Common carrier services information; domestic public radio services applications accepted for filing ... 33256

William F. Wallace et al.; memorandum opinion and order ... 33257

FEDERAL HIGHWAY ADMINISTRATION

Rules

Traffic surveillance and control ... 33208

FEDERAL MARITIME COMMISSION

Rules

Rules of practice and procedure; miscellaneous amendments ... 33221

FEDERAL POWER COMMISSION

Rules

Availability of information acquired by staff investigation ... 33205

National rates for sale of natural gas ... 33205

Proposed Rules

Small producers; sales for resale in interstate commerce ... 33241

Notices

Hearings, etc.:
- Arizona Public Service Co ... 33259
- Boston Edison Co ... 33259
- New England Power Co ... 33259

FEDERAL RESERVE SYSTEM

Rules

Marginal reserve requirements ... 33202

Notices

Applications, etc.:
- Fredonia Bancshares, Inc ... 33259
- IB & T Corp ... 33260
- Main Corp ... 33261
- Pacesetter Financial Corp ... 33260

FISH AND WILDLIFE SERVICE

Notices

Endangered species permit ... 33246

Marine mammal applications ... 33246

FOOD AND DRUG ADMINISTRATION

Rules

Food additives; correction ... 33207

Proposed Rules

Labeling; presentation of material facts ... 33229

Notices

Food additives:
- Henkel, Inc ... 33251
- Philps Dodge Magnet Wire Corp ... 33251

FOOD AND NUTRITION SERVICE

Rules

Food Stamp Program; regulations relating to Indian Reservations ... 33199

Proposed Rules

Food stamps; eligibility of certain students ... 33228

FOREST SERVICE

Notices

Meeting:
- Pacific Northwest Forestry Research Advisory Committee ... 33249

GENERAL SERVICES ADMINISTRATION

Notices

Authority delegation:
- Secretary of Defense ... 33261

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Child Development Office; Food and Drug Administration; National Institutes of Health; Social Security Administration.

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
- A. & W. Auger Corp ... 33247

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications, etc.:
- Smith & Stover Coal Co ... 33261

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Hearings and Appeals Office.

Rules

Recreation fees at certain recreation areas and facilities ... 33216

Notices

Statements of financial interests:
- Campbell, Charles A ... 33248
- Hall, Glenn J ... 33248
- Hufman, Robert L ... 33248
- Jeter, David G ... 33248
- Kepner, J. W ... 33248
- Lentz, Owen A ... 33248
- McLagan, Robert R ... 33248
- Mochon, Harry H., Jr ... 33248
- Negroni, Julio A ... 33249
- Pence, William K ... 33249
- Schultz, Leroy J ... 33249
- Watson, Charles W ... 33249

INTERNAL REVENUE SERVICE

Notices

Meetings:
- Commissioner's Advisory Group ... 33216

INTERSTATE COMMERCE COMMISSION

Rules

St. Louis Southwestern Railway Co.; ordered to operate trains of National Railroad Passenger Corp ... 33226

Notices

Hearing assignments ... 33268

Motor carriers:
- Board transfer proceedings ... 33284
- Irregular-route carriers of property; elimination of gateways ... 33268
- Temporary authority applications (2 documents) ... 33284, 33290

MANAGEMENT AND BUDGET OFFICE

Notice

Clearance of reports; list of requests ... 33262

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Rules

Reserves; full and fair disclosure ... 33244

NATIONAL ENDOWMENT FOR THE HUMANITIES

Notices

Meetings:
- Advisory Committee on Scientific Knowledge and Human Values ... 33262

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

See National Endowment for the Humanities.

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
- Biomedical Library Review Committee ... 33251
- Board of Scientific Counselors, National Institute of Environmental Health Services ... 33251
- Board of Scientific Counselors, National Cancer Institute ... 33251
- Colon-Rectum Cancer Advisory Committee ... 33252
- Committee on Cancer Immunotherapy ... 33252
- Diagnostic Research Advisory Group ... 33252
- Diagnostic Radiology Committee ... 33252
- General Clinical Research Centers Committee ... 33253
- Mammalian Mutant Cell Lines Committee ... 33253
- National Cancer Advisory Board ... 33253
- Population Research Committee ... 33253
- Virus Cancer Program Scientific Review Committee ... 33253

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
- Advisory Panel for Metabolic Biology ... 33262

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Notices

Meetings:
- Community Advisory Group; postponement ... 33262
- Owners and Tenants Advisory Board; postponement ... 33262

POSTAL SERVICE
Rules
Comprehensive standards for permissible private carriage 33209
Rules of practices in proceedings relative to Private Express Statutes 33213

RURAL ELECTRIFICATION ADMINISTRATION
Proposed Rules
Rural telephony; guaranteed loan program 33228

SECURITIES AND EXCHANGE COMMISSION
Notices
Applications, etc.:
Allegheny Pittsburgh Coal Co 33263
Appalachia Power Co 33263
Chicago Board Options Exchange, Inc. option plan 33264
General Public Utilities Corp 33265
Pittway Corp 33265
Sagittarius Fund, Inc 33267

SOCIAL SECURITY ADMINISTRATION
Rules
Supplemental security income for the aged, blind, and disabled; correction 33207

TARIFF COMMISSION
Notices
Tapered roller bearings from Japan; investigation 33268

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT
See Customs Service; Internal Revenue Service.

list of cfr parts affected

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

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

3 CFR

PROCLAMATIONS:

4312 33197

7 CFR

2 (2 documents) 33199
52 33199
271 33199
910 33200
925 33200
926 33201
981 33201
1421 33202

PROPOSED RULES:

271 33228
906 33227
1701 33228

10 CFR

2 33202
50 33202
51 33202
70 33202

12 CFR

204 33202

PROPOSED RULES:

702 33244

14 CFR

39 (2 documents) 33203
97 33204

PROPOSED RULES:

39 (2 documents) 33233, 33234
71 33234
121 33234

18 CFR

2 (2 documents) 33205
157 33205

PROPOSED RULES:

157 33241

19 CFR

159 33207
175 33207

PROPOSED RULES:

6 33227
151 33227

20 CFR

416 33207

21 CFR

121 33207

PROPOSED RULES:

1 33229

23 CFR

655 33208

39 CFR

152 33210
310 33211
320 33212
958 33213
959 33213

40 CFR

PROPOSED RULES:

35 33236
52 33236

43 CFR

18 33216

45 CFR

PROPOSED RULES:

1340 33233

46 CFR

502 33221

47 CFR

0 33226
2 33226

PROPOSED RULES:

73 (4 documents) 33237, 33239, 33240

49 CFR

1033 33226

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

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

3 CFR

Page

EXECUTIVE ORDERS:

11802 ... 32111

PROCLAMATIONS:

4310 ... 32317
4311 ... 32601
4312 ... 33197

4 CFR

6 ... 31997

5 CFR

213 ... 31873, 31874, 32603
294 ... 32537
300 ... 32537
315 ... 32537
336 ... 32537
351 ... 32537
352 ... 32537
353 ... 32538
531 ... 32539
532 ... 32539
713 ... 32540
731 ... 32540
752 ... 32541
771 ... 32542
772 ... 32545
831 ... 32548
870 ... 32548
890 ... 32548
891 ... 32549

7 CFR

2 ... 33199
24 ... 32004
26 ... 31874, 32124
29 ... 32975
52 ... 32004, 33199
210 ... 32733
225 ... 32733
271 ... 33199
301 ... 31875, 32126, 32975
330 ... 32319
401 ... 32010, 32127
650 ... 31879, 32976
780 ... 32321
905 ... 32976
908 ... 32128, 32900
910 ... 32549, 32978
925 ... 33200
926 ... 33201
931 ... 31879
932 ... 32010
947 ... 31879, 32011
981 ... 33201
993 ... 32733
1421 ... 33202
2400 ... 32011

PROPOSED RULES:

53 ... 32743
271 ... 33228
640 ... 33004
641 ... 33004
642 ... 33004
643 ... 33004
650 ... 32139
906 ... 33227
927 ... 33003
931 ... 32919

7 CFR—Continued

Page

PROPOSED RULES—Continued

948 ... 32139
966 ... 32616
981 ... 33004
993 ... 32752
1030 ... 32753
1408 ... 33004
1701 ... 33228

8 CFR

PROPOSED RULES:

214 ... 32919
223 ... 32129
223a ... 32129

9 CFR

76 ... 32129
78 ... 32129
91 ... 32322
94 ... 32322
317 ... 31880
318 ... 31880
381 ... 31880

PROPOSED RULES:

78 ... 32139
92 ... 32146
102 ... 32332

10 CFR

2 ... 33202
50 ... 33202
51 ... 33202
70 ... 33202
205 ... 32262
210 ... 32283
211 ... 32283, 32306, 32979
212 ... 32286, 32306
215 ... 32286
Rulings ... 32901

PROPOSED RULES:

20 ... 32921
150 ... 32922
210 ... 32718
211 ... 31920, 32718, 32876
212 ... 32309, 32310, 33015

12 CFR

204 ... 33202
210 ... 32011

PROPOSED RULES:

701 ... 32632
702 ... 33244

13 CFR

121 ... 32901
301 ... 32979

PROPOSED RULES:

121 ... 32334

14 CFR

39 ... 32011, 32324, 32325, 32549, 32550, 32603, 32734, 32901, 32902, 32980, 33203
71 ... 31881, 32012, 32325, 32550, 32603, 32734, 32902, 32903, 32980, 32981
73 ... 32325
93 ... 32551
95 ... 32326

14 CFR—Continued

Page

97 ... 31881, 32327, 33204
221 ... 31882
288 ... 32013
372a ... 32013

PROPOSED RULES:

39 ... 32332, 32333, 33233, 33234
71 ... 32333, 32758, 32920, 33009, 33010, 33234
73 ... 32759
121 ... 31913, 32920, 33234

16 CFR

13 ... 32555–32557
1512 ... 32903

PROPOSED RULES:

257 ... 32923
436 ... 32631
1120 ... 31916

17 CFR

1 ... 32981
211 ... 31894
231 ... 31894
240 ... 32557
241 ... 31894
271 ... 32129

PROPOSED RULES:

240 ... 31920

18 CFR

2 ... 33205
157 ... 33205
703 ... 31896

PROPOSED RULES:

1 ... 32763
3 ... 32763
4 ... 32763
5 ... 32763
16 ... 32763
35 ... 32764
141 ... 32153–32155
157 ... 33241
201 ... 32156
260 ... 32154, 32155

19 CFR

1 ... 32903
10 ... 32015
11 ... 32015
12 ... 32015
18 ... 32015
19 ... 32015
24 ... 32015
25 ... 32015
113 ... 32015
114 ... 32023
133 ... 32023
141 ... 32023
142 ... 32023
159 ... 32903, 32904, 33207
172 ... 32023
175 ... 33207

PROPOSED RULES:

6 ... 33227
141 ... 32035
151 ... 33227
152 ... 33003

20 CFR — Page

405 — 32327
416 — 32024, 32982, 33207

PROPOSED RULES:

404 — 32757
416 — 32757

21 CFR

2 — 31898, 32558
8 — 32983
19 — 32983
30 — 32604
53 — 31898
121 — 31899, 32735, 32983, 33207
135a — 32025, 32735, 32736
135c — 32984
135e — 32736, 32983
310 — 32907
331 — 32736
332 — 32736

PROPOSED RULES:

1 — 32616, 33229
17 — 32753
20 — 32562
100 — 32616
102 — 32616
132 — 32146
310 — 33102
333 — 33103
700 — 33102
1010 — 32094
1040 — 32094

22 CFR

51 — 32984

23 CFR

655 — 33208
712 — 32604
752 — 32031
753 — 32032

PROPOSED RULES:

751 — 33010
772 — 32616
810 — 32298

24 CFR

201 — 32432
203 — 32026, 32432
205 — 32026, 32435
207 — 32026, 32435
213 — 32026, 32435
220 — 32026, 32433, 32435
221 — 32026, 32433, 32436
222 — 32433
227 — 32436
231 — 32436
232 — 32026, 32436
234 — 32027, 32434, 32436
235 — 32027, 32434
236 — 32027, 32437
241 — 32027
242 — 32027, 32437
244 — 32027, 32437
401 — 32736
410 — 32736
1914 — 32881–32884
1915 — 32329, 32885, 32892

25 CFR

35 — 32741

PROPOSED RULES:

30 — 31984
91 — 31986
93 — 31989

28 CFR — Page

2 — 31882

29 CFR

701 — 32027
1952 — 32905
1953 — 32905

PROPOSED RULES:

5 — 32920
5a — 32920
529 — 32037
1910 — 32562, 33009

31 CFR

225 — 32911

32 CFR

166 — 32985
174 — 31899
835 — 32986

32A CFR

PROPOSED RULES:

Ch. VI — 33008

33 CFR

3 — 32131, 32558
117 — 32986, 32987
128 — 32132
151 — 31901

PROPOSED RULES:

204 — 32029, 32912, 33003

34 CFR

212 — 32559
213 — 32134

36 CFR

252 — 32029
327 — 32111A

37 CFR

202 — 32631

38 CFR

2 — 32987
3 — 32987
17 — 31901, 32605
21 (2 documents) — 31901, 31902
21 — 31901, 31902

PROPOSED RULES:

21 — 32157

39 CFR

152 — 33210
310 — 33211
320 — 33212
601 — 32912
958 — 33213
959 — 33213

PROPOSED RULES:

123 — 32036
124 — 32036

40 CFR

12 — 32989
52 — 31903, 32111A, 32113, 32329, 32559, 32606
85 — 32609, 32612
180 — 31903, 32912
405 — 32993
419 — 32614

PROPOSED RULES:

35 — 33236
51 — 32871

40 CFR—Continued — Page

PROPOSED RULES—Continued

52 — 31918, 32563, 32759, 33236
55 — 32624
60 — 32852
87 — 32631
180 — 31919, 31920

41 CFR

5A–16 — 32029
8–1 — 32995
60 — 32615
114–43 — 31904

42 CFR

100 — 32029

PROPOSED RULES:

72 — 32035

43 CFR

18 — 33216

PROPOSED RULES:

2800 — 31906

45 CFR

250 — 32739
801 — 32031

PROPOSED RULES:

250 — 32562
1215 — 31914
1216 — 33012
1340 — 33233

46 CFR

146 — 32997
147 — 32998
147A — 32998
308 — 33000
401 — 32739
502 — 33221

PROPOSED RULES:

30 — 32147
31 — 32147
32 — 32147
33 — 32147
34 — 32147
35 — 32147
151 — 32147
531 — 32036

47 CFR

0 — 33226
2 — 33226
31 — 33013
43 — 31904
73 — 32560, 33013
81 — 32560

PROPOSED RULES:

2 — 32148, 32566
31 — 32631
73 — 32148, 33237, 33239, 33240
76 — 32036
83 — 32150
89 — 32148
91 — 32148
97 — 32567

49 CFR

171 — 32615
172 — 32615
173 — 32615, 32912
174 — 32615
175 — 32615
177 — 32615

49 CFR—Continued	Page
178	32615
179	32912
389	32561
390	32561
391	32561
396	32561
397	32561
393	32135
571	32030, 32321, 32739, 32914
1033	32137, 32138, 33000, 33001, 33226
1300	31905
1307	31905

49 CFR—Continued	Page
PROPOSED RULES:	
172	32624
173	32624
177	32624
178	32624
179	32624
395	32620
571	32624
575	32563
810	32298
1204	32333
1260	32333

49 CFR—Continued	Page
PROPOSED RULES—Continued	
1261	32333
50 CFR	
20	31883, 33001
32	32030, 32031, 32116, 32117, 32330, 32331, 32739–32741, 32915–32918, 33001, 33002
33	31894
216	32117
PROPOSED RULES:	
32	31907, 31908

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
31872–31996	Sept. 3
31997–32109	4
32111–32315	5
32317–32536	6
32537–32600	9
32601–32731	10
32733–32879	11
32881–32973	12
32975–33195	13
33197–33292	16

Title 3—The President

Citizenship Day and Constitution Week, 1974

PROCLAMATION 4312

By the President of the United States of America

A Proclamation

As we near our Nation's two hundredth anniversary, let all of us, as equal partners in a Nation of justice under law, resolve to work, with all our strength and common sense, to achieve ". . . a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . . ." Through such a rededication to the spirit and principles of the Constitution we can build a better future for every individual American, and a better America for all.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in compliance with the joint resolutions of the Congress of the United States, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1974—the 187th anniversary of the signing of the Constitution. I urge Federal, State, and local officials, as well as leaders of civic, educational and religious organizations to conduct appropriate ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1974, and urge all Americans to observe that week with appropriate ceremonies and activities in their schools, churches and in other suitable places in order to foster a better understanding of the Constitution, and of the rights and responsibilities of United States citizens.

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

Gerald R. Ford

[FR Doc.74-21514 Filed 9-13-74;10:13 am]

rules and regulations

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

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

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

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

Assistant Secretary for Rural Development

Part 2 of Title 7, Code of Federal Regulations, is amended to include a delegation of authority to the Assistant Secretary for Rural Development of certain functions under the Emergency Livestock Credit Act of 1974, and to reserve the program extension guarantee authority under said Act. The amendments are as follows:

1. Section 2.23(a)(8) is amended to read as follows:

§ 2.23 Delegations of authority to the Assistant Secretary for Rural Development.

(a) * * *

(8) Administer the emergency loan and guarantee programs and the rural housing disaster program under sections 232, 234, and 253 of the Disaster Relief Act of 1970 (Pub. L. 91–606), the Disaster Relief Act of 1969 (Pub. L. 91–79), Public Law 92–385 approved August 16, 1972, and the Emergency Livestock Credit Act of 1974 (Pub. L. 93–357).

* * * * *

2. Section 2.24 is amended to add a new paragraph (a)(2) to read as follows:

§ 2.24 Reservation of authority.

(a) * * *

(2) Extention of time within which loans may be guaranteed under the Emergency Livestock Credit Act of 1974 (Pub. L. 93–357).

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Effective date. These amendments are effective as of July 29, 1974.

Dated: September 10, 1974.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.74–21299 Filed 9–13–74;8:45 am]

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

Administrator, Farmers Home Administration

Section 2.70 of Title 7, Code of Federal Regulations, is amended to redelegate certain authority under the Emergency Livestock Credit Act of 1974 to the Administrator of the Farmers Home Administration. The amendment reads as follows:

Section 2.70(a)(8) is amended to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) * * *

(8) Administration of the emergency loan and guarantee programs and the rural housing disaster program under sections 232, 234, and 253 of the Disaster Relief Act of 1970 (Pub. L. 91–606), the Disaster Relief Act of 1969 (Pub. L. 91–79), Pub. L. 92–385 approved August 16, 1972, and the Emergency Livestock Credit Act of 1974 (Pub. L. 93–357).

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Effective Date. This amendment shall be effective as of July 29, 1974.

Dated: September 10, 1974.

WILLIAM ERWIN,
Assistant Secretary for Rural Development.

[FR Doc.74–21300 Filed 9–13–74;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Processed Raisins

Correction

In FR Doc. 20308, appearing at page 32004 in the issue of Wednesday, September 4, 1974, the fraction in line 4 of § 52.1846(a)(1) now reading "$^{22}/_{64}$", should be changed to read "$^{34}/_{64}$".

CHAPTER II—FOOD AND NUTRITION SERVICE

[Amdt. No. 33]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2026) regulations governing the operation of the Food Stamp Program are hereby amended.

Public Law 93–347, approved July 12, 1974, provides that Indian reservations not requesting the Food Stamp Program may continue to participate in the family Food Distribution Program through June 30, 1977. Thus, the reservations to which the choice of programs is available are not required to participate in the Food Stamp Program until June 30, 1977, at which time all distribution of donated foods to households will be terminated.

The Department recognizes that those reservations which wish to convert from the Food Distribution Program to the Food Stamp Program may have unique problems which necessitate the simultaneous operation of both programs for periods longer than the three months currently authorized under the regulations. Therefore, the Department is amending the Food Stamp Program regulations to authorize a period of up to 12 months for such transitional simultaneous operation of both programs on Indian reservations not to extend beyond June 30, 1977.

It is the policy of this Department to give 30 days notice for comments on amendments to the regulations. However, the maximum three-month transition periods currently provided for by the regulations and approved for some reservations will expire for a number of reservations on September 30, 1974. Since the regulations do not provide for further extensions of these transition periods, any delay in the publication of the regulations permitting 12-month transition periods for reservations would be contrary to the interest of the reservations and States.

Part 271 of Chapter II, Title 7, Code of Federal Regulations is amended as follows:

Section 271.1 is amended by renumbering paragraph (a)(3) as (a)(4) and adding a new paragraph (a)(3) to read as follows:

§ 271.1 General terms and conditions for State agencies.

(a) * * *

(3) For such period of time as FNS determines, not to exceed 12 months, upon request of a State agency and submission of facts by such State agency showing that the continued distribution of such donated foods is necessary in order to effect an orderly transition on an Indian Reservation on which the distribution of federally donated foods to households is being replaced by the program under the following conditions:

(i) No such period may extend beyond June 30, 1977,

(ii) If a State agency has received approval of continued distribution of donated foods on a reservation under § 271.1(a)(2) of the regulations prior to

the submission of a request for an extended period of transition under this subsection, the total length of time during which the distribution of donated foods may be continued while such distribution is being being replaced by the Food Stamp Program may not exceed 12 months;

(iii) The State agency will establish controls which will prevent any household from participating in the Food Stamp Program and also simultaneously receiving household distribution of federally donated foods and,

(iv) The State agency will establish controls which will prevent any household which has been certified for and has begun participation in the Food Stamp Program from seuming receipt of household distribution of federally donated foods.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

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

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

SEPTEMBER 11, 1974.

[FR Doc.74-21345 Filed 9-13-74;8:45 am]

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

[Lemon Reg. 656]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Minimum Size Requirements

This regulation continues the minimum size requirements currently in effect through September 28, 1974, during the period September 29, 1974, through September 27, 1975. The minimum size requirements for lemons are continued at 1.82 inches in diameter (size 235's in cartons). The requirements are those which have been found to provide consumers with lemons of acceptable size, maturity, and juice content.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lemon Administrative Committee reflect its appraisal of the crop and current and prospective marketing conditions after consideration of factors having a bearing thereon as required by said marketing agreement and order. The committee estimates that the 1974–75 season crop of lemons will be 45,750 carlots, 10,522 more than the 1973–74 crop. It further estimates that regulated fresh market channels will require about 28 percent of this volume, and the remaining 72 percent will be available for utilization in processing, export, and other outlets. The volume and size composition of the crop is expected to be such that ample supplies will be available in a broad range of sizes to satisfy demand in regulated channels and in other markets. The committee advises that lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons. The minimum size requirements are designed to assure consumers of ample supplies of fruit of acceptable sizes, maturity, and juice content and to improve returns to growers consistent with the declared policy of the act.

(3) It is hereby found that good cause exists for not postponing the effective date of this regulation until October 16, 1974 (5 U.S.C. 553). Shipments of lemons grown in the production area are currently being regulated as to size by the provisions of Lemon Regulation 602, which, unless continued, will expire on September 28, 1974. The minimum size requirements prescribed by this regulation are the same as those currently in effect, and to be of maximum benefit in the current season such requirements should be continued in effect during the period September 29, 1974, through September 27, 1975. Notice of rule making concerning this regulation, with an effective period as herein specified, was published in the FEDERAL REGISTER (39 FR 30151) and no objection to either this regulation or such effective period was received. Compliance with this regulation will not require any special preparation on the part of persons subject thereto to which cannot be completed by the effective time thereof.

§ 910.956 Lemon Regulation 656.

Order. (a) From September 29, 1974, through September 27, 1975, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

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

Dated September 10, 1974, to become effective September 29, 1974.

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

[FR Doc.74-21294 Filed 9-13-74;8:45 am]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Expenses, Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $4,700 of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, under Marketing Order No. 925, for the 1974–75 fiscal period and fixes a rate of assessment of $0.01 per one-half bushel (30-pound) container.

On August 23, 1974, notice of rulemaking was published in the FEDERAL REGISTER (39 FR 30495) regarding proposed expenses, the related rate of assesment for the fiscal period July 1, 1974, through June 30, 1975, and carryover of unexpended funds from the fiscal period ended June 30, 1974, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. This notice allowed interested persons until September 10, 1974, to submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee during the fiscal period July 1, 1974, through June 30, 1975, will amount to $4,700.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.01 per one-half bushel (30-pound) container or equivalent quantity of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1974, shall be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the

designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on July 1, 1974, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: September 11, 1974.

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

[FR Doc.74–21348 Filed 9–13–74;8:45 am]

[Tokay Grape Reg. 10, Amdt. 1]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Limitation of Shipments

This amendment, issued pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), changes the expiration date of Tokay Grape Regulation 10 from September 30 to December 31, 1974. The regulation became effective on August 19, 1974, and its other provisions are unchanged. Those provisions specify that all shipments of fresh Tokay grapes, grown in the production area, shall meet at least the grade and size requirements for U.S. No. 1 Table Grapes. An additional requirement is that at least 30 percent of the berries in the lower quarter of each bunch show characteristic color. One outside end of all containers of regulated grapes must be stamped with a lot number which verifies inspection by the Federal-State Inspection Service for compliance purposes.

The amended regulation is the same, other than the effective period thereof, as extant § 932.311 (Tokay Grape Regulation 10; 39 FR 28870) effective pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of fresh Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was recommended by the Industry Committee established pursuant to said marketing agreement and order. The action is necessary to assure that the fresh Tokay grapes shipped will continue to be of suitable quality and size in the interest of consumer and producers.

Notice was published in the FEDERAL REGISTER issue of August 20, 1974 (39 FR 30047), that the Department was giving consideration to a proposal to amend § 932.311 to extend the effective period thereof by changing the expiration date from September 30 to December 31, 1974. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 9, 1974. No such material was received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Industry Committee established under said marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until October 16, 1974 (5 U.S.C. 553) in that (1) shipments of such grapes are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) the regulatory requirements are the same as those currently in effect; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. The provisions of § 926.311(a) preceding paragraph (1) thereof are hereby amended to read as follows:

§ 926.311 Tokay Grape Regulation 10.

Order. (a) During the period August 19, 1974, through December 31, 1974, no handler shall ship:

* * * * *

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

Dated September 10, 1974, to become effective September 30, 1974.

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

[FR Doc.74–21296 Filed 9–13–74;8:45 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable and Reserve Percentages for the 1974–75 Crop Year

Notice of proposed salable and reserve percentages of 100 and 0 percent, respectively, for California almonds for the 1974–75 crop year was published in the August 19, 1974, issue of the FEDERAL REGISTER (39 FR 29923). The 1974–75 crop year began July 1, 1974.

The proposal was unanimously recommended by the Almond Control Board pursuant to the provisions of the marketing agreement, as amended and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No export percentage for reserve almonds was recommended by the Board because of its recommendation for a reserve percentage of 0 percent.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received.

The proposal was based in part on the following estimates (kernel weight basis) for the crop year beginning July 1, 1974:

(1) Production of 220 million pounds;

(2) Less inedible and manufacturing loss of 10 million pounds;

(3) Trade demand for domestic almonds of 90 million pounds;

(4) Handler carryover of 30.9 million pounds on July 1, 1974;

(5) Desirable handler carryover of 40.9 million pounds on June 30, 1975;

(6) Trade demand and desirable handler carryover requirements for 1974 crop almonds of 100 million pounds (item 3 plus 5 minus 4); and

(7) Export requirements of 110 million pounds.

The Board also took into consideration the domestic industry's need to maximize sales in both the domestic and export markets, since the 1974 California almond production is expected to be the largest crop on record. To do this almond handlers will need maximum marketing flexibility. Free access to all markets should bring about that objective.

After consideration of the Board's recommendation and supporting information and other available information, it is found that to establish salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time until October 16, 1974 (5 U.S.C. 553) because: (1) This action is applicable to operations under the order during the 1974–75 crop year, which began July 1, 1974; (2) this action will require no advance preparation by handlers; (3) this action places no restrictions on handlers; and (4) no useful purpose would be served by delaying this action.

Therefore, the salable and reserve percentages for almonds received by handlers for their own accounts during the 1974–75 crop year are established as follows:

§ 981.224 Salable and reserve percentages for almonds during the crop year beginning July 1, 1974.

The salable and reserve percentages during the crop year beginning July 1, 1974 shall be 100 and 0 percent, respectively.

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

Dated: September 10, 1974.

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

[FR Doc.74–21293 Filed 9–13–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1974 Crop Wheat Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1974 Crop Wheat Loan and Purchase Program

The regulations issued by Commodity Credit Corporation (CCC) and published at 39 FR 26139 which set forth specific requirements with respect to loans and purchases for the 1974 crop of wheat, are hereby amended to delete compliance requirements for wheat.

Since it has been determined that producers will not be required to sign up and certify acreage as a condition of eligibility, § 1421.486, "Compliance requirements" is hereby deleted and §§ 1421.487, "Maturity of loans", and 1421.488, "Loan and purchase rates, premiums and discounts," and renumbered §§ 1421.486 and 1421.487 respectively.

Amended § 1421.486, "Maturity of loans" is changed to reflect correct maturity dates and paragraph (b)(3) of § 1421.487, "Protein premiums" is revised to correct the premium for protein content of 13.0 to 13.4. The revised §§ 1421.486 and 1421.487(b)(3) read as follows:

§ 1421.486 Maturity of loans.

Loans mature on demand but not later than: May 31, 1975, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1975, on wheat stored in all other States.

§ 1421.487 Loan and purchase rates, premiums and discounts.

* * * * *

(b) * * *

(3) *Protein premiums.* Applicable to grade U.S. No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.

Protein content (percent):	*Cents per bushel*
12.0 to 12.4	+1 ½
12.5 to 12.9	+3
13.0 to 13.4	+4 ½
13.5 to 13.9	+6
14.0 to 14.4	+7 ½
14.5 to 14.9	+9
15.0 to 15.4	+10½
15.5 to 15.9	+12
16.0 to 16.4	+13½
16.5 to 16.9	+15
17.0 to 17.4	+16½
17.5 and above	+18

Inasmuch as wheat is currently being harvested in many parts of the wheat-producing area, it has been determined that compliance with the notice of proposed rulemaking and public participation procedure is impracticable and contrary to the public interest. Therefore, this amendment is being issued without following such procedure.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, as amended (15 U.S.C. 714c, 7 U.S.C. 1445a, 1421))

Effective date. October 16, 1974.

Signed at Washington, D.C., on September 9, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-21297 Filed 9-13-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

ENVIRONMENTAL PROTECTION

Licensing and Regulatory Policy and Procedures; Correction

In FR Doc. 74-16341, appearing at page 26279, in the issue for Thursday, July 18, 1974, the following corrections are made:

1. In paragraph 1, Part 2—Rules of Practice, on page 26279, second column, the third line reading "of Part 50' in §§ 2.104(c), 2.104(c)," is corrected to read "of Part 50' in §§ 2.104(b), 2.104(c),".

2. In paragraph 1, Part 2—Rules of Practice, on page 26279, second column, the fourth line reading "2.743(g), 2.501 (b) (1), (2) and (3) and" is corrected to read "2.743(g), 2.501(b) (1) and (3) and".

3. In paragraph 7, Part 50—Licensing of Production and Utilization Facilities, on page 26279, third column, the second line reading "Part 50' in §§ 50.11(e)(1), 50.12(b)," is corrected to read "Part 50' in §§ 50.10(e)(1), 50.12(b),".

4. In § 51.3, on page 26280, second column, the phrase in the third line reading "of the meeting of the regulations" is corrected to read "of the meaning of the regulations".

5. In § 51.5(d)(1), on page 26281, first column, the phrase in the second line reading "Subpart B or Part 2" is corrected to read "Subpart B of Part 2".

6. In § 51.6, on page 26281, second column, the second line reading "that an environmntal impact statement" is corrected to read "that an environmental impact statement".

7. In § 51.26(b), on page 26284, first column, the following is inserted between the third and fourth lines: "sible opposing view not adequately dis".

8. In § 51.41, on page 26284, second column, the seventh line reading "ered by §§ 51.20 or 51.2. The procedures" is corrected to read "ered by §§ 51.20 or 51.21. The procedures".

9. In Part 70—Special Nuclear Material, on page 26286, first column, the second line reading "Part 50' in §§ 7014 (a), note 1, 70.21(f)," is corrected to read "Part 50' in §§ 70.14(a), note 1, 70.21(f),".

Dated at Germantown, Maryland this 9th day of September, 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.74-21309 Filed 9-13-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

On May 16, 1973, and July 16, 1973, the Board of Governors applied a marginal reserve requirement against certain classes of time deposits (38 FR 13726, 38 FR 19908). On September 7, 1973 the Board increased the marginal reserve requirement from 8 to 11 per cent (the regular 5 per cent plus a supplemental 6 percent). On December 7, 1973 the Board reduced to 8 per cent the marginal reserve requirement on those classes of time deposits then subject to the 11 per cent requirement.

The Board has amended Regulation D (12 CFR 204) effective September 5, 1974, to remove the present 3 per cent marginial reserve requirement on those classes of time deposits and other obligations currently subject to that requirement which on September 5, 1974 have a remaining maturity of four months or more, or which are issued on or after that date with initial maturities of four months or more. Such obligations remain subject to the regular 5 per cent requirement. Time deposits and other obligations currently subject to the 8 per cent reserve requirement with maturities of less than four months remain subject to that reserve requirement. This regulatory action is designed primarily to encourage banks to lengthen maturities on large time deposits and related obligations and was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. This amendment is effective for deposits outstanding beginning September 5, 1974, the reserves for which are held by member banks beginning the week of September 19, 1974.

There was no notice or public participation with respect to this amendment since such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective date was deferred for less than the 30 day period referred to in section 553(d) of Title 5, United States Code, because the Board found that the public interest compelled it to make the action effective no later than the date adopted. See § 262.2(e) of the Board's rules of procedure, 12 CFR § 262.2(e).

Effective September 5, 1974, § 204.5(a)(1)(ii) and (2)(ii) of Regulation D is amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with

the Federal Reserve Bank of its district:

(1) If not in a reserve city—

* * * * *

(ii) 3 per cent of its other time deposits up to $5 million, plus 5 per cent of such deposits in excess of $5 million: *Provided, however,* That a member bank shall maintain a reserve balance equal to 8 percent of the amount by which the daily average amount of time deposits and such other obligations of the types hereinafter specified exceeds either the daily average amount of such obligations outstanding during the computation period ending May 16, 1973, or $10 million, whichever is greater, and such 8 per cent reserve percentage shall apply only with respect to the following types of obligations which on September 5, 1974, have a remaining maturity of less than 120 days or which are issued on or after that date with initial maturities of less than 120 days:

(*a*) Time deposits of $100,000 or more; and

(*b*) Time deposits represented by promissory notes; acknowledgments of advance, due bills, or similar obligations issued by a member bank's affiliate, as provided in § 204.1(f); and

(*c*) Time deposits represented by bank acceptances, as provided in § 204.1(f); and

* * * * *

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in paragraph (a)(1) of this section)—

* * * * *

(ii) 3 per cent of its other time deposits up to $5 million, plus 5 per cent of such deposits in excess of $5 million: *Provided, however,* That a member bank shall maintain a reserve balance equal to 8 per cent of the amount by which the daily average amount of time deposits and such other obligations of the types hereinafter specified exceeds either the daily average amount of such obligations outstanding during the computation period ending May 16, 1973, or $10 million, whichever is greater, and such 8 per cent reserve percentage shall apply only with respect to the following types of obligations which on September 5, 1974, have a remaining maturity of less than 120 days or which are issued on or after that date with initial maturities of less than 120 days:

(*a*) Time deposits of $100,000 or more; and

(*b*) Time depisits represented by promissory notes; acknowledgments of advance, due bills, or similar obligations issued by a member bank's affiliate, as provided in § 204.1(f); and

(*c*) Time deposits represented by bank acceptances, as provided in § 204.1(f); and

* * * * *

By order of the Board of Governors, September 5, 1974.

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

[FR Doc.74-21272 Filed 9-13-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NW-12-AD; Amdt. 39-1960]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of torque tube crank assemblies in passenger doors numbers 2, 4 and 5 right and left sides on Boeing Model 747 series airplanes was published in FR 74-14265.

Interested persons were afforded an opportunity to participate in the making of the amendment. The Air Transport Association of America (ATA) requested adjustment of the initial and repetitive inspection compliance times. Since issuance of the NPRM, the FAA has determined that an extension of the compliance times would not compromise safety. The FAA has also determined, as suggested by ATA, that a visual inspection is adequate for detecting cracks in the cranks. The manufacturer commented on the remoteness of probable failure of the affected doors to open during emergency conditions. Nevertheless, the FAA has determined that any failure which results in the loss of an emergency exit compromises safety and must be corrected.

In consideration of the foregoing and pursuant to the authority granted to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 747 airplanes, certificated in all categories, which are affected by Boeing Service Bulletin 747-52-2090.

Compliance required as indicated:

(A) Within the next 1,200 hours time in-service after the effective date of this AD, unless already accomplished in the last 800 hours time in-service, and at intervals thereafter not to exceed 2,000 hours time in-service, visually inspect the torque tube cranks, Part Numbers 65B05025-1 and -2, 69B02875-1 and -2, and 65B09704-1 on passenger doors Nos. 2, 4, and 5 right- and left-hand sides for cracks. If cracks are not found, apply LPS-3 and retorque cross bolts in accordance with Paragraph III, Part I of FAA-approved Boeing Service Bulletin 747-52-2090, dated May 17, 1974, or FAA approved revisions. If cracks are found, repair or replace in accordance with Paragraph (B) below.

(B) Cracked parts may be repaired by installation of a saddle clamp in accordance with Paragraph III, Part II of FAA-approved Boeing Service Bulletin 747-52-2090, or FAA-approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, and shall be reinspected in accordance with FAA-approved Boeing Service Bulletin 747-52-2090 at intervals thereafter not to exceed 3,200 hours time in-service. As terminating action, cracked parts may be replaced with new parts in accordance with Paragraph III, Part III of FAA-approved Boeing Service Bulletin 747-52-2090, or FAA-approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection interval of the operator, if the request contains substantiating data to justify the adjustment.

This amendment becomes effective thirty days after September 20, 1974.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herewith and made a part hereof, pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 89124. These documents may also be examined at FAA Northwest Region, 9010 E. Marginal Way, South, Seattle, Washington 98108.

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

Issued in Seattle, Washington, on September 6, 1974.

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

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1974.

[FR Doc.74-21278 Filed 9-13-74;8:45 am]

[Docket No. 74-NW-13-AD; Amdt. 39-1961]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement of the detent pin on the flap control handle on Boeing Model 747 airplanes was published in FR 74-12587.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The Air Transport Association of America (ATA) requested the AD allow an out-of-tolerance handle to be replaced with any approved handle. This is considered appropriate and the AD will allow any approved handle as a replacement part. The ATA also requested an extension of the replacement times for pins with less than

.050 thickness remaining. Since issuance of the NPRM, the FAA, in consultation with the manufacturer, has reevaluated the wear rate of the detent pin and the inspection intervals are adjusted accordingly in the amendment.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 747 series aircraft certificated in all categories with more than 2000 flights. Compliance required as noted:

(A) Within the next 100 flights, determine the thickness of the flap control handle detent pin in accordance with FAA approved Boeing Service Bulletin 747-27-2121, Revision 1, dated June 14, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Flap control handle detent pins with more than .110 inch thickness remaining are to be inspected at intervals not to exceed 2,000 flights. Pins with .110 or less but more than .070 inch thickness are to be inspected at intervals not to exceed 750 flights. Pins with .070 or less but more than .050 inch thickness remaining are to be inspected at intervals not to exceed 250 flights. Pins with .050 or less but more than .045 inch thickness must be replaced within 100 flights. Pins with .045 inch or less thickness remaining are to be replaced with an approved flap control handle prior to further flight.

(B) On or before September 1, 1975, relocate the bias spring in accordance with FAA approved Boeing Service Bulletin 747-27-2121, Revision 1, dated June 14, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

(C) Rework of the flap control handle detent pin, refinish of the detent plate and relocation of the bias spring, in accordance with Boeing Service Bulletin 747-27-2121, Revision 1, dated June 14, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region, constitutes terminating action under the provisions of this AD.

(D) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the adjustment period.

This amendment becomes effective 30 days after September 20, 1974.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herewith and made a part hereof, pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way, South Seattle, Washington 98108.

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

Issued at Seattle, Washington on September 6, 1974.

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

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

[FR Doc.74-21279 Filed 9-13-74;8:45 am]

[Docket No. 13993; Amdt. No. 933]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective October 24, 1974:*

Lebanon, Tenn.—Lebanon Municipal Arpt., VOR/DME-A, Amdt. 1.
Leesburg, Va.—Leesburg Municipal (Godfrey) Field, VOR/DME Rwy. 35, Amdt. 1.
Macon, Ga.—Herbert Smart Downtown Arpt., VOR/DME-A, Amdt. 6.
Ocean City, Md.—Ocean City Arpt., VOR-A, Amdt. 2.
Rocky Mount, N.C.—Rocky Mount Wilson Arpt., VOR/DME Rwy. 22, Amdt. 4.
Williamston, N.C.—Martin County Arpt., VOR-A, Amdt. 1.

* * * *effective September 4, 1974:*

Tomahawk, Wisc.—Drott Arpt., VOR-A, Amdt. 5, canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., LOC (BC) Rwy 11, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., NDB Rwy 29, Amdt. 2.
Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., NDB-A, Amdt. 1, canceled.
Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., NDB Rwy 6, Amdt. 2, canceled.
Hartsville, S.C.—Hartsville Municipal Arpt., NDB Rwy 20, Amdt. 1.

* * * *effective October 10, 1974:*

Monticello, N.Y.—Sullivan Co. Int'l. Arpt., NDB Rwy 33, Amdt. 2, canceled.

* * * *effective September 19, 1974:*

Indianapolis, Ind.—Indianapolis Municipal, Weir Cook Arpt., NDB Rwy 4L, Amdt. 13.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., NDB Rwy 29L, Amdt. 18.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., NDB Rwy 29R, Amdt. 6.

* * * *effective September 4, 1974:*

Albany, Ga. — Albany-Dougherty County Arpt., NDB Rwy 4, Amdt. 3.

* * * *effective August 29, 1974:*

Fargo, N.D.—Hector Field, NDB Rwy 35, Amdt. 22, canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., ILS Rwy 29, Amdt. 2.
Rocky Mount, N.C.—Rocky Mount-Wilson Arpt., ILS Rwy 4, Amdt. 4.

* * * *effective September 26, 1974:*

Modesto, Calif.—Modesto City-County Arpt., ILS Rwy 28R, Amdt. 3.

* * * *effective September 19, 1974:*

Indianapolis, Ind.—Indianapolis Municipal, Weir Cook Arpt., ILS Rwy 4L, Amdt. 17.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., ILS Rwy 29L, Amdt. 34.

* * * *effective September 4, 1974:*

Albany, Ga.—Albany-Dougherty County Arpt., ILS Rwy 4, Amdt. 2.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., RNAV Rwy 29, Amdt. 1.
Columbia, S.C.—Columbia Metropolitan Arpt., RNAV Rwy 5, Amdt. 2.

* * * *effective August 29, 1974:*

Fargo, N.D.—Hector Field, RNAV Rwy 13, Amdt. 1.

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

Issued in Washington, D.C., on September 5, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.74-21280 Filed 9-13-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM74-24; Order No. 509-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Availability of Information Acquired by Staff Investigation; Correction

SEPTEMBER 4, 1974.

In the order dismissing applications for rehearing, denying reconsideration and modifying previous order issued August 23, 1974, and published in the FEDERAL REGISTER on August 30, 1974, 39 FR 31629, Page 31629: Change the designation from "Order No. 509-B" to "Order No. 509-A."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21289 Filed 9-13-74;8:45 am]

[Docket No. R-389-B; Opinion No. 699-B]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Natural Gas Rates and Dedications to Interstate Commerce; Opinion and Order on Rehearing

SEPTEMBER 9, 1974.

In the matter of just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

Due to the continuing emergency caused by increasingly severe curtailment of natural gas service nationwide this coming winter by the interstate pipeline companies, the Commission has determined that an opinion on rehearing of Opinion No. 699[1] should be rendered on the sole question of the termination of the emergency sales provisions of § 157.29[2] and the limited-term certification authority of § 2.70,[3] while a decision upon the merits of all other matters raised by the petitions for rehearing of Opinion No. 699 should be reserved for further consideration by the Commission. We believe that these procedures should be reinstated with certain modifications in order that the interstate pipelines will be able to negotiate for the additional short-term supplies of natural gas necessary to meet demand for the 1974–75 winter season.

The rescission by the Commission of the authority for limited-term[4] and emergency[5] sales in Opinion No. 699[6] is opposed by most of the producer respondents, all of the pipeline companies filing petitions for rehearing, the Interstate Natural Gas Association of America (INGAA), a number of distributors including the Associated Gas Distributor (AGD), and the New York Public Service Commission. The challenges to our termination of these emergency procedures urge that we made an erroneous policy decision and some even urge that we violated the Administrative Procedure Act[7] by failing to give notice that such procedures might be terminated as part of the national rate structure.[8]

Without conceding that the action taken by the Commission in terminating these emergency procedures was violative of the Administrative Procedure Act, we have determined that the threat of increasingly severe curtailment of service in all regions of the Nation this coming winter by the interstate pipelines creates an emergency situation which dictates that the procedures be reinstated subject to the modifications set forth in this limited decision on rehearing. The availability of these procedures will enable the interstate pipeline companies to negotiate for additional supplies of gas which will help offset these curtailments and which, for various reasons, might not otherwise be available to the interstate market for a long-term dedication at the national rate established in Opinion No. 699.

We shall restrict limited-term and emergency sales made from the offshore Federal domain to a price which is not in excess of the uniform national rate determined in Opinion No. 699, while allowing rates for such sales made from acreage located within the onshore and offshore domains of the several states as may be necessary to attract supplies of gas to the interstate market from the intrastate market for the limited period for which certification is sought. The primary purpose of the limited-term procedures under Order No. 431 and the emergency sales as expanded by Order No. 418 was to attract available natural gas supplies from the intrastate market to the interstate market. The rate for emergency or limited-term sales made from the offshore Federal domain, which sales are subject to the jurisdiction of the Commission, shall be a rate which is not in excess of the rate that would be allowable under the provisions of § 2.56 (h), as adopted in Opinion No. 699. Furthermore, the seller seeking to make an emergency or limited-term sale from the offshore Federal domain shall carry the burden of proving by substantial evidence that the supply of gas will be available only for the limited period for which certification is sought.

With respect to the rates which the Commission will allow a pipeline to include in its purchased gas cost, the pipeline shall be entitled to pay a rate for emergency purchases which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances.

Absent an advance demonstration of extraordinary circumstances, gas which is subject to an advance payments agreement, shall not be eligible for sale pursuant to the emergency sales or limited-term certification provisions herein reinstated.

As originally adopted in Order No. 193[9] § 157.29 permitted the commencement of sales "where imminent danger to life and property can be eliminated by such sale or transportation * * *" This purpose was expanded by Order No. 418 "to assure maintenance of adequate service on the purchaser's pipeline system" and permitted sales "where serious curtailment of service exists or is threatened on [the] purchaser's system * * *". In reinstating § 157.29, we find that it is in the public interest to strictly construe the provision limiting such operations "to a single period of not more than sixty (60) days * * *". To that end,

---

[1] ____ F.P.C. ____ (June 21, 1974).

[2] 18 CFR 157.29.

[3] 18 CFR 2.70; see specifically 18 CFR 2.70 (b) (3).

[4] 18 CFR 2.70(b)(3); Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Docket No. R-418, Order No. 431, 45 F.P.C. 570 (1971), as amended, Order No. 431-A, 48 F.P.C. 193 (1972).

[5] 18 CFR 157.29; Immediate Institution Of Temporary Service By Independent Producers, Docket No. R-155, Order No. 193, 21 FR 9166 at 9167 (1956), as amended, amendment of §§ 157.22(D) and 157.29 of the regulations under The Natural Gas Act, relating to exemption of emergency sales by independent producers of natural gas in interstate commerce, Docket No. R-404, Order No. 418, 44 F.P.C. 1574, 1576 (1970).

[6] ____ F.P.C. ____, at 133–137 (June 21, 1974).

[7] 5 U.S.C. 551, et seq. (1970).

[8] No party has contended that we erred in terminating Paragraph 12 of the July 17, 1970, notice in Docket No. R-389-A, 35 FR 11683 (1970), and that portion of Part VI of Opinion No. 699 is not before the Commission for rehearing.

[9] 21 FR 9166 at 9167 (1956).

it will be necessary for a producer desiring to continue to sell such gas for a period in excess of sixty days to obtain a certificate pursuant to the limited-term procedures, the optional procedure, or the national rate procedures, or obtain a temporary certificate with a refund condition in order to continue the sale beyond the expiration of the sixty-day period. In the event that such applications are not acted upon by the Commission within sixty (60) days, deliveries may be continued subject to refund of any amount collected in excess of the rate finally determined to be appropriate by the Commission (but not below the rate that would be determined under § 2.56(h)). The refund condition will apply only to so much of the rate as exceeds the rate prescribed in Opinion No. 699, and refunds will be required only to the extent that the rate finally found to be appropriate for the sale by the Commission is less than the contract rate which has been collected subject to refund. Of course, with respect to sales made from the offshore Federal domain, all sales will be restricted to the rate prescribed in Opinion No. 699, and no sales or deliveries of gas may be made from the region at a price which is in excess of the price which would be allowed if the sale or deliveries were made pursuant to Opinion No. 699.

A collateral matter which must be considered with respect to the reinstatement of the limited-term certification procedures is the dependence of § 2.70 (b)(3) upon paragraph 12 of the notice of July 17, 1970, in Docket No. R-389-A (35 FR 11638). Since the recission of Paragraph 12 is not before the Commission on rehearing of Opinion No. 699, it is necessary to modify § 2.70(b)(3) to state that limited-term certificate authority depends solely upon that section.

The standards which will govern rate determinations and the issuance of a certificate of public convenience and necessity at a rate in excess of the rate prescribed in Opinion No. 699 for limited term sales from the domains of the several states will be as follow. The applicants will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market and that the supply of gas is available only for the limited period for which certification is sought. We realize that these are general guidelines and state that rates allowed in any given case will not constitute a determination that equivalent rates would be approved in another case.

The Commission further finds that it is in the public interest to reinstate the emergency sales provisions of § 157.29 (18 CFR 157.29) and the limited term certificate authority of § 2.70 (18 CFR 2.70) with the modifications set forth in this opinion for the reasons stated therein.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 14, 15, and 16 thereof (52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o (1970)) *orders:*

A. Section 2.70 of the Commission's General Policy Statements and Interpretations, Part 2 of Subchapter A of Chapter 1, Title 18 of the Code of Federal Regulations, is amended by reinstating and amending § 2.70(b)(3) as follows:

§ 2.70 Measures for the protection of reliable and adequate natural gas service.

* * * * *

(b) * * *

(3) The Commission, recognizing that additional short-term purchases of natural gas may be necessary to meet a pipeline's system demands for the immediate future, will continue the sixty (60) day emergency sales commenced under § 157.29 (18 CFR 157.29) pursuant to the certification provisions of this subsection. If a pipeline demonstrates continued emergency need, after complying with paragraphs (b) (1) and (2) of this section, the Commission will consider authorizing the pipeline to make gas purchases for a limited term at a rate above the national rate level prescribed in § 2.56(h) (18 CFR 2.56(h)) and will authorize abandonment of the sale at the time the certificate is issued if the same is demonstrated to be in the public interest. *Provided, however,* The certification authority set forth in this section shall apply to sales of natural gas from the offshore Federal domain only where the sales are made at the rate prescribed in § 2.56(h).

B. Part 157 of the regulations Under The Natural Gas Act, Part 157 of Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, is hereby amended by reinstating § 157.29, as amended:

§157.29 Exemption of Emergency Sales or Transportation.

Public interest does not require the issuance of a certificate authorizing the sale or transportation of natural gas by an independent producer where imminent danger to life and property can be eliminated by such sale or transportation or where the sale or transportation of natural gas is necessary to assure maintenance of adequate natural gas service on the purchaser's pipeline system or where serious curtailment of service exists or is threatened on purchaser's system because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such sale or transportation is limited to a single period of not more than sixty (60) days: *Provided, however,* That:

(a) Every person undertaking such a purchase shall so advise the Commission immediately by telegram or letter stating briefly the circumstances and shall within ten (10) days file a statement in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the sale, transportation, or purchase, the rate being charged, the estimated volumes to be delivered, the seller of the gas, the date of initial delivery, the location of the sale, the facts warranting invocation of this section, and the anticipated period of the stated emergency, and, upon completion of the sale, shall advise the Commission of the actual volumes delivered and the price received therefor under contract pursuant to this section.

(b) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. All facilities installed for such temporary acts or operations shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commission in writing and under oath within ten (10) days following the removal of facilities constructed for emergency operations pursuant to this section of the regulations. Every person undertaking any such construction or operation, pursuant to this Section desiring to retain such facilities in place shall file applications for certificates of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission within fifteen (15) days of the commencement of deliveries under this section.

(c) No emergency sale or transportation of natural gas in interstate commerce undertaken pursuant to the authority of this Section shall be extended beyond the sixty (60) day period unless the seller shall have within fifteen (15) days of the commencement of deliveries filed an application for a permanent or temporary certificate pursuant to 18 CFR 2.56(h), 2.70(b)(3), 2.75, or 157.28 prior to the expiration of the sixty (60) day period. Any such continuation of deliveries at a rate in excess of the rate prescribed in § 2.56(h) (18 CFR 2.56(h)) will be subject to refund if the rate is in excess of the rate finally found to be appropriate by the Commission.

(d) All deliveries made pursuant to this section from the offshore Federal domain shall be made at the rate prescribed in § 2.56(h).

All other issues raised by petitions for rehearing of Opinion No. 699 other than the issues upon which rehearing is granted in Ordering Paragraphs A. and B., supra, are hereby reserved by the Commission for further consideration on the merits.

The Secretary of the Commission shall cause prompt publication of this opinion and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21288 Filed 9-13-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-237]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—X-Radial Steel Belted Tires From Canada

Notice of new estimated rate of countervailing duties under section 303, Tariff Act of 1930, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production, or exportation of X-radial steel belted tires, from Canada.

In the FEDERAL REGISTER of January 8, 1973 (38 FR 1018), the Commissioner of Customs gave notice that the United States Customs Service had determined that exports of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., are subject to bounties or grants within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303).

At that time, notice was given that X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the amount of such bounty or grant was estimated to be 6.6 percent of the f.o.b. value of each tire. On the basis of information presently available, the amount of such bounty or grant applicable to shipments of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada, entered for consumption or withdrawn from warehouse on or after January 1, 1974, is estimated to be 3.7 percent of the f.o.b. value of each tire. Accordingly, until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties of 3.7 percent of the f.o.b. value of each tire.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants and are subject to the order shall continue to be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed.

The table in § 159.47(f) of the Customs regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Canada "X-radial steel belted tires manufactured by Michelin Tire Manufacturing Company of Canada, Ltd." the number of this Treasury Decision in the column headed "Treasury Decision," and the words "New estimated rate" in the column headed "Action."

(R.S. 251, as amended; secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 10, 1974.

PETER O. SUCHMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-21350 Filed 9-13-74;8:45 am]

[T.D. 74-236]

PART 175—PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, AND WHOLESALERS

Filing and Inspection Requirements

Section 175.21, Customs Regulations, amended to require publication of a notice in the FEDERAL REGISTER when a petition is filed by an American manufacturer, producer, or wholesaler under section 516, Tariff Act of 1930, as amended.

On October 3, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27404) setting forth proposed amendments to § 175.21 of the Customs Regulations (19 CFR 175.21), which would require that notice be given to interested parties when a petition is filed by an American manufacturer, producer, or wholesaler pursuant to section 516, Tariff Act of 1930, as amended. The giving of notice would permit a more informed decision on the petition, and would result in a more equitable procedure by permitting interested parties to present their views on the questions raised by the petition. The amendment provides for the publication of a notice in the FEDERAL REGISTER that a petition has been filed under section 516, and provides an opportunity for comment by interested parties.

After reviewing the comments received in regard to the proposed amendment, the wording of § 175.21(b) has been further amended to specify that a petition filed by an American manufacturer is to be made available to interested parties for inspection in accordance with § 103.8(b) of the Customs regulations. In addition, the reference to § 103.7 of the Customs regulations, in proposed § 175.21 (b), is changed to "103.10" to conform with the revision of Part 103 set forth in T.D. 73-310 (38 FR 31167).

Accordingly, § 175.21 of the Customs regulations (19 CFR 175.21) is amended to read as follows:

§ 175.21 Notice of filing of petition, inspection of petition, and inspection of documents and papers.

(a) *Notice of filing of petition.* Upon the filing of a petition, a notice shall be published in the FEDERAL REGISTER setting forth that a petition has been filed by an American manufacturer, producer, or wholesaler, identifying the merchandise which is the subject of the petition, and its present and claimed appraised value or classification or rate of duty. The notice shall invite interested persons to make such written submissions as they desire within such time as is specified in the notice.

(b) *Inspection of petition; inspection of documents and papers.* The petition filed by an American manufacturer, producer, or wholesaler will be made available for inspection by interested parties in accordance with the provisions of § 103.8(b) of this chapter. However, neither a petitioner nor other interested parties shall in any case be permitted to inspect documents or papers of the consignee or importer which are exempted from disclosure by section 103.10 of this chapter.

(R.S. 251, as amended, secs. 516, 624, 46 Stat. 735, as amended, 759; 5 U.S.C. 552, 19 U.S.C. 66, 1516, 1624)

Effective date. These amendments shall become effective October 16, 1974.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 9, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21351 Filed 9-13-74;8:45 am]

Title 20—Employee's Benefits

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

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974- ——)

Subpart A—Introduction, General Provisions, and Definitions

GRANDFATHER PROVISIONS AND DEFINITIONS

Correction

In FR Doc. 74-20354 appearing at page 32024 in the issue for Wednesday, September 4, make the following corrections to 416.121(a):

1. Insert the following between the fifteenth and sixteenth lines of § 416.121 (a): "of such State plan but did not in fact re-".

2. In the eighteenth line of § 416.121 (a) change the word "pdovisions" to read "provisions."

Title 21—Food and Drug

CHAPTER I—FOOD AND DRUG ADMINISTRATION

PART 121—FOOD ADDITIVES

CFR Correction

In Title 21, Code of Federal Regulations, (Parts 10-129) revised as of April 1, 1974, in Part 121, § 121.2514 appearing on page 505, the following paragraph should appear in alphabetical order within § 121.2514(b)(3)(xv).

Vinyl chloride - acetate - 2,3 - epoxypropyl methacrylate copolymers containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.1 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer for use in coatings for containers intended to contact food only, of the types identified in paragraph (d) of this section, Table 1, under Categories IV–A, V, VII, and VIII.

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC CONTROL

Traffic Surveillance and Control

A Federal-aid to highways directive of long-standing (PPM 21–21) has set forth provisions to establish policies and procedures relating to the expenditures of Federal-aid highway funds for traffic surveillance and control measures to reduce congestion, improve traffic flow, and increase safety. The directive has been revised for inclusion in the Federal-aid Highway Program Manual. Inasmuch as portions of the Manual addition impose an obligation on States which must be complied with to obtain Federal assistance those portions are hereby published.

This regulation converts Policy and Procedure Memorandum 21–21 on Traffic Surveillance and Control to Part 655, Subpart D of Chapter 1 of Title 23 of the Code of Federal Regulations.

Since the matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

This regulation will be effective on the date of issuance as set forth below.

Subpart D—Traffic Surveillance and Control

Sec.

655.401 Purpose.
655.402 Objectives.
655.403 Definitions.
655.404 General system characteristics.
655.405 Traffic engineering analyses.
655.406 Eligibility.
655.407 Project administration.
655.408 Maintenance of traffic surveillance and control improvements.
655.409 Evaluation.

AUTHORITY: 23 U.S.C. 101(a) and 315 and 49 CFR 1.48.

Subpart D—Traffic Surveillance and Control

§ 655.401 Purpose.

This part establishes policies and procedures relating to the expenditure of Federal-aid highway funds for traffic surveillance and control measures to reduce congestion, improve traffic flow, and increase safety.

§ 655.402 Objectives.

The principal objectives of this part are:

(a) To promote utilization of proven technology and traffic operational strategies for improving the efficiency and safety of traffic flow.

(b) To outline procedures for determining effective utilization of traffic surveillance and control measures.

(c) To define those surveillance and/or control designs, operations, and devices which are eligible for installation and participation using Federal-aid highway construction funds.

(d) To outline procedures for the administration of such projects.

§ 655.403 Definitions.

For the purpose of this part the following definitions shall apply:

(a) "Traffic surveillance" is the act of continuously obtaining traffic flow data for the purpose of qualitative or quantitative analysis.

(b) "Traffic control" is the act of regulating, guiding, or warning traffic by mechanical and/or electrical means.

(c) "Traffic surveillance and control" is the act of obtaining traffic data, analyzing these data and with this analysis as a basis, causing traffic control and/or traffic information displays to be actuated at one or several locations within an area, on a street, or on a highway facility.

(d) "A traffic surveillance and control system" is the assembly of necessary components, which may include automatic data collection capability, into a configuration suitable for providing traffic surveillance and control.

(e) "Ramp control" is the regulation of traffic flow on expressway or freeway entrance ramps utilizing traffic control devices and measures.

§ 655.404 General system characteristics.

The general purpose of traffic surveillance and control is to improve the safety and quality of traffic flow by preventing or relieving congestion.

§ 655.405 Traffic engineering analyses.

(a) The recommendation of a traffic surveillance and control system shall be based on traffic engineering analyses of the use and physical features of the highway facility, section, or network under consideration. The depth and complexity of the analyses should be consistent with the extent of the problem to be solved. Data available from existing and continuing traffic engineering studies, transit improvement efforts, the transportation planning process, and other sources should be fully utilized in the engineering analyses.

(b) The analyses should identify those locations, and sections of highway facility or network which experience critical operational problems or are predicted to experience such problems regularly under normal daily traffic demand and environmental conditions, and for which traffic surveillance and/or control can be expected to provide improved traffic flow and safety.

(c) The analyses should define the limits of the area within which automatic traffic surveillance and control is considered feasible prior to completing the design of a comprehensive system.

(d) The analyses for all types of surveillance and control systems shall include consideration of alternative concepts, configurations, and devices. In each case, the alternate possibilities shall include special consideration for provision of the supervisory component and the communication component.

(e) Existing traffic laws, ordinances, and regulations relevant to the effective operation of the proposed system shall be reviewed to insure compatability with proposed systems.

§ 655.406 Eligibility.

Traffic surveillance and control projects on the Federal-aid highway system are eligible for funds apportioned under 23 U.S.C., 104(b). Eligible items include, but are not limited to, the following:

(a) Preliminary engineering including necessary traffic engineering analysis.

(b) Preparation of software and initial programing of system operation where pertinent. Utilization of Federal Highway Administration-developed software products shall be given priority consideration in the implementation of traffic surveillance and contol systems. In those systems which are designed to provide the basic functions which such software now provides or is scheduled to provide in the future, as a result of continuing research and development, the Federal Highway Administration-developed software may not be excluded from consideration. This consideration shall be on a cost competitive basis with other acceptable concepts providing equivalent functions. In those cases where utilization of such products is excluded from proper consideration, pertinent elements of the project may not be eligible for Federal-aid participation.

(c) Hardware acquisition and installation including, but not limited to, the following:

(1) Appropriate surveillance equipment to automatically obtain traffic operations data that will be utilized to control traffic flow or otherwise improve traffic operation.

(2) Nonautomatic surveillance equipment such as closed circuit television to provide rapid response to incidents or visual confirmation of control actions, in those situations for which its application is especially suited and justified such as tunnels, operation of movable bridges, reversible or preferential lane use systems, major complex urban interchanges, or other problem areas.

(3) Appropriate traffic control display equipment.

(4) Appropriate supervisory control equipment. Federal-aid participation in computers shall be limited to the costs of equipment which is adequate for the current tasks and capable of expansion to handle such needs for a period of up to 10 years.

(5) Communication equipment including the transmission link and necessary interface elements. Where telephone lines constitute the transmission link, only that portion of the leasing charge for a 10-year period, which represents construction costs, is an eligible item.

(d) Housing that is appropriate and necessary for the supervisory control component.

(e) Evaluation, following installation, in accordance with requirements outlined in § 655.409.

§ 655.407 Project administration.

(a) Project approval actions will be with the division engineer subject to review by the regional administrator prior to approval of plans, specifications, and estimates.

(b) The plans, specifications, and estimates submittal shall include a total system acceptance plan for hardware and software to verify the performance of specified system functions. An evaluation work plan as outlined in § 655.409 shall be included.

(c) Information regarding contractor and manufacturer guarantees and warranties is furnished in Volume 6, Chapter 4, section 2, subsection 5 of the Federal-aid Highway Program Manual.

§ 655.408 Maintenance of traffic surveillance and control improvements.

(a) The full potential for improving the efficiency of a highway facility or network through the utilization of surveillance and control measures can be realized only if the system installed is operated and maintained by an adequate and well-trained staff of traffic engineers and technicians.

(b) Maintenance requirements are in accordance with 23 U.S.C. 116.

§ 655.409 Evaluation.

(a) The State shall evaluate all traffic surveillance and control projects installed with Federal-aid highway fund participation.

(b) The evaluation procedure should be designed to measure the effects that surveillance and control have had on safety and traffic flow quality. To do this, the evaluation must reflect comparisons of effectiveness measurements determined prior to operation of the control components of the system with those determined under system operation. Traffic safety and efficiency parameters such as volumes, accidents, accident rates, travel speed, travel time, delay, density, etc., should be used.

(c) Evaluation should be scheduled to begin at the earliest possible date that will accurately reflect stable operating conditions.

(d) Evaluation reports, in summary report form, should be forwarded through the division engineer who will transmit copies to the Region Office and the Office of Traffic Operations.

(e) These requirements apply only to the evaluation performed immediately following the initiation of system operation.

Issued on: September 6, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-21274 Filed 9-13-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER E—RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

COMPREHENSIVE STANDARDS FOR PERMISSIBLE PRIVATE CARRIAGE

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

Introduction. On July 2, 1973, the Postal Service published in the FEDERAL REGISTER, 38 FR 17512–16, a notice of proposed rulemaking on this subject, setting forth proposed regulations and inviting written views and arguments from interested persons. Following review of the numerous comments that were submitted in response to this first proposal, the Postal Service revised its proposed regulations to reflect many points raised in the comments and, on January 31, 1974, published a second proposal for further public comment, 39 FR 3968–74. The Postal Service has further revised its proposed regulations to reflect many points raised in the comments in response to the second proposal and is now publishing final regulations, which will become effective on October 20, 1974.

The basis and purpose of these regulations have been described in the two publications of proposed regulations and will not—generally speaaking—be restted below. Nor will the reasons for accepting or rejecting comments be restated insofar as they have been previously set forth. The following discussion is intended principally to cover new material raised in the comments on the second proposal and suggested by changes embodied in the final regulations.

HIGHLIGHTS OF THE FINAL REGULATIONS

(a) *Suspensions for newspapers and periodicals.* A number of the comments reflected continuing objections to the proposed suspension of the statutory restrictions so as to provide for the private carriage of newspapers and periodicals. Similar comments raised the same point in respect to certain other mailable matter—principally checks. Although, as previously explained, the proposed suspensions may provide the firmest possible support for the conclusion that the matter in question (newspapers, periodicals, checks, certain legal papers, etc.) should be permitted carriage outside of the mails, we have largely met the point of these objections (i.e., that suspensions might be revoked in the future) by relocating the provisions permitting carriage of the matter in question, placing them in the definitional section of the regulations, § 310.1. However, our suspension authority in 39 U.S.C. § 601(b) has been relied upon to the extent it is required as a predicate for establishing these exceptions to the prohibitions on the private carriage of letters.

(b) *Suspension for intra-company materials.* The final regulations omit this suspension. In first proposing this suspension a year ago, we were concerned with the magnitude of the possible loss of revenue to the Postal Service and with problems of enforcing the limitations that had been written into the proposed suspension. Accordingly, we proposed a reporting system intended to reflect the amount of business being done and to facilitate enforcement of the limitations. Many of the comments received stressed that the reporting system would be unworkable. Since we recognize some merit in these comments, we have had to consider whether to go forward with the suspension without an adequate system of reporting or whether to drop the suspension.

Our decision to choose the latter alternative springs partly from two developments within the postal system since the suspension was first proposed. First, the Postal Service's Express Mail program—providing long-distance courier-speed delivery of letters in many markets—has developed to the point that more of the public need for rapid service can now be met by the Postal Service than was true in the past. Second, financial conditions in the Postal Service today require that the most careful consideration be given to any proposal that might curtail postal revenues, particularly if the curtailment could be large and its control difficult. For these principal reasons, we have concluded that the Postal Service should not exercise its discretion to suspend the Private Express Statutes as to intra-company letters.

(c) *Suspension for data processing materials.* A number of comments suggested changes in the suspension for data processing materials. Several suggested providing more time for the completion of allowable private transmission when distances are greater. Since the suspension is intended to cover the transmission of materials that are so urgently needed that transmission through the mails is clearly too slow to be acceptable, the transmission times provided seem reasonable on shipments between domestic points and further liberalization for such shipments does not seem warranted. On international shipments, however, the final rules provide that the delivery period will be deemed to begin or end when the shipment enters or leaves the international gateway city.

Certain comments urged the deletion of the requirement that data processing materials qualifying for the suspension be produced on a regular periodic basis. The need for a suspension has not been demonstrated for irregular and special shipments, however, and the definition has not been loosened in the final rules.

Various comments asked that the requirement that data processing work commence within 36 hours of receipt of the materials at the processing center be eliminated. Since the suspension is intended only to cover cases of real need for rapid transmission, a time limit on the commencement of processing work

seems appropriate. Thirty-six hours seems ample time to begin critical data processing work.

We changed the wording of the suspension slightly to make it clear that materials conveyed from a processing center can move under the suspension only if they are returning to the office originating the data processing materials. Materials sent elsewhere are not covered by the suspension.

(d) *Application of APA procedures to changes in regulations.* Some comments stated that the second proposed regulations were unclear as to the Postal Service's commitment to follow the Administrative Procedure Act (APA) in making changes in the regulations. The final regulations respond to these comments through a blanket provision (§ 310.7) that all changes in the regulations will be made only consistently with the APA's rulemaking provisions. Certain comments urged that we commit ourselves now to hold a hearing before making any future changes in the regulations. We believe that such a commitment—which goes beyond the normal obligations of agencies subject to the APA—would unnecessarily encumber the process of changing the regulations.

(e) *Full-time employment criterion.* Certain comments continued to take exception to our including full-time employment as a factor to be considered in determining whether particular carriage qualifies under the "letters of the carrier" exception. To clarify our intent, the final regulations adopt a test of substantiality of time employed, if the employee is not employed full-time. The final regulations also add an additional factor for consideration—the fact that the carrier carries no letters for others. As is clear from the text of the regulation, the items listed are factors for consideration in making a determination as to whether the "letters of the carrier" exception applies. The absence of one or more of the factors does not necessarily mean that the exception is not available.

(f) *Meaning of "private carriage".* A few comments urged that we make clear that terms such as "private carriage" and "private carrier" used in the Private Express context have a different meaning from similar terms used in the context of the practices of the Interstate Commerce Commission, where private carriage refers to carriage by a company itself, rather than carriage by a third-party carrier, such as a common carrier, which is not "private carriage". A new provision, § 310.1(e), was added in response to these suggestions.

(g) *Exception for catalogs.* In response to one comment, the exception for catalogs was modified so that it would apply to catalogs if the classification of matter under which they are mailed were changed, for example, to refer to "bound printed matter" rather than specifically to "catalogs".

(h) *Letters retrieved from storage.* One comment urged that the exception for letters sent to storage be broadened to include letters sent from storage, since occasionally files are returned from records centers. This suggestion has been incorporated in the final regulations. We did not, however, accept suggestions that the "shipment in bulk" requirement be eliminated, since there appear to be no compelling reasons why the mails cannot be used, or postage paid, on smaller shipments.

(i) *Other financial instruments.* We were urged to broaden the exception for financial instruments to include general language covering "other negotiable and non-negotiable" instruments. This suggestion was accepted, on the basis that the financial instruments covered would include only instruments similar in purpose and effect to those specifically listed, such as certificates of deposit.

(j) *Documents accompanying checks and drafts.* The language including certain documents regularly accompanying the movement of checks within the banking system within the definition of "checks" was expanded to include documents related to and accompanying drafts as well as checks. This general language clearly covers "return items" (whether or not bearing notations) and instruments that call for the crediting or debiting of accounts maintained at financial institutions that must be acted upon promptly by reason of the rules under which the financial institutions operate or the nature of the transaction"; accordingly the specific quoted language has been omitted from the definition (§ 310.1(a)(7)(ii)(A)) as being superfluous.

OTHER MATTERS RAISED IN THE COMMENTS

(a) *"Grandfather rights".* We were urged to rewrite the "grandfather clause" (§ 320.2(d)) which would preserve operating rights in the event the suspension for data processing materials is revoked, so as to permit unlimited expansion of the operations of carriers doing business under the suspension when it is revoked. In our view, such a limitless permit could well lead to an excessive erosion of the basic protections of the Statutes. We have retained the proposed formulation permitting continuation of documented levels of operations, stated either in dollar or volume terms. Within these limitations, there would be no restrictions on the "grandfather" substituting new customers for old.

(b) *Relationship to classification.* One comment asserted that the regulations under the Private Express Statutes are part of mail classification and fall within the jurisdiction of the Postal Rate Commission. While it may occasionally be convenient to establish a relationship between mail classification and the restrictions on the private carriage of letters (see § 310.1(a)(7)(v)), we find no basis in the law for concluding that the classification of matter for mail rate purposes has any necessary bearing on whether matter may lawfully be carried privately. This position is completely consistent with past administration of the Private Express Statutes as reflected in Restrictions on Transportation of Letters, POD Publication 111 (1967), p. 24. ("The determination of whether a particular type of matter is a 'letter' for purposes of the Private Express Statutes has no bearing on the determination of whether the same matter is first-, second-, third-, or fourth- (parcel post) class matter when it is carried by the postal service.") Nor is there, in our view, any basis in the law for concluding that the Postal Rate Commission has jurisdiction to promulgate regulations under, or otherwise to administer, the Private Express Statutes, a function the former Post Office Department exercised throughout the history of the Statutes prior to enactment of the Postal Reorganization Act.

(c) *Electronic message transmission.* The comments reflected some continuing misunderstanding over whether the Private Express Statutes reach the transmission of messages through the air, by wire, or by other means not involving the carriage of tangible objects. In our view, they do not. However, the carriage of a tangible object used as the basis of an intangible transmission or produced thereby—such as a written copy of a message sent by wire between two places—would be subject to the Statutes. Also, tangible objects such as disks or tapes on which impulses have been recorded which require electrical equipment to reproduce the recorded messages are "letters" under the definition in § 310.1(a)(1).

(d) *Exception for tax returns.* We were urged by computerized tax services to provide a special exception for tax returns. We believe, however, that the data processing materials suspension and the expanding Express Mail program of the Postal Service ought to provide substantial and sufficient additional opportunities to this industry to obtain rapid delivery service for tax returns they prepare and that a special exception for this industry is not required.

CONCLUSION

We believe that the final regulations adopted hereby will accomplish the central purposes of clarifying the administration of the Private Express Statutes and permitting the private carriage of materials to the extent that it is feasible to do so without jeopardizing the financial base of the Postal Service. We will continue to entertain comments at any time from the public as to how these regulations may be improved.

LOUIS A. COX,
General Counsel.

PART 152—WHO MAY CARRY LETTERS

I. The regulations previously codified in the 1970 revision of 39 CFR Part 152, retained in effect by 35 FR 19399 (1970), are rescinded and Part 152 is reserved.

II. *New Subchapter E.* Effective October 20, 1974, title 39, Code of Federal

Regulations, is amended by the addition of the following subchapter E:

PART 310—ENFORCEMENT OF THE PRIVATE EXPRESS STATUTES

Sec.

310.1 Definitions.
310.2 Unlawful carriage of letters.
310.3 Exceptions.
310.4 Responsibility of carriers.
310.5 Payment of postage on violation.
310.6 Advisory opinions.
310.7 Amendment of regulations.

AUTHORITY: 39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699, 1724.

§ 310.1 Definitions.

(a) "Letter" is a message directed to a specific person or address and recorded in or on a tangible object, subject to the following:

(1) Tangible objects used for letters include, but are not limited to, paper (including paper in sheet or card form), recording disks, and magnetic tapes.

(2) "Message" means any information or intelligence that can be recorded as described in paragraph (a)(4) of this section.

(3) A message is directed to a "specific person or address" when, for example, it is directed to a named or identifiable individual, organization, or official, or when it is directed to a specific place.

(4) Methods by which messages are recorded on tangible objects include, but are not limited to, the use of written or printed characters, drawing, holes, or orientations of magnetic particles in a manner having a predetermined significance.

(5) Whether a tangible object bears a message is to be determined on an objective basis without regard to the intended or actual use made of the object sent.

(6) Identical messages directed to more than one specific person or address or separately directed to the same person or address constitute separate letters.

(7) The following are not letters within the meaning of these regulations:[1]

(i) Telegrams.

(ii) Checks, drafts, promissory notes, bonds, other negotiable and nonnegotiable financial instruments, stock certificates, other securities, insurance policies, and title policies when shipped to, from, or between financial institutions.

(A) As used above, "checks" and "drafts" include documents intrinsically related to and regularly accompanying the movement of checks or drafts within the banking system. "Checks" do not include materials accompanying the movement of checks to financial institutions from persons who are not financial institutions, or vice versa, except such materials as would qualify under § 310.3 (a) if "checks" were treated as cargo. Specifically, for example, "checks" do not include bank statements sent to depositors showing deposits, debits, and account balances.

(B) As used above, "financial institutions" means:

(*1*) As to checks and drafts: banks, savings banks, savings and loan institutions, credit unions, and their offices, affiliates, and facilities.

(2) As to other instruments: institutions performing functions involving the bulk generation, clearance, and transfer of such instruments.

(iii) Abstracts of title, mortgages, deeds, leases, articles of incorporation, papers filed in lawsuits or formal quasi-judicial proceedings, and orders of court.

(iv) Newspapers and periodicals.

(v) Catalogs eligible for a catalog, bound printed matter, or corresponding publication rate under the mail classification schedule in effect at the time of their shipment, and telephone directories.

(vi) Identical letters sent in bulk to a single address by a printer or other supplier of letters for third persons.

(vii) Letters sent in bulk to or from storage or to destruction as part of a household or business relocation.

(b) "Packet" means two or more letters under one cover or otherwise bound together. As used in these regulations, unless the context otherwise requires, "letter" or "letters" includes "packet" or "packets".

(c) "Person" means an individual, corporation, association, partnership, governmental agency, or other legal entity.

(d) "Post routes" are routes on which mail is carried by the Postal Service, and includes post roads as defined in 39 U.S.C. 5003, as follows:

(1) The waters of the United States, during the time the mail is carried thereon;

(2) Railroads or parts of railroads and air routes in operation;

(3) Canals, during the time the mail is carried thereon;

(4) Public roads, highways, and toll roads during the time the mail is carried thereon; and

(5) Letter-carrier routes established for the collection and delivery of mail.

(e) "Private carriage", "private carrier", and terms of similar import used in connection with the Private Express Statutes or these regulations mean carriage by anyone other than the Postal Service, regardless of any meaning ascribed to similar terms under other bodies of law or regulation.

(f) The "Private Express Statutes" are set forth in 18 U.S.C. 1693–1699 and 1724 and 39 U.S.C. 601–606 (1970).

§ 310.2 Unlawful carriage of letters.

(a) It is generally unlawful under the Private Express Statutes for any person other than the Postal Service in any manner to send or carry a letter on a post route or in any manner to cause or assist such activity. Violation may result in injunction, fine or imprisonment or both and payment of postage lost as a result of the illegal activity (see § 310.5).

(b) Activity described in paragraph (a) of this section is lawful with respect to a letter if—

(1) It is enclosed in an envelope or other suitable cover;

(2) The amount of postage which would have been charged on the letter if it had been sent through the Postal Service is paid by stamps, or postage meter stamps, on the cover or by other methods approved by the Postal Service;

(3) The name and address of the person for whom the letter is intended appear on the cover;

(4) The cover is so sealed that the letter cannot be taken from it without defacing the cover;

(5) Any stamps on the cover are canceled in ink by the sender; and

(6) The date of the letter, or of its transmission or receipt by the carrier, is endorsed on the cover in ink by the sender or carrier, as appropriate.

(c) The Postal Service may suspend the operation of any part of paragraph (b) of this section where the public interest requires the suspension.

(d) Activity described in paragraph (a) of this section is permitted with respect to letters which—

(1) Relate to some part of the cargo of, or to some article carried at the same time by, the conveyance carrying it (see § 310.3(a));

(2) Are sent by or addressed to the carrier (see § 310.3(b));

(3) Are conveyed or transmitted without compensation (see § 310.3(c));

(4) Are conveyed or transmitted by special messenger employed for the particular occasion only, provided that not more than twenty-five such letters are conveyed or transmitted by such special messenger (see § 310.3(d)); or

(5) Are carried prior or subsequent to mailing (see § 310.3(e)).

§ 310.3 Exceptions.

(a) *Cargo.* The sending or carrying of letters is permissible if they accompany and relate exclusively to some part of the cargo.

(b) *Letters of the carrier.* (1) The sending or carrying of letters is permissible if they are sent by or addressed to the individual carrying them or if they are sent by or addressed to an officer or employee of a carrier on the current business of the carrier (i.e., in his capacity as an officer or employee).

(2) The fact that the individual performing the carriage may be an officer or employee of the carrier for certain purposes does not necessarily mean that he is an officer or employee for purposes of this exception. The following factors bear on qualification for the exception: the carrying employee is employed for a substantial time, if not full-time (letters must not be privately carried by casual

[1] Several of the items enumerated in this paragraph (a)(7) do not self-evidently lie outside of the definition of "letter". To the extent, however, that there is any question whether these items may properly be excluded by definition, the Postal Service has determined by adoption of these regulations that the restrictions of the Private Express Statutes are suspended pursuant to 39 U.S.C. 601(b).

employees); the carrying employee carries no matter for other senders; the carrying employee is a regular salaried employee and shares in all privileges enjoyed by other regular employees (including employees not engaged primarily in the letter-carrying function), including but not limited to salary, annual vacation time, absence allowed for illness, health benefits, workmen's compensation insurance, and retirement benefits.

(3) Separately incorporated carriers are separate entities for purposes of this exception, regardless of any subsidiary, ownership, or leasing arrangement. When, however, two concerns jointly operate an enterprise with joint employees and share directly in its revenues and expenses, either of the concerns may carry the letters of the joint enterprise.

(c) *Private hands without compensation.* The sending or carrying of letters is permissible if no charge for carriage is made by the carrier. However, a person engaged in the transportation of goods or persons for hire does not fall within the exception merely by carrying letters free of charge for customers whom he does charge for the carriage of goods or persons.

(d) *Special messenger.* (1) The use of a special messenger employed for the particular occasion only is permissible to transmit letters if not more than twenty-five letters are involved. The permission granted under this exception is restricted to use of messenger service on an infrequent, irregular basis by the sender or addressee of the message.

(2) A special messenger is a person who, at the request of either the sender or the addressee, picks up a letter from the sender's home or place of business and carries it to the addressees home or place of business, but a messenger or carrier operating regularly between fixed points is not a special messenger.

(e) *Carriage prior or subsequent to mailing.* (1) The private sending or carrying of unopened letters which enter the mail stream at some point between their origin and destination is permissible. The origin of a letter is the residence or place of business of the sender; the destination of a letter is the residence or place of business of the addressee.

(2) Examples of permitted activity are the pickup and carriage of letters which are delivered to post offices for mailing; the pickup and carriage of letters at post offices for delivery to addressees; and the bulk shipment of individually addressed letters ultimately carried by the Postal Service.

§ 310.4 Responsibility of carriers.

Private carriers are cautioned to make sure that their carriage of matter is lawful within the definition, exceptions, suspension, and conditions contained in this part and in Part 320. They should take reasonable measures to inform their customers of the contents of these regulations so that only proper matter is tendered to them for carriage. Carriers should desist from carrying any matter when the form of shipment, identity of sender or recipient, or any other information reasonably accessible to them indicates that matter tendered to them for carriage is not proper under these regulations.

§ 310.5 Payment of postage on violation.

(a) Upon discovery of activity made unlawful by the Private Express Statutes, the Postal Service may require any person or persons who engage in, cause, or assist such activity to pay an amount or amounts not exceeding the total postage to which it would have been entitled had it carried the letters between their origin and destination.

(b) The amount equal to postage will be due and payable not later than 15 days after receipt of formal demand from the Inspection Service unless an appeal is taken to the Judicial Officer Department in accordance with rules of procedure set out in Part 959 of this chapter.

(c) Refusal to pay an unappealed demand or a demand that becomes final after appeal will subject the violator to civil suit by the Postal Service to collect the amount equal to postage.

(d) The payment of amounts equal to postage on violation shall in no way limit other actions to enforce the Private Express Statutes by civil or criminal proceedings.

§ 310.6 Advisory opinions.

An advisory opinion on any question arising under this part and Part 320 may be obtained by writing the Assistant General Counsel, Opinions Division, United States Postal Service, Washington, D.C. 20260. Final opinions will be available for inspection by the public in the Library of the United States Postal Service, and copies of individual opinions may be obtained upon payment of charges for duplicating services.

§ 310.7 Amendment of regulations.

Amendments of these regulations shall be made only in accordance with the rulemaking provisions of the Administrative Procedure Act.

PART 320—SUSPENSION OF THE PRIVATE EXPRESS STATUTES

Sec.
320.1 Definitions.
320.2 Suspension.
320.3 Operations under suspension.

AUTHORITY: 39 U.S.C. 401, 404, 601.

§ 320.1 Definitions.

The definitions in § 310.1 apply to Part 320 as well.[1]

§ 320.2 Suspension.

(a) The operation of 39 U.S.C. 601(a)(1) through (6) and § 310.2(b)(1) through (6) of this chapter is suspended on all post routes for data processing materials as defined in paragraph (b) on the terms detailed in that paragraph. The effect of this suspension is to allow any person to send or carry data processing materials as so defined between places served by the Postal Service without paying postage or meeting any other conditions of 39 U.S.C. 601(a) and § 310.2(b) of this chapter.

(b) The suspension referred to in paragraph (a) of this section is for data processing materials conveyed to a data processing center, or back from the data processing center to the address of the office originating the data processing materials, if transmission is completed within 12 hours or by noon of the addressee's next business day, and if data processing work is commenced on any such material sent to a data processing center within 36 hours of receipt at the center. The "addressee's next business day" means the first calendar day, stated in his local time, on which he conducts business, following the calendar day of dispatch, stated in the sender's local time. For purposes of this suspension, "data processing" means electro-mechanical or electronic processing and "data processing materials" includes materials of all types that are ready for immediate data processing or for automatic conversion into a form ready for immediate data processing and the direct output of data processing, but only if they are produced on a regular periodic basis.

(c) For purposes of the time limitations for completion of delivery referred to in paragraph (b) of this section, delivery of shipments between a domestic point and a foreign point shall be deemed to begin at the time materials of foreign origin are received at the international gateway city or end at the time materials of domestic origin leave the international gateway city.

(d) The suspension referred to in paragraphs (a) and (b) of this section may be revoked. No revocation will curtail operations of particular carriers existing at the time of the revocation to a level of operations (in dollar or volume terms, whichever is larger) lower than that antedating the revocation in a particular market served prior to the revocation. Should the suspension be revoked, carriers, as a condition to continuing operations under this subsection, will be required to provide reasonably complete and accurate data to support estimates of past operating levels in particular markets.

§ 320.3 Operations under suspension.

(a) Persons intending to establish or alter operations based on the suspension granted pursuant to § 320.2 shall, as a condition to the right to operate under the suspension, notify the Private Express Liaison Officer, Customer Services Department, United States Postal Service, Washington, D.C. 20260, of their intention to establish such operations not

[1] Several of the items enumerated in § 310.1(a)(7) do not self-evidently lie outside of the definition of "letter". To the extent, however, that there is any question whether these items may properly be excluded by definition, the Postal Service has determined by adoption of these regulations that the restrictions of the Private Express Statutes are suspended pursuant to 39 U.S.C. 601(b).

later than the beginning of such operations. Such notification, on a form available from the Private Express Liaison Office, shall include information on the identity and authority of the carrier and the scope of its proposed operations.

(b) Persons operating under the suspension granted pursuant to § 320.2 are responsible for making sure that their carriage of matter under the suspension meets all conditions contained in § 320.2. (See § 310.4.) The containers or covers or covers of any matter contained under the suspension must be made available for examination upon request by a properly identified postal inspector. Carrier records—either in the form of notations on the containers or covers of many matter carried under the suspension granted pursuant to § 320.2 or in the form of records kept by employees of the actual times they make delivery or pickup stops—must be sufficient to show that the delivery of such matter was completed within the applicable time limitation prescribed in § 320.2. The provisions of this paragraph shall not restrict the Postal Service in the exercise of search powers conferred upon it by law.

(c) The filing of notifications under this section does not relieve the operator of responsibility for assuring that its operations conform to applicable statutes and regulations.

(d) Failure to comply with the notification requirements of this section and carriage of material or other action in violation of other provisions of this Part and of Part 310 are grounds for administrative revocation of the suspension as to a particular carrier for a period of not less than one year, in a proceeding instituted by the General Counsel, following a hearing by the Judicial Officer Department in accordance with the rules of procedure set out in Part 959 of this chapter.

(NOTE: The form referred to in § 320.3 is reproduced below.)

NOTICE OF INTENT TO ESTABLISH OPERATIONS UNDER SUSPENSION OF THE PRIVATE EXPRESS STATUTES [1]

(SEE 39 CFR PART 320, SUSPENSION OF THE PRIVATE EXPRESS STATUTES)

Private Carriage of Letters

Name of Carrier _____
Address _____
State of Incorporation _____
Geographical Area to Be Served _____

1. Designate the specific markets or areas in which operations will be conducted.

2. Describe specifically any authorizations issued by local, state, or federal regulatory agencies under which operations will be conducted.

_____
(Signature of Officer)

_____
(Name and Title)

Subscribed and sworn to before me this ---- day of _____, 197--.

_____
Notary Public

Seal
My commission expires _____

(NOTE: False statements contained herein are punishable by law, 18 U.S.C. 1001.)

[1] Information relates exclusively to operations under the suspension for data processing materials. This form should be used for an initial notice of operations and for any amendments to the initial or subsequent notices.

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO RENT OR RENEW POST OFFICE BOXES AND THE CLOSING OF POST OFFICE BOXES

III. The note following Part 958 in the table of contents for 39 CFR Ch. I in the volume revised as of August 1, 1974, is deleted.

[FR Doc.74-21301 Filed 9-13-74;8:45 am]

PART 959—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE PRIVATE EXPRESS STATUTES

Authority for Rules

Pursuant to 39 CFR 224.1(c)(6)(ii)(D), the Judicial Officer has added to the rules of procedure before the Judicial Officer new Part 959, which is to be used in all Postal Service proceedings relating to the Private Express Statutes as contemplated in §§ 310.5(b) and 320.3(d) of title 39, Code of Federal Regulations.

LOUIS A. COX,
General Counsel.

Accordingly, effective October 20, 1974, Chapter I of title 39 of the Code of Federal Regulations is amended by adding a new Part 959, reading as follows:

Sec.
959.1 Authority for rules.
959.2 Scope of rules.
959.3 Office, business hours.
959.4 Demands for payment of postage.
959.5 Appeals from demands.
959.6 Revocations of suspension.
959.7 Notice of hearing.
959.8 Service of petition filed under § 959.6.
959.9 Filing documents for the record.
959.10 Default.
959.11 Amendment of pleadings.
959.12 Continuances and extensions.
959.13 Hearings.
959.14 Change of place of hearings.
959.15 Appearances.
959.16 Presiding officers.
959.17 Evidence.
959.18 Subpoenas.
959.19 Witness fees.
959.20 Depositions.
959.21 Transcript.
959.22 Proposed findings and conclusions.
959.23 Decisions.
959.24 Exceptions to initial decision or tentative decision.
959.25 Judicial Officer.
959.26 Motion for reconsideration.
959.27 Modification or revocation of orders.
959.28 Computation of time.
959.29 Official record.
959.30 Public information.

AUTHORITY: 39 U.S.C. 204, 401; 39 CFR 224.1(c)(6)(ii)(D).

§ 959.1 Authority for rules.

These rules are issued by the Judicial Officer of the U.S. Postal Service pursuant to authority delegated by the Postmaster General.

§ 959.2 Scope of rules.

These rules apply to all Postal Service proceedings in which Part 310 of this title authorizes appeals to the Judicial Officer from demands for postage for matter carried in violation of the Private Express Statutes, and in proceedings to revoke, as to any person, the suspension of provisions of the Private Express Statutes in accordance with Part 320 of this title.

§ 959.3 Office, business hours.

The offices of the officials mentioned in these rules are located at the United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260, and are open, Monday through Friday except holidays, during the normal business hours of the Postal Service.

§ 959.4 Demands for payment of postage.

Final demands for payment of postage will be accompanied by a copy of these rules and will—

(a) State that the demand is final unless appealed under these rules within 15 days after receipt of the demand;

(b) Describe the transaction on which the demand is based and the provisions of law or regulation alleged to have been violated; and

(c) State the manner in which the amount of the demand is computed.

§ 959.5 Appeals from demands.

(a) A party upon whom a demand for postage has been made may appeal from the demand by filing a petition, in triplicate, with the Docket Clerk, Judicial Officer Department, within 15 days after receipt of the demand.

(b) The petition shall:

(1) Be signed personally by an individual petitioner, by one of the partners of a partnership, or by an officer of a corporation or association;

(2) State the reasons why the person filing the petition (designated the "Petitioner" in these rules) believes the demand is not justified;

(3) Admit or deny each fact alleged in the demand and allege any facts upon which the Petitioner relies to show compliance with applicable laws and regulations; and,

(4) Be accompanied by a copy of the demand.

(c) Factual allegations that are not denied by the petition may be deemed to have been admitted. The demand and the petition (together with other documents authorized in this part) shall become the pleadings in appeals from demands.

§ 959.6 Revocations of suspension.

(a) The General Counsel, or a member of his staff as he may designate, may initiate a revocation of the suspension of the Private Express Statutes as provided in Part 320 of this title as to

any person, by filing, in triplicate, a petition with the Docket Clerk which

(1) Names the person involved;

(2) States the legal authority under which the proceeding is initiated;

(3) States the facts in a manner sufficient to enable the person named to make answer thereto; and,

(4) Recommends the issuance of an appropriate order.

(b) *Answer.* (1) The person named in the petition (designated the "Respondent" in these rules) shall file an answer with the Docket Clerk within 15 days after he is served with a copy of the petition in accordance with § 959.8.

(2) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the petition.

(3) Any facts alleged in the petition which are not denied, or which are expressly admitted in the answer, may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(4) The answer shall be signed personally by an individual respondent, or in the case of a partnership, by one of the partners, or, in the case of a corporation or association, by an officer thereof.

(5) The answer shall set forth the respondent's address and the name and address of his attorney, if respondent is represented by counsel.

(6) The answer shall affirmatively state whether the respondent will appear in person or by counsel at the hearing.

(7) If the respondent does not desire to appear at the hearing in person or by counsel, the matter shall be deemed submitted for determination pursuant to paragraph (b) of § 959.10.

§ 959.7 Notice of hearing.

When a petition is filed, the Docket Clerk shall issue a notice of hearing, stating the time and place of the hearing and the date for filing an answer which shall not exceed 15 days from the date of service of the petition, and a reference to the effect of failure to file an answer or appear at the hearing. (See § § 959.5(c), 959.6(b) and 959.10.) Whenever practicable, the hearing date shall be within 30 days of the date of the notice.

§ 959.8 Service of petition filed under § 959.6.

(a) The Docket Clerk shall cause a notice of hearing and a copy of the petition to be transmitted to the postmaster at any office of address of the respondent in which the respondent is doing business, which shall be delivered to the respondent or his agent by said postmaster or his designee. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent and forwarded to the Docket Clerk, to become a part of the official record.

(b) If, after 5 days, the postmaster or his designee, can find no person to accept service of the notice of hearing and petition pursuant to paragraph (a) of this section, the notice and copy of the petition may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing and petition shall be forwarded to the Docket Clerk and such statement shall constitute evidence of service.

§ 959.9 Filing documents for the record.

(a) Each party shall file with the Docket Clerk pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be delivered promptly to other party(ies) to the proceeding and to the presiding officer.

(b) The parties shall submit three copies of all documents unless otherwise ordered by the presiding officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the title of the proceeding and, except initial petitions, the docket number. Any pleading or other document required by order of the presiding officer to be filed by a specified date, shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 959.10 Default.

(a) If the respondent fails to file an answer within the time specified in the notice of hearing, he shall be deemed in default and to have waived hearing and further procedural steps. The Judicial Officer shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the presiding officer shall receive petitioner's evidence and render an initial decision.

§ 959.11 Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Docket Clerk. Amendments proposed thereafter shall be filed with the presiding officer.

(b) By consent of the parties, a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the petition, the presiding officer shall make such ruling on the motion as he deems fair and equitable to the parties.

(c) When issues not raised by the pleadings, but reasonably within the scope of the proceedings initiated by the petition, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence, and to raise such issues, shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the presiding officer that an amendment of the pleadings would prejudice him on the merits, the presiding officer may allow the amendment and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The presiding officer may, upon reasonable notice and upon such terms as are just, permit service of supplemental pleadings setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 959.12 Continuances and extensions.

Continuances and extensions will not be granted by the presiding officer except for good cause found.

§ 959.13 Hearings.

Hearings are held at the headquarters of the Postal Service, Washington, D.C. 20260, or other locations designated by the presiding officer.

§ 959.14 Change of place of hearings.

Not later than the date fixed for the filing of the answer, a party may file a written request that a hearing be held at a place other than that designated in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify; and,

(c) The reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 959.15 Appearances.

(a) A respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Postal Service in accordance with the rules in Part 951 of this title.

(c) When a respondent is represented by an attorney, all pleadings and other papers subsequent to the initial petition shall be mailed to the attorney.

(d) A respondent must promptly file a notice of change of attorney.

§ 959.16 Presiding officers.

(a) The presiding officer shall be either an Administrative Law Judge qualified in accordance with law, or the Judicial Officer. The Chief Administrative Law Judge shall assign cases to Administrative Law Judges upon rotation so far as practicable. The Judicial Officer may, for good cause found, preside at the reception of evidence in proceedings upon request of either party.

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon offers of proof, admissibility of evidence and matters of procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs in or memoranda of law on any matter upon which he is required to rule;

(7) Order prehearing conferences for the purpose of settlement or simplification of issues by the parties;

(8) Order the proceeding reopened at any time prior to his decision for the receipt of additional evidence; and,

(9) Render an initial decision if the presiding officer is an Administrative Law Judge, which becomes the final decision of the Postal Service unless a timely appeal is taken; the Judicial Officer may issue a tentative or a final decision.

§ 959.17 Evidence.

(a) Except as otherwise provided in these rules, the rules of evidence governing civil proceedings in matters not involving trial by jury in the District courts of the United States shall govern. However, such rules may be relaxed to the extent that the presiding officer deems proper to insure a fair hearing. The presiding officer shall exclude irrelevant, immaterial or repetitious evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received into evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) The written statement of a competent witness may be received into evidence provided that such statement is relevant to the issues, that the witness shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(f) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the presiding officer are unnecessary.

§ 959.18 Subpoenas.

The Postal Service is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses or the production of documents.

§ 959.19 Witness fees.

The Postal Service does not pay fees and expenses for a respondent's witnesses or for depositions requested by a respondent.

§ 959.20 Depositions.

(a) Not later than 5 days after the filing of respondent's answer, any party may file an application with the Docket Clerk for the taking of testimony by deposition. In support of such application, the applicant shall submit under oath or affirmation, a statement containing the reasons why such testimony should be taken by deposition, the time and place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order shall specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken, and any other necessary information.

(c) Each deponent shall first be duly sworn, and the adverse party shall have the right to cross-examine. The questions and answers, together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the deposition officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form or relevancy or materiality of the questions or answers, in the oath or affirmation, or in the conduct of the parties, and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing, any part or all of the deposition may be offered into evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received into evidence, it shall not be considered as a part of the record. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy thereof for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States, or within a territory or possession subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of the deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the deposition officer, shall be present at the examination of the witness, which fact shall be certified by the deposition officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and cause the testimony to be reduced to writing in the witness' own words.

§ 959.21 Transcript.

(a) Hearings shall be stenographically reported by a contract reporter of the Postal Service under the supervision of the assigned presiding officer. Argument upon any matter may be excluded from the transcript by order of the presiding officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties by the reporter at rates not to exceed the maximum rates fixed by the contract between the Postal Service and the reporter. Copies of parts of the official record, other than the transcript, may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance, and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, a party may file a motion requesting correction of the transcript. The opposing party shall, within such time as may be specified by the presiding officer, notify the presiding officer in writing of his concurrence or disagreement with the requested corrections. Failure to interpose timely objection to a proposed correction shall be considered to be concurrence. Thereafter, the presiding officer shall by order specify the corrections to be made in the transcript. The presiding officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the presiding officer other than by agreement of the parties shall be subject to objection and exception.

§ 959.22 Proposed findings and conclusions.

(a) Each party, except one who fails to answer the complaint or, having answered, either fails to appear at the hearing or indicates in the answer that he does not desire to appear, may, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form. The presiding officer

may also require the parties to submit proposed findings of fact and conclusions of law with supporting reasons.

(b) Proposed findings of fact, conclusions of law and supporting reasons not presented orally before the close of the hearing, shall, unless otherwise directed by the presiding officer, be filed within 15 days after the delivery of the official transcript to the Docket Clerk, who shall notify the parties of the date of its receipt. The proposed findings of fact, conclusions of law and supporting reasons shall be set forth in serially numbered paragraphs, and shall state with particularity, all pertinent evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion of law shall be separately stated.

§ 959.23 Decisions.

(a) *Oral decisions.* The presiding officer may, in his discretion, render an oral decision (an initial decision by an Administrative Law Judge, or a tentative or final decision by the Judicial Officer) at the close of the hearing. A party who desires an oral decision shall notify the presiding officer and the opposing party at least 5 days prior to the date set for the hearing. Either party may submit proposed findings of fact and conclusions of law either orally or in writing at the conclusion of the hearing.

(b) *Written initial decision by Administrative Law Judge.* A written initial decision shall be rendered with all due speed. The initial decision shall include findings of fact and conclusions of law, with the reasons therefor, upon all the material issues of fact or law presented on the record, and an appropriate order. The initial decision shall become the final decision of the Postal Service unless an appeal is taken in accordance with § 959.24.

(c) *Written tentative or final decision by the Judicial Officer.* When the Judicial Officer presides at the hearing, he shall issue a final or a tentative decision. Such decision shall include findings of fact and conclusions of law, with the reasons therefor, upon all the material issues of fact or law presented on the record, and appropriate order. The tentative decision shall become the final decision of the Postal Service unless exceptions are filed in accordance with § 959.24.

§ 959.24 Exceptions to initial decision or tentative decision.

(a) A part in a proceeding presided over by an Administrative Law Judge, except a party who failed to file an answer, may appeal to the Judicial Officer by filing exceptions in a brief on appeal within 15 days from the receipt of the Administrative Law Judge's written initial decision.

(b) A party in a proceeding presided over by the Judicial Officer, except one who has failed to file an answer, may file exceptions within 15 days from the receipt of the Judicial Officer's written tentative decision.

(c) When an initial or tentative decision is rendered orally at the close of the hearing, the presiding officer may then establish and orally give notice to the parties participating in the hearing of the time limit within which exceptions must be filed.

(d) Upon receipt of the brief on appeal from an initial decision of an Administrative Law Judge, the Docket Clerk shall promptly transmit the record to the Judicial Officer. The date for filing the reply to a brief on appeal or to a brief in support of exceptions to a tentative decision by the Judicial Officer is 10 days after the receipt thereof. No additional briefs shall be received unless requested by the Judicial Officer.

(e) Briefs on appeal or in support of exceptions and replies thereto shall be filed in triplicate with the Docket Clerk, and contain the following matter in the order indicated:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited, with page references.

(2) A concise abstract or statement of the case.

(3) Numbered exceptions to specific findings of fact or conclusions of law of the presiding officer.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of, or in opposition to, each exception taken, together with specific references to the pertinent parts of the record and the legal or other authorities relied upon.

(f) Unless permission is granted by the Judicial Officer, no brief on appeal or in support of exceptions shall exceed 50 printed or 100 typewritten pages double spaced.

(g) The Judicial Officer will extend the time to file briefs only upon written motion for good cause found. The Docket Clerk shall promptly notify the movant of the Judicial Officer's decision on the motion. If a brief is not filed within the time prescribed, the defaulting party will be deemed to have abandoned the appeal or waived the exceptions, and the initial or tentative decision shall become the final decision of the Postal Service.

§ 959.25 Judicial Officer.

The Judicial Officer is authorized (a) to act as presiding officer at hearings, (b) to render tentative decisions, (c) to render final decisions of the Postal Service, (d) to refer the record in any proceedings to the Postmaster General or the Deputy Postmaster General who will make the final decision of the Postal Service, and (e) to revise or amend these rules of practice. The entire official record will be considered before a final decision of the Postal Service is rendered. Before rendering a final decision of the Postal Service, the Judicial Officer may order the hearing reopened for the presentation of additional evidence by the parties.

§ 959.26 Motion for reconsideration.

A party may file a motion for reconsideration of a final decision of the Postal Service within 10 days after receiving it, or within such longer period as the Judicial Officer may fix. Each motion for reconsideration shall be accompanied by a brief clearly setting forth the points of fact and of law relied upon in support of said motion.

§ 959.27 Modification or revocation of orders.

A party against whom an order has been issued may file with the Docket Clerk an application for modification or revocation, addressed to the Judicial Officer. The Docket Clerk shall transmit a copy of the application to the General Counsel, who shall file a written reply within 10 days after filing, or such other period as the Judicial Officer may fix. A copy of the reply shall be sent to the applicant by the Docket Clerk. Thereafter an order granting or denying such application in whole or in part will be issued by the Judicial Officer.

§ 959.28 Computation of time.

A designated period of time excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

§ 959.29 Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceedings shall constitute the official record of the proceeding.

§ 959.30 Public information.

The Law Librarian of the Postal Service maintains for public inspection in the Law Library copies of all initial, tentative and final decisions of the Postal Service. The Docket Clerk maintains the complete official record of every proceeding.

[FR Doc.74-21302 Filed 9-13-74;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Golden Eagle Program

The Department of the Interior hereby promulgates final regulations for the collection of entrance fees, recreation use fees, and special recreation permit fees at designated Federal recreation areas and facilities. These regulations reflect changes in Section 4 of the Land and Water Conservation Fund Act of 1965, 16 U.S.C. 460*l*-6a (Supp., 1974), resulting from the enactment of Pub. L. 93-303, and inclue: (1) The expansion of the benefits under the Golden Eagle and Golden Age Passports; (2) a provision for the collection of daily recreation use fees at the place of use or at any reasonably convenient location; (3) a prohibition against the collection of fees for the use of certain enumerated sites and facilities; (4) the relaxation of the restrictions on the collection of recreation use fees for camping; and (5) the

creation of a separate category of fees for special recreation permits. Since the visitor season for this calendar year is now in progress, it has been determined that final rulemaking is required and necessary in order to implement expeditiously these changes in the Department's Federal recreation fee program. Accordingly, advance notice and comment on these regulations is impracticable and not in the public interest. However, the Department invites interested persons to comment on these final regulations within thirty days from the date of their publication. Such comments will be received and considered for the purpose of determining the desirability or need for making further amendments to these regulations. Such comments should be addressed to the Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240.

Effective date. These regulations shall be effective on September 16, 1974.

Dated: September 9, 1974.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

Part 18 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec.
18.1 Application.
18.2 Types of Federal recreation fees.
18.3 Designation.
18.4 Posting.
18.5 Golden Eagle Passport.
18.6 Golden Age Passport.
18.7 Entrance fees for single-visit permits.
18.8 Validation and display of entrance permits.
18.9 Establishment of recreation use fees.
18.10 Special recreation permits and special recreation permit fees.
18.11 Collection of Federal recreation fees.
18.12 Enforcement.
18.13 Exceptions, exclusions, and exemptions.
18.14 Public notification.
18.15 Golden Eagle Insignia.

AUTHORITY: Section 4, Land and Water Conservation Fund Act of 1965 (16 U.S.C.A. 460l-6a (Supp., 1974)), as amended by Pub. L. 93-303; and section 3, Act of July 11, 1972, 86 Stat. 461.

§ 18.1 Application.

This part is promulgated pursuant to section 4, Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 460l-6a (Supp., 1974), and section 3, Act of July 11, 1972, 86 Stat. 461. Any Federal recreation fee charged by any bureau of the Department of the Interior shall be charged according to criteria set forth in this part.

§ 18.2 Types of Federal recreation fees.

There shall be three types of Federal recreation fees:

(a) Entrance fees, charged either on an annual or single-visit basis, for admission to any Designated Entrance Fee Area;

(b) Daily recreation use fees for the use of specialized sites, facilities, equipment or services furnished at Federal expense; and

(c) Special recreation permit fees for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles.

§ 18.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreation purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that entrance fee collection is administratively and economically practical.

(b) Any specialized site, facility, equipment or service related to outdoor recreation (hereinafter "facility") shall be designated as a facility for which a recreation use fee shall be charged (hereinafter "Designated Recreation Use Facility") if:

(1) For each Designated Recreation Use Facility, at least one of the following criteria is satisfied:

(i) A substantial Federal investment has been made in the facility,

(ii) The facility requires regular maintenance,

(iii) The facility is characterized by the presence of personnel, or

(iv) The facility is utilized for the personal benefit of the user for a fixed period of time; and,

(2) For each Designated Recreation Use Facility, all of the following criteria are satisfied:

(i) The facility is developed, administered, or provided by any bureau of the Department of the Interior,

(ii) The facility is provided at Federal expense, and

(iii) The nature of the facility is such that fee collection is administratively and economically practical.

(3) In no event shall any of the following, whether used singly or in any combination, be designated as facilities for which recreation use fees shall be charged: Drinking water, wayside exhibits, roads, overlook sites, visitors' centers, scenic drives, toilet facilities, picnic tables, and boat ramps. The first sentence of this paragraph does not apply to boat launching facilities with specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities. Such boat launching facilities shall be designated as facilities for which recreation use fees shall be charged, *Provided*, They satisfy the requirements of paragraphs (b)(1) and (b)(2) of this section.

(4) In no event shall a campground, which satisfies the requirements of paragraphs (b)(1) and (b)(2) of this section, be designated as a facility for which recreation use fees shall be charged unless the campground has all of the following: Tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal fee collection, reasonable visitor protection, and simple devices for containing a campfire where campfires are permitted. A campground may be designated for recreation use fee collection whether the above enumerated amenities are provided for individual or group use.

(c) Any specialized recreation use including, but not limited to, group activities, recreation events, or the use of motorized recreation vehicles, shall qualify as a use for which a special recreation permit fee may be charged (hereinafter "Special Recreation Permit Use") if such use occurs in areas under the jurisdiction of any bureau of the Department of the Interior.

§ 18.4 Posting.

(a) The administering bureaus of the Department of the Interior shall provide for the posting of the following designation sign at entrances to Designated Entrance Fee Areas and at appropriate locations in areas with Designated Recreation Use Facilities in such a manner that the visiting public will be clearly notified that Federal recreation fees are charged. The designation sign shall:

(1) Be constructed of enameled steel, coated aluminum, silk screen reflective materials attached to wood or metal, or other permanent materials;

(2) Consist of the basic elements, proportion, and color as indicated below:

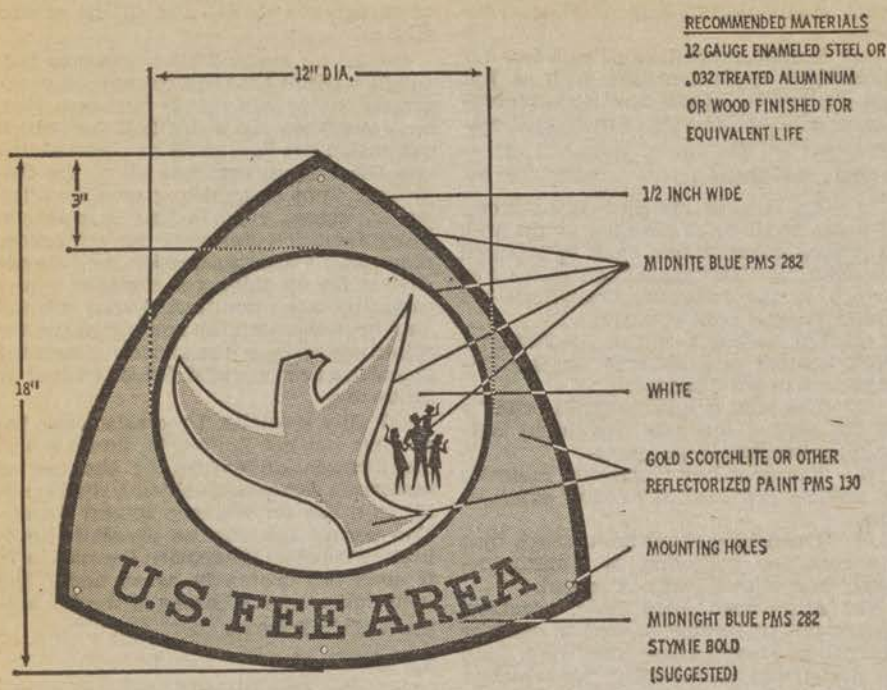
(i) The representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border).

(A) The color midnight blue shall be Pantone Matching System 282; the color gold shall be Pantone Matching System 130;

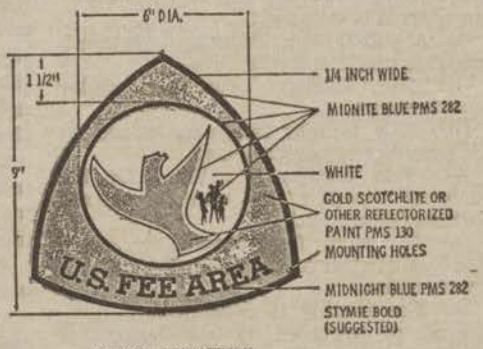
(B) The rounded triangle shall be 18 inches in vertical height at all Designated Entrance Fee Areas, except that at those areas accessible only on foot, the rounded triangle may be 9 inches vertical height;

(ii) The words "U.S. Fee Area" as indicated below.

SPECIFICATIONS FOR OFFICIAL DESIGNATION SIGN



DIMENSIONS FOR STANDARD SIGN



DIMENSIONS FOR OPTIONAL
HALF - SIZE SIGN
FOR WALK - IN AREAS

(b) Clear notice shall be posted by any bureau issuing special recreation permits at its area headquarters having administrative jurisdiction over the area in which the use authorized by such a permit is to occur, that fees are charged for such permits. In addition, any specialized recreation use authorized by permit shall, if reasonably feasible, be posted with the designation sign described in paragraph (a) of this section at the site of use at the time of use.

(c) Proportionally sized replicas of the designation sign described in paragraph (a) of this section may be used in conjunction with other signs erected by any bureau of the Department of the Interior which direct the public to Designated Entrance Fee Areas, Designated Recreation Use Facilities, or Special Recreation Permit Uses.

(d) No entrance fee for admission to any Designated Entrance Fee Area or recreation use fee for the use of any Designated Recreation Use Facility shall be collected unless such area or facility is posted in accordance with this section. No fee for any Special Recreation Permit Use shall be collected unless clear notice that such a fee is charged is posted at the area headquarters of the bureau issuing such permit in which the use authorized by the permit is to occur.

§ 18.5 Golden Eagle Passport.

(a) The Golden Eagle Passport is an annual permit, valid on a calendar-year basis, for admission to any Designated Entrance Fee Area. The charge for the Golden Eagle Passport shall be $10. The annual Golden Eagle Passport shall be nontransferable and the unlawful use thereof shall be punishable in the manner described in § 18.12 of this part.

(b) The Golden Eagle Passport shall admit the permittee and any persons accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, to Designated Entrance Fee Areas. Golden Eagle Passport coverage does not include a permittee and his spouse, children, or parents entering a Designated Entrance Fee Area in two separate, private, noncommercial vehicles. In this case, only the vehicle with the permittee shall be covered by the Passport. The persons in the second vehicle shall be subject to the single-visit entrance fee requirement.

(1) "Private, noncommercial vehicle," for the purpose of this part, shall include any passenger car, station wagon, pickup camper truck, motorcycle, or other motor vehicle which is used for private recreation purposes.

(2) "Accompanying," for the purpose of this section, shall be defined as coming immediately with (at the same time) and entering together with (in physical proximity).

(c) The annual Golden Eagle Passport does not authorize the use of any Designated Recreation Use Facility for which a recreation use fee is charged or any Special Recreation Permit Use for which a special recreation permit fee is charged.

(d) The annual Golden Eagle Passport shall be for sale at all Designated Entrance Fee Areas of the National Park Service, at the National Park Service headquarters, Washington, D.C., and at the Park Service field offices.

§ 18.6 Golden Age Passport.

(a) Issuance of the Golden Age Passport:

(1) Golden Age Passports will be issued by appropriate Federal personnel (hereinafter "Issuing Officer") at National Park Service headquarters, Washington, D.C., and at field offices designated by the heads of the bureaus administering Designated Entrance Fee Areas and Designated Recreation Use Facilities.

(2) The Golden Age Passport will be issued free of charge upon the presentation of identification or information which attests to the fact that the applicant is a person 62 years of age or older and a citizen of the United States, or if not a citizen, domiciled therein. To satisfy the age requirement such identification may include, but is not limited to, a State driver's license or birth certificate. To satisfy the citizenship requirement, such identification may include, but is not limited to, a birth certificate or a voter registration card issued by a State or Territory, or a political subdivision thereof, of the United States.

(3) For the purpose of this section, an applicant should be regarded as being "domiciled" in the United States if he has a fixed and permanent residence in

the United States or its Territories to which he has the intention of returning whenever he is absent. Accordingly, an alien may be domiciled in the United States if he maintans a fixed and permanent residence therein to which he has the intention of returning whenever he is absent. An alien who temporarily travels or works in the United States, even for a period of years, shall not be regarded as domiciled therein if that alien has no intention of permanently maintaining his residence in the United States.

(4) The Golden Age Passport, commencing with the issuance of the 1975 Golden Age Passports, shall be a lifetime permit valid for the life of the permittee.

(5) Any applicant meeting the age and other requirements described in paragraph (a)(2) of this section not having in his possession any identification or information evidencing his qualification for a Golden Age Passport may be issued such a Passport on the basis of the affidavit below, if such an affidavit is signed in front of the Issuing Officer.

Passport No._____ Date _____

To the Secretary of the Interior:

I do hereby swear or affirm that I am 62 years of age or older, that I am a citizen of the United States or that I am domiciled therein and that I am duly entitled to be issued free of charge one Golden Age Passport pursuant to the Land and Water Conservation Fund Act of 1965, 16 U.S.C. A.460*l*-6a (Supp., 1974), as amended by Pub. L. 93-303.

_____
Signature

_____
Street

_____
Town, City, State

_____
Issuing Officer

(6) The Passport must be applied for in person and signed in front of the Issuing Officer or otherwise it will be treated as invalid.

(7) The Golden Age Passport shall be nontransferable and the unlawful use thereof shall be punishable in the manner described in § 18.12 of this part.

(b) The Golden Age Passport shall admit the permittee and any persons accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the areas is by means other than private, noncommercial vehicle to Designated Entrance Fee Areas. Golden Age Passport coverage does not include a permittee and his spouse or children entering a Designated Entrance Fee Area in two separate, private, noncommercial vehicles. In this case, only the vehicle with the permittee shall be covered by the Passport. The persons in the second vehicle shall be subject to the single-visit entrance fee requirement.

(1) "Private, noncommercial vehicle," for the purposes of this subsection, shall be defined the same as in § 18.5(b)(1).

(2) "Accompanying," for the purpose of this subsection, shall be defined the same as in § 18.5(b)(2).

(c) Any Golden Age Passport permittee shall be entitled upon presentation of the Passport to utilize Designated Recreation Use Facilities at a rate of 50 percent of the established recreation use fees.

(d) The Golden Age Passport does not authorize any specialized recreation use for which a special recreation permit fee is changed.

§ 18.7 Entrance fees for single-visit permits.

(a) Entrance fees for single-visit permits shall be selected by the National Park Service from within the range of fees listed below, provided that such fees are established in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection; and,

(6) Other pertinent factors.

(b) There shall be two types of single-visit entrance fees charged at Designated Entrance Fee Areas for those persons not covered by either Golden Eagle or Golden Age Passports.

(1) The fee for a single-visit permit applicable to those persons entering by private, noncommercial vehicle shall be $1 to $3 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in said vehicle. The single-visit permit shall be valid only at the one Designated Entrance Fee Area for which it was purchased. "Accompanying," for the purpose of this section, shall mean entering together with the permittee while being transported by the same private, noncommercial vehicle which the permittee occupies.

(2) The fee for a single-visit permit applicable to those persons entering by any means other than private, noncommercial vehicle shall be $0.50 to $1.50 per person and shall be valid at the one Designated Entrance Fee Area for which it is paid.

(c) Any of the permits provided for in paragraphs (a) and (b) of this section shall be valid at the Designated Entrance Fee Area for which it was purchased during the same calendar day of purchase. In addition, at overnight use areas, the single-visit permit shall be valid as long as the permittee and those covered by his permit remain within the boundaries of the Designated Entrance Fee Area, beginning from the first day of entry until the day of departure; except that on the same day that the entrance fee is paid, the permittee and those covered by the permit may leave and reenter without payment of additional fees.

§ 18.8 Validation and display of entrance permits.

(a) Every annual and lifetime permit shall be validated by the signature of its bearer on the face of the permit at the time of its receipt.

(b) All annual, lifetime and single-visit permits shall be nontransferable.

(c) Every permit shall be kept on the person of its owner, and shall be exhibited on the request of any authorized representative of the administering bureau.

§ 18.9 Establishment of recreation use fees.

(a) Recreation use fees shall be selected by all outdoor recreation administering bureaus of the Department of the Interior from within the schedule of fees listed below provided that such fees are established in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection; and

(6) Other pertinent factors.

(b) Recreation use fees may be established for other types of facilities in addition to those which are listed below in such amounts as are recommended by the Secretary of the Interior.

(c) Schedule of Recreation Use Fees:

Camp and trailer sites	Up to $4.00 per site for overnight use.[1]
Group camping sites	Up to $0.50 daily per site per person.[1 2]
Specalized boat launching facilities and services.	Up to $1.50 per boat per day.[3]
Lockers	Up to $0.25 per locker daily.
Boat storage and handling	To be established at a daily rate in accord with the criteria set forth in this section.
Elevators	To be established at a daily rate in accord with the criteria set forth in this section.
Ferries and other means of transportation.	To be established at a rate in accord with the criteria set forth in this section.
Bathhouses	Up to $0.50 daily per bathhouse per person.
Swimming pools	To be established at a daily rate in accord with the criteria set forth in this section.
Overnight shelters	To be established at a daily rate in accord with the criteria set forth in this section.
Guided tours	To be established at a rate in accord with the criteria set forth in this section.
Electrical hook-ups	Up to $1 per hook-up per day.
Vehicle and trailer storage	To be established at a daily rate in accord with the criteria set forth in this section.
Rental of nonmotorized boats	A minimum of $1 per boat per day or fraction thereof.
Rental of motorized boats	A minimum of $5 per boat per day or fraction thereof.
Rental of hunting blinds	Up to $5 per blind per day or fraction thereof.
Reservation services	To be established at a rate in accord with criteria set forth in this section.
Specialized sites (highly developed).	Up to $1.50 daily per site per person.

[1] Provided that in no event shall there be a charge for the use of any campsite and adjacent related facilities unless the campground in which the site is located has all of the following: Tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the bureau operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted).

[2] The administering bureau may establish a group use rate in lieu of the above "Group Camping Sites" recreation use fee in accordance with the criteria set out in this section, provided such rate is not less than $3.00 per day per group. Such a group use rate may constitute either a special recreation permit fee or a recreation use fee as determined by the administering bureau.

[3] Use fees for boat ramps are prohibited. However, in the case of boat launching facilities with specialized facilities or services, such as mechanical or hydraulic lifts, reasonable fees may be assessed in accordance with the criteria set out in paragraph (a) of this section.

§ 18.10 Special recreation permits and special recreation permit fees.

(a) Special recreation permits may be required in accordance with procedures established by the administering bureaus for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles. In any instance where such a permit is required, the following conditions must be satisfied:

(1) The use complies with pertinent State and Federal laws and regulations on public health, safety, air quality, and water quality;

(2) The use will not adversely impact archeological, historic or primitive values and is not in conflict with existing resource management programs and objectives;

(3) The necessary clean-up and restoration is made for any damage to resources or facilities; and

(4) The use is restricted, to the extent practicable, to an area where minimal impact is imposed on the environmental, cultural or natural resource values.

(b) Fees for special recreation permits shall be established by all outdoor recreation bureaus of the Department of the Interior issuing such permits in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection, and

(6) Other pertinent factors.

§ 18.11 Collection of Federal recreation fees.

The bureaus of the Department of the Interior administering outdoor recreation programs shall provide for the collection of entrance fees at the place of admission to Designated Entrance Fee Areas; they shall provide for the collection of recreation use fees and/or special recreation permit fees at the place of use or at a location reasonably convenient for the public and the bureaus.

§ 18.12 Enforcement.

Persons authorized by the heads of the appropriate bureaus to enforce these regulations may arrest any person who violates these rules and regulations within areas under the administration or authority of such bureau head with a warrant or, if the offense is committed in his presence, without a warrant. Any violations of the rules and regulations issued in this part, except those in § 18.15, shall be punishable by a fine of not more than $100.

§ 18.13 Exceptions, exclusions, and exemptions.

In the application of the provisions of this part, the following exceptions, exclusions, and exemptions shall apply:

(a) Nothing contained herein shall authorize Federal hunting or fishing licenses or fees;

(b) No entrance fee shall be charged for travel by private noncommercial vehicle over any National Parkway, or any road or highway established as part of the National Federal-Aid System, which is commonly used by the public as a means of travel between two places, either or both of which are outside the Designated Entrance Fee Area;

(c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any Designated Entrance Fee Area.

(d) No Federal recreation fee shall be charged for commercial or other activities not related to recreation, including, but not limited to, organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes. Applicants for waiver of fees on this basis will be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State or local government bodies and will also be required to provide a statement as to the purposes of the visit proposed. The use of any waiver is requested must relate directly recreation facilities for which a fee to scientific or educational purposes of the visit and may not be primarily for recreational purposes. No Federal recreation fee shall be charged any hospital inmate actively involved in medical treatment or therapy in the area visited.

(e) No entrance fee shall be charged any person conducting State, local, or Federal government business.

(f) No entrance fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances.

(g) No entrance fees shall be charged for persons who have not reached their 16th birthday.

(h) Until July 12, 1975, no entrance fee shall be charged a foreign visitor to the United States seeking admission to any Designated Entrance Fee Area upon presentation of a valid passport.

(i) No entrance fees shall be charged persons having a right of access to lands or waters within a Designated Entrance Fee Area for hunting or fishing privileges under a specific provision of law or treaty.

§ 18.14 Public notification.

The administering bureaus shall notify the public of the specific Federal recreation fees which will be charged at areas and for facilities and uses under their jurisdiction. Such notification shall be accomplished by the posting of fee information in accordance with § 18.4 and the

inclusion of such information in publications distributed at each area or facility. Public announcements, press releases and any other suitable means may also be used to provide such notification.

§ 18.15 The Golden Eagle Insignia.

(a) Definitions. (1) The term "The Golden Eagle Insignia" (hereinafter "Insignia") as used in this section, means the words "The Golden Eagle" and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

(2) The term "Secretary" as used in this section, means the Secretary of the Interior or any person designated to act for him in any matter to which this section refers.

(3) The term "commercial use," as used in this section, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to make a profit.

(4) The term "public service use," as used in this section, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to contribute to the public's information and education about the Federal recreation fee program.

(5) The term "official use" refers to uses of the Insignia pursuant to §§ 18.4, 18.5, 18.6, 18.8, 18.10, and 18.14, including, but not limited to, the posting of areas, facilities, and uses with the designation sign described in § 18.4(a), and the design of Golden Eagle and Golden Age Passports, and uses of the Insignia by other Federal agencies.

(6) The Golden Eagle program refers to the Federal outdoor recreation fee program, which provides for the designation of entrance fee areas, recreation use facilities, special recreation permit uses, the issuance of Golden Eagle and Golden Age Passports, and the collection and enforcement of fees at Federal areas and facilities and for specialized recreation uses established by the Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 460l–6a (Supp., 1974), as amended.

(b) Licenses for commercial and public service use. (1) Any person, business, or organization (hereinafter called the applicant) wishing a license for commercial or public service use of the Insignia must make written application to the Secretary stating:

(i) The nature and scope of the intended use.

(ii) The applicant's name and address.

(iii) The nature of the applicant's business or activities, and the relationship between the intended use and said business or activities.

(2) The Secretary, in determining whether to grant a license for the commercial use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is likely to cause confusion, or to cause mistake, or to deceive the general public by creating the impression that the use is official.

(iii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(iv) Whether the intended use is capable of generating enough royalty fee revenue to justify the administrative costs of licensing.

(3) The Secretary, in determining whether to grant a license for the public service use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(4) Any license granted by the Secretary for commercial use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, or reproduction by the licensee. The Insignia shall not be used in conjunction with substances inherently dangerous to the public.

(iii) The license shall contain equal employment opportunity provisions in compliance with Executive Order 11246, 30 FR 12319 (1965), as amended, and regulations issued pursuant thereto (41 CFR Ch. 60) unless the royalty fees to be paid under the license are not expected to exceed $10,000.

(iv) The license shall be subject to revocation by the Secretary at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(5) Any license granted by the Secretary for public service use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, reproduction, or distribution by the licensee.

(iii) The license shall be subject to revocation by the Secretary at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(c) Unauthorized use of the Insignia. (1) Unauthorized use of the Insignia is all use except: The licensed commercial use or public service use of the Insignia; official use of the Insignia; and any lawful use of the Insignia, similar emblem, sign or words which antedates the Act of July 11, 1972, 86 Stat. 459.

(2) Whoever makes unauthorized use of the Insignia or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake or to deceive the public by creating the impression that the use is official, shall be fined not more than $250 or imprisoned not more than 6 months or both.

(3) Any unauthorized use of the Insignia may be enjoined at the suit of the Attorney General upon complaint by the Secretary.

(d) Royalty fees for commercial and public service use.

(1) Royalty fees for licensed commercial use of the Insignia shall be established at reasonable rates by contract between the licensee and the Secretary.

(2) Royalty fees for licensed public service use of the Insignia shall be waived by the Secretary.

(e) Abandonment of the Golden Eagle Insignia. The rights of the United States in the Golden Eagle Insignia shall terminate if the use of the Insignia is abandoned by the Secretary. Nonuse for a continued period of 2 years shall constitute abandonment.

[FR Doc.74–21136 Filed 9–13–74;8:45 a.m.]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 12; Docket No. 74–11]

PART 502—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments

This proceeding was instituted by notice of proposed rulemaking published in the FEDERAL REGISTER on March 25, 1974 (39 FR 11117). The purpose of the proceeding was to amend various sections of the Commission's rules of practice, principally in the area of discovery procedures, in order to expedite the conduct of formal proceedings.[1]

Interested parties have submitted comments which the Commission has considered carefully and, in light thereof, we herewith publish final rules. A section-by-section discussion of the rules and comments thereon follows.

Section 502.61, Proceedings, was proposed to be amended by addition of a provision that hearings were to commence on or before a specified date, which date would be no more than six months from the institution of the proceeding. Deferral beyond six months would be made only upon showing of extraordinary good cause.

Comment was made that the word "extraordinary" was too restrictive, had

[1] For further explanation of the purpose of the proposed amendments, see the notice of proposed rulemaking, cited above.

no meaning and should be defined or stricken. It was also suggested that extensions be granted automatically in complaint proceedings upon request of all parties. Concern was also expressed that the six-month deadline might be burdensome.

The comments with respect to the use of the term "extraordinary" are well taken and we are not including it in the final rule. In its place we are substituting the standard that the hearing date may be deferred to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party. This standard presently exists in § 502.153 respecting appeals from rulings and the Commission and counsel have had experience with it.

We are rejecting the proposal that automatic extensions be granted in complaint proceedings. The Commission has a legitimate interest in seeing proceedings pursued to a conclusion and not languish on its docket for years while parties negotiate at leisure. We are also satisfied that experience has shown that the six-month deadline will not be unduly restrictive.

Finally, we are providing that time periods commence upon notice in the FEDERAL REGISTER. The reason for this is discussed under § 502.72(b), below.

Section 502.72, Petition for Intervention, was proposed to be amended by a new provision requiring that interveners must commence discovery 10 days after intervention has been granted, and that if the petition for intervention is filed later than 20 days after commencement of the proceeding, petitioner will be deemed to have waived his right to discovery procedures.

Parties expressed concern that the time periods were too short, pointing out, for example, that complaint proceedings are not noticed in the FEDERAL REGISTER and are learned of by outside interests only incidentally. Another commentator would eliminate the time periods entirely, leaving the matter to the discretion of the presiding officer. A suggestion was also made that a provision be included allowing interveners in large, complex proceedings the same rights as other parties if a prehearing conference is held to consider discovery matters. Finally, one commentator would insert a "good cause" proviso with respect to commencement of discovery by interveners.

We agree that the time periods may be too short. In a complaint proceeding, for example, the issue may not even be joined after 20 days. Accordingly, we are enlarging the time periods to 15 and 30 days, respectively. We reject the suggestion that the time periods be eliminated entirely as contrary to the very thrust of this proceeding.

The proposals as to prehearing conference procedure and the "good cause" proviso have also been accepted and incorporated in the final rules. The Commission will also adopt the practice of noticing complaints in the FEDERAL REGISTER and the final rules provide that time periods commence running upon notice in the FEDERAL REGISTER with respect to all proceedings.

Sections 502.182, Complainant's Memorandum of Facts and Argument; 502-183, Respondent's Answering Memorandum; and 502.184, Complainant's Memorandum in Reply were proposed to be amended to simplify proceedings conducted under shortened procedure. No comments were directed to these proposals and we are adopting them as final rules.

Section 502.201(b), was proposed to be amended by deletion of the requirement that leave of the Commission is necessary to take testimony by deposition within 20 days after commencement of a proceeding. No comments were directed to this proposal and the provision will be deleted.

Section 502.201(b)(2) was proposed to be amended to provide that discovery procedures commence 20 days after institution of a proceeding or, in the case of a new phase of discovery generated by answers or information obtained through earlier discovery, within 15 days after service of the answers or receipt of the information.

Several commentators argue that the time periods are too short and will lead to pro forma discovery requests. One party suggests that completion of discovery be made a stated time before hearing.

We are increasing the time period for "first wave" discovery to 30 days although we are not so sanguine as to believe that many discovery requests would not be of the boilerplate variety no matter what time limitation is set. The discretion of the presiding judge and the early commencement of discovery negate the necessity for the "stated time before hearing" approach.

We are again keying commencement of the time period to notice in the FEDERAL REGISTER. We are also clarifying the authority of the presiding officer to resolve disputes relating to discovery matters.

Sections 502.204, Depositions Upon Oral Examination; and 502.205, Depositions of Witnesses Upon Written Interrogatories, were proposed to be amended by addition of a provision that a party desiring to take a deposition must comply with the requirements of § 502.201(b)(2), discussed above.

Again, the complaint is made that the time is too short. We have, however, increased the time period in § 502.201(b)(2) and this, coupled with the presiding officer's discretion should allay any fears that discovery will be closed off.

Section 502.206(a) was proposed to be amended to provide for time limits on the service of interrogatories; oral argument on answers or objections to interrogatories at the discretion of the presiding officer; and an affidavit by counsel that good faith efforts to resolve differences among counsel have been made prior to application to the presiding officer for an order directing answer.

Several commentators would reverse the emphasis with respect to oral argument on objections or answers, i.e., the presiding officer would hear oral argument unless, in his discretion, he deems that the controversy may be decided on the pleadings before him. Suggestion is also made that interrogatories and answers be served on all parties. In addition, one commentator questions the effectiveness of the "good faith" affidavit.

We will let the rule stand as proposed with respect to oral argument. Such argument can be very time-consuming and, in the experience of the Commission, often non-productive. We would hope, in the interest of expedition, that oral argument will be the exception rather than the rule.

The "good faith" affidavit is a manifestation of the Commission's interest in assuring meaningful and expeditious discovery. It also conforms to court practice. The provision, accordingly, will remain as proposed.

We are accepting the suggestion as to service on all parties of interrogatories and answers. In addition, we are placing discretionary authority in the presiding officer to limit such service, e.g., with respect to confidential business information or where service would be unduly burdensome.

Section 502.206(b) was proposed to be amended to provide for procedures applicable where answers to interrogatories involve an opinion or contention. No comment was directed to this proposal and we are adopting it as a final rule.

Section 502.206 was proposed to be amended by the addition of a provision for the optional production of business records in answer to interrogatories. No comments were directed to this proposal and we are adopting it as a final rule.

Section 502.207, Production of Documents and Things and Entry Upon Land for Inspection, and other purposes was proposed to be amended in a manner similar to § 502.206, above. Many of the arguments made to that section were repeated here and we believe that we have disposed of them adequately. Our attention has been drawn, however, to an inadvertent omission. The proposal does not provide for enlarging or shortening the time for response to motions for production. We are including this provision in the final rule.

Section 502.208, Requests for Admission, was proposed to be amended in a manner similar to § 502.206. Some of the objections made to that section were repeated here and we believe that we have disposed of them adequately.

Two additional comments were made, however. One commentator questions the Commission's authority to allow costs in circumstances where a party fails to admit the genuineness of a document or truth of a matter and the moving party thereafter proves such genuineness or truth. This provision was not part of the proposed revision and, indeed, has existed in the rules for some time. Accordingly, we will let it stand. Another commentator points out that the terms "pretrial" and "trial" appear in the revision. This, of course, was inadvertent and the terms "prehearing" and "hearing" will appear in the final rule.

Sections 502.210(a) and 502.210(b) were proposed to be amended to provide for sanctions for refusal to make discovery. No comments were directed to these proposals and we are adopting them as final rules.

Section 502.210, Refusal to Make Discovery; Consequences, was proposed to be amended by the addition of a provision that an affected party may seek court enforcement of a discovery order within 15 days of refusal to obey such order, failing which he will be deemed to have waived such right. The amendment also provided for directions by the presiding officer to seek such enforcement.

Objection is made that 15 days is too short a period and we, accordingly, are enlarging the time to 20 days. Objection is also made that the rule apparently does not apply to the Commission. This is erroneous. The provision applies to the Bureau of Hearing Counsel as well as any other "party". We are also eliminating the provision that the presiding officer may direct a party to seek enforcement as being unnecessary.

Section 502.211, Witnesses and Evidence Located in a Foreign Country, was proposed to be amended in a manner similar to § 502.210. The same objections were made to this proposal and we have adequately disposed of them.

A new § 502.243 was proposed to provide for the holding of oral argument where two commissioners specify that they desire to hear same on specific issues. This provoked comment ranging from approval to disapproval. In light of these comments and the fact that oral argument is not a routine matter before this agency, we are discarding this proposal.

A new § 502.244 was proposed to be added providing that a commissioner who is not present at oral argument may participate in the decision unless he elects in writing not to do so. No comments were directed to this proposal and we are adopting it as a final rule.

Sections 502.304 (d) through (g) and 502.312 were proposed to be amended to simplify procedures relating to small claims. No comments were directed to these proposals and we are adopting them as final rules. We are also amending § 502.301 to conform it to amended § 502.304(e).

Two matters remain.

Suggestions have been made for enlarging the time for filing exceptions and replies to initial decision and for filing responses to pleadings. These proposals may well have merit and we will take them under consideration. They are not within the scope of this proceeding, however, and will not be treated here.

Finally, one commentator has expressed concern that the rules may be considered as a limitation on the powers and duties of the presiding officer set forth under § 502.147(a). We intend no such restriction.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841(a)), Part 502 of Title 46, Code of Federal Regulations, is amended as set forth below.

1. Section 502.61 is amended by the addition of the following sentence:

§ 502.61 Proceedings.

* * * In proceedings referred to the Office of Administrative Law Judges, the Commission shall specify a date on or before which hearing shall commence, which date shall be no more than six months from the date of publication in the FEDERAL REGISTER of the Commission's order instituting the proceeding or notice of complaint filed. Hearing dates may be deferred by the presiding judge only to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party.

2. Section 502.72 is amended by redesignating the current text as paragraph (a) and adding new paragraphs (b) and (c) as follows:

§ 502.72 Petition for intervention.

* * * * *

(b) Absent good cause shown, any intervener desiring to utilize the procedures provided by Subpart L must commence doing so no later than 15 days after his petition for leave to intervene has been granted. If the petition is filed later than 30 days after the date of publication in the FEDERAL REGISTER of the Commission's order instituting the proceeding or notice of complaint filed, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30-day period; provided, however, the use of Subpart L procedures by an intervener whose petition was filed beyond the 30-day period described above will in no event be allowed if, in the opinion of the presiding officer, such use will result in delaying the proceeding unduly.

(c) If intervention is granted before or at a prehearing conference convened for the purpose of considering matters relating to discovery, the intervener's discovery matters may also be considered.

3. Sections 502.182, 502.183, and 502.184 are revised as follows:

§ 502.182 Complaint and memorandum of facts and arguments.

A complaint filed with the Commission under this subpart shall have attached a memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments separately stated, upon which it relies. The original of each complaint with memorandum shall be accompanied by copies for the Commission's use [Rule 11(b)].

§ 502.183 Respondent's answering memorandum.

Within twenty-five (25) days after date of service of the complaint, unless a shorter period is fixed, each respondent shall, if he consents to the shortened procedure provided in this subpart, serve upon complainant an answering memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments, separately stated, upon which it relies. The original of the answering memorandum shall be accompanied by a certificate of service as provided in § 502.114 of this part and shall be accompanied by copies for the Commission's use. If the respondent does not consent to the proceeding being conducted under the shortened procedure provided in this subpart, the matter will be governed by Subpart E of this part (Rule 5) and the respondent shall file an answer under § 502.64 [Rule 11(c)].

§ 502.184 Complainant's memorandum in reply.

Within fifteen (15) days after the date of service of the answering memorandum prescribed in § 502.183, unless a shorter period is fixed, each complainant may file a memorandum in reply, subscribed and verified according to § 502.112 (Rule 8(b)), served as provided in § 502.114 of this part, and accompanied by copies for the Commission's use. This will close the record for decision unless otherwise determined by the presiding officer [Rule 11(d)].

4. Section 502.201 is amended by deleting the second sentence of paragraph (b)(1) and revising paragraph (b)(2) as follows:

§ 502.201 General.

(b) * * *

(2) Unless otherwise ordered by the presiding officer for good cause shown, the use of the procedures set forth in this subpart shall be completed prior to hearing and shall be commenced no later than 30 days after the date of publication in the FEDERAL REGISTER of the Commission's order instituting the proceeding or notice of complaint filed, or, if the particular discovery is in the nature of a new phase of discovery generated by answers or information obtained through earlier discovery procedures, within 15 days after such answers have been served or such information obtained. Interveners desiring to use any such procedures must comply with the applicable provisions of § 502.72. The presiding officer may at any time order the parties or their attorneys to appear at a conference at which he may direct the proper use of such procedures or the time to be allowed for such use, or make such orders as may be necessary to resolve substantive disputes with respect to discovery, and shall do so whenever he considers it desirable to prevent delay or undue inconvenience.

5. Section 502.204 is amended by the addition of the following new paragraph (h):

§ 502.204 Depositions upon oral examination.

* * * * *

(h) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

6. Section 502.205 is amended by the addition of the following new paragraph (h):

§ 502.205 Depositions of witnesses upon written interrogations.

* * * * *

(h) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of section 502.201(b)(2).

7. In § 502.206, paragraph (a) is amended by deleting the present text following the first sentence and substituting the following; paragraph (b) is amended by adding the following sentence; and paragraph (c) is added to read as follows:

§ 502.206 Interrogatories to parties.

(a) * * * Any party desiring to serve interrogatories as provided by this section must comply with the applicable provisions of § 502.201(b)(2) and make service thereof on all parties to the proceeding. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, on all parties to the proceeding within 30 days after the service of the interrogatories, unless the presiding officer for good cause shown, enlarges or shortens the time. The presiding officer, for good cause, may limit service of answers. The party submitting the interrogatories may move for an order under § 502.210 or § 502.211 with respect to any objection or to other failure to answer an interrogatory. Unless otherwise ordered by the presiding officer for good cause shown, such a motion shall be filed no later than 15 days after date of service of the answers or objections. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to the particular answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. No motion described in this paragraph will be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such agreement. If part of the issues raised by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

(b) * * * An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the presiding officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time.

(c) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

8. Section 502.207 is revised to read as follows:

§ 502.207 Production of documents and things and entry upon land for inspection and other purposes.

(a) *Scope.* Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of § 502.201 and which are in the possession, custody or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of § 502.201.

(b) *Procedure.* The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The party upon whom the request is served shall serve a written response within 30 days after the service of the request or within such shorter or longer time as the presiding officer may allow. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested. Oral argument on responses or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings.

(c) *Time and procedural requirements.* Any party desiring to serve a request as provided by this section must comply with the applicable provisions of § 502.201(b)(2). Any party submitting a request who desires to move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request must file an appropriate motion within 15 days after date of service of the written response. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to objection to or other failure to respond to the request. Such motion will not be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such an agreement. If part of the issues raised by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

9. Section 502.208 is revised to read as follows:

§ 502.208 Requests for Admission.

(a)(1) A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of § 502.201(c) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness if any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Any party desiring to serve a request as provided by this section must comply with the applicable proviisons of § 502.201(b)(2).

(2) Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the presiding officer may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the

party or by his attorney. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of § 502.208(c) deny the matter or set forth reasons why he cannot admit or deny it.

(3) The party who has requested the admissions may move to determine the sufficiency of the answers or objections provided that he files an appropriate motion within 15 days after date of service of such answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. Unless the presiding officer determines that an objection is justified, he shall order that an answer be served. If the presiding officer determines that an answer does not comply with the requirements of this rule, he may order either that the matter is admitted or that an amended answer be served. The presiding officer may, in lieu of these orders, determine that final disposition of the request be made at a prehearing conference or at a designated time prior to hearing.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless the presiding officer on motion permits withdrawal or amendment of the admission. The presiding officer may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the presiding officer that withdrawal or amendment will prejudice him in maintaining his action or defense on the merits. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

(c) *Expenses on failure to admit.* If a party fails to admit the genuineness of any document or the truth of any matter as requested under § 502.208(a), and if the party requesting the admission thereafter proves the genuineness of the document or the truth of the matter, he may apply to the presiding officer for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The presiding officer shall make the order unless he finds that (1) the request was held objectionable pursuant to § 502.208(a), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or (4) there was other good reason for the failure to admit [Rule 12(h)].

10. In § 502.210, paragraph (a) is amended by the addition of the following sentence; paragraph (b) is revised and paragraph (c) is added to read as follows:

§ 502.210 Refusal to make discovery: consequences.

(a) * * * Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in § 502.206, § 502.207, and § 502.208 where applicable. With respect to depositions, unless otherwise ordered by the presiding officer for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) Sanctions for failure to comply with order. If a party or an officer or duly authorized agent of a party refuses to obey an order made under paragraph (a) of this section requiring him to answer designated questions or to produce any document or other thing for inspection, copying or photographing or to permit it to be done, the presiding officer may make such orders in regard to the refusal as are just, and among others the following:

(1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any party thereof, or rendering a judgment by default against the disobedient party.

(c) *Enforcement of orders.* In the event of refusal to obey an order made under paragraph (a) of this section the affected party or the commission may apply for enforcement to a district court having jurisdiction of the parties, provided that the affected party seeks court enforcement within 20 days of the date of refusal to obey the order in question. Failure to seek enforcement in timely fashion will result in a waiver of the affected party's rights to enforcement of the subject order.

11. In § 502.211, paragraph (a) is amended by deleting the last sentence and substituting the following sentence and paragraph (b) is redesignated as (c) and a new paragraph (b) added to read as follows:

§ 502.211 Witnesses and evidence located in a foreign country.

(a) * * * Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in §§ 502.206, 502.207 and 502.208 where applicable. With respect to depositions, unless otherwise ordered by the Commission for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) *Sanctions for failure to comply with order.* In the event of refusal to obey an order of the Commission described in paragraph (a) of this section, the Commission may make such orders or take such actions in regard to the refusal as are just, including the specific sanctions provided in § 502.210(b).

(c) *Enforcement of orders.* Application to a district court for enforcement of an order which relates to persons, documents, or other things located in a foreign country shall be made by the Commission. In the event of refusal to obey an order of the Commission described in paragraph (a) of this section the affected party may request the Commission to seek court enforcement provided that such request is filed with the Commission within 20 days of the date of refusal to obey the order in question. Failure of the affected party to file a timely request with the Commission will result in a waiver of the affected party's rights to enforcement of the subject order.

12. Subpart N is amended by the addition of the following new § 502.243:

§ 502.243 Participation of absent Commissioner.

Any Commissioner who is not present at oral argument and who is otherwise authorized to participate in a decision shall participate in making that decision after reading the transcript of oral argument unless he files in writing an election not to participate.

§ 502.301 [Amended]

13. Section 502.301 is amended by striking the word "written" in the first sentence.

14. In Section 502.304 paragraphs (d), (e), (f), and (g) are revised to read as follows:

§ 502.304 Procedures.

* * * * * *

(d) A copy of each claim filed under this subpart, with attachments, shall be served by the Settlement Officer on the carrier involved.

(e) Within twenty-five (25) days from the date of service of the claim, the carrier shall file with the Commission its response to the claim, together with an indication as to whether the informal procedure provided in this subpart is consented to. Failure of the carrier to indicate refusal or consent in its response will be conclusively deemed to indicate such consent. The response shall consist of documents, arguments, legal authorities, or precedents, or any other matters considered by the carrier to be a defense to the claim. The Settlement Officer may

request the carrier to furnish such further documents or information as he deems necessary, or he may require the claimant to reply to the defenses raised by the carrier.

(f) If the carrier refuses to consent to the claim being informally adjudicated pursuant to this subpart, the claim will be considered a complaint under § 502.311 and will be adjudicated under Subpart T.

(g) Both parties shall promptly be served with the Settlement Officer's decision which shall state the basis upon which the decision was made. This decision shall be final, unless, within fifteen (15) days from the date of service of the decision, the Commission exercises its discretionary right to review the decision.

15. Section 502.312 is revised to read as follows:

§ 502.312 **Answer to complaint.**

The carrier shall file with the Commission an answer within 25 days of service of the complaint and shall serve a copy of said answer upon complainant. The answer shall admit or deny each matter set forth in the complaint. Matters not specifically denied will be deemed admitted. Where matters are urged in defense, the answer shall be accompanied by appropriate affidavits, other documents, and memoranda.

Effective dates: Inasmuch as the expeditious adoption of these rules is desirable and inasmuch as they are procedural in nature, they shall be effective September 16, 1974, and shall be applicable to proceedings instituted on and after that date.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-21354 Filed 9-13-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19356; FCC 74-914]

PART 0—COMMISSION ORGANIZATION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Low Power Communication Devices

ORDER RE STAY

In the matter of amendment of Part 0 and 2 of the rules relating to equipment authorization of RF devices.

1. On February 6, 1974, the Commission adopted a report and order in this proceeding, which in paragraph 51[1] thereof, ordered that bilateral certification[2] for low power communication devices shall become effective on September 1, 1974.

2. It was the Commission's intention that during the period February 6, 1974 to September 1, 1974, Part 15 would be revised to set out in detail the information to be submitted when applying for certification for a low power communication device. Although work on this revision was started shortly after February 6, 1974, the pressure of other matters makes it impossible to complete this revision prior to September 1, 1974. Under these circumstances, since the information that the Commission will require to make the necessary determination has not been published, it is necessary to stay the effective date when bilateral certification will be required.

3. *It is ordered, therefore,* That the date September 1, 1974 specified in paragraph 51 of the Report and Order in Docket No. 19356 be stayed for a period of six months, or such earlier date as may be specified in the Order that revises Part 15.

Adopted: August 28, 1974.

Released: September 4, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[FR Doc.74-21315 Filed 9-13-74;8:45 am]

[1] Paragraph 51 of the Report and Order reads

"51. It is ordered further, that the requirement for bilateral certification of low power communication devices, which have heretofore been subject to self certification, shall become effective on September 1, 1974."

[2] Bilateral certification is a procedure under which an application requesting certification is filed with the Commission. In response to such an application, the Commission issues a Grant of Certification, if it finds that the equipment can be expected to comply with its technical specifications.

[3] Commissioners Lee, Reid and Washburn absent.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1195]

PART 1033—CAR SERVICE

St. Louis Southwestern Railway Company Ordered To Operate Trains of National Railroad Passenger Corporation (Amtrak)

SEPTEMBER 10, 1974.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of September, 1974.

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between St. Louis, Missouri, and Laredo, Texas; that the operation of these trains requires the use of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Texarkana, Arkansas-Texas, for interchange with the lines of The Texas and Pacific Railway Company (T&P); that, because of a derailment on its line at Arkadelphia, Arkansas, on September 8, 1974, the MP is unable to operate Amtrak trains to and from Texarkana; that a detour route is available between Little Rock, Arkansas, and Texarkana via the MP between Little Rock and Pine Bluff, Arkansas, thence via the St. Louis Southwestern Railway Company (SSW) between Pine Bluff and Texarkana; that the SSW is unwilling to accept these Amtrak trains for movements between the MP and the T&P; that the failure to operate these trains intact between St. Louis and Laredo via their regular routes to the greatest extent practicable over their entire routes would force the public to find alternative methods of transportation requiring greater expenditures of energy, thus creating an emergency and that operation of the aforementioned Amtrak trains over tracks of the MP between St. Louis and Pine Bluff, thence over the tracks of the SSW between Pine Bluff and Texarkana for interchange with the T&P is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033 **Service Order No. 1195.**

(a) *St. Louis Southwestern Railway Company ordered to operate trains of National Railroad Passenger Corporation (Amtrak).* The St. Louis Southwestern Railway Company (SSW) be, and it is hereby, ordered to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with the Missouri Pacific Railroad Company (MP) at Pine Bluff, Arkansas, and a connection with The Texas and Pacific Railway Company (T&P) at Texarkana, Arkansas-Texas.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 9 p.m., September 8, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 9, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(45 U.S.C. (562))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21356 Filed 9-13-74;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Proposed Revocation of International Airport Status of San Diego International Airport (Lindbergh Field) Rescinded

On October 3, 1973, a notice of a proposed amendment to the Customs Regulations providing for the revocation of the international airport status of San Diego International Airport (Lindbergh Field) was published in the FEDERAL REGISTER (38 FR 27404). This proposed change was prompted by the requests of various aviation interests in the San Diego area that other airfields in that area, particularly Brown Field, be allowed to accommodate light, private aircraft and other general aviation arriving from Mexico.

However, based upon the response to the proposed amendment, it has been determined that the public interest would not be served by proceeding with the proposed revocation at this time.

Accordingly, the notice is hereby rescinded.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 9, 1974.

DAVID R. MACDONALD
Assistant Secretary of the Treasury.

[FR Doc.74-21353 Filed 9-13-74;8:45 am]

[19 CFR Part 151]

EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Proposed Amendment of the Customs Regulations Relating to the Documents To Be Filed With the Entry of Wool or Hair

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend §§ 151.64, 151.71(b), and 151.72(b) of the Customs Regulations (19 CFR 151.64, 151.71(b), 151.72(b)) to require the name and address of the importer of wool or hair to be provided by the importer on Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, with the entry of wool or hair. The amendments further provide for the subsequent use of that form by Customs to notify the importer of the percentage clean yield and grade of the wool or hair. In those cases where a laboratory analysis of the importation of wool or hair has been made and the district director has received a copy of the Laboratory Report, Customs Form 6415, the proposed amendments provide that a copy of the report shall accompany the notification to the importer.

It is believed that requiring the importer to submit his name and address on Customs Form 6451 with each entry of wool or hair will expedite the return of the form notifying the importer of the percentage of clean yield and grade of the wool or hair.

Accordingly, it is proposed to amend Part 151 of the Customs Regulations (19 CFR Part 151) in the following manner:

It is proposed to amend § 151.64, including the heading thereof, to read as follows:

§ 151.64 Additional documents.

(a) *Notice of Percentage Clean Yield and Grade of Wool or Hair.* Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, containing the name and address of the importer, shall be filed in duplicate with each entry covering wool or hair.

(b) *Extra copy of entry.* One copy of each entry covering wool or hair subject to duty at a rate per clean pound shall be filed in addition to the copies otherwise required.

It is also proposed to amend paragraph (b) of § 151.71 to read as follows:

§ 151.71 Laboratory testing for clean yield.

* * * * *

(b) *Notification to importer.* The district director shall promptly notify the importer by mail on Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, of the percentage clean yield found by him. Where samples of wool or hair have been tested in a Customs laboratory and the district director has received a copy of the Laboratory Report, Customs Form 6415, a copy of that report shall accompany the notification to the importer.

* * * * *

It is also proposed to amend paragraph (b) of § 151.72 to read as follows:

§ 151.72 Estimation of clean yield by nonlaboratory method.

* * * * *

(b) *Notification to importer.* The district director shall promptly notify the importer by mail on Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, of the percentage clean yield estimated by the appropriate Customs officer.

* * * * *

Prior to the adoption of the proposed amendments, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than October 16, 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: September 9, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21352 Filed 9-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

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

Expenses and Fixing of Rate of Assessment for the 1974-75 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $680,000 and rate of assessment of $0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit to support the activities of the Texas Valley Citrus Committee for the 1974-75 fiscal period under Marketing Order No. 906.

Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under 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:

(1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1974, through July 31, 1975, will amount to $680,000.

(2) That there be fixed at $0.045 per 7/10-bushel carton or equivalent quantity

of oranges and grapefruit the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1974, be carried over as a reserve in accordance with § 906.35 of 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 October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 10, 1974.

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

[FR Doc.74-21295 Filed 9-13-74;8:45 am]

Food and Nutrition Service

[7 CFR Part 271]

[Amdt. No. 34]

FOOD STAMP PROGRAM

Eligibility of Households for Participation

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2026), notice is hereby given that Food and Nutrition Service, Department of Agriculture, intends to amend Part 271 of its regulations governing eligibility of households for participation in the Food Stamp Program (7 CFR 271). The proposed amendment would make ineligible an individual who: (1) is at least 18 years old; (2) is enrolled in an institution of higher education; and (3) is a properly claimed tax dependent of a person who is not a member of an eligible household. Only the individual would be ineligible; the remainder of the household in which he resides may participate in the Food Stamp Program, if otherwise eligible. In addition, the individual would have an opportunity to demonstrate that he is not a "properly claimed" tax dependent and, therefore, may be eligible.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to P. Royal Shipp, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 not later than October 16, 1974. All comments, suggestions, or objections received by this date will be considered before the final regulation is issued.

Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m.-5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650.

The proposed revision is:

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

§ 271.3 is amended to add a new paragraph (e) reading as follows:

§ 271.3 Household eligibility.

* * * * *

(e) *Tax dependency.* (1) No individual shall be considered a household member for Food Stamp Program purposes if such individual: (i) has reached his 18th birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household.

(2) *Definitions.* For the purpose of this paragraph, the following definitions shall apply:

(i) "Institution of higher education" means an institution providing post-high school education including, but not limited to, colleges, universities, and vocational and technical schools at the post-high school level.

(ii) "Properly claimed" means that the dependent child is claimed by a taxpayer who provides such child with more than half of his or her support during the calendar year in which the taxable year of the taxpayer begins.

(iii) "Eligible household" means a household certified as being eligible for participation in the Food Stamp Program or Food Distribution Program; or one which can demonstrate that it would be eligible to participate in the Food Stamp Program based on the income and resource standards applicable to nonassistance households.

(3) Notwithstanding any other provisions of this subchapter, the income and resources of an individual who is not considered a household member under paragraph (e)(1) above and who resides with eligible household members or elderly persons, shall not be considered available to the household members or elderly persons, nor shall his presence be considered in determining the household coupon allotment.

(4) Notwithstanding any other provision of this subchapter, verification of whether or not the household of the taxpayer is an eligible household will be required for all applicant households containing a tax dependent meeting the criteria in paragraph (e)(1) (i) and (ii) above. In addition, verification of the tax dependency status of a member or members of an applicant household will be required whenever such status is questionable. Because the household of the taxpayer is ordinarily the best source of this information, the failure of the taxpayer to respond to the request for verification will be grounds for considering the tax dependent as not being a household member, although the remainder of the household in which the tax dependent resides may be certified, if otherwise eligible. However, the tax dependent shall, through the fair hearing procedures under § 271.1(o), have an opportunity to demonstrate that he is not properly claimed and may, therefore, be eligible to participate as a household member.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

SEPTEMBER 11, 1974.

[FR Doc.74-21346 Filed 9-13-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONY

Guaranteed Loan Program

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.) REA proposes to issue a new REA Bulletin 320-22, Guarantee of Loans for Telephone Facilities. The purpose of this bulletin is to set forth REA policies and requirements concerning the guaranteeing, under section 306 of the Rural Electrification Act, of loans made by legally organized lending agencies to finance rural telephone facilities.

Interested persons may submit written data, views or comments to the Assistant Administrator-Telephone, Rural Electrification Administration, Room 4048, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 16, 1974. All written submissions made pursuant to this notice will be made available for public inspection by the Assistant Administrator-Telephone.

The text of the proposed REA Bulletin 320-22 is as follows:

REA BULLETIN 320-22

SUBJECT: GUARANTEE OF LOANS FOR TELEPHONE FACILITIES

I. *Purpose.* The purpose of this Bulletin is to set forth Rural Electrification Administration policies and requirements concerning the guaranteeing under section 306 of the Rural Electrification Act, as amended, "the RE Act," of loans made by legally organized lending agencies for the purpose of financing telephone facilities.

II. *Policy.* A. It is the policy of REA to consider guaranteeing loans in accordance with the provisions of "the RE Act" and this Bulletin, in order to facilitate the obtaining of major telephone loans from non-REA and non-Rural Telephone Bank sources by applicants having a reported net worth in excess of 20 percentum of assets.

B. A major telephone loan is a loan requiring over four million dollars or such other sum as may be determined from time to time by the Administrator.

C. Consideration of the guaranteeing of a loan where the above criteria are not met is not precluded if the applicant requests a loan guarantee.

D. The Administrator will consider guaranteeing a major telephone loan if such a loan could have been made by REA or RTB in conformity with all REA Bulletins applicable to such a loan, except that new equity

funds will not be required unless REA determines that special circumstances warrant such a requirement.

E. Any loan guaranteed will be guaranteed in the full amount thereof.

F. Loan guarantees will be considered on a case-by-case basis for loans made by the Federal Financing Bank or any other legally organized lending agency which the Administrator determines to be qualified to make, hold and service the particular loan.

G. In view of the Government's full faith and credit 100 percent guarantee of any loan, only REA will obtain mortgage security on account of the guaranteed loan.

H. The applicable mortgage provision will be modified to exclude any unadvanced portion of the guaranteed loan in calculating the allowable payment of dividends.

I. The repayment period for each advance on a guaranteed loan will not exceed 35 years. Interest will be payable as it accrues and principal will be amortized as set forth in the note evidencing the loan.

J. No loan shall be guaranteed if the income from such loan or the income from obligations issued by the holder of such loan is excluded from gross income for the purposes of Chapter I of the Internal Revenue Code of 1954.

III. *Development of Guaranteed Loan Project.* A. Preloan procedures pertaining to REA loans for telephone facilities will be followed in developing a project to be financed by a loan made by a legally organized lending agency and guaranteed by the Administrator. The borrower will be responsible for developing the application and supporting data.

B. After REA has reviewed an application and determined that it will consider guaranteeing a loan for the proposed project, it will publish a notice in the FEDERAL REGISTER. The notice will include a description of the proposed project, the estimated total cost, the estimated amount of the guaranteed loan, a statement that the Federal Financing Bank has a standing loan commitment agreement with the Rural Electrification Administration and the name and address of the applicant to which financing proposals may be submitted.

C. The applicant will be responsible for evaluating all proposals and furnishing REA with a report on the evaluations and its choice of proposals.

IV. *Contract of Guarantee.* A. If REA is satisfied with the engineering and economic feasibility of the project and approves the borrower's choice of proposal, subject to the submission of a satisfactory lending agreement and other pertinent terms and conditions, REA will prepare a contract of guarantee to be executed by the borrower, the lender, and REA within a specified time.

B. The lender shall have the right to examine the borrower's application and supporting data submitted to REA in support of its request for financial assistance.

C. The contract of guarantee will require the lender to service the loan. Required servicing will include:

1. Determining that all prerequisites to each advance of loan funds by the lender under the terms of the Lending Agreement, Contract of Guarantee, and related security instruments have been fulfilled. Such determinations may be met by obtaining REA approval of each advance.

2. Billing and collecting loan payments from the borrower.

3. Notifying the Administrator promptly of any payment in default 30 days and submitting a report, as soon as possible thereafter, setting forth its views as to the reasons for the default, how long it expects the borrower will be in default, and what corrective actions the borrower states it is taking to achieve a current debt service position.

4. Notifying the Administrator of any known violations or defaults by the borrower under the Lending Agreement, Contract of Guarantee, or related security instruments, or conditions of which the lender is aware which might lead to nonpayment, violation or other default.

V. *Payments Under the Contract of Guarantee.* A. Upon receipt of the reports required in paragraph IV. C. 3. above, REA will pay the lender the amount in default with interest to the date of payment.

B. When REA has made a payment under a contract of guarantee, it will establish in its accounts the amount of the payment as due and payable from the borrower, with interest at the rate of interest specified in the lending agreement.

C. REA will work with the borrower and the lender in an effort to eliminate the borrower's default as soon as possible. REA may also proceed to act under other remedies available under its security instruments.

VI. *Pledging of Contract of Guarantee.* Subject to applicable law, REA will consider, on a case-by-case basis, permitting pledging of the contract of guarantee in order to facilitate the obtaining of funds by the lending agency to make the guaranteed loan.

Dated: September 11, 1974.

DAVID HAMIL,
Administrator.

[FR Doc.74-21344 Filed 9-13-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELING

Failure To Reveal Material Facts

In October 1971 a group of physicians petitioned the Food and Drug Administration to withdraw or modify its requirement that the labeling for oral hypoglycemic drugs used in the treatment of adult onset diabetes contain a warning against cardiovascular consequences associated with their use. It was the position of the petitioners that the proposed warning was unjustified and that, if any warning were required, it should appear together with a statement of the difference of opinion among experts concerning the necessity for the label warning in order to achieve "fair balance."

The Commissioner of Food and Drugs denied the petition in a detailed response and required manufacturers to revise the labeling for these drugs to include the warning. It was the position of FDA that an unencumbered and undiluted label statement was fully justified since there was significant clinical evidence to support the warning and the petitioners had not presented sufficient evidence to disprove the need for the warning.

The petitioners then brought suit in the District Court in Massachusetts to enjoin the labeling change. The petitioners argued that, without a statement of the difference of medical opinion with respect to the need for or basis of the warning, the proposed label would render the drug misbranded within the meaning of 21 U.S.C. 321(n), and 21 CFR 1.3 promulgated thereunder, and 21 U.S.C. 352(a). The Food and Drug Administration contended that, since substantial evidence rather than medical opinion is required to establish the effectiveness of drugs and assure their truthful labeling, the type of labeling suggested by the petitioners would be misleading. The District Court entered a preliminary injunction prohibiting the Food and Drug Administration from requiring the label warning. It held that there was a reasonable likelihood that the labels proposed by FDA did not comply with 21 U.S.C. 321(n), 21 U.S.C. 352 (a), and 21 CFR 1.3. The Government appealed this decision.

On July 31, 1973, the United States Court of Appeals for the First Circuit vacated the District Court's injunction. Bradley v. Weinberger, 483 F. 2d 410 (1st Cir., 1973). In its opinion, the Court of Appeals noted an apparent inconsistency between 21 CFR 1.3 and the substantial evidence requirements added to the Federal Food, Drug, and Cosmetic Act by the Drug Amendments of 1962. The Court held that, although the petitioners had relied upon the general concept of "fair balance" before the Commissioner at the administrative level, the question of the impact of 21 U.S.C. 321(n), 21 U.S.C. 352(a), and 21 CFR 1.3 on the issue had been raised only before the District Court and the Commissioner had no opportunity to consider these matters. The Court concluded that the administrative process had been "working well", and therefore the case should be remanded to the Food and Drug Administration for its further determination:

> * * * as the Supreme Court has very recently noted in similarly resolving a closely analogous case, the interpretation of even definitional sections in the drug law will often involve expert knowledge and the ability to evaluate the scientific evidence that becomes relevant. Weinberger 1. Bentex Pharmaceuticals, Inc. [412 U.S. 645]. Moreover, we have here not only novel issues concerning the interpretation of the statute, which the specialized enforcement agency should first undertake, but also unprecedented inquiries as to the meaning of the agency's own regulations.

The Commissioner has therefore concluded that § 1.3 should be reviewed and revised to reflect current requirements of the law.

LEGISLATIVE HISTORY OF SECTION 201(n) OF THE ACT

Section 201(n) of the act provides:

> If an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

This provision was added to the act just prior to congressional passage. None of the earlier proposed drafts contained any similar provision in the definitions section of the act. However, the first congressional bills did contain, in conjunction with the prohibition against false or misleading labeling, a proviso that, if a labeling representation was supported by "substantial medical opinion," the article would not be deemed to be misbranded. (See sec. 6 of S. 2000, 73d Cong., 2d sess., 1934, and S. 2800, 73d Cong., 2d sess., 1934.) This proviso language reflected the prevailing state of the art of medical determinations at that time (1933–1938).

When subsequent draft bills separated the misbranding sections for foods and drugs, a nearly identical proviso concerning "substantial medical opinion" was retained in the provisions relating to misbranded drugs. (See sec. 402 of S. 5, 74th Cong., 1st sess., 1935.) Similar language continued as part of the proposed prohibition against false or misleading labeling for drugs and devices until late 1937. (See sec. 17 of S. 5, as amended, 75th Cong., 1st sess., 1937.) In August 1937, a subcommittee of the House Interstate and Foreign Commerce Committee reported out its version of the bill, recommending that the first subsection of the drug misbranding provisions state, without proviso, that a drug or device is misbranded if its labeling is false or misleading in any particular and that a separate section be added to deal with material omissions of fact. In April 1938 this new version of the bill was reported out of the full House Interstate and Foreign Commerce Committee without changing these provisions. The report on the bill stated succinctly the relationship of section 201(n) to section 502(a):

> Section 502 defines misbranded drugs and devices.* * * This provision differs from that of the Senate bill (sec. 17(a)), in that it omits the exploratory sentence: "Any representation concerning the effect of a drug or a device shall be deemed to be false and misleading under this paragraph if such representation is not supported by persons who, by reason of scientific training and experience, are qualified as experts on the subject to which such representation relates."

It was felt that if a nostrum maker were able to obtain two or more persons who could qualify as experts and would testify in support of the label claims, the Government's case would be lost despite the fact that every competent expert in the country would unqualifiedly declare the claims to be false. The committee therefore substituted for this provision section 201(n).

This section is also offered as a solution to a difficult legal problem. It is a well-known principle of law that a statute providing punishment for the commission of an offense must describe the offense with a reasonable degree of certainty. There are clear implications in cases arising under the old Food and Drugs Act and other laws that Congress may not, by a simple and unqualified prohibition against misleading representation, penalize the making of a representation of therapeutic effect regarding the truth of which expert opinion differs (Seven Cases v. United States, 239 U.S. 510; United States v. Johnson, 221 U.S. 488; American School of Magnetic Healing v. McAnnulty, 187 U.S. 94).

The reason for this limitation on the power of Congress is apparent. Whether the labeling of an article would be misleading and the product be thus misbranded would depend in a prosecution on whether the jury found it to be misleading.

If the Congress were to provide that a representation, about the correctness of which qualified opinion differed, would be misleading if the jury agreed with the experts holding one view but not misleading if the jury agreed with the experts holding the other view, it is apparent that the manufacturer would be unable to tell in advance whether his labeling violated the statute. There would therefore exist the kind of uncertainty which would invalidate the statute. But it is undesirable to permit misleading claims to be made simply because a few experts can be found on the occasion of a trial to support them.

One of the important applications of section 201(n) relates to this problem. If only a few experts regard a label statement of curative value as true but the great body of qualified experts in that particular field regard the statement as untrue, then there may be substantial ground for concluding that the curative claim is misleading unless it is qualified in such a way as to show the existence of conflicting opinion as to its truth. Certainly a consumer seeking a remedy for a disease condition has the right to know, when it is a fact, that the representations of curative value have only a narrow and limited support; and if the labeling fails to reveal that fact, which is a material fact in the light of the representations made, then the labeling may be regarded as misleading. However, the misleading character of the label may be corrected by an appropriate qualifying statement revealing this material fact.

In such circumstances, therefore, the manufacturer can easily ascertain by consulting qualified experts in the field whether there is a material weight of opinion contrary to claims he desires to make, and there would exist no uncertainty of the kind that would invalidate the statute. (H. Rept. 2139, 75th Cong., 3d sess., at 7, 8 (1938).) Sections 201(n) and 502(a) of the act were adopted by Congress as reported (H. Rept. 2716, 75th Cong., 3d sess. (1938)) and have not since been amended.

This legislative history reveals that one of the purposes of section 201(n) was to determine the circumstances under which drugs and devices would be regarded as misbranded under section 502 (a) of the act because of claims of effectiveness, using the best standard then existing—expert medical opinion. At no time did Congress consider the principles of section 201(n) in conjunction with the drug warning or new drug provisions of the act, nor did it consider the use of controlled clinical studies to determine safety and effectiveness, since such studies were not widely known or accepted at that time.

Promulgation of 21 CFR 1.3

Soon after the enactment in 1938 of the Federal Food, Drug, and Cosmetic Act, the Secretary of Agriculture (at that time charged with the enforcement of the act) published in the Federal Register of December 28, 1938 (3 FR 3161), the regulation that is now codified as § 1.3 (21 CFR 1.3):

> The existence of a difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation made or suggested in the labeling is a fact (among other facts) the failure to reveal which may render the labeling misleading, if there is a material weight of opinion contrary to such representation.

This regulation was first codified under 21 CFR 2.3 in the Cumulative Supplement to the Code of Federal Regulations, published in 1944. It was republished, unchanged, in the Federal Register of December 20, 1955 (20 FR 9525, 9526) under 21 CFR 1.3, and has not since been changed.

Legislative History of Section 502(f) of the Act

Section 502(f) of the act provides that a drug shall be deemed to be misbranded:

> Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users: *Provided*, That where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement.

Similarly, section 505 of the act provides that a new drug may not be approved for marketing if it is unsafe or ineffective for use under the conditions of use set out in the labeling.

The requirement of adequate label directions for use of a drug was included when the first legislation to replace the Federal Food and Drugs Act of 1906 was introduced (sec. 8(d) of S. 1944, 73d Cong., 1st sess. (1933)), and remained in the legislation until enactment in 1938. The related requirement of adequate warnings against misuse of a drug was added in a version of the bill introduced in 1934 (sec. 8(e) of S. 2000, 73d Cong., 2d sess. (1934)), and similarly remained in the legislation until enactment. The new drug provisions of the law in section 505 of the act, which were added to the legislation as a result of the elixir of sulfanilomide tragedy in late 1937, simply incorporate the basic requirements for adequate directions and warnings in drug labeling.

Although there was extensive congressional discussion and debate on the requirements for adequate directions and warnings, there was no suggestion whatever that differing medical opinions about them might be required to be reflected in the labeling. Indeed, from the beginning the legislation required warnings where the drug "may" be dangerous to health. It was nowhere suggested that there be proof of a health hazard before a warning could be required or that, absent such proof, any warning describe varying opinions as to the degree of hazard involved. In the Senate debate on the legislation in March 1937, a proposed amendment to delete the requirement of warnings was defeated after it was pointed out that affirmative warnings are necessary in addition to directions for use, and that such warnings must vary depending upon what is known about the individual drug.

The fact that the final statute requires a label warning where the drug "may" be dangerous to health is particularly significant. The act of 1906 had prohibited from food added poisonous or deleterious substances which "may" be injurious to health, and the Supreme Court had very broadly interpreted this standard in United States v. Lexington Mill & Elevator Co., 232 U.S. 399 (1914):

> The statute upon its face shows that the primary purpose of Congress was to prevent injury to the public health * * * It is not required that the article of food containing added poisonous or other added deleterious ingredients must affect the public health, and it is not incumbent upon the Government in order to make out a case to establish that fact. The act has placed upon the government the burden of establishing, in order to secure a verdict of condemnation under this statute, that the added poisonous or deleterious substances must be such as may render such article injurious to health. The word "may" is here used in its ordinary and usual signification, there being nothing to show the intention of Congress to affix to it any other meaning. It is, says Webster, "an auxiliary verb, qualifying the meaning of another verb, by expressing ability, * * * contingency or liability, or possibility or probability."

Congress specifically retained the same word "may" in the food provisions of the 1938 law in order to incorporate the meaning given to it by the Supreme Court in the Lexington Mill case. It is evident that the same construction properly applies to the term as used in relation to warnings of danger as required by section 502(f) of the act. Accordingly, since the word "may" is recognized as incorporating the notion of contingency, and thus the possibility that there is neither unqualified nor universal agreement among experts, the provision for drug warnings cannot plausibly be interpreted as including the additional requirement that medical controversy surrounding a warning be specifically noted.

This has been the consistent administrative interpretation and application of section 502(f) and the related provisions of section 505 since their enactment in 1938.

Beginning shortly after enactment of the 1938 act, the Food and Drug Administration promulgated regulations to implement section 502(f). These regulations are presently codified in 21 CFR 1.106 and 21 CFR Part 369. At no time have these regulations permitted a discussion in drug labeling about medical controversy with respect to a warning. Similarly, § 1.3 has never included a provision relative to drug warnings.

Warnings have been required on drug labels by the Food and Drug Administration when there is significant medical evidence of a possible health hazard, without waiting for a causal relationship to be established by definitive studies which, in some instances, may not be feasible or would take many years. In this way, physicians are fully apprised of known potential dangers, and the public more adequately protected. Similarly, the warnings have been required in clear and unambiguous terms, without disclaimers or qualifications that would undermine or destroy their meaning and usefulness. Drug warnings, by their very nature, warn only about possible danger. Although they are often the subject of intense debate, the Food and Drug Administration has never permitted drug labeling to reflect such debate. That debate and disagreement is properly the subject of scientific discussions in professional journals and symposia, but not in drug labeling. As long as the statutory standard of potential danger is present, the warning must set it forth in clear, concise, and unambiguous terms.

A prescription drug label warning is only for the guidance of a physician. There is no legal requirement that it be followed. A physician does not violate Federal law when he prescribes a drug contrary to a warning in its approved labeling. The position of the Food and Drug Administration on this matter has previously been discussed in the preamble to a proposed regulation on the legal status of drug labeling, published in the FEDERAL REGISTER of August 15, 1972 (37 FR 16503).

LEGISLATIVE HISTORY OF THE DRUG AMENDMENTS OF 1962

Although in the earlier part of this century there were occasional calls for more scientifically acceptable methods of clinical evaluation of drugs than mere professional opinion and judgment, development of the principles of the controlled clinical trial did not gain impetus until after enactment of the 1938 act. It is readily apparent from the legislative history of section 201(n) of the act that these principles were simply unknown to Congress during the period that the 1938 act was under consideration. The prevailing standard to determine drug effectiveness and truthful labeling at that time was the personal judgment of recognized medical experts. The only way to satisfy that standard when there were differences of opinion on drug effectiveness among such experts was to state both sides of the issue in the labeling.

By 1960, however, the scientific principles of modern drug testing, using statistically valid controlled studies, had become fully developed and accepted. In 1962, Congress amended the act to require that drug effectiveness, and thus the truthfulness of drug labeling claims, be determined by adequate and well-controlled investigations, including clinical investigations, by qualified experts.

The purpose of the congressional requirement of scientific studies was to eliminate individual clinical observation and opinion as the measure of a drug's effectiveness. The statutory insistence upon substantiation of drug claims by rigorous scientific evidence was the product of careful study and uncontradicted testimony in congressional hearings by many of the nation's leading experts on clinical pharmacology, by prominent medical educators, and by representatives of the drug industry. Pertinent excerpts from the legislative history and from leading medical authorities on the need for scientific testing are on public display in the office of the Hearing Clerk.

The experts explained to Congress in detail the need for controlled clinical testing and the difference between the validity of such scientific procedures and the unreliability of the opinion about therapeutic effectiveness expressed by individual practitioners. As the Supreme Court has recently stated in Weinberger v. Hynson, Westcott and Dunning, Inc., 412 U.S. 609 (1973):

> * * * strict and demanding standards, barring anecdotal evidence indicating that doctors "believe" in the efficacy of a drug, are amply justified by the legislative history. The hearings underlying the 1962 Act show a marked concern that impressions or beliefs of physicians, no matter how fervently believed, are treacherous. * * * The Senate Report makes clear that an abrupt departure was being taken from old norms for marketing goods. * * * The legislative history of the Act indicates that the test was to be a rigorous one. The "substantial evidence" requirement reflects the conclusion of Congress, based upon hearings, that clinical impressions of practicing physicians and poorly controlled experiments do not constitute an adequate basis for establishing efficacy.

The opinions of individual physicians reflecting their personal experience, based as they are on drug use by and popularity among physicians, empirical observation, and traditional practice, do not satisfy the requirements of sound scientific investigation and thus do not conform to the standards established by the Drug Amendments of 1962. Hynson Wescott and Dunning, Inc. v. Weinberger, supra; Upjohn Co. v. Finch, 422 F. 2d 944 (6th Cir., 1970); American Cyanamid Co. v. Richardson, 456 F. 2d 563 (1st Cir., 1971); Pfizer, Inc. v. Richardson, 434 F. 2d 536 (2d Cir., 1970); Ciba-Geigy Corp. v. Richardson, 446 F. 2d 466 (2d Cir., 1971); Pharmaceutical Manufacturers Association v. Richardson, 318 F. Supp. 301 (D. Del. 1970).

A review of the legislative history of the Drug Amendments of 1962 discloses

that, in requiring that new drug effectiveness be established by scientific studies, Congress clearly intended to supersede the earlier reliance on medical opinion, as reflected in § 1.3. Thus, to that extent, § 1.3 requires amendment to reflect the new statutory standard.

It is equally apparent that the Drug Amendments of 1962 do not in any way conflict with section 201(n) of the act. Section 201(n) does not specifically refer to differences of opinion, or to resolving differences of medical opinion by drug labeling. Although the legislative history reveals that this was one of the intended applications of section 201(n), it was certainly not the only application intended for this provision of the law. Section 201(n) requires affirmative disclosure of material facts in the labeling of food, devices, and cosmetics, as well as drugs, whenever that labeling might otherwise be misleading. Accordingly, the changes in the statute contained in the Drug Amendments of 1962 are entirely consistent with the general principle of law set forth in section 201(n) of the act.

THE "FAIR BALANCE" ISSUE

The petitioners in the Bradley case contended that the concept of "fair balance" requires that drug labeling contain a statement of differing medical opinions. The phrase "fair balance" is found only in the regulations concerning prescription drug advertising, 21 CFR 1.105(e) (5)(ii), (6), and (7). These regulations state that an advertisement is not a "true statement" of information relating to side effects, contraindications and effectiveness if such advertising fails to present such information in a balanced manner, i.e., comparable in depth, detail, prominence, etc. They neither require nor permit drug advertising to contain a "fair balance" among conflicting medical opinions.

Although section 502(n) and § 1.105 are by their terms applicable only to prescription drug advertising and not to labeling, the concept of "fair balance" is of course also embodied in section 502 (a) and § 1.106, which govern prescription drug labeling. In the FEDERAL REGISTER of March 7, 1974 (39 FR 8946) the Commissioner announced the availability of a draft of proposed new regulations governing the format and content of prescription drug labeling. This proposal, which will be published in the FEDERAL REGISTER for public comment in the near future, will implement "fair balance" for prescription drug labeling in the same way that § 1.105 does for prescription drug advertising. In both instances, the required balance relates to the format for presentation of the safety and effectiveness information about the drug, not to differences of judgment about that information.

PROPOSED REVISION OF 21 CFR 1.3

This review demonstrates that 21 CFR 1.3 is inconsistent with relevant statutory requirements and contemporary medical and scientific principles. The Commissioner has concluded that the use of medical opinion in product labeling must be limited and particularized accordingly.

Congress has determined that the effectiveness of new drugs and new animal drugs must be established by substantial evidence. Thus, a difference of medical opinion with respect to a labeling claim of effectiveness for these products is legally insufficient and is not a material fact, within the meaning of section 201(n) of the act, unless such opinion is itself supported by evidence which meets the statutory standard.

A statement of a difference of medical opinion is no less inconsistent with the misbranding provisions of the act applicable to any drug. It is apparent that a drug is misbranded if any labeling statement represents or suggests that the drug is effective for its intended uses, if in fact it has not been proved to be effective by appropriate scientific data. The presence of unsubstantiated medical opinion in drug labeling would be misleading within the meaning of sections 502(a) and 201(n) of the act.

In light of the availability of modern scientific testing methods, and the present provisions of the act requiring the manufacturer or distributor of a product to determine its effectiveness, it is doubtful that the 1930's concept of including in product labeling a difference of medical opinion has significant continuing validity in the 1970's. It appears, indeed, that this approach to labeling was only very seldom, if ever, used even in the years immediately after enactment of the law. In virtually all foreseeable situations, any such labeling would be highly confusing and thus misleading, in violation of section 502(a) of the act.

It is equally apparent that there are very few statements in prescription drug labeling on which some controversy could not be found within the medical profession. Not infrequently, there are several points of view on a single issue. To permit or require statements of conflicting opinion on all of these matters would destroy the present usefulness of prescription drug labeling.

In addition to bringing § 1.3 into conformity with the legal and scientific requirements for drug labeling, it is the Commissioner's conclusion that there is no justification for the presence of differences of medical opinion in any warning statements, such as precautions and information relating to possible product hazards.

With respect of all drugs and devices, § 1.3 is inconsistent with the statutory standard established in section 502(f) of the act. An adequate warning of possible danger must appear in all such labeling. Without such a warning, a product is misbranded. The statute presupposes a difference of medical opinion since the danger need not be established and absolute, but rather merely potential. Thus, there is no basis to permit warnings to be discounted by an opinion that the warning is really not necessary at all. Providing for medical controversy with respect to a warning undermines the public health impetus of section 502(f) of the act. Where potential danger is the statutory standard, a warning must be unencumbered and unambiguous.

The degree of scientific certainty about a possible hazard, or its frequency of occurrence, or other similar related information may, of course, accompany or be part of a warning. It is common for a warning to state that the product "may" cause a hazard, where the relationship is not yet conclusively proven, or to point out that the relationship between adverse animal findings and human consequences has not yet been determined. However, presentation of such factual information, which is helpful to the physician in evaluating the significance of a warning, does not permit additional statements of conflicting medical opinion relating to the warning.

In view of the very nature of warning statements, the Commissioner concludes that, where warnings are required, disclamatory opinions necessarily detract from the warning in such a manner as to be confusing and misleading. In this way, differences of medical opinions regarding warnings for foods and cosmetics would render the products to be misbranded within the meaning of sections 402(a) and 602(a) of the act.

Section 201(n) of the act is, of course, applicable to all articles subject to the act, in a wide variety of situations. Accordingly, the Commissioner concludes that § 1.3 should be revised to state, in general terms, the principles contained in section 201(n) of the act, and to point out that these principles may be implemented by regulations issued under section 701(a) of the act as well as by direct court enforcement action. The proposed revision also specifies those situations, already discussed above, where differences of medical opinion may not properly be included in labeling. The Commissioner concludes that it is unnecessary at this time to include further general rules governing the application of section 201(n) of the act.

21 CFR 1.3 as now drafted specifies only one type of material fact the omission of which may render a product to be misbranded, namely, a difference of opinion among experts. In this manner, the present regulation constitutes a limited application of the principles of section 201(n) of the act. With the proposed exceptions for product warnings and drug labeling, the incorporation into § 1.3 of the comprehensive statutory standard will broaden the scope of the regulation to encompass any form of omission of any material fact.

Therefore, upon review and evaluation of the history and development of the relevant statutory and regulatory scheme, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 502 (a) and (f), 505, 512, 602(a), 701(a), 52 Stat. 1041, 1047, 1050, 1052–1053 as amended by 76 Stat. 781–785, 1054–1055, 82 Stat. 343–351; 21 U.S.C. 321(n), 343(a), 352 (a) and (f), 355, 360b, 362(a), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes

that Part 1 of Chapter I of Title 21 of the Code of Federal Regulations be amended by revising § 1.3 to read as follows:

§ 1.3 Labeling; failure to reveal material facts.

(a) Labeling of a food, drug, device, or cosmetic shall be deemed to be misbranded if it fails to reveal facts that are material (1) in light of other representations made or suggested by statement, word, design, device or any combination thereof, or (2) with respect to consequences which may result from use of the article under (i) the conditions prescribed in such labeling or (ii) such conditions of use as are customary or usual.

(b) Affirmative disclosure of material facts pursuant to paragraph (a) of this section may be required by, among other appropriate regulatory procedures, (1) regulations in this chapter promulgated pursuant to section 701(a) of the act or (2) direct court enforcement action.

(c) Paragraph (a) of this section does not:

(1) Permit or require a statement of differences of opinion with respect to warnings (including contraindications, precautions, adverse reactions, and other information relating to possible product hazards) required in labeling for food, drugs, devices, or cosmetics under the act.

(2) Permit or require a statement of differences of opinion with respect to the effectiveness of a drug unless each of the opinions expressed is supported by substantial evidence of effectiveness as defined in sections 505(d) and 512(d) of the act.

Interested persons may, on or before November 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 6, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21208 Filed 9-13-74;8:45 am]

Office of Child Development

[45 CFR Part 1340]

CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Notice of Proposed Rule Making

Correction

In FR Doc. 74-19945, appearing at page 31508 in the issue of Wednesday, August 28, 1974, the following changes should be made:

1. On page 31510, the section reference in the third from last line of column 2 should read "§ 1340.3-3(d)(5)".

2. In the second from last paragraph of column 3 on page 31510, the section reference appearing in the third and fourth lines should read "§ 1340.3-3(d)(1)-(10)" and the last word in the fourth line should read "projects".

3. In § 1340.3-3(a), the 3rd word of the 17th line should read "and".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 13995]

AIRWORTHINESS DIRECTIVE

Dowty Rotol Type (c) R212/4-30-4/22 Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dowty Rotol Type (c) R212/4-30-4/22 propellers. There have been reports of cracks in the front wall of the propeller hub on Dowty Rotol Type (c) R212/4-30-4/22 propellers that could result in the failure of the entire propeller assembly. Since this condition is likely to exist or develop in other propellers of the same type design, the proposed airworthiness directive would require inspections of Dowty Rotol Type (c) R212/4-30-4/22 propellers for cracks and their replacement, if found necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before October 16, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Type (c) R212/4-30-4/22 propellers incorporating hub and driving center assemblies, P/N's 601022294, 601022211, 601022105, and RA 64883, that have not been modified in accordance with Dowty Rotol Modification Nos. (c) VP2388(SB 61-604) or (c) VP2779(SB 61-767). These propellers are installed on, but not necessarily limited to, Hawker Siddeley Model H.S. 748 Series 2A airplanes.

Compliance is required as indicated.

To detect cracking of the propeller hub front wall/snout radius areas between the eyebolt guides, accomplish the following:

(a) Inspect the propeller hubs in accordance with Paragraph 2.A. of Dowty Rotol Service Bulletin No. 61-828, dated September 10, 1973, or an FAA-approved equivalent as follows:

(1) For those operators required to perform propeller overhauls, inspect at the next propeller overhaul and at each propeller overhaul thereafter.

(2) For all other operators, inspect within the next 4000 hours' time in service after the effective date of this AD, and thereafter inspect at intervals not to exceed 4000 hours' time in service since last inspection.

(b) Inspect those propeller hubs that have accumulated more than 10,000 hours' time in service on the effective date of this AD in accordance with Paragraph 2.B. of Dowty Rotol Service Bulletin No. 61-828, dated September 10, 1973, or an FAA approved equivalent, unless already accomplished, as follows:

(1) For those propeller hubs that have never been inspected or that have accumulated more than 1400 hours' time in service since last inspected in accordance with Paragraph 2.A. or 2.B. of Dowty Rotol Service Bulletin No. 61-828, dated September 10, 1973, inspect within the next 600 hours time in service.

(2) For those propeller hubs that have accumulated not more than 1400 hours time in service since last inspected in accordance with Paragraph 2.A. or 2.B. of Dowty Rotol Service Bulletin No. 61-828, dated September 10, 1973, inspect prior to the accumulation of 2000 hours' time in service since last inspected.

(c) If a cracked hub is found during an inspection required by this AD accomplish the following:

(1) Before further flight, replace the cracked hub with a serviceable part of the same part number or a part number approved for installation on the propeller.

(2) Inspect all the operator's propeller hubs covered by this AD in accordance with Paragraph 2.B. of Dowty Rotol Service Bulletin No. 61-848, dated September 10, 1973 or an FAA-approved equivalent as follows:

(i) For those propeller hubs that have accumulated more than 1400 hours' time in service since last inspected in accordance with paragraph (a) or (b) of this AD or that have never been inspected and have accumulated over 1400 hours' time in service, inspect within the next 600 hours time in service; and thereafter, continue to inspect at intervals not to exceed 2,000 hours' time in service since last inspection.

(ii) For those propeller hubs that have accumulated not more than 1400 hours time in service since new or since last inspected in accordance with paragraph (a) or (b) of this AD, inspect prior to the accumulation of 2000 hours' time in service since last inspected or since new, as applicable, and, thereafter, continue to inspect at intervals not to exceed 2000 hours' time in service since last inspection.

(d) The inspections required by paragraphs (a), (b), and (c) of this AD may be discontinued upon the incorporation of Dowty Rotol Modification Nos. (c) VP2388 (SB61-604) or (c) VP2779(SB61-767) or FAA-approved equivalent modifications.

(e) Upon request of an operator, an FAA maintenance inspector subject to prior approval of the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the adjustment.

Issued in Washington, D.C., on September 9, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74-21282 Filed 9-13-74;8:45 am]

[14 CFR Part 39]

[Docket No. 74-SO-93]

AIRWORTHINESS DIRECTIVES

Grumman G-159

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Grumman G-159 airplanes. There is a design condition in the fire extinguisher electrical circuitry in the Grumman G-159 that could result in the fire extinguisher system not being readily available to fight an engine fire. Since this condition is likely to exist in other airplanes of the same design, the proposed airworthiness directive would require dual electrical fire extinguisher squib circuits on Grumman G-159 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration office of the Regional Counsel, Attention: Rules Docket, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 16, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket, Room 264, FAA Southern Regional Office, 3400 Whipple Street, East Point, Georgia 30344, for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

GRUMMAN AMERICAN CORPORATION. Applies to Grumman G-159 airplanes certificated in all categories.

Compliance required within the next 200 hours time in service after the effective date of this airworthiness directive unless already accomplished.

To provide dual electrical power for the fire extinguisher squib circuits accomplish the following or an equivalent rework approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Remove the existing left and right engine fire extinguisher switches and left hand eyebrow circuit breaker panel nameplate. Install MS24524-21 switches, electrical wiring, 159SB10112-1 nameplate and check out system in accordance with Grumman Gulfstream I Aircraft Service Change 210.

Issued in East Point, Georgia, on September 3, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21283 Filed 9-13-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-92]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the McMinnville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 16, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The McMinnville transition area described in § 71.181 (39 FR 440) would be amended as follows:

"* * * northeast of the RBN * * *" would be deleted "* * * northeast of the RBN; within a 6.5-mile radius of Smithville Municipal Airport (Lat. 35°59'08" N, Long. 85°48'31" W); within 3 miles each side of the 245° bearing from Hurricane RBN (Lat. 35°59'02" N., Long. 85°48'28" W), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Smithville Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Hurricane (private nondirectional radio beacon, is proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on August 30, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21281 Filed 9-13-74;8:45 am]

[14 CFR Part 121]

[Docket No. 12762; Notice No. 74-32]

GROUND PROXIMITY WARNING SYSTEMS

Turbine-Powered Airplanes

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to require installation of an approved ground proximity warning system on each large turbine-powered airplane used in operations under Part 121. These amendments would also apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135 when conducting operations governed by those parts with large turbine-powered airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before December 16, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On April 18, 1973, the FAA issued an Advance Notice of Proposed Rule Making on the subject of ground proximity warning systems (notice 73-14, published in the FEDERAL REGISTER on April 25, 1973; 38 FR 10158). Thirteen public comments were received in response to the notice. Five commentators favored the proposal and four opposed it. Other commentators made suggestions that were not within the scope of the notice, but will be retained by the FAA for further study.

Notice 73-14 invited comments from operators, manufacturers, and other interested persons regarding the need for the installation of ground proximity warning devices on aircraft used in operations conducted under Part 121 and appropriate design characteristics for that equipment. In particular, comments were requested in response to a number of questions. Those questions and the comments received in response to them are set out below.

1. Should the FAA require that each airplane operated under Part 121 be equipped with a terrain proximity warning system or device? Should such a

requirement be limited either to large airplanes or to turbojet-powered airplanes?

One commentator suggested that a rule requiring a ground proximity warning system is unnecessary, since air carrier aircraft are presently equipped with altitude-alerting systems providing visual and aural warning, and all but a few turbojet-powered airplanes are equipped with radio altimeters providing altitude warning. The commentator indicated that those systems with existing instrumentation and procedures, when used and applied properly, are appropriate for all phases of flight operations. Other commentators contended that a ground proximity warning system requirement should extend to all aircraft operating under Part 121, not just turbojet-powered airplanes.

2. Could present instrumentation and equipment that cannot provide information on terrain forward of the aircraft, such as radio altimeters now in use, be used together with appropriate cockpit procedures to accomplish terrain proximity warning functions?

One commentator asserted this approach to the problem will not provide adequate information during approach and landing operations because of the present heavy crew workload during these particular phases of operations. Another commentator suggested that, while it may be feasible and desirable to incorporate the radio altimeter into future ground proximity warning systems, it believes that some forward-looking capability should also be included.

A third commentator contended that use of present instrumentation and equipment does produce important terrain proximity warning benefits, pointing out that several holders of Part 121 operating certificates have modified, or are modifying, their radio altimeters so that an aural warning automatically occurs whenever the airplane descends to a predetermined height above the terrain and that others have established procedures requiring the flight crew to set the radio altimeter manually to a predetermined height above the airport elevation.

3. Could present instrumentation and equipment be modified to warn of terrain forward of the airplane or would it be necessary to design and install entirely new equipment?

One commentator suggested that it would be feasible to use present instrumentation and equipment which has been slightly modified to provide a terrain proximity warning system, and noted that such a system is in use today on some air carrier airplanes as optional equipment furnished by the manufacturers. Another commentator indicated that ground proximity warning equipment presently available could interface with other equipment now installed in certain aircraft, and would have the advantage of a reduced financial outlay for initial installation. However, a third commentator indicated that it was unaware of any practical modification which could be made to present instrumentation or equipment to warn of terrain forward of the airplane.

4. What characteristics and capabilities should be included in any system or device designed to provide timely and meaningful terrain proximity warning to the pilot during low altitude operations such as traffic patterns and approaches to landings?

5. How should this information be presented to the pilot to preclude errors in, setting distraction, confusion, or misinterpretations?

In response to questions 4 and 5, one commentator suggested that an aural and a visual signal should be provided to the crew any time the aircraft descends below MDA, DH, or a predetermined altitude above the ground, and that the signal should also be provided at any time when the aircraft is descending at such a rate, or in level flight, when the terrain ahead is rising at such a rate, that contact with the ground is imminent unless the pilot takes appropriate action. Several commentators suggested that the system should require little or no input by the flight crew, so as not to add to the flight crew workload. All commentators responding to this question agreed that the warning signal provided by the system, whether it is aural or visual, or both, should be distinctive, and not subject to inadvertent activation which could eventually result in it being ignored by the flight crew.

6. What special flight crewmember procedures should be required for the use of the warning system or device?

A number of commentators contended that there should be no special procedures required for the use of the system. One commentator suggested that since the only feasible change of flight path should be a climbing maneuver, the information display and operational procedures for the system should be straightforward, uncomplicated, and not subject to misinterpretation.

In view of a number of air carrier accidents involving large turbine-powered airplanes caused by inadvertent contact with the ground that might have been avoided if the crew had received appropriate warning of impending disaster, the FAA has determined that there is need for a system on all turbine-powered airplanes operated under Part 121 which will provide appropriate warning of a terrain hazard.

Accordingly, it proposed to add a new § 121.360 to Part 121 that would prohibit any person from operating a large turbine-powered airplane under that part unless it is equipped with an approved ground proximity warning system that is designed, constructed, and installed to provide, at any height less than 3,000 feet above the ground, warning of an impending terrain hazard. Under the proposed rule the system would have to provide both visual and aural warnings that initiate simultaneously and automatically without any crewmember action. The warning would have to be distinct from each warning provided by any other aircraft equipment and must operate continuously until the hazardous condition no longer exists.

The FAA is not prepared at this time to issue specific technical standards for this equipment without further imputs from the equipment manufacturing industry. The FAA has initiated a study to develop either a Technical Standard Order or an amendment to Part 25 establishing specific technical standards. However, pending the development of such standards the FAA intends to continue to approve the installation of ground proximity warning systems through the issuance of supplemental type certificates after compliance has been shown with the general equipment requirements of Part 25.

The FAA believes that a ground proximity warning system, to be approved under proposed § 121.360, must provide for warnings based on the rate of descent of the aircraft and the height of the aircraft above the terrain directly beneath the aircraft. The system must also be capable of providing a warning based on the computed height of the aircraft above the terrain along the aircraft's projected flight path. In addition, the equipment must be capable of being programmed to take into consideration the landing gear and flap positions of the aircraft and the performance capability of the aircraft in determining the necessity of providing the required warnings.

The FAA believes that there are systems available which may satisfy the need for a ground proximity warning system. The FAA is aware of one such system manufactured by Sunstrand Data Control, Inc., of Redmond, Washington. That system with certain modifications has been approved by the FAA for installation and is being installed by one aircraft manufacturer in its newly manufactured aircraft. In addition, the FAA has approved that system for installation in a number of other aircraft types.

The FAA recognizes that adequate time is necessary for development and further refinement of ground proximity warning systems, as well as for procurement and installation of equipment. It is believed that 18 months will provide an adequate time interval for compliance.

On March 23, 1973, the FAA issued Air Carrier Operations Bulletin No. 73–3 recommending, among other things, that air carriers modify their radio altimeters so that a discrete aural warning will automatically occur when the airplane descends into a height band of 1,000 to 500 feet above the terrain. The FAA believes this recommendation should be adopted as a requirement for large turbine-powered airplanes operated under the provisions of Part 121 as an interim measure until the ground proximity warning system requirement becomes effective. Accordingly, new § 121.360(c) would require an automatic aural warning on radio altimeters, and allow six months for compliance. This proposed requirement would not apply to airplanes equipped with the ground proximity warning system required by proposed § 121.360(a).

These amendments are proposed under the authority of sections 313(a), 601,

603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding a new § 121.360 immediately after § 121.359 to read as follows:

§ 121.360 Ground proximity warning systems.

(a) After (18 months after effective date) no person may operate a turbine-powered airplane unless it is equipped with an approved ground proximity warning system that is designed, constructed, and installed to provide, at any height less than 3,000 feet above the ground, warning of an impending terrain hazard.

(b) The ground proximity warning system required by paragraph (a) of this section must provide both visual and aural warnings that—

(1) Initiate simultaneously and are distinct from each warning provided by any other aircraft equipment;

(2) Operate continuously until the hazardous condition no longer exists; and

(3) Initiate automatically without any crewmember action.

(c) After (6 months after effective date), no person may operate a turbine-powered airplane unless it is equipped with a radio altimeter that automatically provides a discrete aural warning when the airplane descends below a predetermined height between 1,000 and 500 feet above the ground. This requirement does not apply to an airplane equipped with a ground proximity warning system that meets the requirements of paragraph (a) of this section.

(d) No person may take off an airplane from an airport where repair or replacement of the system can be made with the ground proximity warning system required by paragraph (a) of this section inoperative or unreliable.

Issued in Washington, D.C., on September 12, 1974.

R. P. SKULLY,
Acting Director,
Flight Standards Service.

[FR Doc.74-21443 Filed 9-13-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 222-6]

WATER QUALITY AND POLLUTANT SOURCE MONITORING

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-19547 appearing at page 31500, in the issue for Wednesday, August 28, 1974, in Appendix A, in paragraph Q (Data handling, Storage and Reporting), change the fourteenth line to read: "to EPA within six months after completion of".

[40 CFR Part 52]

[FRL 263-3]

KANSAS

Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. In June, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.6 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Sixteen of the sources, U.S.D. No. 506, Altamont; U.S.D. No. 479, Kincaid; U.S.D. No. 466, Scott City; U.S.D. No. 415, Hiawatha; U.S.D. No. 407, Russell; U.S.D. No. 395, La Crosse; U.S.D. No. 387, Buffalo; U.S.D. No. 374, Sublette; U.S.D. No. 312, Haven; U.S.D. No. 269, Palco; U.S.D. No. 256, Moran; U.S.D. No. 208, Wakeeney; U.S.D. No. 247, Cherokee; U.S.D. No. 200, Tribune; Mammel Food Stores, Plainville; and Plainville State Bank, Plainville; will cease operation, and therefore the applicable compliance schedules contain final compliance dates only.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before October 16, 1974, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

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

Dated: September 4, 1974.

JEROME W. SVORE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c)(1) is amended as follows:

§ 52.876 Compliance schedules.

* * * * *

(c) * * *

KANSAS

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
* * *	*	*	*	*
U.S.D. No. 506 (open burning)—Altamont:				
Altamont Grade School	28-19-45	June 21, 1974	Immediately	Sept. 1, 1974
Fairview Grade School	28-19-45	do	do	Do.
Bartlett Grade School	28-19-45	do	do	Do.
Ellis Grade School	29-19-45	do	do	Do.
Edna Grade School	28-19-45	do	do	Do.
Angola Grade School	28-19-45	do	do	Do.
Mound Valley Grade School	28-19-45	do	do	Do.
Dennis Grade School	28-19-45	do	do	Do.
Meadow View Grade School	29-19-45	do	do	Do.
U.S.D. No. 479—Kincaid:				
Kincaid Attendance Center incinerator	28-19-40	do	do	July 31, 1977
Colony Attendance Center incinerator	28-19-40	do	do	Do.
U.S.D. No. 482—Dighton:				
Alamota Grade School open burning	28-19-45	do	do	Sept. 1, 1954
Amy Grade School open burning	28-19-45	do	do	Do.
Shields Grade School open burning	28-19-45	do	do	Do.
U.S.D. No. 466—Scott City:				
Scott City Junior High incinerator	28-19-40	do	do	Aug. 16, 1974
Beaver Flats School open burning	28-19-45	do	do	Do.
Manning Elementary open burning	28-19-45	do	do	Do.
Modoc Elementary open burning	28-19-45	do	do	Do.
Scott City Elementary open burning	28-19-45	do	do	Do.
Shallow Water Elementary open burning	28-19-45	do	do	Do.
Scott City High open burning	28-19-45	do	do	Do.
U.S.D. No. 374—Sublette:				
Sublette High open burning	28-19-45	do	do	July 31, 1975
Sublette Grade open burning	28-19-45	do	do	Do.

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
U.S.D. No. 415—Hiawatha:				
Fairview Elementary open burning	28-19-45	do	do	Do.
Hiawatha Elementary open burning	28-19-45	do	do	Do.
Hiawatha High open burning	28-19-45	do	do	Do.
Reserve Elementary open burning	28-19-45	do	do	Do.
Robinson Elementary open burning	28-19-45	do	do	Do.
Robinson Junior High open burning	28-19-45	do	do	Do.
U.S.D. No. 395—La Crosse:				
La Crosse High School open burning	28-19-45	do	do	July 1, 1975
McCracken High School open burning	28-19-45	do	do	Do.
Rush Center open burning	28-19-45	do	do	Do.
Alexander Grade School open burning	28-19-45	do	do	Do.
U.S.D. No. 387—Buffalo:				
Altoona Junior High School open burning	28-19-45	do	do	Mar. 1, 1975
Midway School open burning	28-19-45	do	do	Do.
Altoona Elementary incinerator	28-19-40	do	do	Do.
U.S.D. No. 407—Russell:				
Central Office incinerator	28-19-40	do	do	July 1, 1975
Ruppenthal incinerator	28-19-40	do	do	Do.
Simpson incinerator	28-19-40	do	do	Do.
Bickerdyke incinerator	28-19-40	do	do	Do.
Dorrance High incinerator	28-19-40	do	do	Do.
Dorrance Elementary incinerator	28-19-40	do	do	Do.
Gorham High open burning	28-19-45	do	do	Do.
Gorham Elementary open burning	28-19-45	do	do	Do.
Luray open burning	28-19-45	do	do	Do.
Lucas open burning	28-19-45	do	do	Do.
U.S.D. No. 312—Haven:				
Elreka Elementary open burning	28-19-45	do	do	Do.
Mount Hope Elementary open burning	28-19-45	do	do	Do.
Yoder Elementary open burning	28-19-45	do	do	Do.
U.S.D. No. 269—Palco:				
Zurich Grade School incinerator	28-19-40	do	do	Do.
Palco Grade open burning	28-19-45	do	do	Do.
Palco High open burning	28-19-45	do	do	Do.
Zurich Grade open burning	28-19-45	do	do	Do.
Damar Grade open burning	28-19-45	do	do	Do.
U.S.D. No. 256—Moran:				
Marmaton Valley High incinerator	28-19-40	do	do	Sept. 1, 1974
Moran Elementary incinerator	28-19-40	do	do	Do.
Elsmore Elementary incinerator	28-19-40	do	do	Do.
U.S.D. No. 208—Wakeeney:				
Trago Community High	28-19-45	do	do	July 1, 1975
Wakeeney Grade	28-19-45	do	do	Do.
Collyer Grade	28-19-45	do	do	Do.
Ogallah Grade	28-19-45	do	do	Do.
U.S.D. No. 260—Derby:				
Swaney Elementary incinerator	28-19-41B	do	do	Do.
Derby Junior High incinerator	28-19-41B	do	do	Do.
Carlton Junior High incinerator	28-19-41B	do	do	Do.
Cooper Elementary incinerator	28-19-41B	do	do	Do.
Oaklawn Elementary incinerator	28-19-41B	do	do	Do.
Pleasant Elementary incinerator	28-19-41B	do	do	Do.
Winetoer Elementary incinerator	28-19-41B	do	do	Do.
U.S.D. No. 247—Cherokee:				
Cherokee Grade School incinerator	28-19-40	do	do	Dec. 31, 1974
McCune School incinerator	28-19-40	do	do	Do.
Southeast High incinerator	28-19-40	do	do	Do.
West Mineral Grade incinerator	28-19-40	do	do	Do.
Weir Attendance Center incinerator	28-19-40	do	do	Do.
U.S.D. No. 200—Tribune: Open burning	28-19-45	do	do	July 31, 1975
U.S.D. No. 252—Hartford:				
Hartford High open burning	28-19-45	do	do	Dec. 1, 1974
Board office open burning	28-19-45	do	do	Do.
U.S.D. No. 246—Arma:				
Arma Elementary	28-19-45	do	do	Aug. 15, 1974
Arcadia Elementary	28-19-45	do	do	Do.
Northeast High	28-19-45	do	do	Do.
Allen County Hospital—Iola: Incinerator	28-19-40	do	do	May 1, 1975
Stanton County Hospital—Johnson: Incinerator	28-19-40	do	do	July 31, 1975
Bates County Rock, Inc.—Linn County: Primary, secondary crushing, screening and fines mill.	28-19-20	do	do	Sept. 15, 1974
Mammel Food Stores—Plainville: Open burning	28-19-45	do	do	July 1, 1975
Plainville State Bank—Plainville: Open burning	28-19-45	do	do	Do.
St. Margaret's Mercy Hospital—Fredonia: Incinerator	28-19-40	do	do	Do.
Greenwood County Hospital—Eureka: Incinerator	28-19-40	do	do	Nov. 1, 1974

[FR Doc.74-21238 Filed 9-13-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20184; RM-2183]

FM BROADCAST STATIONS

Proposed Table of Assignments, Attica, N.Y.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Attica, New York).

1. Notice is hereby given of the institution of this proceeding to consider the amendment of the FM Table of Assignments by assigning Channel 269A to Attica, New York, for a first FM assignment and a first local broadcast service. This action is taken in consideration of a petition (RM-2183) of Batavia Broadcasting Corporation, licensee of Station WBTA (a Class IV AM operation), Batavia, New York, filed on April 13, 1973, requesting rule making on a proposal to assign Channel 269A to Attica-Batavia, New York, and waiver of the minimum principal-city signal intensity requirements of § 73.315(a) of our rules to permit assignment and use of Channel 269A at Batavia in conformity with the minimum mileage separation requirements of § 73.207(a) of the rules.[1] While, for the reasons hereinafter discussed, we are of the view that the petitioner's proposal to assign Channel 269A to Batavia in hyphenation with Attica does not merit consideration in rule making, we are persuaded by the petitioner's showing that the public interest might be served by assigning Channel 269A to Attica and that this proposal rather than its hyphenation proposal warrants further exploration herein.

2. Batavia (population, 17,338), the county seat and largest city in Genesee County (population 58,722) is located approximately 38 miles east of Buffalo, New York, 45 miles southeast of Niagara Falls, New York, and 30 miles southwest of Rochester, New York.[2] Attica (population, 2,911) is located partly in Genesee County but mostly in Wyoming County (population, 37,688), where all but two of its residents live, and approximately 11 miles south-southwest of Batavia.

3. Neither Batavia nor Attica has an FM assignment, and there are none in Genesee County and but one in Wyoming County — Channel 299 — assigned to Wethersfield Township (population, 674), located approximately 16 miles south of Attica, which is occupied by Station WMIV. The petitioner's Class IV AM station at Batavia (WBTA), which operates with daytime power of 500 watts and 250 watts nighttime, is the only AM broadcast station in Genesee County. The only AM station in Wyoming County is a daytime-only operation (WCJW), which commenced operation in May of 1973, at Warsaw, the county seat, located approximately 11 miles southeast of Attica. Batavia Broadcasting states that FM signals from Buffalo and Rochester stations are widely received in Attica and Batavia, and that Station WHLD-FM (Channel 253), Niagara Falls, Station WBIV (Channel 299), Wethersfield Township and Station WMIV (Channel 236) South Bristol Township, New York, are received in the Batavia and Attica areas with at least 1.0 mV/m coverage but that none of these stations provide the kind of local service that is needed in the Attica-Batavia area and that there is a clear need for an FM station to serve the local needs of these communities. It maintains that the Buffalo, Rochester, and Niagara Falls stations are

[1] In the past, the petitioner has twice requested rule making on proposals to assign Channel 269A to Batavia. Its first petition, filed in 1969, seeking the assignment of Channel 269A to Batavia or, alternatively, to West Batavia, was denied by our Memorandum Opinion and Order, adopted July 29, 1969, RM-1399, FCC 69-837, 16 Pike & Fischer R.R. 2d 1654. Its second petition, looking toward the assignment of Channel 269A to Batavia, was tendered for filing on April 13, 1972. By letter of the same date as its present petition (April 13, 1973), Batavia Broadcasting requests withdrawal of its 1972 petition and consideration of its present petition and proposal for an Attica-Batavia Channel 269A assignment in lieu of its Batavia Channel 269A proposal.

[2] All population figures are from the 1970 U.S. Census unless otherwise indicated.

too distant to be considered local services for Attica and Batavia and that while the South Bristol Township and Wethersfield Township FM stations provide a necessary and commendable service to the area, they are part of the Northeast Radio Network operated by the Christian Broadcasting Network, programmed from a common program point at Ithaca, New York, and do not provide the kind of local service that the Attica, Batavia area needs. It urges that use of Channel 269A in this area would provide a first fulltime truly local service to large portions of the Attica-Batavia area that cannot receive a nighttime signal from its Batavia AM station.

4. Batavia Broadcasting urges that a hyphenated FM assignment to Attica-Batavia is clearly justified not only because of the need for service in both areas but because of the close interests between the two communities. Its showing indicates that Batavia is the trading and market center for an extensive agricultural and commercial region which includes all of Genesee, Wyoming and Orleans Counties and parts of Livingston and Erie Counties in New York; that the communities of Batavia and Attica have common interest, with many Attica residents working in the Batavia area; and that the school districts of both Genesee and Wyoming Counties are organized into a Board of Co-operative Educational Services which provides services to both counties through a single supervisory district. The petitioner also states that for over three years its Batavia AM station has broadcast two hours a week direct from the center of Attica, with emphasis on activities, projects and services in the area. It further states that because of the low nighttime power (250 watts) of its Batavia AM station (WBTA), residents of Attica and its governing authorities and others in Wyoming County and Genesee County have been deeply interested in its attempts to provide more service to these areas by FM, as evidenced by the suporting statements attached to its 1972 petition for rule making (footnote 1, supra) which statements it resubmitted with its subject petition.[2]

5. We believe that Batavia Broadcasting has in its subject petition, as it did in its 1969 and 1972 petitions seeking rule making on its Batavia Channel 269A assignment proposals, made a sufficient showing of the need and demand for a first FM assignment in the Batavia and Attica area to warrant rule making, but rule making different from that which it proposes. Its present showing convinces us that, although FM assignments are normally made to individual communities, under other circumstances it might be appropriate to at least consider in rule making the desirability of assigning an FM channel to Batavia and Attica in combination, considering their proximity, common interests, needs for local FM outlets and service, and the extreme scarcity of available channels which could be assigned in this area without distributing existing assignments and stations (which scarcity makes it unlikely that both communities could otherwise be provided with an FM assignment for a local service). However, before entertaining rule making on any FM assignment proposal, we first must be satisfied that the proposed assignment is technically feasible. Our 1969 decision denying rule making on the petitioner's Batavia Channel 269 proposal basically turned on this consideration. Our decision here denying its subject Attica-Batavia Channel 269A hyphenation proposal necessarily does so also.

6. The technical requirements for assignment and use of Channel 269A at Batavia are the same, whether the channel be assigned to Batavia alone or in hyphenation with Attica, and, as the petitioner recognizes, due to the required 40-mile separation to the Channel 267 station at Rochester, New York (WEZO), which is but 28 miles from the reference point in Batavia, Channel 269A could not be assigned and used at Batavia in conformity with minimum mileage separation requirements at any transmitter site permitting the required principal-city grade signal (3.16 mV/m) over Batavia. A Batavia Channel 269A station would have to be located at least 10 miles west-southwest of Batavia and an Attica Channel 269A station would have to be located at least two miles west of Atica in order to meet the minimum spacing required to the Rochester Channel 267 station, and there is no location meeting the spacing requirements from which a Channel 269A station would be able to place a signal of the intensity required for principal-city service over Batavia. An Attica Channel 269A station would not, however, appear to have any difficulty in meeting principal-city coverage requirements from a site meeting spacing requirements. The transmitter site assumed in the petitioner's engineering study for a Channel 269A station is 12 miles west-southwest of Batavia and seven miles northwest of Attica. Its study shows that from this assumed site meeting spacing requirements for both an Attica and Batavia Channel 269A assignment, a Class A FM station would be able to place a principal-city grade signal over all of Attica as required by § 73.315(a) of the rules, but that none of Batavia would be within the station's 3.16 mV/m contour. The station would be able to place a signal of but 2.0 mV/m at the nearest point of the city limits of Batavia and a signal of but 1.2 mV/m at the farthest point.

7. We have waived principal-city coverage requirements on various occasions to permit some deviation from the required signal level when the particular situation warranted. However, we have never, to our knowledge, made an assignment to a community requiring use in complete derogation of our minimum signal level requirements for insuring adequate coverage of the city of assignment, and none of the Commission's decisions cited by the petitioner are precedent for such requested action either in the assignment or licensing processes. While we agree with the petitioner that some flexibility in the application of § 73.315(a) of our rules governing principal-city coverage requirements, as well as all our rules, is at times desirable and required in the public interest, we are not persuaded by its argument that such flexibility should extend to making a new FM assignment, such as proposed for Batavia (in hyphenation with Attica), which, in order to meet spacing requirements, must necessarily be used in wholesale departure from our minimum signal level requirements for principal-city coverage. To make the requested assignment, under such circumstances, we feel, would, like an assignment at short spacing, to which we are firmly opposed, have potential for undermining the structure of the nationwide FM assignment plan and the public interest objectives it is designed to serve and would not meet the needs of Batavia for a local station whose signal over the community would meet the minimum we require to insure satisfactory service.

8. While the petitioner has argued that it is not necessary for the proposed Batavia Class A FM station to put the required 3:16 mV/m signal over any of Batavia in order to provide an adequate local service in view of its size and lack of tall buildings or other obstructions to cause shadowing or electrical interference, we do not find this argument persuasive since the required 3.16 mV/m signal is but the standard we set to insure the minimum technical adequacy of the local service provided to communities. If the proposed assignment is made, the petitioner also states that it would explore the feasibility of using FM booster or translator facilities to increase the signal level of its proposed Channel 269A station over Batavia. Such operations however, were never intended as a substitute for FM primary service or to permit a technically sub-standard assignment proposal, and, considering their power limitations (1 watt for translators, 10 watts for boosters), questionable channel availability, the interference problems presented by the booster approach and others, it appears unlikely that they could, in any event, provide a satisfactory solution to the problem of a station unable to provide the required minimum 3.16 mV/m signal to any part of Batavia from a site meeting spacing requirements.

[2] The supporting statements include a resolution of the Board of Trustees of the Village of Attica, dated June 6, 1972; a statement, dated March 23, 1972, from the District Superintendent having jurisdiction over educational services in Wyoming and Genesee Counties, and also signed by school officials in the county; a petition, dated May 29, 1972, circulated by Mr. William E. Lennon, Attica, on his own initiative, containing 1000 signatures, principally from Wyoming residents; statements of three Attica service organizations (Attica Lodge No. 462 F. & A.M.: Citizens Lodge, No. 309, I.O.O.F. and Wyoming Council, No 2240, Knights of Columbus) a statement of the Genesee County Legislature, and a resolution, dated June 15, 1972, of the Village of Le Roy, in Genesee County.

9. Therefore, since we consider Channel 269A technically infeasible for assignment and use at Batavia, we are not willing to institute rule making on the petitioner's proposal to assign the channel to Batavia and Attica in combination. We are willing, however, to consider other technically feasible assignment possibilities for Channel 269A in this general area, for we feel that the public interest could be served by providing opportunity for a first FM service in this area, and it appears that, in view of existing assignments and stations, Channel 269A is the only available FM channel which could be assigned anywhere in this area without disturbing existing assignments and stations.

10. The petitioner's showing convinces us that we should explore in rule making the desirability of assigning Channel 269A to Attica since, while the channel would not comport with our technical requirements for assignment and use at Batavia, it appears that it could be assigned and used in conformity with all technical requirements in this area at Attica, to provide it with a first local FM and aural service. In addition, an Attica Channel 269A station would be able to provide an additional aural service to Batavia and, if used at the site proposed by the petitioner, be able to provide an FM service to the same area that a Batavia sub-standard Channel 269A station would be able to serve. While Attica is a small community, the statements submitted by the petitioner from Attica officials and residents, while not recent, indicate their interest and need for local FM service, and Attica could qualify for an FM assignment if the record in this proceeding should provide a basis for concluding that, in addition to being technically feasible, the proposed assignment would serve a present need and demand. While the petitioner has indicated an interest in establishing a Channel 269A station to serve both Batavia and Attica if Channel 269A were to be assigned to these communities in combination, it is not clear from its petition that it would have the same interest and desire in the assignment and use of Channel 269A for a local station only at Attica. Since we do not ordinarily assign channels to communities of the size of Attica unless requested by a party expressing a desire and intention to apply for authority to construct and operate on the requested assignment once it is assigned, comments in this regard are desired from the petitioner or other proponents of an Attica Channel 269A assignment. We also expect comments from the proponents on the particular needs of Attica that could be served by the proposed assignment.

11. While the assignment of Channel 269A to Attica would foreclose future assignments on Channels 269A and 270, the precluded areas are limited in size. However, Akron, New York (1970 population, 2,863) is located within the precluded area where Channel 269A could also be assigned, and has no FM channel assigned. The comments submitted by the petitioner or others seeking the assignment of Channel 269A to Attica for use should also show whether other FM channels would be available for assignment to Akron.

12. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	*Channel No.*
Attica, N.Y.	269A

13. *It is further ordered,* That the request (RM–2183) of Batavia Broadcasting Corporation to assign Channel 269A to Attica-Batavia, New York is denied.

14. *It is further ordered,* That the request of Batavia Broadcasting for withdrawal of a petition for rulemaking, tendered June 22, 1972, seeking the assignment of Channel 269A to Batavia, New York, is granted.

15. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

16. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

17. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

18. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C., 1919 M Street NW.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-21316 Filed 9-13-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20187; RM-1901]

FM BROADCAST STATIONS

Proposed Table of Assignments, Bullhead City, Ariz.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Bullhead City, Arizona).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with respect to the petition of Albert C. Freeman proposing the assignment of Channel 272A to Bullhead City, Arizona. Action on the petition has been deferred because it was filed when negotiations with the United Mexican States were pending looking toward a United States-Mexico FM Broadcasting Agreement (Agreement). The Agreement became effective August 9, 1973, and it was effectuated by Orders, adopted October 3, 1973 (43 F.C.C. 2d 293) and March 28, 1974 (46 F.C.C. 2d 153).

2. Bullhead City, an unincorporated place with a population of less than 1,000, is located in Mohave County, population 25,857. Petitioner correctly points out that all mileage separations could be met if Channel 272A were assigned to Bullhead City, Arizona. Petitioner suggests that the public interest, convenience, and necessity would be served by assignment of this FM channel to Bullhead City because there is a lack of local media. We are told that there is only a weekly newspaper and the only other source of local news is daytime-only AM Station KSFE, Needles, California, some 20 miles away.

3. While a sufficient showing to support a Notice of Proposed Rule Making has been made, petitioner or any other interested party should furnish further data and information about the population of Bullhead City and the nature of that community. Since the proposed assignment is within the 199 mile border area affected by the Agreement, it will be necessary to obtain approval of the Mexican authorities as to the proposed assignment.

4. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns Bullhead City, Arizona as follows:

City	Channel No.	
	Present	Proposed
Bullhead City, Ariz.		272A

5. *Showings required.* Comments are invited upon the proposal referred to above. As indicated, information is needed about the population and characteristics of Bullhead City. The petitioner or other interested parties should

also affirm an intention both to promptly apply for the channel if assigned and to construct if its application is granted. Failure to file comments or address the issues raised may result in dismissal.

6. *Cut-off procedure.* The following procedures will govern:

(a) Any counterproposals will be considered only if advanced in initial comments, so that interested parties may comment in reply comments. A counterproposal will not be considered, if advanced in reply comments.

(b) Any petition for rule making which conflicts with the proposal in this notice will be considered as comments in this proceeding and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, any such petition will not be considered in connection with the decision herein.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. They will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-21317 Filed 9-13-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20185; RM-1510]

FM BROADCAST STATIONS

Proposed Table of Assignments, Schulenberg, Tex.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Schulenberg, Texas).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with respect to the petition of Dr. A.J.A. Watzlavick proposing the assignment of Channel 272A as a first FM assignment to Schulenberg, Texas.

2. Schulenberg, population 2,294,[1] is located in Fayette County, population 17,650. The only broadcast services in the county are from Stations KVLG (daytime only) and KVLG-FM, at La Grange, population 3,092, the county seat located 15 miles from Schulenberg. Action with respect to the petition was deferred because of pending negotiations with the United Mexican States which resulted in the adoption of the United States-Mexico FM Broadcasting Agreement, effective August 9, 1973, and which has been implemented by Orders, adopted October 3, 1973 (43 F.C.C. 2d 293) and March 28, 1974 (46 F.C.C. 2d 153). The petition essentially consisted of information as to petitioner's background, an engineering statement showing the feasibility of assigning Channel 272A at Schulenberg without any other change in the FM Table of Assignments, and data and information showing compliance with our Public Notice, entitled "Policy to Govern Requests for Additional FM Assignments", 8 F.C.C. 2d 79 (1967).

3. Because of changed circumstances, it is not possible to assign Channel 272A to Schulenberg without making changes elsewhere. However, an independent engineering study conducted by the Commission staff reveals that Channel 269A may be assigned to Schulenberg provided the transmitter is located 8 miles east of the community. As concerns the policy statement, petitioner relies on the fact that he proposes a "first assignment for a small community not located near a large population center" and more specifically that the nearest large cities are Austin (82 miles to the northwest), Houston (94 miles to the east), and San Antonio (about 104 miles to the west). The largest population center in the area is Victoria, population 41,349, 62 miles to the south.

4. A sufficient showing has been made for the Commission to adopt a notice of proposed rule making requesting comments as to the proposal as amended. We are satisfied that the proposed assignment might be considered and that it would serve the public interest, convenience, and necessity. However, as already indicated, it is not feasible to assign the channel proposed by the petitioner in view of changed circumstances, although Channel 269A is available for assignment at Schulenberg if used from a transmitter site 8 miles east of the community. In the circumstances, it will be necessary for the petitioner or anyone else to indicate a willingness and ability to apply for the channel and to build if the channel is assigned. Since this assignment is within the border area covered by the United States-Mexico FM Broadcasting Agreement (199 miles of the common border), it will be necessary to obtain approval of the Mexican authorities as to the proposed assignment.

5. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM table of Assignments, as concerns Schulenberg, Texas, as follows:

City	Channel No.	
	Present	Proposed
Schulenberg, Tex.		269A

6. *Showings required.* Comments are invited upon the proposal referred to above. As indicated, there is a question whether the petitioner or anyone else is interested in building a station on a channel which must be located east of the community. Petitioner, Dr. A. J. A. Watzlavick, or such other person(s) commenting in favor of the proposal should also affirm an intention both to promptly apply for the channel if assigned and to construct if its application is granted. Failure to file comments or address the issues raised may result in dismissal.

7. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) Any petition for rulemaking which conflicts with the proposal in this Notice will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, no consideration will be given such proposal in connection with the decision herein.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-21318 Filed 9-13-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20186; RM-1979, RM-2047]

FM BROADCAST STATIONS

Proposed Table of Assignments, Parker, Ariz.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Parker, Arizona).

[1] Population figures from 1970 Census unless otherwise stated.

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations) with respect to the petitions of Shoblom Broadcasting, Inc. (Shoblom) and Rick Murphy (Murphy) respectively proposing the assignment of Channel 257A and 258 to Parker, Arizona. Murphy supplemented his petition as allowed by the Commission's Public Notice of April 11, 1974.[1]

2. Parker, population 1,948, is located in Yuma County, population 60,827.[2] Shoblom and Murphy have adduced substantial information and data about Parker, Parker, within the Colorado River Indian Reservation, is the site of support facilities for Parker Dam located on the Colorado River. Parker is located 140 miles west northwest of Phoenix, Arizona, 100 miles north of Yuma, Arizona, 40 miles north northeast of Blythe, California, and 150 miles south of Las Vegas, Nevada. The closest incorporated places of larger population are: Kingman, Arizona, population 7,312, approximately 70 miles to the north; Blythe, population 7,047, about 40 miles to the south southwest; and Needles, California, population 4,051, 55 miles to the north northwest. As concerns aural broadcast, we are told that this consists of daytime-only AM Station KFWJ, at Lake Havasu City, Arizona, 25 miles north of Parker, licensed to the petitioner Shoblom; that the Class IV stations at Kingmam, Blythe, and Needles do not provide primary service; that the only FM service in the area would be from Station KBAS, Channel 240A, Lake Havasu City, of which Shoblom is the permittee; and that there are channel assignments at Blythe and Needles (Channels 262 and 250 respectively).[3]

3. We are told that Parker's economy is primarily based on agriculture and recreation. With respect to the former, as of 1969, 51,000 of the 100,000 acre Indian Reservation is under cultivation yielding melons, lettuce, cotton, wheat, barley, and alfalfa. Parker is important because of its proximity to Parker Dam, the deepest in the world, which forms Lake Havasu, which together with Lake Moovalya (formed by Headgate Dam on the Colorado River) makes the area attractive to those interested in water sports. We are told that the area to the north of Parker in the direction of Buckskin Mountain, a state park, is largely composed of second homes and dwelling places for retirees. According to the community profile of the Department of Economic Planning and Development, there is a population of 11,800 people within a 35 mile radius of Parker, an increase of 100 percent over 1960. Community facilities include a museum, a library, 21 motels, 19 churches, three elementary schools and one high school. There are two weekly newspapers. Other information has been adduced as to the nature of municipal facilities.

4. Shoblom, in support of its petition, alleges that Parker and its vicinity is unserved by aural service. It describes AM reception as marginal with weak signals from Station KYOR and KFWJ at Blythe and Lake Havasu. This, we are told, is due not only because of distance but also because of the mountains surrounding Parker. Shoblom also advises that Parker is not within the 1 mV/m contour of Station KRHM, Channel 240A, Lake Havasu City. Murphy, in support of his petition, alleges that the need for aural service to a rural area is so great that assignment of a Class C channel is essential and he would have the Commission deny the Shoblom petition out of hand.

5. It would appear that a sufficient showing has been made that the Commission should adopt a notice of proposed rule making requesting comments as to the proposals. We are satisfied that the proposed assignment of either channel could be made and that an assignment of a channel to Parker might serve the public interest, convenience, and necessity. In this respect, the proposals are mutually exclusive, that is, both may not be granted, because they are adjacent channels. In this respect, a community of the size of Parker normally is entitled to only a Class A channel on a showing that a channel if assigned will be promptly applied for and if the application is granted construction will proceed quickly so that service may be provided. On the other hand, we have assigned a higher class channel to a small community in a sparsely settled rural area located far from any metropolitan area or population center where the assignment of a higher class channel would allow full-time service to the community and surrounding rural areas which a Class A channel could not. Although Murphy has made certain assertions in this respect, a fuller showing is necessary. An appropriate showing of this nature is of the sort discussed in Gregory, 45 F.C.C. 2d 471, 473 (1973).

6. In view of the foregoing and pursuant to authority found in sections 4(i), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rulies and regulations, the FM Table of Assignments, as concerns Parker, Arizona, as follows:

City	Channel No.	
	Present	Proposed
Parker, Ariz.	(4)	257A or 258

[4] Channel 211A is assigned to Parker as a noncommercial educational channel; see § 73.507.

7. *Showings required.* Comments are invited upon the proposals referred to above. As indicated, the petitions are mutually exclusive and a further showing should be made to support the assignment of a Class C channel to a community the size of Parker. In addition, each petitioner should affirm his intention to apply for a channel if assigned and to construct if the application is granted. Failure to file comments or address the issues raised might result in dismissal. Since Parker is in the 199-mile border area covered by the U.S.-Mexico FM Broadcasting Agreement, it will be necessary to obtain concurrence of the authorities of the United Mexican States as to any channel assignment to Parker.

8. *Cut-off procedure.* The following procedures will govern:

(a) Any counterproposal will be considered if advanced in initial comments, so that parties may comment on them in reply comments. A counterproposal advanced in reply comments will not be considered in reaching our decision here.

(b) Any petition for rule making which conflicts with the proposal in this Notice will be considered as comments in this proceeding and Public Notice to this effect will be given, as long as it is filed before the date for filing initial comments herein. If filed later than that, any such petition will not be considered in connection with the decision herein.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. They will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

10. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-21319 Filed 9-13-74;8:45 am]

[1] This allowed certain petitioners affected by the U.S.-Mexico FM Broadcasting Agreement opportunity to amend, supplement, or otherwise plead.

[2] Unless otherwise indicated population data are from the 1970 Census.

[3] Station KYOR FM is being constructed on the Blythe channel.

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-393]

SMALL PRODUCERS

Proposal Relating to Sales for Resale on Interstate Commerce

SEPTEMBER 9, 1974.

Notice is hereby given pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 551 et seq. (1970), and sections 4, 5, 7, and 16 of the Natural Gas Act[1]

[1] 15 U.S.C. 717c, 717d, 717f, and 717(o).

that the Commission proposes, in response to the mandate of the United States Supreme Court in F.P.C. v. Texaco, Inc., et al., ____ U.S. ____ (1974) (No. 72–1490, slip opinion issued June 10, 1974), to amend its regulations governing sales for resale in interstate commerce by small producers.

1. On July 23, 1970, by notice of rulemaking in Docket No. R–393,[2] the Commission gave notice of its proposal to conduct small producer rate and certificate regulation under terms and conditions suited to that class of producers falling within a stated definition of "Small Producers". On March 18, 1971, the Commission, in Order No. 428,[3] promulgated rules and regulations after receipt and analysis of comments from all interested parties.

2. Order No. 428 and amendments thereto,[4] were reviewed by the Court of Appeals in Texaco, Inc. v. F.P.C., 474 F. 2d 416 (1972) and set aside as unlawful. On writ of certiorari, in No. 72–1490, F.P.C. v. Texaco, Inc., ____ U.S. ____ (1974) (slip opinion issued June 10, 1974), the United States Supreme Court vacated the judgment of the Court of Appeals and upheld the power of the Commission to regulate indirectly sales made by small producers; however, the Supreme Court noted infirmities in Order No. 428 which precluded affirmance as written, and accordingly directed a remand of this case to the Commission for "further proceedings consistent with this opinion."[5]

3. The Commission approaches this notice of rulemaking with the conviction that the Supreme Court has fully validated the basic purposes and procedures of Order No. 428. Consequently, further objections to the Commission's decision to regulate small producers differently than large producers, and to regulate small producer sales indirectly rather than directly, will not be entertained in this remanded proceeding.

4. The Supreme Court has directed our attention to specific deficiencies in Order No. 428, and it is to these that we address this Notice of Rulemaking. The Court expressed concern with the following.

a. Sections 4 and 5 of the Natural Gas Act require all producer rates to be just and reasonable; Order No. 428 does not demonstrate that small producer rates will be held to this standard. (Slip Opinion at pp. 12–16.)

b. Order No. 428, as written, places undue reliance on "the prevailing price in the marketplace" as a measure of the justness and reasonableness of small producer rates. (Slip Opinion at pp. 16–18.)

c. Order No. 428 provides no guidance to pipeline and large producer purchasers concerning the level of their potential exposure to nonallowance of a portion of purchased gas costs paid to small producers. (Slip Opinion at pp. 11–12.)

5. In giving consideration to these areas of express judicial dissatisfaction with Order No. 428, we have also given heed to the Court's concern that our further proceedings herein result in a form of regulation that is administratively feasible (see slip opinion at footnote 5, p. 12, and at p. 19). The Court's concern in this regard does not exceed our own. We will, accordingly, weigh the proposals here noticed, and the comments received in response to this notice, in terms of practicability as well as substantive merit.

6. As a predicate for the proposals herein made, we note the findings of the Supreme Court in Permian Basin Area Rate Cases, 390 U.S. 747 (1968):

> Although the resources of the small producers are ordinarily more limited, their activities are characteristically financially more hazardous. It appears that they drill a disproportionately large number of exploratory wells, and that these are frequently in areas in which relatively little exploration has previously occurred. Their contribution to the search for new gas reserves is therefore significant, but it is made at correspondingly greater financial risks and at higher unit costs * * * (F)or this and other reasons, small producers have regularly suffered higher percentages of dry wells, and higher average costs per Mcf of production. (390 U.S. at 784–785, footnotes omitted.)

7. From the inception of rate regulation based on average industry costs,[6] the Commission has sought an effective means of providing appropriate recognition of the "relevant importance" [7] of differences between the operations of small and large producers. In this endeavor, every reviewing Court has given encouragement.[8]

8. We are persuaded, as was the Supreme Court in Permian, that small producer operations differ from large producer operations to a significant degree. Risks are greater [9] and unit costs are higher.[10] Of equal significance, small producers cannot, by the very nature of their status as small producers, achieve the economies of scale available to the large producer; nor can they diversify their operations into other lines of economic endeavor as readily as the large producer as a means of ameliorating the financial risks of gas exploration. While continuing operations of large producers can be financed, in part, from internally generated funds flowing from large volume sales of old gas, the small producer (again by the very nature of his status as a small seller) does not have a comparable source of capital funds upon which to draw.

9. The combined effects of higher risks, a greater reliance upon external capital which must be attracted to the high-risk operations of the small producer, and a relative inability to diversify as a means of cutting risks clearly presents a situation wherein the Commission, under Hope [11] and Bluefield,[12] should permit a higher rate of return for small producers than for large producers. Similarly, recognition of historic higher unit costs and the inability of the small producer to achieve cost savings available to large producers impels recognition that a rate differential is necessary.

10. In addition to these cost considerations which strongly support a proposal that a rate differential be permitted small producers, there are compelling public policy considerations which we believe to be of significance.

11. First, undue concentration of ownership of natural gas production in the hands of a few can best be avoided by lowering barriers to entry of the new entrepreneur, and by encouraging the growth of those small producers now operating. While we have had occasion recently to examine the structure of the industry and concluded that it is presently competitive,[13] we nonetheless acknowledge that the public interest will be served by encouraging a greater degree of competition; this can be accomplished through a regulatory system which encourages new entrants and the growth of small businesses now engaged in the natural gas production business. We propose that an appropriate, and practical, means of providing a small business stimulus is through a rate differential favoring the new entrant and the small businessman.

12. Second, the operations of small producers have historically and characteristically been centered around exploration and wildcatting. In this time of a shortage of natural gas which is pervasive and critical,[14] protection of the con-

---

[2] 35 FR 12220.

[3] 45 FPC 454.

[4] Orders No. 428–A, 45 FPC 548, April 9, 1971; 428–B, 46 FPC 47, July 15, 1971; 428–C, 47 FPC 1031, April 10, 1972; 428–D, 47 FPC 1148, May 4, 1972. The amendatory order dealt with matters not here relevant.

[5] Slip Opinion at p. 20.

[6] See Opinion No. 468, Permian Basin Area Rate Proceeding, 34 FPC 159 (1965).

[7] Permian Basin Area Rate Cases, 390 U.S. at 784.

[8] See, e.g., F.P.C. v. Hunt, 376 U.S. 515 (1964); Texaco, Inc. v. F.P.C., supra at 474 F. 2d 430–431, wherein the Court, although overturning Order No. 428, said:

> All this is not to say that a proper regulatory determination, within the letter and spirit of the Natural Gas Act, could not set a just and reasonable rate for small producers higher than that for large producers. Given the special problems and practices of small producers, such a result is certainly conceivable.

[9] Permian Basin Area Rate Cases, supra.

[10] Permian Basin Area Rate Cases, supra; and see Texaco, Inc. v. F.P.C., supra, wherein the Court noted: "* * * small gas producers have historically accounted for as much as 80% of new exploration, but have less ready access to the necessary capital than do large producers. * * *" 474 F.2d at 419.

[11] F.P.C. v. Hope Natural Gas Company, 320 U.S. 591 (1944).

[12] Bluefield Water Works & Improvement Co. v. West Virginia, 262 U.S. 697 (1923).

[13] Opinion no. 659, Belco Petroleum, et al., ____ FPC ____, July 20, 1973, appeal pending sub nom. Consumers Union, et al., v. F.P.C., no. 73–1792, CADC.

[14] See, generally, opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, at pp. 16–24.

suming public through encouragement of exploration is of prime concern. An appropriate rate differential for small producers can provide an effective incentive to that segment of the industry which is historically identified with the high-risk business of prospecting for new supplies of natural gas.

13. Based upon the cost and noncost considerations discussed above, we are tentatively of the belief, subject to comments and evidence to be submitted in response to this Notice that the Commission should, by final order entered in this docket, find that a specific rate differential recognizing the differences between small producer and large producer operations is just and reasonable and required by the public convenience and necessity. The extent of the rate differential to be set by final order in this docket must necessarily await the submission and evaluation of comments and evidence, but in order to comply with the requirements of 5 U.S.C. 553, we propose, as a basis for the solicitation of comments and evidence that § 157.40(c) of our regulations be amended to provide that a small producer may lawfully charge, and a pipeline or large producer may lawfully pay to a small producer, without exposure to nonrecovery, any contractually authorized rate which does not exceed a maximum of 150 percent of the applicable ceiling rate set by the Commission for a comparable sale by a large producer.

14. The rate differential ultimately determined herein shall be based upon large producer rates as set by a Commission order of general applicability which effects a change in the Commission's regulations. Thus an area rate opinion or order, or a national rate opinion or order, will provide the base rate for calculation of the small producer differential, but an opinion determining a rate for a specific sale (as in § 2.75 proceedings or in proceedings under Order No. 431) would not. The small producer differential would apply to the base rate as determined in the appropriate order or opinion of general applicability, exclusive of provisions for production, severance, or similar tax reimbursement, gathering allowances, or quality adjustments as contained in such order of opinion.

15. Subject to the comments and evidence submitted in response to this notice, it is our intention to enter findings in the final order entered in this docket that all small producers rates charged pursuant to a rate differential formula, as finally determined herein, are just and reasonable. No further proceedings, at the producer level, or through regulation of the purchaser, with respect to rates charged in compliance with the rate differential formula are contemplated.[15]

[15] We acknowledge, of course, as we must, that section 5 of the Natural Gas Act permits further Commission action with respect to any rate subject to the Commission's jurisdiction. We cannot, and do not purport to, bind a future Commission to honor our rate determinations in perpetuity.

16. In putting forward the proposals here noticed, we are mindful of the fact that we have not quantified, and cannot presently quantify, a specific differential in small producer and large producer costs. The only means of quantifying the differences would lie in a requirement that all, or a representative sample of producers, small and large, periodically file full and complete cost-of-service studies with respect to each producer's individual costs. Such a procedure is unacceptable if we are to heed the Supreme Court's admonition that our regulatory system be administratively feasible. Given the number of small producers, the disparate bookkeeping and accounting methods involved,[16] the most difficult problems of cost allocation between oil and gas operations, and the time required for implementation of the data gathering effort and Staff audit of reports submitted, we find that any attempt by the Commission to proceed in this fashion would be self-defeating.

17. It is our belief that an inability to quantify the cost differential does not invalidate the determination that a rate differential is just and reasonable.[17] We here assert our judicially recognized duty[18] to consider noncost factors as well as costs in setting just and reasonable rates. We are persuaded from the information presently available that some cost differential exists, that a higher rate of return for small producers is necessary, and that the overall public interest will be served by the grant of a sufficient differential to attract new entrants and encourage the growth of small producers. We conclude, therefore, that a differential is just and reasonable, but that the appropriate level of the differential becomes a matter of informed judgment peculiarly within the administrative discretion of this agency.

18. Nonetheless, we recognize that any decision reached herein must be based on substantial evidence if it is to be lawful. Accordingly, we specifically invite comment and evidence concerning (1) the level of rate differential which would be just and reasonable, and (2) the cost and noncost support for the particular rate differential which the Commission should adopt. We have proposed a 50 percent differential as a means of soliciting comment, and without prejudgment that a final order herein will embody this precise figure. Comments and evidence herein may persuade us that the differential should be lesser or greater than 50 percent, or that no differential should be permitted.

19. The Commission had administered the small producer program since its adoption through Order No. 428 on March 18, 1971, without significant administrative difficulty. We judge, upon the information presently available and upon more than three years actual experience, that the administrative mechanics of Order No. 428 are sound and workable. We propose no change therein. In this connection, we note that under Order No. 428, a small producer may lawfully charge and receive, without refund liability, from a pipeline or large producer purchaser willing to pay the same, rates up to the full contractual rate. Under our proposal as here submitted, such may still occur, but in the event of such payments, the purchaser will clearly be on notice that any payment in excess of that permitted under the rate differential formula authorized by final order in this docket will be deemed excessive unless shown by the purchaser to be just and reasonable,[19] and to the extent that the purchaser fails in its proof in the appropriate pipeline or large producer rate proceeding, the overpayment will not be permitted for flow through in the pipeline's or large producer purchaser's resale rates.

20. All persons who hold or who have applied for a small producer's certificate under Order No. 428 are urged to submit evidence by comments and cross-comments in this proceeding; all interstate pipelines and large producers will be directly affected by the final order issued herein, and accordingly, their full participation is also sought. Distributors and other consumer interest participation will further contribute to the development of a full and complete record, and we solicit full participation from these interests.

21. Any interested person who seeks participation in this rulemaking proceeding shall file with the Secretary of the Commission, on or before September 24, 1974, a notice of intention to participate, participants having a common interest shall combine in a group where practicable and desirable. The Secretary will prepare and publish, by September 30,

[16] Cf. Mobil Oil Corp. v. F.P.C., ____ U.S. ____ (No. 73-437, slip opinion issued June 10, 1974), at p. 31.

[17] Compare F.P.C. v. Texaco, Inc., *supra*, where the Supreme Court emphasized: "That every rate of every natural gas company must be just and reasonable does not require that the cost of each company be ascertained and its rates fixed with respect to its own costs." (Slip Opinion at p. 6.)

[18] "The Commission's responsibilities necessarily obligate it to give continuing attention to values that may be reflected only imperfectly by producer's costs; a regulatory method that excluded as immaterial all but current or projected costs could not properly serve the consumer interests placed under the Commission's protection." Permian Basin Area Rate Cases, supra, 390 U.S. at 815. See also Mobil Oil Corp v. F.P.C., supra; Austral Oil Co. v. F.P.C., 428 F. 2d 407 (CA5, 1969), cert. denied 400 U.S. 950 (1970); Placid Oil Co. v. F.P.C., 483 F. 2d 880 (CA5, 1973), affirmed sub nom. Mobil Oil Corp. v. F.P.C., supra.

[19] The standard to be applied by the Commission is adjudicating the validity of the payment to a small producer in excess of the differential authorized in this docket will be the just and reasonable standard of sections 4 and 5 of the Act, and not a standard of reasonable prudence. We can read F.P.C. v. Texaco, Inc., supra, as clearly requiring the use of the just and reasonable standard. As noted in Texaco (footnote 7, p. 15 of the slip opinion) we have indicated the factors to be weighed in applying the just and reasonable standard in cases arising under Order No. 428.

1974, a list of all participants including groups of participants. Participants shall certify that all other participants or a group's designated representative, have been served with a copy of each filing made hereunder.

22. Responses in writing concerning this proposed rulemaking shall be filed with the Secretary at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, by October 10, 1974. The submittal shall state the name, title, mailing address, and telephone number of the person or persons to whom communications concerning this matter should be addressed. An original and fourteen conformed copies of such response shall be filed with the Commission. Responses to the submittals shall be filed no later than October 25, 1974, in the same form and number as the original submittals. All submittals and responses will be placed in the Commission's public files and will be available for inspection in the Commission's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours.

23. All statements and submittals in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows: _____ (name) _____ being duly sworn, deposes and says that he is (title and organization, if filing is a representative capacity) that he is authorized to verify and file this document, that he has examined the statements contained in the submittal or response, and that all such statements are true and correct to the best of his knowledge, information, and belief. The participants preparing statements and submittals, other than prepared data sheets in response to this rulemaking shall insert line numbers on each page in the left-hand margin.

24. It is our present belief that there is no need for any public conference on this notice. The procedures to be followed in this proceeding will be those of informal rulemaking and at this juncture we do not envision a trial-type adjudicatory hearing or oral cross-examination. All participants are afforded the opportunity to respond to this notice and to file written rebuttals to other responses, all of which will be considered by the Commission in issuing a final order in this proceeding.

25. The Commission's authority to establish rates by rulemaking has been upheld, American Public Gas Association, et al v. F.P.C., Nos. 71–1812 and 71–1873 (D.C. Cir., May 23, 1974); Mobile Oil Corp. v. F. P.C. ____ U.S. App. D.C. ____, 483 F. 2d 1238 (D.C. Cir. 1973); Phillips Petroleum Co. v. F.P.C., 475 F. 2d 842 (10th Cir. 1973), cert. denied *sub nom.* Chevron Oil Co., et al. v. F.P.C. No. 73–91, 42 U.S.L.W. 3401 (U.S., January 14, 1974); and objections to our choice of rulemaking as the appropriate means of resolving the issues here presented will not be entertained.

26. Accordingly it is proposed to amend Part 157, Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment under section 7 of the Natural Gas Act, Title 18 of the Code of Federal Regulations in the manner set forth below. The proposed amendments to Part 157 of Subchapter E, regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 7 and 16 (52 Stat. 822), 823, 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459, 76 Stat. 72 (15 U.S.C. 717c, 717d, 717f and 717(o)).

27. The following is the proposed amendment to Part 157, Chap. 1, Title 18 of the Code of Federal Regulations:

Revise § 157.40(c) so that it will read as follows:

§ 157.40(c) Exemption under blanket certificate.

* * * * *

(c) *Rate and Certificate Regulation under blanket certificate.* Small producers certificated hereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract. If the contractually authorized rate does not exceed 150 percent of the Commission-determined base ceiling rate applicable to a comparable large producer sale, the rate may be charged and received by the small producer and paid by the purchaser, as the lawful, just and reasonable rate approved by the Commission pursuant to sections 4, 5, and 7 of the Act. However, no small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale regulated hereunder. Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer.

* * * * *

28. Notice of this rulemaking proceeding shall be publication in the FEDERAL REGISTER as provided in 5 U.S.C. 553(b), and personal notice to persons who may be affected thereby will not be given. The Secretary shall cause prompt publication of this Notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21284 Filed 9-13-74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 702]

RESERVES

Full and Fair Disclosure Required

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to rescind § 702.3 of Part 702 (12 CFR 702) and in lieu thereof add a new § 702.3 to be effective January 1, 1975, as set forth below.

The purpose of the proposed rulemaking is to update Part 702 (12 CFR 702) so that it is consistent with the Accounting Principles and Standards which become effective January 1, 1975.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Administrator, National Credit Union Administration, 2025 M St. NW., Washington, D.C. 20456. Comments received prior to November 10, 1974, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

HERMAN NICKERSON, JR., *Administrator.*

SEPTEMBER 5, 1974.

Section 702.3 would read as follows:

§ 702.3 Full and fair disclosure required.

(a) "Full and fair disclosure" is the level of disclosure which a prudent person would provide to a member of a Federal credit union, a creditor, or the National Credit Union Administration in order to fairly inform any or all of them of the financial condition and the results of operations of the credit union.

(b) (1) Federal credit unions shall provide for full and fair disclosure of all assets, liabilities, and members' equity, including such valuation allowance accounts as may be necessary to present fairly the financial position; and all income and expenses necessary to present fairly the results of operations during a dividend period.

(2) Full and fair disclosure will further be accomplished by (i) selecting one of the accounting bases provided for in the Accounting Manual for Federal Credit Unions which shall be either the modified cash basis or the accrual basis of accounting, and by (ii) use of appropriate financial statements described in the Accounting Manual for Federal Credit Unions, or financial statements of equivalent format.

(c) (1) The maintenance of a valuation allowance for loan losses shall not eliminate the requirement for transferring a percentage of gross income at the close of each dividend period to the regular reserve as required by section 116 of the Federal Credit Union Act.

(2) As a minimum, adjustments to the valuation allowance for loan losses shall be made at the end of each dividend period and prior to the distribution of any dividend so that the valuation allowance established fairly presents the value of loans and anticipated losses resulting from (i) uncollectable loans and notes and contracts receivable, including any uncollectable accrued interest receivable thereon, (ii) assets acquired in liquidation of loans, and (iii) loans purchased from other credit unions.

(3) (i) All adjustments to the valuation allowance for loan losses will be recorded in the expense account "Provision for Loan Losses."

(ii) Whenever additions to the valuation allowance for loan losses cause a deficit in the regular reserve account, such deficits remaining after the statutory transfer of gross income to the regular reserve account shall be transferred first to undivided earnings and, if this shall cause a deficit in undivided earnings, then to other segregations of undivided earnings that may exist, exclusive of the special reserve for losses, should such be required by the Administrator in accordance with § 702.1. These amounts are eligible for return to undivided earnings as provided for in the Accounting Manual for Federal Credit Unions.

(iii) Dividends shall not exceed the amount available for that purpose after provisions have been made for the statutory transfer to the regular reserve account and the removal of any deficit in the regular reserve account.

(d) The Statement of Financial Condition, when presented to members, creditors, or to the National Credit Union Administration, shall contain a dual declaration by the treasurer and by the president, or in the absence of the president, by any other officer designated by the board of directors of the reporting credit union to make such declaration, that the report and related financial statements are true and correct to the best of their knowledge and belief and presents fairly the financial position and the results of operations for the period covered.

(e) Upon written application by the board of directors of a Federal credit union, the Administrator may waive, in whole or in part, the requirement for the maintenance of the valuation allowance for loan losses. Such application shall be addressed to the appropriate Regional Director.

[FR Doc.74-21277 Filed 9-13-74;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

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Notice of Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, a meeting of the Commissioner's Advisory Group will be held on October 22 and 23, 1974, beginning at 10 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members, there will be time for statements by nonmembers. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3009, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74-21430 Filed 9-13-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

JUNIOR SCIENCE AND HUMANITIES SYMPOSIA

Meeting

In accordance with Public Law 92-463 dated 6 October 1972, notice is given of a meeting of the Junior Science and Humanities Symposia (JSHS) Advisory Committee, as follows:

Date: 17 October 1974
Time: 0930 hours
Place: US Army Research Office, Durham, North Carolina

Agenda subjects will be as follows:

Action on Summary of 27th Meeting held 17 May 1974
Status of Regional Programs
Other Army Support of JSHS, FY 75
Procedures in Selecting Judges and Judging of Student Papers for 1975 National
Tax Exemption
Status of 1976 National JSHS
Photography Presentation of JSHS
DA Policy on Advisory Committee

The meeting will be open to the public. For information concerning participation, contact Mrs. Anne G. Taylor, Executive Secretary, JSHS Advisory Committee, US Army Research Office, Box CM, Duke Station, Durham, North Carolina 27706, AV 935-3331; AC 919-286-2285.

LOTHROP MITTENTHAL,
COL, AD Commanding.

[FR Doc.74-21266 Filed 9-13-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92563.

BUREAU OF SPORT FISHERIES AND WILDLIFE,
Department of the Interior,
Washington, D.C.

JULY 25, 1974.

In compliance with Public Law 93-205, section 10(b) and Code of Federal Regulations, Title 50, Subpart c, paragraph 17-23 and § 13.12(a), it is requested that permission be granted Lion Country Safari, Inc., to transfer six (6) American alligators from our park in Florida to our park in California.

1. *Applicant's name:* Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653, Attention: Donald R. Dietlein (804) 798-4761.

2. Applicant is a public corporation: Mr. Harry Shuster, President and Chairman of the Board, Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653, Telephone: (714) 837-1200.

Location where the permitted activity is to be conducted. Lion Country Safari, Laguna Hills, California 92653.

3. *Mailing address.* 8800 Moulton Parkway, Laguna Hills, California 92653, Telephone: (714) 837-1200.

4. *Name of species.* Six American Alligators, *Alligator mississipiensis*, all in captivity at least one year. Size 40''-60''.

5. *Statement of Justification.* The Fish and Game Department, State of Florida, deposited the alligators at Lion Country Safari, Florida. The State of Florida has approved of the transfer with an expiry date of 15 September 1974.

6. *Description of facility.* Our California park has a large pool (constant running water) with dirt islands. The park is open to the public and since alligators are not indigenous to California, Lion Country would like to display these animals at their park.

7. The six alligators were captured from the wild by the Fish and Game Department, State of Florida, over one year ago.

8. Mr. Pat Quinn, Zoological Manager of the California park, has had many years experience in reptile work. He was a Zoo Director of a park in Florida where he displayed them successfully.

9. Lion Country Safari, Inc., will participate in a cooperative breeding program with other institutions and will contribute data to a studbook.

10. If permission is granted, the alligators will be air freighted (5 hours) in individual crates.

11. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

LION COUNTRY SAFARI, INC.,
DONALD R. DIETLEIN,
Zoological Coordinator.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 16, 1974 will be considered.

Dated: September 5, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-21337 Filed 9-13-74;8:45 am]

MARINE MAMMALS

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant. Ancel Johnson, Marine Mammal Substation, Naval Support Activity, Building 192, Seattle, Washington 98115.

APPLICATION FOR SEA OTTER RESEARCH PERMIT AS REQUIRED BY THE MARINE MAMMAL PROTECTION ACT OF 1972

The U.S. Fish and Wildlife Service, Department of the Interior requests a permit to:

1. Retain for scientific studies parts or entire carcasses of sea otters (*Enhydra lutris*) found dead.

2. Capture, mark, and retain in captivity for period of up to 3 months, up to 10 sea otters, between 1 January 1975 and 1 January 1977.

3. Capture, mark, and release in Prince William Sound, Alaska, up to 30 sea otters per calendar year from 1976 through 1979.

4. Retain the carcasses of any animals accidentally killed during marking.

BACKGROUND AND JUSTIFICATION

This permit is requested to initiate an intensive study of sea otters in Prince William Sound. The research dependent on this request is one of the major parts of the intensive study (see attached plan).

The sea otter population of Prince William Sound, recently estimated by Alaska Department of Fish and Game to contain about 5,000 animals, apparently is increasing. Intensive study of this population prior to and following completion of the oil pipeline and the beginning of oil shipments from Valdez will provide "pretreatment" or base data which will be useful in evaluating effects resulting from the pipeline activities or other developments, and in addition will add to our knowledge of the biology and ecology of the sea otter. The only information available on the Prince William Sound sea otter population are the counts and estimates presented by ADF&G and the results of a 4-month study by Donald Calkins (1972). (For general references see the attached list.)

A suitable method of permanently, or even temporarily, marking sea otters for visual recognition is not available but is necessary to this and other studies. Some sea otters have been marked by Kenyon (1969) and Estes and Smith (1973) at Amchitka and Wild and Ames (1974) in California, indicating that marking is possible. Small flipper tags have been retained for at least 2 years and Estes found that a collar caused no apparent harm to sea otters. However, testing of additional methods is needed to develop: A mark easily identifiable at a distance; a method of attaching radio transmitters; and to determine the effect of the mark and transmitters on the sea otters. A small number of individually marked animals and animals with transmitters in the sea otter population will provide valuable data on movements, territoriality, behavior, reproduction, and verify the accuracy of age determination.

METHODS

From animals found dead, the entire carcass or parts thereof will be examined, processed, and retained for a period of years. From these specimens, data on age, sex, morphology, seasonal distribution of mortality, and in some cases, causes of death will accumulate.

Animals captured to test method of marking and later for marking, will be taken with nets in a manner similar to that used by personnel of the Alaska Department of Fish and Game when transplanting animals and with a diver-held net similar to that developed in California (Wild and Ames 1974). Karl Schneider, ADF&G, and James Estes, BSFW, both experienced in capturing and handling sea otters, will participate in the initial phase of this study. Because nets appear to be the most practical method of capturing sea otters every effort will be made to develop a technique that will minimize mortality.

Animals kept in captivity for testing of marks and methods of attaching transmitters will be held in floating pens, approximately 12'x20'x5', in a sheltered bay in Prince William Sound for a period of up to 3 months. No more than three animals will be in a pen at one time. They will be fed live and fresh-frozen food, including crab, squid, clams, and rockfishes. Some of the methods of marking that will be tested are disk tags, neck banks, and bleaching. When the best method of marking has been determined, up to 30 otters will be captured, marked, and released annually.

USE AND DISPOSITION OF SPECIMENS

For all carcasses as much of the following biological information that is available will be recorded:

1. Age, from sectioned teeth
2. Sex
3. Reproductive condition, for examination of reproductive organs
4. Stomach contents, volume, and species
5. Parasites
6. Cause of death

In addition, the skulls of all animals will be retained; also, parts or entire skeletons and pelts will be retained from some animals. Pelts, skulls, and skeletal parts will ultimately be deposited in museums or other educational and scientific institutions.

CERTIFICATION

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 Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) 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 provided under the Marine Mammal Protection Act of 1972.

ANCEL JOHNSON,
Marine Mammal Substation, Naval Support Activity Building 192, Seattle, Washington 98115

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 16, 1974 will be considered.

Dated: September 5, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-21336 Filed 9-13-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74-181]

A. & W. AUGER CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), A. & W. Auger Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its Auger No. 1 Mine located at Emory Gap, Tennessee.

30 CFR 77.1605(k) provides:

Beams or guards shall be provided on the outer bank of elevated roadways.

By this petition, Petitioner seeks to modify a decision issued by Administrative Law Judge George A. Koutras on November 26, 1973, approving, subject to eleven enumerated conditions, Petitioner's original petition[1] for modification. Specifically, Petitioner requests modification of conditions 3, 5, 8, 9 and 10 of the aforementioned decision.

Condition 3. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

Petitioner asserts that it is extremely hazardous to require that "loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel." Petitioner feels that to require drivers of heavily loaded vehicles to constantly switch from one side of the road to the other is hazardous for the following reasons:

(A) The above requirement runs contrary to an experienced driver's reflexes. In an unnatural situation the drivers may react incorrectly.

(B) The majority of Petitioner's haulage time is on public roads where driving is always on the right side of the road. Petitioner believes that accidents will be inevitable if part of a haulage trip is on one side of the road and part of the same trip on the other side.

Condition 5. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

Petitioner requests that the foregoing condition be modified so as to apply solely to haulage equipment operators. There is no benefit, Petitioner asserts, in requiring, for example, a shovel operator to undergo training and retraining in the use of haulage equipment.

Condition 8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

The above condition should, Petitioner asserts, be modified to require a minimum width of 24 feet in lieu of the present requirement of 30 feet.

Condition 9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

Petitioner requests that the foregoing minimum width requirement of 16 feet apply except where roads are "shot out of solid rock."

---

[1] The original petition was published in the FEDERAL REGISTER on August 17, 1973, 38 FR 22245 (1973).

Condition 10. Where abrupt drop-offs are present along the outer banks, super-elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

Petitioner's roads, which Petitioner claims are adequately super-elevated, are elevated in the direction of travel, and not toward the highwall. Petitioner believes that a hazardous condition would result if, for example, the highwall is on the left side of a road which bears to the right when traveling downhill. In such a case, the above condition would dictate that the elevation be in the direction of the highwall, or left, side of the road. According to Petitioner, the aforementioned requirement would lead to a precarious leaning of a heavily loaded truck traveling downhill.

Finally, Petitioner asserts that in all cases its proposed modifications will provide as much safety as the application of the mandatory standard as originally modified.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 16, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 6, 1974.

[FR Doc.74-21273 Filed 9-13-74;8:45 am]

Office of the Secretary

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1974.

Dated: August 9, 1974.

CHARLES A. CAMPBELL.

[FR Doc.74-21324 Filed 9-13-74;8:45 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change. FMC Corporation, Howmet Corporation, Morrison-Knudsen Company, General Electric Company, Amalgamated Sugar Company, Idaho Power Company, First Security Bank Corporation, Union Carbide Corp., Pacific Power & Light Company, Utah Power & Light Company, Union Pacific Corp., Portland GE Company, Washington Water Power Company.
(2) Montana Power Company, Westinghouse Electric Corp., Puget Sound Power & Light Company, Pfizer Corp., Anaconda, Gulf Oil, AT&T Co., Sawtooth Development Co., Arizona Public Service Co., Boise Cascade Corp., Idaho First National Bank, Stone & Webster Corp.
(3) No change.
(4) No change.

This statement is made as of August 8, 1974.

Dated: August 8, 1974.

GLENN J. HALL.

[FR Doc.74-21325 Filed 9-13-74;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 18, 1974.

Dated: August 18, 1974.

ROBERT L. HUFMAN.

[FR Doc.74-21326 Filed 9-13-74;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1974.

Dated: August 14, 1974.

DANIEL G. JETER.

[FR Doc.74-21327 Filed 9-13-74;8:45 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 12, 1974.

Dated: August 12, 1974.

J. W. KEPNER.

[FR Doc.74-21328 Filed 9-13-74;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1974.

Dated: August 28, 1974.

OWEN A. LENTZ.

[FR Doc.74-21329 Filed 9-13-74;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1974.

Dated: August 14, 1974.

ROBERT R. McLAGAN.

[FR Doc.74-21330 Filed 9-13-74;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Sandgate Corp. (addition).
(3) No change.
(4) No change.

This statement is made as of August 7, 1974.

Dated: August 7, 1974.

HARRY H. MOCHON, Jr.

[FR Doc.74-21331 Filed 9-13-74;8:45 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico) Executive Director since May 1973.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 20, 1974.

Dated: August 20, 1974.

JULIO A. NEGRONI.

[FR Doc.74-21332 Filed 9-13-74;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1974.

Dated: August 20, 1974.

W. K. PENCE.

[FR Doc. 74-21333 Filed 9-13-74;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1974.

Dated: August 14, 1974.

LEROY J. SCHULTZ.

[FR Doc.74-21334 Filed 9-13-74;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 7, 1974.

Dated: August 7, 1974.

CHARLES W. WATSON.

[FR Doc.74-21335 Filed 9-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

ADMINISTRATOR, FOREIGN AGRICULTURAL SERVICE

Delegation of Authority—CCC Export Sales Program, GSM-4

Pursuant to authority vested in me by CCC Board Docket ICX-267, Revision II, Financial Arrangements Required by CCC under Its Export Credit Sales Program, which was approved by the CCC Board on December 17, 1971, and the Secretary of Agriculture on December 23, 1971, I hereby delegate to the Vice President, CCC, who is the Administrator, Foreign Agricultural Service, all authorities vested in the President, CCC, by said CCC Board Docket ICX-267, Revision II, with authority to redelegate such authorities, but only to officials not below the rank of Deputy Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service.

The authority herein delegated shall be exercised in conformity with the by-laws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

No delegation of authority pursuant hereto shall preclude the President or Vice President, CCC, from exercising any of the authority so delegated.

Authority. Docket ICX-267, Revision II.

Effective date. Date of signature.

Signed at Washington, D.C. on September 10, 1974.

CLAYTON YEUTTER,
President,
Commodity Credit Corporation.

[FR Doc.74-21347 Filed 9-13-74;8:45 am]

Forest Service

PACIFIC NORTHWEST FORESTRY RESEARCH ADVISORY COMMITTEE

Notice of Meeting

The Pacific Northwest Forestry Research Advisory Committee will meet at 8 a.m. to 4:30 p.m., October 8 and 9, 1974, at the Range and Wildlife Habitat Laboratory, "C" and Gekeler Lane, La Grande, Oregon.

The purpose of this meeting is to review the forest research program of the Pacific Northwest Forest and Range Experiment Station and particularly the research work in eastern Oregon and Washington.

The meeting will be open to the public. Persons who wish to attend should notify Dr. Robert E. Buckman, Director, Pacific Northwest Forest and Range Experiment Station, P.O. Box 3141, Portland, Oregon 97208; telephone No. 503-234-3361, Ext. 4909. Written statements may be filed with the committee after the meeting.

ROBERT E. BUCKMAN,
Director, Pacific Northwest Forest & Range Experiment Station.

SEPTEMBER 11, 1974.

[FR Doc.74-21298 Filed 9-13-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 7, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00022-33-46040. Applicant: National Institute of Neurological Diseases and Stroke, National Institutes of Health, Bethesda, Maryland 20014. Article: EM201C Electron Microscope, Eucentric Goniometer Stage and Image Intensifier System. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for morphological examination of thin sections and fracture replicas of neural and receptor tissue. The imaging of morphological details will depend on electron opacity or scattering properties of tissue elements stained, shadowed, or impregnated with

heavy metals. Morphological experiments will be conducted with developmental, genetic and biochemical tracer manipulations. Application received by Commissioner of Customs: July 17, 1974.

Docket number: 75–00056–00–46500. Applicant: University of Pennsylvania, 3451 Walnut Street, Philadelphia, Pa. 19174. Article: LKB14800–1 Cryoultramicrotomy Kit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the synthesis and accumulation of the biological materials collagen, proteoglycon, elastin, and basement membrane in embryonic chick and embryonic rat tissues. The experiments to be conducted include the use of immuno-electron microscopy, to identify the cells synthesizing the different extracellular macromolecules, as well as the cellular compartments involved in their synthesis and secretion. Other studies will include the effects of microenvironmental factors such as oxygen level, pH changes and small ion concentrations, as well as the effects of various pharmacological agents on the synthesis and accumulation of the macromolecules. In addition, the role of these macromolecules in regulation embryonic development, and in the development of the physiological properties of tensile strength and elasticity in developing tissues, will be studied. Application received by Commissioner of Customs: August 15, 1974.

Docket number: 75–00057–55–17500. Applicant: University of Washington, Department of Oceanography WB–10, Seattle, Washington 98195. Article: Two Recording Current Meters, Model # 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used in experiments involving continuous detailed monitoring of currents and thermal structure of the Arctic Ocean in pursuit of the following objectives:

(a) Definition of special velocity components of tidal origin (semi-diurnal, diurnal, fortnightly bands, etc.) and differentiation of these from inertial events.

(b) Determination of seasonal and long-term variability of velocity and thermal fields in the Arctic Ocean.

(c) Assessment of the role of planetary waves.

(d) Mapping of the climatologically mean velocity field.

(e) Measurement of short-term aperiodic accelerations.

Application received by Commissioner of Customs: August 15, 1974.

Docket number: 75–00058–33–90000. Applicant: University of California, Los Angeles, Center for the Health Sciences, Los Angeles, California 90024. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to explore the possibilities of transverse tomography using holographic image reconstruction. The article will provide data for comparison with the holographic method as well as for digital methods. Experiments will also be conducted on other forms of display (topographic, density, etc.) and reproduction. Studies will also be conducted to determine the feasibility of reconstructing the images in planes other than the transverse axis in which they are obtained. The article will also be used in the following courses in which student participants will be introduced to the modalities of the EMI Scanner techniques:

Basic Principles in Radiology
Radiology Clerkship
Advanced Senior Clerkship—Diagnostic Division
Special Senior Clerkship—Diagnostic Division
Applications of Medical Physics
Physics of Diagnostic Radiology
Neurology Depth Elective

Application received by Commissioner of Customs: August 16, 1974.

Docket number: 75–00059–98–77045. Applicant: University of Rochester, Laser Energetics Laboratory, Wilson Blvd., Rochester, New York 14627. Article: Defocusing Crystal X-Ray Spectrometer. Manufacturer: The Culham Laboratory, United Kingdom. Intended use of article: The article is intended to be used for the study of the feasibility of exciting x-rays laser action from a plasma produced by a light laser. Application received by Commissioner of Customs: August 16, 1974.

Docket number: 75–00060–33–46500. Applicant: University of Colorado, School of Dentistry, 4200 East 9th Avenue, Denver, Colorado 80220. Article: Ultramicrotome, Model LKB8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the investigation of mammalian tissues obtained from experimental animals. The experiments to be conducted will investigate the transport of these macromolecules and their contribution to the formation of basement membrane in the oral cavity under normal physiological conditions. In addition, the experiments will study pathological conditions. The objectives to be pursued in the investigations are the elucidation at the electron microscopic level of the structural bases of the transport of various macromolecules across cell membranes of epithelial and connective tissue cells and their contribution to the formation of basement membrane of oral structures. Application received by Commissioner of Customs: August 16, 1974.

Docket number: 75–00061–33–46500. Applicant: University of Minnesota Medical School, 2630 University Avenue Southeast, Minneapolis, Minnesota 55414. Article LKB Ultrotome III Ultramicrotome 88001–NM with Microscope Holder. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments involving the determination of the normal structure of nerve endings in human muscle spindles compared to similar endings in muscle spindles from cat, rat, and other mammals, and in the study of the responses of muscle spindles to physiological stimulation and to a variety of pharmaceutical agents to which they will be exposed.

Application received by Commissioner of Customs: August 19, 1974.

Docket number: 75–00062–33–90000. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: EMI Scanning Unit with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in teaching specialists in training in neurology and psychiatry, as well as medical students in methods of diagnosis of neurological diseases. Didactic work will include theory, methodology, and interpretation of the data that are collected. The article will also for clinical research centering on assaying the relative effectiveness of this instrument versus existing techniques of pneumoencephalography, radioisotope scanning, and angiography.

Application received by Commissioner of Customs: August 19, 1974.

Docket number: 75–00063–33–46500. Applicant: University of Wisconsin-Waisman Center, 2605 Marsh Lane, Madison, Wisconsin 53706. Article: Ultramicrotome, Model LKB8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of the properties of biological materials which lend themselves to the understanding of transport processes for macromolecules into and across cells and cellular barriers especially in the developing brain and neuroendocrine systems. The following experiments will be conducted:

(1) The configurative and experimental changes in endocrine canaliculi and intercellular spaces,

(2) The identification by ultrastructure of brain glial cells taking part in mitotic responses to brain injury.

(3) The cellular and intracellular localization of particular organelles and macromolecular uptake mechanisms.

The article will also be used by graduate students in the Neuroendocrinology Section laboratory to further understanding of sectioning techniques.

Application received by Commissioner of Customs: August 19, 1974.

Docket number: 75–00064–01–42800. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, IN 47401. Article: Cryomagnet and Accessories. Manufacturer: Bruker-Physik AG, West Germany. Intended use of article: The article is intended to be used to obtain nuclear magnetic resonance of unknown compounds in studies of chemical bonding structures. In addition the article will be used for educational purposes in graduate level courses involving structural studies.

Application received by Commissioner of Customs: August 23, 1974.

Oocket number: 75–00065–00–46040. Applicant: Westinghouse Hanford, Hanford Engineering Development Laboratory, P.O. Box 1970, Bldg. 326, 300 Area, Richland, WA 99352. Article: Side Entry Goniometer Assembly. Manufacturer: JEOL, Japan. Intended use of article: The article is an accessory to an existing

electron which is being used in the investigation of the effects of high energy particle irradiation on materials to be used in advanced energy producing systems. Application received by Commissioner of Customs: August 23, 1974.

Docket number: 75-00066-75-44500. Applicant: Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus Ohio 43201. Article: Leitz 056 Research Micro-Metallograph System. Manufacturer: Ernst Leitz, West Germany. Intended use of article: The article is intended to be used for the study of sections of irradiated and radioactive nuclear reactor fuels and other components such as claddings, pressure vessels, control rods, piping, and fission monitors. In general, the experiments conducted on the article consist of examination of radioactive materials (generally reactor materials) after irradiation to determine any changes that have occurred as a result of irradiation or reactor operation. Typical experiments will include studies of changes in pore morphology in reactor fuels, and studies of corrosion phenomena of cladding and component materials. Application received by Commissioner of Customs: August 23, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-21264 Filed 9-13-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2843]

HENKEL, INC.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 121.52, Withdrawal of petitions without prejudice, of the procedural food additive regulations (21 CFR 121.52), Henkel, Inc., 480 Alfred Ave., Teaneck, NJ 07666, has withdrawn its petition (FAP 3B2843), notice of which was published in the FEDERAL REGISTER of October 28, 1972 (37 FR 23120), proposing the issuance of a food additive regulation to provide for safe use of monoglycerides and diglycerides of hydrogenated castor oil fatty acids, tridecyl stearate, distearyl phthalate, pentaerythritol adipate-stearate, and pentaerythritol adipate-oleate as processing aid lubricants in the manufacture of polyvinyl chloride resins intended for use as articles or components of articles that contact nonalcoholic food.

Dated: September 5, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-21290 Filed 9-13-74;8:45 am]

[FAP 4B2956]

PHELPS DODGE MAGNET WIRE CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B2956) has been filed by Phelps Dodge Magnet Wire Corp., P.O. Box 600, Fort Wayne, IN 46801, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of polyamide-imide resins, derived from the condensation reaction of equimolar parts of trimellitic anhydride and *p,p'*-diphenyl-methane diisocyanate, as components of articles intended for repeated use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 5, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-21291 Filed 9-13-74;8:45 am]

National Institutes of Health

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on October 8-9, 1974, from 8:30 a.m to 5 p.m. each day, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 11 a.m. on October 8 to discuss administrative reports and program developments. 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 October 8 from 11 a.m. to 5 p.m. and from 8:30 a.m. to adjournment on October 9, for the review, discussion, and evaluation of individual grant applications. The applications contain information of a 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.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone No.: 301-496-4191, will provide summaries of meetings and rosters of committee members and substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352—National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-21258 Filed 9-13-74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute. October 16, 17, 18, 1974, National Institutes of Health, Building 31-A, Conference Room 4. This meeting will be open to the public on October 17, 1974 from 9 a.m. to 5 p.m. to discuss the collaborative research program of the Immunology Branch, Division of Cancer Biology and Diagnosis Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 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 October 16, 1974 from 7:30 p.m. to adjournment and on October 18, 1974 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Nathaniel I. Berlin, Executive Secretary, Building 31-A, Room 3A-03, National Institutes of Health, Bethesda, Maryland 20014 (301-496-4345) will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-21255 Filed 9-13-74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, October 4-5, 1974, National Institute of Environmental Health Sciences, Building 18 Conference Room, Research Triangle Park,

North Carolina. This meeting will be open to the public from 9:30 a.m. to 12 noon on October 4 to discuss brief reports of progress in each Branch of the NIEHS intramural program since the May 1974 meeting of the Board, and to discuss recent legislative developments, congressional hearings and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 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 1 p.m., October 4 to adjournment October 5 for the review, discussion, and evaluation of the Environmental Toxicology Branch's programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. David P. Rall, Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, (919) 549–8411, extension 3201, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21256 Filed 9–13–74;8:45 am]

COLON-RECTUM CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Colon-Rectum Cancer Advisory Committee, National Cancer Institute, October 1–2, 1974, Fairmont Hotel, Tulane Room, New Orleans, Louisiana.

This meeting will be open to the public on October 2 from 9 a.m. to 11 a.m. for description of the planned pancreatic program. 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 October 1, from 8 p.m. to 11 p.m. and on October 2, from 11 a.m. to adjournment for the review, discussion, and evaluation of an individual grant application. The application contains information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the application.

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. David L. Joftes, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7194) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.391, National Institutes of Health)

Dated: September 10, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21252 Filed 9–13–74;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, October 10, 1974, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on October 10, 1974, from 12:30 p.m. to 1 p.m. to discuss general business and plans for future meetings. 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 October 10, 1974, from 1 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals 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 proposals.

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.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4817, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1791) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 10, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21253 Filed 9–13–74;8:45 am]

DIAGNOSTIC RADIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diagnostic Radiology Committee, National Cancer Institute, October 31, November 1, 1974, Building 31, Conference Room 7, National Institutes of Health.

This meeting will be open to the public on October 31, 1974, from 8:30 a.m. to 9:30 a.m. to approve the minutes of the previous meeting and bring the Committee members up-to-date on organizational aspects. 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 October 31, 1974, from 9:30 a.m. to 5 p.m. and November 1, 1974, from 9 a.m. to 5 p.m. for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs and other technical information, financial data, and personal information concerning individuals associated with the proposals.

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.

Ihor J. Masnyk, Ph. D., Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1591) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21261 Filed 9–13–74;8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, October 15, 16, 1974, Building 31, Conference Room 7, National Institutes of Health.

This meeting will be open to the public on October 15, 1974, from 8:30 a.m. to 9 a.m. to approve the minutes of the previous meeting. 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 October 15, 1974, from 9 a.m. to 5 p.m. and on October 16, 1974, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. The proposals 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 proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer

Institute, 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. Irvin C. Plough, Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21263 Filed 9-13-74;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, October 4, 1974, National Institutes of Health, Bldg. 31-C, Conference Room 7.

This meeting will be open to the public on October 4 from 9 a.m. to 9:30 a.m. to discuss future plans of the Committee and general announcements. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)4 and section 552(b)6, of Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public on October 4 from 9:30 a.m. to adjournment on that day 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.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B-39, Bethesda, Maryland 20014, phone 301-496-5545, will provide summaries of meetings and rosters of Committee members.

Dr. William R. DeCesare, Executive Secretary, General Clinical Research Centers Committee, Division of Research Resources, National Institutes of Health, Building 31, Rm. 4B-13, Bethesda, Maryland 20014, phone 301-496-6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21259 Filed 9-13-74;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, October 7-9, 1974, National Institutes of Health, Building 31, Conference Room 6.

This meeting will be open to the public on October 7 from 9 a.m. to 5 p.m.; October 8 from 10:30 a.m. to 5 p.m.; and, October 9 from 9 a.m. to adjournment, to review scientific research in the areas of epidemiology, carcinogenesis, viral oncology, cancer biology, tumor immunology, breast cancer, cancer treatment and cancer control. On the morning of October 9, a series of discussions on international activities in cancer research will be presented. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)5 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 8 from 9 a.m. to 10:30 a.m. to discuss the fiscal year 1976 budget.

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 the meeting and roster of committee members.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21254 Filed 9-13-74;8:45 am]

MAMMALIAN MUTANT CELL LINES COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Mammalian Mutant Cell Lines Committee, National Institute of General Medical Sciences, October 16, 1974, 9 a.m., at the Portland Hilton, Portland, Oregon.

This meeting will be open to the public on October 16 from 9 a.m. to 2 p.m. for opening remarks and general discussion on the storage and distribution of biochemical mutant and chromosome variant cell lines. 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 October 16 from 2-4 p.m. for the review, discussion and evaluation of an individual contract proposal. The proposal contains 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 proposal.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: (301) 496-5676, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William J. Gartland, Executive Secretary, Westwood Building, Room 922, Bethesda, Maryland 20014, Telephone: (301) 496-7714.

(Catalog of Federal Domestic Assistance Program 13-862, General Medical Sciences-Genetics Program)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21262 Filed 9-13-74;8:45 am]

POPULATION RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on October 24-25, 1974, Landow Building, Room C-418, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on October 24, from 9 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers and program projects. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 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 October 24 from 10:30 a.m. until adjournment on October 25 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 and proposals.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1756, will provide summaries of meetings and rosters of committee members. Dr. William A. Sadler, Executive Secretary, Population Research Committee, NICHD, Landow Building, Room C-733, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21257 Filed 9-13-74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee A, National Cancer Institute, October 2, 1974, National Institutes of Health, Building 31, Conference Room 8.

This meeting will be open to the public on October 2, 1974, 9 a.m. to 10 a.m. to discuss the development of new project areas and plans for future symposiums on virus cancer research. 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 October 2, 1974, 10 a.m. to adjournment for the review, discussion and evaluation, of individual contract proposals. The proposals 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 proposals.

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. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6927) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21260 Filed 9-13-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10 a.m., September 19, 1974 in the offices of the Conference, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider transfers of confidential information among Federal agencies.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact John F. Cushman, Executive Director (phone 202-254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 9, 1974.

[FR Doc.74-21323 Filed 9-13-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-223]

LOWELL TECHNOLOGICAL INSTITUTE

Proposed Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of a facility operating license to the Lowell Technological Institute that would authorize the Institute to possess, use and operate the pooltype nuclear reactor for educational and training purposes. The reactor, located on the campus of Lowell Technological Istitute in Lowell, Massachusetts, will operate at steady state power levels not in excess of 1 MW (thermal).

The Commission will consider the issuance of the facility operating license upon: (1) a finding by the Commission that the application complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I, (2) a finding that the facility authorized has been constructed in conformity with Construction Permit No. CPRR-87, and will operate in conformity with the application, provisions of the Act and of the rules and regulations of the Commission, and (3) the completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing.

On or before October 16, 1974, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "rules of practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this facility operating license, see the application for license and the Safety Analysis Report dated October 5, 1973, and supplements dated February 20 and June 19, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. The license, Technical Specifications and the Safety Evaluation by the Directorate of Licensing will be made available for inspection at the above location when completed.

A copy of the application and, when available, the license, Technical Specifications and the Safety Evaluation may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of September 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-21306 Filed 9-13-74;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DRP-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company, for operation of Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of July 12, 1974.

The amendment sets operating power limits for the plant when steam safety valves are not operable. This amendment relates to radiological safety matters previously considered but does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the licensees' letter dated July 17, 1974, and (2) the Commission's related Safety Evaluation, dated July 12, 1974. These are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania. A copy of item (2) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this August 16, 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Branch Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.74-21310 Filed 9-13-74;8:45 am]

CIVIL SERVICE COMMISSION

DEFINITION OF "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY"

Notice of Hearing

Pursuant to sections 4(f) and 13(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. Sec. 201 et seq.), notice is hereby given of a public hearing to be held, commencing September 30, 1974 at 9:30 am and continuing until all interested parties have been heard, in Room 7B09, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

The purpose of this hearing is to obtain information, suggestions, or proposals in regard to proposed rulemaking to define the term "any employee employed in a bona fide executive, administrative, or professional capacity" for application to those employees of the U.S. Government for whom the U.S. Civil Service Commission administers the Fair Labor Standards Act. The specific issues to be explored include reasonable alternatives to criteria established by the Secretary of Labor (including the use of salary tests, and the percentage of time limitations on nonexempt work), and recommendations for modification or expansion of the interim instructions issued by the Commission on the application of the exemption for executive, administrative, and professional employees.

Although the regulation to be developed by the U.S. Civil Service Commission will apply to employees of the U.S. Government only, the hearing is open to the public and presentations will be accepted from other parties interested in compatibility with regulations of the Secretary of Labor which apply to State and local governments and other employees. It is requested that any interested party contact the office of Mr. H. Alan McKean, area code 202-632-4516 on or before September 25, 1974 to indicate the desire to participate and the approximate amount of time needed to present information or comments.

Additionally, the Commission would appreciate receiving, either in advance or at the hearing, a copy of any written text or abstract of their presentation which participants may have prepared.

In an endeavor to hear all interested parties, persons who have not notified the Commission of their desire to make a presentation will be provided an opportunity to be heard following those who have so notified the Commission, but may be limited to no more than ten minutes for their presentation.

Dated: September 12, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21439 Filed 9-13-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Meeting

Notice is given that the Technical Advisory Committee on Poison Prevention Packaging will meet on October 1, 1974 (9 a.m. to 6 p.m.) and October 2, 1974 (9 a.m. to 2 p.m.) at the Consumer Product Safety Commission, 1750 K Street, NW., 6th floor conference room.

The administration of the Poison Prevention Packaging Act of 1970, including the use and management of the Technical Advisory Committee, was transferred to the Consumer Product Safety Commission from the Department of Health, Education, and Welfare on May 14, 1973, by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573; 15 U.S.C. 2079(a)).

The purpose of the Technical Advisory Committee is to provide advice and recommendations on the types and kinds of packaging that will protect children from injury or illness resulting from handling or ingestion of household substances.

The morning of the first day (October 1) will include a brief overview of the Poison Prevention Packaging Act to provide background information to the new appointees to this Committee. The afternoon session will be devoted to a discussion of (1) legal definitions of serious personal injury or illness, and (2) exemption criteria and exemption requests.

On October 2, the Committee will discuss the need for published guidelines on information required to substantiate exemption requests and the possible shortage of plastic materials as it affects compliance with provisions of the Poison Prevention Packaging Act.

Outside persons who have information concerning the plastic shortage are encouraged to participate in this portion of the meeting, which will take place from 10-11 a.m. The entire meeting, however, is open to the public, space permitting. Persons planning to attend and/or participate are requested to notify the Office of the Secretary, Consumer Product Safety Commission, telephone (202) 634-7700.

Dated: September 11, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-21313 Filed 9-13-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 263-2; OPP-32000/111]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before Nov. 15, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an appplication described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 15, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 8417-RN. Alcolac, Inc., 3440 Fairfield Rd., Baltimore MD 21226. ETHYLENE OXIDE. Active Ingredients: Ethylene oxide 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 264–143. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. WEEDAR 64–A BROADLEAF POSTEMERGENCE HERBICIDE. Active Ingredients: Diethanolamine salt of 2,4-dichlorophenoxyacetic acid 57.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34628–R. The Chloramone Corp., PO Box AC, Wescosville PA 18106. SODIUM HYPOCHLORITE DISINFECTANT-BACTERICIDE-DEODORANT. Active Ingredients: Sodium Hypochlorite 13.03%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34628–E. The Chloramone Corp., PO Box AC, Wescosville PA 18106. COMPRESSED CHLORINE GAS. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 22559–E. Cleanway Products, 8804 Fenkell, Detroit MI 48238. MIRACLE HOUSEHOLD NOK–OUT ROACH & INSECT KILLER. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 464–368. The Dow Chemical Co., 2030 Abbott Rd., Midland MI 48640. DOW DURSBAN M INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3, 5, 6-trichloro-2-pyridyl) phosphorothioate] 41.2%; Aromatic petroleum derivative solvent 29.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34761–R. Ecolo-G Ent. Ltd., Building #5 Industrial Park, West Haverstraw NY 10993. ECOLO-G GENERAL PURPOSE INSECT SPRAY. Active Ingredients: Pyrethrins 0.40%; Piperonyl butoxide, technical 0.80%; N-octyl bicyclopheptene dicarboximide 1.34%; Petroleum distillate 97.46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3770–19. Economy Products Co. Inc., PO Box 427, Shenandoah IA 51601. DY-FLY CIODRIN EMULSIFIABLE INSECTICIDE. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 14.40%; Petroleum hydrocarbons 72.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34799–R. Jimini Productions, 9000 Sunset Blvd., Los Angeles CA 90069. THE PLANT DOCTOR HOUSE PLANT INSECT SPRAY. Active Ingredients: Pyrethrins 0.2%; Piperonyl Butoxide, Technical 1.0%; Petroleum Distillate 0.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 778–34. Miller-Morton Co., 2007 N. Hamilton St., Richmond VA 23230. NEW IMPROVED SERGEANT'S SENTRY IV COLLAR. Active Ingredients: Naled (1, 2-dibromo - 2.2 - dichloroethyl dimethyl phosphate) 15.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 524–285. Monsanto Co., Agricultural Div., 800 North Lindbergh, St. Louis MO 63166. LASSO HERBICIDE BY MONSANTO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34737–R. Provident Pest Control Co., 192 Ave. S., Brooklyn NY 11223. PYRETHRUM-RYANIA ROACH POWDER. Active Ingredients: Pyrethrins 0.350%; Ryanodine 0.55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148–689. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City MO 66110. DU–TER FUNGICIDE WETTABLE POWDER. Active Ingredients. Triphenyltin hydroxide 47.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2829–RRE. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. CUNILATE 2419–75%. Active Ingredients: Copper 8-quinolinolate 7.5%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 2829–RRR. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. CUNILATE 2174–WP–10%. Active Ingredients: Copper 8-quinolinolate 1.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 12896–E. Wade Hampton Chemical Co., PO Box 236, Taylors SC 29687. CLEAR POOL ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of August 29, 1974 (39 FR 31549).

EPA Reg. No. 618–75. Merck Chemical Div., Merck & Co., Inc., Rahway NJ 07065. MERTECT 340–F FUNGICIDE. Benzimidazole rather than benzaimidazole as published.

Dated: September 6, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–21077 Filed 9–13–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 718]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 9, 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 governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

10003–C2–P–73, Radio Broadcasting Company (KGB874). C.P. to add standby facilities to operate on 454.050 MHz at Loc. #2: WFIL–FM Tower, Culp Street, Philadelphia, Pennsylvania.

20325–CD–P–75, Electro-Craft, Inc. (KOP323). C.P. to relocate facilities operating on 152.03 MHz to be located 1.6 miles South of city limits on Old Highway 16, Rapid City, South Dakota.

20326–CD–P–75, State Telephone Company (New). C.P. for a new 1-way station to operate on 158.10 MHz to be located 3.7 miles SW of Ravena, New York.

20327–CD–P–75, Otis L. Hale dba Mobilfone Communications (KFL903). C. P. to change antenna system and relocate facilities operating on 152.12 MHz to be located at Exchange Bank and Trust Building, El Dorado, Arkansas.

20328–CD–P–75, Public Service Associates, Inc. (KRS679). C.P. for additional facilities to operate on 43.22 MHz located on Baldy Hill, ⅞ mile NW of Felts Field, Spokane Municipal Airport, Spokane, Washington.

20329–CD–P–75, Radio Paging, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at 417 Gardenia Street, West Palm Beach, Florida.

20330–CD–P–75, Radio Relay Corporation (KAA893). C.P. to change antenna system and relocate facilities operating on 35.22 MHz at Loc. #2: 720 Olive Street, St. Louis, Mo.

20331–CD–P–(2)–75, Albert W. Dale, Jr. (KLF509). C.P. for additional facilities to operate on 454.075 & 454.275 MHz to be located at a new site described as Loc. #4: approximately 1.2 miles NNE of Douro, Texas.

20332–CD–P–(2)–75, Texas ComCo, Inc. (New). C.P. for a new 2-way station to operate on 454.075 & 454.375 MHz to be located 1.7 miles North of center of Hereford, Texas.

[1] 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.

[2] 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.

20333–CD–P–75, Mobilphone-Paging Radio Corporation (KCA725). C.P. to relocate facilities operating on 152.03 MHz at Loc. #1: 1055 Westminster Street, Providence, Rhode Island.

20334–CD–P–75, Radio Relay Corporation (KQC877). C.P. for additional facilities to operate on 35.58 MHz to be located at a new site described as Loc. #5: Clermont Hospital, 3000 Hospital Drive, Batavia, Ohio.

20335–CD–P–75, Scandinavia Telephone Company (New). C.P. for a new 2-way station to operate on 152.69 MHz to be located 2 miles Southeast, Scandinavia, Wisconsin.

20336–CD–P–75, Stockbridge & Sherwood Telephone Company (New). C.P. for a new 2-way station to operate on 152.60 MHz to be located on State Hwy. #55, South Village Limits, Sherwood, Wisconsin.

20337–CD–P–(2)–75, United Business Services, Inc. dba United Radiophone System (New). C.P. for a new 1-way station to operate on 152.24 & 158.70 MHz to be located on San Rafael Hill, End of Chula Vista Drive, San Rafael, California.

20338–CD–P–(4)–75, Louisville 2-way Radio Service, Inc. (KIG855). C.P. for additional facilities to operate on 454.025 454.050 454.100 & 454.125 MHz to be located at a new site described as Loc. #3: 101 S. Fifth Street, Louisville, Kentucky.

20339–CD–P–(2)–75, RCC of Virginia, Inc. (New). C.P. for a new 2-way station to operate on 454.225 & 454.350 MHz to be located on Route 337, nr. Shoulders Hill, Virginia.

20340–CD–P–75, Pacific Northwest Bell Telephone Company (KOA738). C.P. to change antenna system, relocate facilities from Loc. #1 to Loc. #2 and replace transmitter operating on 35.26 MHz. Loc. #2: Mt. Nebo, 2.4 miles WSW of Roseburg, Oregon.

20341–CD–P–75, Bonduel Telephone Company (New). C.P. for a new 2-way station to operate on 152.75 MHz to be located 2.8 miles West of Bonduel, Wisconsin.

Major amendments

2636–C2–P–72, Miami Valley Radiotelephone (KLF577). Amend to change base station frequency to 35.22 MHz. All other particulars remain as reported in Public Notice #570 dated November 15, 1971.

20579–C2–P–(3)–74, Arnold E. Anderson (New), San Angelo, Texas. Amend the base frequency to read 152.18 MHz. All other particulars to remain as reported on PN #677 dated December 3, 1973.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

20555–C2–P–74, Mobilephone-Paging Radio Corporation (KRS653), Exeter, Rhode Island.

20261–C2–P–74, Massachusetts-Connecticut Mobile Telephone Co. (KQZ747), Hartford, Connecticut.

Corrections

8737–C2–P–(2)–72, Radio Broadcasting Co. (KGB874), Philadelphia, Pennsylvania. Previously reported on PN #637 dated February 26, 1973 as a Major Amendment by the addition of standby facilities on frequency 454.050 MHz at Loc. #2 described as WFIL–FM Tower, Culp Street, Philadelphia, Pa. The above stands corrected and is to be considered a separate application listed under file number 10003–C2–P–73.

20267–CD–P–75, Miami Valley Radiotelephone (KLF577). Correct entry on PN #717 dated September 3, 1974 to identify mentioned facilities as being located at Loc. #2. Also to include the antenna system change of facilities operating on 35.22 MHz at Loc. #3: 2400 Luhman Rd., Cincinnati, Ohio. All other particulars to remain as reported on above mentioned Public Notice.

RURAL RADIO SERVICE

60021–CR–P/L–75, RCA Alaska Communications Inc. (New). C.P. for a new Inter-Office Fixed station to operate on 157.77, 157.80, 157.83, 157.86, 157.89, 157.92, 157.95, 157.98, 158.01, 158.04, 158.07, 459.375, 459.400, 459.425, 459.450, 459.475, 459.500, 459.525, 459.550, 459.575, 459.600, 459.625, and 459.650 MHz located at various points within the territory of the grantee.

60022–CR–P/L–75, RCA Alaska Communications, Inc. (New). C.P. for a new Inter-Office Fixed station to operate on 152.51, 152.54, 152.57, 152.60, 152.63, 152.66, 152.69, 152.72, 152.75, 152.78, 152.81, 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525, 454.550, 454.575, 454.600, 454.625, and 454.650 MHz.

60023–CR–P/L–75, RCA Alaska Communications, Inc. (New). C.P. for a new rural subscriber station to operate on 157.80, 157.89, & 157.98 MHz located at Wien Air Alaska Terminal Bldg., 6 miles NW of St. Mary's, Alaska.

60024–CR–P/L–75, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 16.2 miles SW of Bill, Wyoming.

60025–CR–P–75, Lincoln County Telephone System, Inc. (New). C.P. for a new Central Office station to operate on 454.60 MHz to be located behind Central Office in Alamo, Nevada.

60026–CR–P–75, Lincoln County Telephone System, Inc. (New). C.P. for a new rural subscriber station to operate on 459.60 MHz to be located at T11S, R62E, approximately 43.9 KM SSE Alamo, Coyote Springs, Nevada.

Correction

60015–CR–MP–75, RCA Alaska Communications, Inc. (WAF835). Correct file number to read 60016–CR–MP–75. All other particulars to remain as reported on PN #717 dated September 3, 1974.

POINT-TO-POINT MICROWAVE RADIO SERVICE

485–CF–P–75, Mid-America Microwave, Inc. (Formerly Southeast Kansas Microwave, Inc.) (New) Ottawa, Kansas. Lat. 38°37'-41'' N., Long. 95°16'29'' W. C.P. for a new station on 5989.7H and 6167.6H MHz toward Garnett, Kans. on azimuth 181°02'.

483–CF–P–75, Same (KTG30), 1.1 Miles North of Iola, Kansas. Lat. 37°56'47'' N., Long. 95°23'43'' W. C.P. to add 5989.7H MHz toward a new point of communication at Yates Center, Kans. on azimuth 258°47'.

484–CF–P–75, Same (New). Yates Center, Kansas. Lat. 37°53'25'' N., Long. 95°44'10'' W. C.P. for a new station on 6212.0V MHz toward Eureka, Kans. on azimuth 262°37'.

486–CF–P–75, Same (WGI69) Parsons, Kansas. Lat. 37°17'58'' N., Long. 95°15'16'' W. C.P. to add 6049.0H and 6167.6H MHz toward Coffeyville and Pittsburg, Kans. on azimuth 233°35' and 83°37', respectively.

487–CF–P–75, Same (New) Coffeyville, Kansas Lat. 37°04'04'' N., Long. 95°38'25'' W. C.P. for a new station on 6330.7V MHz toward Caney and Cherryvale, Kans. on azimuths 255°55' and 21°21', respectively. (Note: Waiver of 21.701(i) is requested by Mid-America.)

500–CF–P–75, United Wehco, Inc. (KEV51), 1.0 Mile SW of Trees, Louisiana. Lat. 32°-47'04'' N., Long. 94°02'51'' W. C.P. to add 5974.8H MHz 6034.2H and 6093.5H MHz toward Bossier City, La. on azimuth 135°21'.

508–CF–P–75, United Video, Inc. (WQO52), 8.3 Miles ENE of Preston, Oklahoma. Lat. 35°44'36'' N., Long. 95°50'30'' W. C.P. to add 11505V and 11345V MHz toward Okmulgee, Okla. on azimuth 219°08'.

593–CF–P–75, Eastern Microwave, Inc. (New), Wood Hill, 2.2 Miles SW of Lawrence, Massachusetts. Lat. 42°39'17'' N., Long. 71°13'05'' W. C.P. for a new station on 11305H and 11265V MHz toward Amesbury, Mass. on azimuth 44°21'.

594–CF–P–75, Southern Bell Telephone & Telegraph Company (New), 1300 Bull Street, Savannah, Georgia. Lat' 32°03'44'' N., Long. 81°05'51'' W. C.P. for a new station on freq. 3770V toward Hilton Head Island, S.C. on azimuth 70°10'.

[FR Doc.74–21321 Filed 9–13–74;8:45 am]

WILLIAM F. WALLACE ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William F. Wallace and Anne K. Wallace, joint tenants, Santa Paula, California, Docket No. 19866, File No. BPH–8105; Clark Ortone, Inc., Fillmore, California, Docket No. 19867, File No. BPH–8111; Class B Broadcasters, Inc., Fillmore, California, Docket No. 19868, File No. BPH–8234; for construction permits.

1. Before the Review Board for consideration is a petition to enlarge issues, filed March 1, 1974, in which the applicant, William F. Wallace and Anne K. Wallace (Wallace), seeks the addition of the following issues.[1]

(a) To determine whether the proposal of Class A Broadcasters, Inc. will provide a signal of at least 3.16 mv/m (70 dbu) to the entire city of Fillmore, California is [required] by § 73.315(a) of the rules.

(b) To determine whether Class A Broadcasters, Inc. is financially qualified to construct its proposal and operate it for one year without revenues.

(c) To determine whether Class A Broadcasters, Inc. has failed to keep its application accurate and complete as required by § 1.65 of the Commission's rules.

(d) To determine, in light of the evidence adduced pursuant to issues (a) and (c), *supra*, whether Class A Broadcasters, Inc. has the requisite and/or comparative qualifications to be a Commission licensee.

(e) To determine, whether the proposal of Class A Broadcasters, Inc. will

[1] Other related pleadings before the Board for consideration are: (a) opposition, filed May 20, 1974, by Class A Broadcasters, Inc.; (b) Broadcast Bureau's petition for acceptance of late filed pleadings, filed May 21, 1974; (c) Broadcast Bureau's comments, filed May 21, 1974; (d) reply and comments of Clark Ortone, Inc. in response to (a), filed June 12, 1974; (e) motion to strike (d), filed June 17, 1974, by Class A Broadcasters, Inc.; (f) reply, filed June 17, 1974, by Wallace; and (g) supplement to (a), filed August 23, 1974, by Class A Broadcasters, Inc.

realistically provide a local transmission facility for its specified community or for another larger community.

(f) To determine, in light of the evidence adduced pursuant to issues (a) through (e), whether the public interest would be served by a grant of the application of Class A Broadcasters, Inc.

Although Wallace has not shown good cause for the untimely filing of its petition, the Review Board is persuaded that the petitioner has raised serious public interest questions which merit careful consideration. See The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).[2]

2. In the Review Board's view, Wallace has raised a serious question as to whether Class A's proposal would provide a minimum field strength of 3.16 mv/m over the entire principal city of Fillmore, as required by § 73.315(a) of the rules. Based upon the data contained in the petitioner's engineering study, the Class A proposal appears to be deficient in several important respects, only one of which has been adequately explained by Class A. First, noting that the coordinates specified by Class A do not comport with the physical description of its transmitter site, Wallace alleges that an accurate description of the location of the site according to the specified coordinates would indicate that a mountain, which masks Fillmore from the site, would prevent any part of the city from receiving the required signal.[3] In any event, assuming that Class A's physical description of its site were correct, Wallace's analysis of Class A's calculations along the 45 and 50.5 degree radials from its site indicate that there is a substantial question as to whether the proposal would cover the city with a 70 dBu signal.[4] Thus, Wallace alleges that the height above average terrain (HAAT) on the 45 degree radial is 1770 feet instead of the 1745 feet shown by Class A. As a result of correcting the HAAT figure in making calculations along this critical radial, Wallace estimates that the Class A proposed 70 dBu contour would extend approximately 0.2 miles less than that depicted by Class A.[5] Second, Wallace alleges that Class A's use of the 50.5 degree radial resulted in an erroneous depiction of the required contour, since that radial is atypical and does not meet the farthest extension of the Fillmore city limits. Specifically, Wallace explains, since the radial extends through a ravine, calculations derived from it would reflect a non-representational elongation of the 70 dBu contour. Given the above, the Board is of the view that the dispute over the accuracy of the Class A calculations[6] and the suitability of its selection of radials should be explored during the evidentiary hearing. Further, in light of the fact that petitioner's allegations, if proven, would appear to indicate only a slight deviation from coverage requirements, any determination as to whether Class A is in substantial compliance with rule 73.315(a) may be made after the conclusion of the evidentiary hearing.

3. A financial qualifications issue inquiring into the availability of funds to Class A will also be added. As noted by Wallace and the Broadcast Bureau, two of the sources upon which Class A relies in making its claim of $49,253 in available funds warrant scrutiny. First, it is undisputed that Class A has erroneously inflated its estimate of net available capital by claiming a deferred equipment credit in the amount of $5,253. Since Class A is proposing to lease this equipment (and has made provision for this in its estimate of costs), this amount should properly be subtracted from its estimate of available funds. Second, the Board is of the view that a substantial question exists as to whether Class A's 100 percent owner, John J. Davis, has the financial ability to meet his $40,000 commitment to the applicant. Davis' 1972 balance sheet reveals that he has $43,699 in liquid assets, consisting of $5,181 in cash on hand and $38,518 in negotiable securities. However, based upon Wallace's uncontroverted allegations, it is apparent that the balance sheet no longer accurately reflects the current value of Davis' assets; thus, when the amount of cash on hand is reduced by an annual current liability of $3,132 and the securities are assessed at current stock market values ($34,101), Davis is shown to have only some $37,232 with which to meet his commitment.[7] Contrary to Class A's assertion, this decrease in available liquid assets must be regarded as a significant factor in assessing his ability to satisfy the commitment, absent a showing that Davis has other resources to which he could turn for the balance needed.[8] As a related matter, given the fact that the decline in stock market values (and cash on hand) constitutes an apparent change in circumstances which could significantly alter Class A's financial qualifications, a Rule 1.65 issue is also warranted. However, inasmuch as there is no indication that Class A was aware that this decline would materially alter its financial status, the issue will be added on a comparative basis only. Finally, Wallace's request for a cost estimates issue will be denied. Petitioner's unsubstantiated allegation about the inadequacy of Class A's provision for legal fees can be readily discounted. But, in any event, Class A has stated that it has an agreement with counsel to the effect that any legal fees in excess of its estimate will not become due and payable until after the first year of operation. And, with respect to the remaining basis for Wallace's request, since the question of the source and adequacy of Davis' living expenses pertains to his ability to meet his commitment to the applicant, this matter may be explored under the financial issue being added herein.

4. A Suburban Community issue will also be added. In our view, there are a number of factors which serve to raise a substantial question of whether Class A realistically intends to serve Fillmore or the larger community of Santa Paula.[9] First, the applicant's engineering showing indicates that, although Class A would provide total coverage of Santa Paula with a greater than 80 dBu signal, it would not necessarily cover its proposed community of license with the requisite 70 dBu signal.[10] This disparity in proposed service to the two communities—both in terms of coverage and quality of signal—is of considerable significance in our view, particularly in light of the fact that Class A proposes to locate its transmitter some 6.89 miles from Fillmore, but only 1.98 miles from Santa Paula, and the applicant has not adequately explained why it chose its specified location. Moreover, as noted by Wallace and the Bureau, there is a corresponding disparity in the applicant's ascertainment efforts in the two communities; Class A has submitted a significantly more detailed demographic analysis of Santa Paula than of Fillmore and has concentrated its community leader interviews efforts in the former community, rather than in Fillmore.

5. *Accordingly, it is ordered*, That the Broadcast Bureau's petition for acceptance of late filed pleading(s), filed May 21, 1974, is granted; and

6. *It is further ordered*, That the motion to strike, filed June 17, 1974, by Class A Broadcasters, Inc., is granted; and

[2] The comments submitted by Clark Ortone, Inc. are an additional pleading, rather than an opposition or reply authorized by § 1.45 of the rules. As a consequence, since Ortone has not specifically requested permission to file such a pleading and the Commission has not authorized its submission, the comments may not be considered.

[3] Class A, in opposition, has informed the Board that corrected site coordinates are the subject of a pending petition for leave to amend.

[4] Class A's assertion that its original engineering was done in "accordance with good engineering practice" is conclusory in nature and, consequently, does not serve to rebut Wallace's showing.

[5] Class A argues that even if Wallace's study is a valid representation of its predicted contours, its proposal should be found to be in substantial compliance with rule 73:315(a). Thus, the applicant contends that only five homes are located within the disputed area and there is virtually no chance of any growth in that area.

[6] Wallace's allegations concerning Class A's general compliance with rule 73.333 (which prescribes the mathematical relationship between HAAT and permissible authorized power) may also be explored in this connection.

[7] Noting that the applicant lists an additional $4,000 as existing capital in its application, the Bureau questions whether this sum is distinguishable from the $40,000 Davis obligation. Absent some clarification, the Bureau urges that it cannot be assumed to be available to meet projected costs.

[8] In this connection, we note that Davis has neither shown the market value nor the marketability of other assets which he alleges he could rely on for additional funds.

[9] The population of Santa Paula is approximately three times that of Fillmore (18,001 as compared to 6,285).

[10] See paragraph 2, supra.

7. *It is further ordered*, That the petition to enlarge issues, filed March 1, 1974, by William F. Wallace and Anne K. Wallace, is granted to the extent indicated herein, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged to include the following:

(a) To determine whether the proposal of Class A Broadcasters, Inc. will provide a signal of at least 3.16 mv/m (70 dBu) to the entire city of Fillmore, California, as required by § 73.315(a) of the Commission's rules.

(b) To determine whether Class A Broadcasters, Inc. will provide a realistic transmission service to Fillmore, California, or some other larger community.

(c) To determine whether Class A Broadcasters, Inc. has sufficient funds available to construct and operate its proposal.

(d) To determine whether Class A Broadcasters, Inc. has failed to keep its application accurate and complete as required by § 1.65 of the Commission's rules, by failure to report significant changes relating to its financial qualifications, and if so, the effect of such failure on its comparative qualifications to be a Commission licensee.

9. *It is further ordered*, That with respect to issues (a), (b) and (c), the burdens of proceeding and proof shall be on the applicant.

Adopted: August 27, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[11]

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

[FR Doc.74-21320 Filed 9-13-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8621, E-8023, E-7904, E-8004, E-8688, E-8689, E-8767, E-8779, E-7907, E-8019, E-8620, and E-7905]

ARIZONA PUBLIC SERVICE CO.

Further Extension of Procedural Dates

SEPTEMBER 6, 1974.

On August 30, 1974, Arizona Public Service Company (APS) filed a motion to extend the procedural dates fixed by order issued July 15, 1974, as amended by notice issued August 1, 1974, in the above-designated matter. The motion states that neither Staff Counsel nor the Arizona Electric Power Cooperative has any objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of prepared testimony and exhibits by APS, October 1, 1974.
Service of prepared testimony and exhibits by Staff, December 2, 1974.
Service of prepared testimony and exhibits by interveners, December 23, 1974.
Service of rebuttal testimony and exhibits by APS, January 6, 1975.
Hearing, January 21, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21287 Filed 9-13-74;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Extension of Procedural Dates

SEPTEMBER 9, 1974.

On August 27, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued June 21, 1974, in the above-designated matter. On August 30, 1974, Boston Edison Company responded by requesting a further modification of the suggested schedule.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff's testimony, September 24, 1974.
Intervenor's testimony, October 8, 1974.
Company's rebuttal testimony, October 22, 1974.
Hearing, November 5, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21285 Filed 9-13-74;8:45 am]

[Docket Nos. E-8641, E-8251, E-8169 and E-8476]

NEW ENGLAND POWER CO.

Further Extension of Procedural Dates

SEPTEMBER 9, 1974.

On September 4, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by order issued March 29, 1974, as modified by notice issued August 2, 1974, in the above-designated matter. The motion states that the interested parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's testimony, September 19, 1974.
Service of Interveners' testimony, October 9, 1974.
Service of Company's rebuttal, October 29, 1974.
Hearing, November 13, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21286 Filed 9-13-74;8:45 am]

FEDERAL RESERVE SYSTEM

FREDONIA BANCSHARES, INC.

Approving Formation of Bank Holding Company and Acquisition of Credit Life Insurance Business

Fredonia Bancshares, Inc., Fredonia, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 82.65 per cent of the voting shares of State Bank of Fredonia, Fredonia, Kansas ("Bank"). At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire the credit life insurance business presently conducted by Beal and Beal, a partnership, Predonia, Kansas. Applicant will thereafter engage in the sale of credit life insurance to the installment loan customers of Bank. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(ii)(a)).

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 25365). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently organized corporation formed for the purposes of becoming a bank holding company through the purchase of Bank's stock and of engaging in the sale of credit life insurance to the installment loan customers of Bank. Bank, with deposits of $16.5 million,[1] controls almost 41 per cent of total deposits in commercial banks in the relevant banking market (which is approximated by Wilson County) and is the largest of three banks in the market. Since the proposal represents a restructuring of Bank's ownership, consummation of the proposal would have no adverse effects on existing or potential competition. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will depend initially upon those of Bank, are considered satisfactory and consistent with approval. The debt that will be incurred by Applicant as a result of this proposal appears to be readily serviceable from the income to be derived from Bank and the insurance activities without having an adverse effect on the financial condition of Bank. Accordingly, banking factors are regarded as being consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Beal and Beal, a partnership, presently operates an insurance agency, on Bank's premises, engaged in the sale of credit life insurance in connection with installment loans made by Bank. Incidental to the reorganization, Applicant proposes to acquire this insurance business and operate it as a division of Applicant. Approval of this proposal would

[11] By the Review Board: Board Member Kessler, dissenting with respect to the Suburban Community issue, for the reasons stated in a dissenting statement to the Board's Memorandum Opinion and Order (FCC 74R-288), released August 13, 1974.

[1] Banking data are as of December 31, 1973.

insure that such insurance will continue to be easily available to Bank's customers, which factor the Board regards as being in the public interest. Moreover, in view of the limited nature of the insurance business and the fact that its acquisition by Applicant is part of a corporate reorganization, it does not appear that any existing or potential competition would be eliminated as a result of the proposal.

There is no evidence in the record indicating that consummation of the proposed acquisition of the credit life insurance business would result in any undue concentration of resources, unfair competitions, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of the credit life insurance business shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective September 9, 1974.

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

[FR Doc.74-21271 Filed 9-13-74;8:45 am]

IB&T CORP.

Approving Formation of Bank Holding Company

IB&T Corp., Pocatello, Idaho, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Idaho Bank, Pocatello, Idaho ("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 the light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. Bank is the fourth largest banking organization in Idaho with deposits of approximately $163 million, representing less than 8 percent of total deposits of commercial banks in the State.[1] Bank is located in Pocatello, Idaho (population 40,000). The transaction is the equivalent of a corporate reorganization and, therefore, there would be no immediate change in the level of banking competition in Pocatello or Idaho generally; nor would consummation of the proposal have an adverse effect on existing or potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered to be generally satisfactory and the prospects of each appear favorable. Banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank as a result of the shifting of Bank's ownership to a corporation, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 6, 1974.

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

[FR Doc.74-21269 Filed 9-13-74;8:45 am]

PACESETTER FINANCIAL CORP.

Approving Acquisition of Bank

Pacesetter Financial Corp., Grand Haven, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to the Owosso Savings Bank, Owosso, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twenty-third largest banking organization in Michigan, controls two banking subsidiaries with deposits of approximately $159 million, representing less than 1.0 percent of the total commercial bank deposits in the State.[1] Acquisition of Bank (deposits of $84.9 million) would increase Applicant's share of State deposits by 0.3 of one percent and would not result in a significant increase in the concentration of banking resources in Michigan.

Bank, with approximately 56 per cent of the total market deposits, operates seven branches and is the largest of six commercial banks in Shiawassee County, which approximates the relevant market. Bank is located within the Flint, Michigan SMSA, and is only 30 miles northeast of Lansing. Despite Bank's large share of the deposits in the market, the proposed acquisition would have a procompetitive effect by strengthening Bank's position in relation to the larger Flint banks with which it already competes and will compete further with the opening of additional branches in the Flint area. Applicant has no subsidiary in the relevant market and its nearest subsidiary bank is over 200 miles east of Bank. On the basis of the record, it appears that consummation of the proposed acquisition would have no significant adverse effects upon existing or potential competition within the market.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as satisfactory and consistent with approval of the application. Bank's affiliation with Applicant would provide Bank with greater access to capital and added lending capacity through loan participation. These considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would

[1] Banking data are as of June 30, 1973 and reflect holding company acquisitions and formations approved through August 1, 1974.

[1] All banking data are as of December 31, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Holland. Absent and not voting: Governors Bucher and Wallich.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Holland. Absent and not voting: Governors Bucher and Wallich.

be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 6, 1974.

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

[FR Doc.74-21268 Filed 9-13-74;8:45 am]

MAIN CORP.

Approving Acquisition of Health Management Services Corp.

The Main Corp., Chicago, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Health Management Services Corporation, Hillside, Illinois ("Company"), a company that engages in the activities of acquiring for its own account, Medicaid and Medicare accounts receivable from doctors and other providers of medical care. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 24274). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843 (c)(8)).

Applicant, the 99th largest banking organization in Illinois, controls one bank with total deposits of $65.7 million, representing approximately 0.1 per cent of total deposits in commercial banks in the State.[1] Applicant also has a wholly-owned subsidiary engaged in providing data processing services.

Company purchases, at discount, Medicare and Medicaid receivables from doctors and other providers of health care and holds these receivables pending payment by the appropriate public agencies. Company, recently organized by the president of Applicant, is the successor to a firm which had been engaged in similar activities but had experienced difficulty in raising the necessary capital to finance its factoring operations. Company operates only in the Chicago area and, as of May 1974, held gross receivables of approximately $209 thousand. Neither Applicant nor any of its subsidiaries are engaged in the factoring of medical care-related receivables nor does it appear that they have the specialized expertise to do so on a de novo basis. Furthermore, due to the relatively small size of both Applicant and Company, it would not appear that their affiliation would foreclose such entry by others. Thus, the Board concludes that consummation of the proposed acquisition would have no adverse effects on existing or future competition.

Applicant's acquisition of Company would enhance Company's access to financial resources necessary to expand its factoring operations. Consummation herein should produce further public benefits to the extent the expeditious reimbursement for medical services already provided should enable medical facilities to increase the volume of patient care they provide. There is no evidence in the record indicating that acquisition of Company by Applicant would result in any undue concentration of resources, unfair competion, conflicts of interests, unsound banking practices or other adverse effects upon the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago.

By order of the Board of Governors,[3] effective September 4, 1974.

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

[FR Doc.74-21270 Filed 9-13-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-300]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate telephone proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission involving the application of Southern Bell Telephone and Telegraph Company for an increase in intrastate telephone service rates, for the year 1974.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 6, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-21322 Filed 9-13-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SMITH & STOVER COAL CO.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m^3) has been received as follows:

ICP Docket No. 20237, SMITH & STOVER COAL COMPANY, Hunter-Burma Mine, Mine ID No. 46 01505 0, Whitby, West Virginia, Section ID No. 004-0 (2nd A-Right).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before October 1, 1974. 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 on request.

A copy of the 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.

C. DONALD NAGLE,
Acting Chairman, Interim Compliance Panel.

SEPTEMBER 10, 1974.

[FR Doc.74-21276 Filed 9-13-74;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Holland. Absent and not voting: Governors Bucher and Wallich.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board through July 31, 1974.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Wallich. Absent and not voting: Governor Bucher.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE ON SCIENTIFIC KNOWLEDGE AND HUMAN VALUES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Advisory Committee on the Program of Science, Technology and Human Values will be held at 10 a.m., on October 7, 1974, in Suite 3 at 806 15th Street, NW., Washington, D.C. 20506. The afternoon session will be held collaboratively with that of the National Science Foundation's Advisory Committee on Ethical and Human Value Implications of Science and Technology at 1:30 p.m. in room 642 at 1800 G Street NW., Washington, D.C. 20550.

The agenda for this meeting will include:

MORNING

Committee member comments on summary of activities to date.

Committee member suggestions of subject matters on which research or educational projects should be actively sought.

AFTERNOON

Discussion of current joint activities of the National Science Foundation and the National Endowment for the Humanities.

Discussion of possible projects for joint support by the two agencies.

The meeting will be open to the public on a space-available basis. Additional information may be obtained from the Advisory Committee Management Officer, Mr. John Jordan, 806 15th Street, NW., Washington, D.C. 20506 (telephone 202–382–2031). Individuals planning to attend are requested to notify Mr. Jordan no later than October 1, 1974, but such notification is not a requirement for attendance.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–21361 Filed 9–13–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR METABOLIC BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Metabolic Biology to be held at 9 a.m. on October 2, 3, and 4, 1974, at 1800 G Street, NW., Washington, D.C. 20550. (Specific room numbers are indicated in the agenda.)

The purpose of this Panel is to provide advice and counsel concerning support for research in metabolic biology. The agenda for this meeting includes:

OCTOBER 2, ROOM 338

9 a.m.—Discussion of the following items:
I. Specific Program Problems:
A. The Review Process.
B. Current and Future Areas of Emphasis in the Program.
1:30 p.m.—Discussion of the following items:
II. Relationship of Programs to Scientific Constituency and Nation.
III. Suggestions from the Floor.

OCTOBER 3 AND 4, ROOM 321

9 a.m.—Review and Evaluation of Research Proposals in Metabolic Biology.

The entire session on October 2 shall be open to the public. The October 3 and 4 sessions are concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

Individuals who wish to attend the open session on October 2, should inform Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program, by telephone (202/632–4312) or by mail (Room 323, 1800 G St., NW., Washington, D.C. 20550). Persons requiring further information concerning this Panel should contact Dr. Elijah B. Romanoff at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G St., NW., Washington, D.C. 20550.

Dated: September 11, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74–21314 Filed 9–13–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 11, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census: Power Driven Handtools, Annual Report, Form MA 35B, Annual, Weiner, Manufacturing establishment.

Bureau of Economic Analysis: Survey of Foreign Business Investments in the United States—1974, Form BE 12, Single time, Hulett.

ENVIRONMENTAL PROTECTION AGENCY

National Significance of Urban and Non-Urban Attitudes and Perceptions toward Environmental Quality—VOL. 1 (Regional Study Area: San Antonio SMSA), Form ----, Single time, Weiner/Wann/Ellett, Households in San Antonio SMSA.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Tractors, Except Contractors' Off-Highway Type, Garden Tractors and Motor Tillers, Form MA 35T, Annual, Weiner, Manufacturing establishments.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–21451 Filed 9–13–74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Postponement of Previously Announced Meeting

Due to unforeseen circumstances, the meeting of the Community Advisory Group, announced in the FEDERAL REGISTER, vol. 39, no. 175 on page 32582 on Monday, September 9, 1974 (FR Doc. 74–20738), will be postponed from Thursday, September 19, 1974 at 2 p.m. until Thursday, October 3, 1974 at 2 p.m.

The meeting's location will remain unchanged as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area Code 202/343–9423.

DAVE BRIGGS,
Acting General Counsel.

[FR Doc.74–21305 Filed 9–13–74;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Postponement of Previously Announced Meeting

Due to unforeseen circumstances, the meeting of the Owners and Tenants Advisory Board, announced in the FEDERAL REGISTER, vol. 39, No. 175 on page 32582 on Monday, September 9, 1974 (FR Doc. 74–20739), will be postponed from Wednesday, September 18, 1974 at 2 p.m. until Tuesday, October 1, 1974 at 2 p.m.

The meeting's location will remain unchanged, as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343–9423.

DAVE BRIGGS,
Acting General Counsel.

[FR Doc.74–21304 Filed 9–13–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5519]

ALLEGHENY PITTSBURGH COAL CO. ET AL.

Proposed Sale of Subsidiary Coal Company's Common Stock; Proposed Open Account Advances; Proposed Purchase of Coal Mine

SEPTEMBER 10, 1974.

In the matter of Allegheny Pittsburgh Coal Company, Cabin Hill, Greensburg, Pennsylvania 15601; Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Company, Cabin Hill, Greensburg, Pennsylvania 15601.

Notice is hereby given that The Potomac Edison Company ("PE"), Monongahela Power Company ("Monongahela") and West Penn Power Company ("West Penn"), electric utility subsidiary companies of Allegheny Power System, Inc., ("APS"), a registered holding company, and Allegheny Pittsburgh Coal Company ("AP Coal"), a subsidiary of West Penn, have filed a further amendment to the application-declaration, as previously amended, with this Commission designating sections 6, 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Applicants-declarants propose a series of transactions designed to enable AP Coal to exercise an option to purchase a coal mine near Cowen, West Virginia, ("Cowen Mine") and to reallocate the ownership of AP Coal. On August 8, 1974 (Holding Company Act Release No. 18524) a notice of filing was published in this proceeding relating to part of the proposed transactions. Applicants-declarants have no filed an amendment to the application-declaration, as previously amended, proposing to change the transaction in a number of respects.

AP Coal, a Pennsylvania corporation, now has as its entire capitalization 10,000 shares of common stock (par value $0.05) issued and outstanding, all of said shares presently being owned by West Penn. AP Coal's principal asset is a coal reserve acquired in 1971 and its principal liability is an obligation to West Penn in the amount of $2,955,000 outstanding as of June 30, 1974. The coal reserve is being held as a coal supply for a future APS station to be owned by West Penn, Monongahela and PE as tenants in common. Except for holding this reserve, AP Coal is an inactive company.

It is now proposed that West Penn sell 2500 shares of the AP Coal common stock to PE and 2500 shares of such stock to Monongahela. The price of the stock to be paid to West Penn will be the underlying book value of the shares. Following these proposed sales of stock, West Penn would own 50 percent of AP Coal common stock and PE and Monongahela would each own 25 percent of such stock. West Penn will indemnify PE and Monongahela for any claims arising out of past operations of AP Coal to the extent such claims exceed reserves for the claims on the AP Coal books on the closing date.

Following the proposed reallocation of ownership in AP Coal, it is proposed that West Penn, PE and Monongahela make open account advances to AP Coal in the total aggregate amount of up to $14,000,000. Each of these companies will make open account advances in proportion to their ownership in AP Coal, so that West Penn would advance up to $7,000,000 and Monongahela and PE would each advance up to $3,500,000 to AP Coal.

The open account advances will be made for a period not to exceed 60 days from October 1, 1974, or until such time as this Commission authorizes permanent financing for AP Coal, and will bear interest at a rate equal to West Penn's interest cost from time to time of short-term borrowings. The open account advances are to be prepayable at any time without premium or penalty.

AP Coal will utilize up to $7,000,000 of the open account advances as a down payment on purchase of the Cowen mine and to purchase related mining equipment. The Cowen mine will be purchased under terms of an option agreement ("option") from Ernest A. Desrosiers, Wilfred Desrosiers, Leo C. Desrosiers and Raymond C. Desrosiers (partners trading and doing business as Desrosiers Brothers) ("sellers"). The option may be exercised on or before October 1, 1974, upon payment of a nominal consideration.

It is stated that the sellers have the right to mine the coal from the Cowen reserve through fee ownership in some of the coal bearing lands and through leasehold interests in mineral and surface rights. The total price to be paid for all these sellers' interests in the Cowen mine and for the mining equipment is $28,500,000, $1,000,000 of which is for the equipment alone. The option requires that AP Coal make an initial payment of $7,000,000 ($1,000,000 of which is for the equipment) on or before March 31, 1975, with the balance to be paid in 40 equal quarterly installments.

In addition, AP Coal proposes to acquire the aforesaid mineral and surface rights owned by certain individuals and presently leased to the sellers. Each of the owners of these mineral and surface rights have contracts to sell their interests to the sellers on various dates subsequent to October 1, 1974. Pursuant to the option, sellers will assign their rights to AP Coal to enable AP Coal to acquire fee ownership in the mineral and surface rights. AP Coal proposes to acquire these surface and mineral rights on October 1, 1974, for an amount not to exceed $2,000,000, said funds to be provided from the aforesaid open account advance.

The balance of the open account advances are to be used (1) to repay a $3,000,000 obligation of AP Coal to West Penn and (2) for working capital and to expand the Cowen mine.

It is stated that the Public Service Commission of West Virginia, the State Corporation Commission of Virginia and the Public Utility Commission of Pennsylvania have jurisdiction over various aspects of the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that fees and expenses estimated to be incurred in connection with the proposed transactions will not exceed $1,000.

Notice is further given that any interested person may, not later than September 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as so further amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective pursuant to rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21338 Filed 9-13-74;8:45 am]

[70-5533]

APPALACHIAN POWER CO.

Amendments to Articles of Association; Increase in Permitted Short-Term Unsecured Indebtedness; Order Authorizing Solicitation of Proxies

SEPTEMBER 10, 1974.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding

company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to amend its Articles of Association ("Certificate of Incorporation") (a) to increase the number of shares of common stock no par value, which Appalachian is authorized to issue from the presently authorized 10,000,000 to 30,000,000 such shares, and (b) to increase the number of shares of cumulative preferred stock, par value $100 per share, which Appalachian is authorized to issue from the presently authorized 1,500,000 to 3,000,000 such shares. At March 31, 1974, Appalachian was authorized to issue a total of 10,000,000 shares of its common stock and 1,500,000 shares of its cumulative preferred stock. As of that date, there had been issued and were outstanding 9,937,000 shares of its common stock and 1,083,240 shares of its cumulative preferred stock. Appalachian now proposes to amend its Articles of Association so as to increase the aggregate number of shares of both common stock and cumulative preferred stock which Appalachian is authorized to issue.

Appalachian further proposes to submit a proposal to its cumulative preferred stockholders for their consent and approval to an increase in the amount of unsecured short-term debt, which Appalachian is authorized to incur, prior to December 31, 1979 to exceed 10 percent, but provided that combined short-term and long-term unsecured indebtedness would be not more than 20 percent of Appalachian's total capitalization, such short-term indebtedness in excess of the said 10 percent to be outstanding no later than June 30, 1980. Authorization from the Commission for such an increase in the permissible amount of short-term debt is requested. The actual issue and sale of securities related to such proposed increase in short-term indebtedness will be subject to further authorization by this Commission. It is stated that the increases in stock and short-term debt are necessary to finance Appalachian's construction program, the cost of which is presently estimated to be approximately $100,000,000 for the last half of 1974 and $200,000,00 for the year 1975.

Appalachian intends to submit the proposed amendments of its Articles of Association and the proposed consent of its shareholders for their approval at a special meeting of shareholders to be held on October 30, 1974. In connection therewith, Appalachian proposes to solicit proxies from the holders of its common and preferred stock through the use of solicitation material which sets forth the proposals in detail. The declaration states that the proposed amendment on the common stock requires the approval and consent of the holders of the outstanding common stock and approval by two-thirds of the voting power of Appalachian and that the proposed amendment on the cumulative preferred stock requires the approval and consent of the holders of the outstanding common stock and the approval by two-thirds of the outstanding shares of cumulative preferred stock voting as a class. Consent of the holders of a majority of the outstanding cumulative preferred stock, voting as a class, is needed to increase the amount of short-term unsecured indebtedness. AEP, holder of all of the outstanding shares of Appalachian's common stock, has indicated that all such shares will be voted in favor of the proposed amendments.

The fees and expenses incurred and to be incurred in connection with the proposed transaction, including legal fees are estimated not to exceed $18,000. The declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 4, 1974, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of the consents of Appalachian's common and cumulative preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of the consents of Appalachian's common and cumulative preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21339 Filed 9-13-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-Disapproval of Proposed Amendments to Option Plan

Notice is hereby given that on August 21, 1974, the Commission considered and did not disapprove proposed amendments to Rule 13.3 (amend paragraph (b)(iii)(D) and add new paragraphs (b)(iii)(E) and (b)(iii)(F) and (c)) of the option plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b-1 (17 CFR 240.9b-1). Further, because of the importance of maintaining the financial integrity of market makers and their clearing firms, the Commission determined to accelerate the effectiveness of these amendments. Notice of these proposed changes was originally published at 39 FR 28676 on August 9, 1974.

In effect, proposed subparagraph (F) would require the "haircut" on each class of listed options positions maintained in Market-Makers' accounts to be the greater of (i) 30 percent of the market value of the long position or (ii) 130 percent of the market value of the short position less 70 percent of the market value of the long position; and proposed paragraph (c) would require Clearing Members carrying these accounts to take such haircuts less the net equity maintained by the Market-Makers therein.

Paragraph (b)(iii)(D) has, in effect, been completely rewritten in order to change the methodology for taking capital deductions on listed options positions maintained in accounts other than Market-Makers' accounts. Under CBOE's existing paragraph (b)(iii)(D), the deduction is based on the market value of the option; in contrast, under the proposed amendment to paragraph (d) the deduction on uncovered (and "unspread") short positions would be 30 percent of the market value of the underlying security reduced by any amount the option is "out of the money" (subject to a minimum deduction of $250 per option contract). The capital deduction for short option positions that are "spread" by a long position in a listed option of the same class or by another security which may be converted into or exchanged for the underlying security is covered by the first proviso to amended subparagraph (D) which provides that the deduction on the short option position would be limited in such cases to the amount of money (if any) payable upon the exercise or conversion of the security held in the long position. The second proviso to proposed subparagraph

(D) provides that there is to be no deduction for short positions that are covered by a long position in the underlying security, and this proviso also provides for the deduction (as well as the adjustment for unrealized profit or loss) to be taken in respect of the long position in the underlying security. Finally, the last sentence of proposed subparagraph (D) would eliminate the existing CBOE requirement that short option positions in accounts other than Market-Makers' accounts be marked to the market, since the capital deduction under the proposed amendment would no longer be based on the market value of the short position.

Proposed new subparagraph (b)(iii)(E) would provide for a 30 percent haircut on long option positions maintained in accounts other than Market-Makers' accounts.

At the time the amendments proposed herein are adopted, present paragraph (b)(iii)(E) of Rule 13.3 would be redesignated as paragraph 13.3(b)(iii)(G) and present paragraphs (c) through (j) would be redesignated as (d) through (k), respectively.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed amendments including the reasons for such amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L. Street NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 5, 1974.

[FR Doc.74–21342 Filed 9–13–74;8:45 am]

[70–4925]

GENERAL PUBLIC UTILITIES CORP.

Filing of Post-Effective Amendment Regarding Increase in Amounts of Unsecured Promissory Notes To Be Sold to Banks

SEPTEMBER 10, 1974.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, New York 10005, a registered holding company, has filed a post-effective amendment to its declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and (7) of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

By orders dated June 29, 1970, November 4, 1970, August 23, 1971, December 27, 1973, June 3, 1974, and June 13, 1974 (Holding Company Act Release Nos. 16770, 16802, 17243, 17829, 18433, and 18457), the Commission authorized GPU until December 31, 1974, (a) to issue and sell from time to time its unsecured promissory notes in an aggregate principal amount outstanding at any one time of up to $85,000,000 to a group of commercial banks pursuant to a credit agreement and (b) to issue and sell GPU's unsecured promissory notes in an aggregate principal amount of up to $50,000,000 to various commercial banks pursuant to informal lines of credit, provided that the aggregate principal amount of all of GPU's unsecured promissory notes outstanding at any one time shall not exceed $125,000,000.

GUP now seeks authority (1) to increase by $50,000,000 (from $85,000,000 to $135,000,000) the amount which it may borrow under the aforementioned credit agreement as the same is to be amended and (2) to extend, from December 31, 1974 to December 31, 1975, the period during which it may effect borrowings under the credit agreement and under the informal lines of credit provided that the aggregate amount to be outstanding at any one time will not be in excess of $175,000,000. In all other respects, the transaction as heretofore authorized remains unchanged.

It is represented that GPU will not incur the additional $50,000,000 in short-term debt without first retiring the $50,000,000 of debentures authorized in File No. 70–4794 (Holding Company Act Release No. 16770).

The fees and expenses incurred by GPU in connection with the proposed transaction, including legal fees, will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–21340 Filed 9–13–74;8:45 am]

[812–3682]

PITTWAY CORP.

Application

SEPTEMBER 6, 1974.

Notice is hereby given that Pittway Corporation ("Applicant"), 333 Skokie Boulevard, Northbrook, Illinois 60062, a subsidiary of Standard Shares, Inc. ("Standard"), a closed-end, non-diversified, management investment company, has filed an application pursuant to section 17(b) and Rule 17d–1 promulgated under section 17(d) of the Investment Company Act of 1940 ("Act") for an order of the Commission permitting Applicant to engage Metropolitan Construction Corporation ("Metropolitan"), a wholly-owned subsidiary of Metropolitan Structures ("Structures"), a limited partnership, as the general contractor to construct a manufacturing facility, warehouse and general offices for Applicant's BRK Electronics Division ("BRK") and to enter into and consummate the agreement described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

As of July 31, 1974, Standard owned 1,231,880 shares constituting approximately 38 percent of the outstanding common stock of Applicant. As a result of such ownership, Standard may be deemed to be in control of Applicant, within the meaning of the Act. Applicant is a diversified operating company engaged in the manufacture of burglar and fire alarm equipment and devices, the contract packaging of aerosol products, the manufacture of aerosol valves, the publishing of trade magazines and directories, including a direct mail marketing business, and real estate ventures in and near Chicago, Illinois and Montreal, Canada. Its BRK division manufactures electronic fire detection devices.

Applicant states that Metropolitan, a Chicago-based Illinois corporation, is the wholly-owned general contracting subsidiary of Structures, a Chicago-based limited partnership. Pittway owns a 19.84 percent limited partnership equity interest in all of Structures' non-Canadian assets, subject to an option exercisable by Structures at any time and by Applicant at any time after December 31, 1976, to convert such interest in the non-Canadian assets into a 14.41 percent interest in all of Structures' assets. Structures is engaged in the development of

real estate, principally in the Chicago area, and Metropolitan has acted as the general contractor for several buildings constructed in connection with Structures' real estate projects. Structures also owns a 55.86 percent interest in, and is the general partner of, Metropolitan Nuns' Island Partnership ("MNIP"), a limited partnership engaged directly and through various partnerships in the real estate development of Nuns' Island, a 1,000-acre island adjacent to Montreal, Canada. Applicant is a partner with MNIP in "Metropolitan Pittway Tennis Club," a partnership which has built and operates an indoor tennis facility on Nuns' Island.

Applicant states that its relationship with Structures began with agreements executed in 1968. Among other things, the agreements resulted in Applicant's acquisition of a 10 percent limited partnership interest in Structures in exchange for a capital contribution of $2,508,250. Applicant states that because of the affiliations resulting from the 1968 agreements, an application was filed to seek an exemption from the Act for Applicant's proposed participation in a venture involving the financing and construction of the Canada Starch Building, an office building on Nuns' Island. The application was granted by Commission Order dated April 26, 1971 (Investment Company Act Release No. 6485). Subsequently, the Commission granted three exemptions from the Act for ventures of Applicant and Structures or its affiliates: (1) the construction and operation with MNIP of a tennis club on Nuns' Island (Investment Company Act Release No. 6767, October 8, 1971); (2) the construction and operation with Structures of the Blue Cross Building, an office building in Chicago, Illinois (Investment Company Act Release No. 6903, December 17, 1971); and (3) a limited exemption for future unspecified real estate ventures in which Pittway and Structures or its affiliates might become participants (Investment Company Act Release No. 7334, August 22, 1972). In accordance with the provisions of the August 1972 order, Applicant has transmitted two Descriptions of Covered Transactions to the Commission. The first, dated August 25, 1972, deals with the restructuring of Pittway's relationship with Structures and its affiliates. The second, date May 9, 1974, deals with the expansion of the tennis facility on Nuns' Island.

Applicant states that its BRK Electronics Division has experienced significant gains in sales (from less than $250,000 in 1970 to $2,500,000 in 1973, with anticipated sales of $6,000,000 in 1974) as a result of excellent field acceptance of its products and an increase in the basic demand for fire detectors. Applicant represents that BRK is operating at very near total capacity in its present, non-expandable 36,000 square foot facility in Aurora, Illinois.

Applicant states that after surveying the Aurora area for relocation of its BRK manufacturing operation, it has entered into an option agreement with The Strathmore Company, an unaffiliated person, to purchase a thirteen and one-half acre building site. The $165,000 price includes an existing foundation for an 80,000 square foot building and a complete set of architectural drawings prepared by Louis E. Cordogan, architect, originally for use by The Strathmore Company in the construction of its own manufacturing facility on the site. Applicant further states that BRK has employed Mr. Cordogan, an unaffiliated person, as architect for the project to revise and modify the existing drawings to BRK's specifications, to prepare invitations for bids, and to supervise the construction.

Applicant alleges that pursuant to a directive by its Board of Directors on May 9, 1974, management was authorized to obtain bids from reputable contractors and to take all other appropriate action to construct a manufacturing plant on the land held under option from The Strathmore Company at a total cost (exclusive of the land) not to exceed $1,400,000. Applicant states that, while arranging for preparation of designs for the building's mechanical and electrical equipment, it issued invitations for bids for construction of the basic building (exclusive of mechanical and electrical equipment) to Metropolitan and to four other general contracting firms, none of which has any affiliation with either Pittway or Standard or with any officers or directors of either of them. Applicant asserts that each of the general contractors formulated and submitted written bid proposals, each subject to varying qualifications and conditions, including acceptance within specified periods of time. Applicant states that of the bid proposals received, Metropolitan's proposal, calling for a base price of $898,682, was the lowest bid, while the other bids exceeded Metropolitan's by margins ranging from $9,000 to $98,000. Applicant further states that Metropolitan specified a 255 day construction period as compared with 300 to 450 days for the other proposals.

Applicant states that as a result of its decision not to make any final commitment until an assessment could be made of the total cost of the project, including the mechanical and electrical phases, the bid proposals have expired. However, Applicant states that it has reached agreement with Metropolitan, subject to the issuance of a favorable order by the Commission, on an overall arrangement which would include the mechanical and electrical phases of the project. The maximum cost of construction (exclusive of mechanical and electrical equipment) would not exceed the amount stated in Metropolitan's bid proposal, while the mechanical and electrical costs will be determined on the same cost plus basis as that used by Metropolitan in formulating its bid proposal for the basic construction. Applicant asserts that the cost plus basis is determined by taking the aggregate dollar amount of bids of subcontractors and the out of pocket costs to Metropolitan of direct field supervision and adding thereto a 4 percent charge to cover general and administrative overhead expense and profit. Applicant asserts that it is protected against excessive subcontracting costs by a provision in the agreement which provides that all subconstractors' bids are subject to Applicant's approval.

Applicant states that its decision to reach agreement with Metropolitan was primarily influenced by the cost of the construction phase of the project, which it anticipates will be about ⅔ of the total project cost and which, despite the expiration of the bids and a climate of rising prices, is fixed at Metropolitan's bid price. Applicant asserts that considerable weight was also attached to the significantly shorter completion period projected by Metropolitan. Applicant further asserts that, with respect to the electrical and mechanical phases, it believes that it is adequately protected by its right of approval over subcontractors' bids. Applicant states that it also attached importance to the fact that its interest in Structures, which owns all he stock of Metropolitan, effectively reduces that portion of the project cost represented by any profit component to Metropolitan. Applicant represents that its prior association with Structures and its affiliates provides a basis for mutual cooperation and justifies the belief that it can expect better quality work from Metropolitan than from a contractor with whom it does not have a continuing relationship.

Applicant states that neither Metropolitan nor any partner of Structures, nor any affiliated person of either of them, has any affiliation with it, Standard, or with their officers or directors, other than through Applicant's interest in Structures or in the real estate ventures in which they and Applicant participate. Applicant further states that no such person participates in any of its decisions relating either to its real estate investments, or to any other management decision of it or Standard. Applicant asserts that the negotiation in connection with the above transaction was conducted at arm's length. Applicant further asserts that the transaction is fair and reasonable, does not involve overreaching, is necessary and appropriate in the public interest, and is consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to such company any property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 17(d) of the

Act and rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purpose of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Notice is further given that any interested person may, not later than September 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the 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 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 Applicant 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 September 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–21343 Filed 9–13–74;8:45 am]

[812–3642]

SAGITTARIUS FUND, INC.

Application

SEPTEMBER 9, 1974.

Notice is hereby given that The Sagittarius Fund, Inc. ("Applicant"), 375 Park Avenue, New York, New York 10022, a diversified, open-end, management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 22(e)(3) of the Act for an order of the Commission permitting the postponement of a portion of the payment for shares tendered to the Applicant for redemption, such order to continue until either:

(1) 10 days after Applicant gives the Commission notice of its intention to resume full payment upon redemption of its shares, or

(2) 10 days after final settlement of Applicant's claim under an employee dishonesty bond; or

(3) The Commission, on its own initiative, terminates the order applied for herein.

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.

On July 9, 1974, the Commission issued an order (Investment Company Act Release No. 8416) permitting Applicant to suspend the right of redemption of its outstanding redeemable securities and postpone payment for shares already submitted for redemption for a period of 30 days. Suspension of the right of redemption and postponement of payment was necessary to protect Applicant's securities holders since Applicant alleged that a substantial portion of its funds had been converted by one of its officers and that its books and records, including its net asset value, had been adjusted to conceal the conversion.

Applicant states that the extent of its direct loss due to the above-described conversion has been determined (approximately $114,000) and that it can now partially ascertain its net asset value per share. Applicant states that it is unable to ascertain, fully and accurately, its net asset value per share because a significant portion of its net assets consist of a claim against Applicant's bonding company under an employee dishonesty bond. Applicant has not received any assurance from the bonding company that Applicant will be able to recover, fully or partially, its loss under the bond. Therefore, to the extent that Applicant's net asset value per share is based upon its claim under the bond, Applicant's net asset value per share cannot be fully and accurately ascertained.

Applicant has proposed a plan of postponement of a portion of the payment for shares tendered for redemption (the "Plan").

1. Stockholders of Applicant who present or have presented shares of Applicant's outstanding redeemable securities for redemption on or after the date of the Original Temporary Order will receive for each share so presented a payment based on the per share net asset value of Applicant without regard to the value of Applicant's claim under the above-described bond.

2. In addition to the payment provided for above, each stockholder so presenting shall receive a fixed interest ("Fixed Interest") in the proceeds of Applicant's claim under the above-described bond. The Fixed Interest shall be determined by a fraction the numerator of which is the number of shares presented by such stockholder and the denominator of which is the number of shares of Applicant's redeemable securities outstanding on the date of the Original Temporary Order. Notice of the Fixed Interest will be given with the payment provided for above.

3. Upon receipt of the proceeds of the claim under the above-described bond, each holder of a Fixed Interest will promptly be paid, in cash, such holder's share of the proceeds, based upon his Fixed Interest therein.

4. Expenses of Applicant relating to collection of the said bonds shall be first charged against any sums paid under said bond.

Applicant submits that, in view of the matters set forth above, it is not reasonably practicable for Applicant fairly to determine the value of its net assets within the meaning of section 22(e)(2)(B), and that, therefore, it is impossible for Applicant properly to compute its net asset value per share.

Section 22(e)(3) of the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption, or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant also requests that the Commission issue, together with this notice, a temporary order, effective as of August 9, 1974, permitting postponement of a portion of the payment due upon redemption of Applicant's outstanding redeemable securities, as set forth in the above-described Plan, such order to continue in effect until further action is taken by the Commission.

The Commission has considered the matter and hereby finds, on the basis of the information stated in the application, and in view of the nature of the application, that it is necessary for the protection of security holders of the Applicant that there be issued, together with the notice of the application, a temporary order permitting, until further order of the Commission, the postponement of a portion of the payment due upon redemption of Applicant's shares in the manner provided in the Plan.

It is ordered, pursuant to section 22(e)(3) of the Act, that Applicant be, and hereby is, permitted, from August 9, 1974 until further order of the Commission, to postpone a portion of the payment due upon redemption of its outstanding redeemable securities, as set forth in the Plan.

Notice is further given that any interested person may, not later than October 4, 1974, to 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to

be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 4, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–21341 Filed 9–13–74;8:45 am]

TARIFF COMMISSION

[AA1921–142]

TAPERED ROLLER BEARINGS FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on September 4, 1974, that tapered roller bearings from Japan are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on September 11, 1974, instituted investigation No. AA1921–142 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, October 22, 1974. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon Friday, October 18, 1974.

Issued: September 11, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–21303 Filed 9–13–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 590]

ASSIGNMENT OF HEARINGS

SEPTEMBER 11, 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 September 16, 1974.

I&S No. 8963, Car Demurrage Rules, Nationwide, now assigned November 18, 1974, at Washington, D.C., is postponed to December 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F–12127, Indiana Refrigerator Lines, Inc.—Control—D & W Refrigerated LTL Service, Inc., now assigned September 16, 1974, at Washington, D.C., is postponed indefinitely.

MC–C–8314, F. Randolph Jones, James H. Reese, and Virgina Homes Manufacturing Corporation—Investigation of Operations and Practices, now assigned September 17, 1974, at Washington, D.C., is postponed to November 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128024 Sub 7, Building Transportation Company, now assigned September 12, 1974, at Dallas, Tex., is cancelled and transferred to modified procedure.

MC 111740 Sub 28, Oil Transport Company, now assigned October 7, 1974, at Santa Fe, New Mexico, will be held in Room 2208, Federal Bldg. and Post Office, Federal and Grant St.

MC 118535 Sub 60, Tiona Truck Line, Inc., now assigned October 16, 1974, will be held at the Auditorium New Mexico Motor Carriers Association, 1500 Indian School Rd., Albuquerque, New Mexico.

MC 119789 Sub 191, Caravan Refrigerated Cargo, Inc., now assigned October 18, 1974, will be held in Room 2, Arizona Corporation Commission, 17th Avenue and Adams, Phoenix, Ariz.

MC 139561, Hud Bus Lines, Inc., now assigned October 2, 1974, at Boston, Mass., is postponed indefinitely.

MC 113678 Sub 523, Curtis, Inc., now assigned September 16, 1974, at Los Angeles, Calif., is cancelled and the application is dismissed.

MC 28573 Sub 34, Burlington Northern Inc., now assigned September 23, 1974, at Helena, Montana, is cancelled and transferred to modified procedure.

MC 138313 Sub 9, Mack E. Burgess, Dba Builders Transport, now assigned November 7, 1974, at Portland, Oreg., is postponed indefinitely.

MC 13900 Sub 18, Midwest Haulers, Inc., now assigned September 30, 1974, at Washington, D.C., is postponed to November 18, 1974 at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S No. 8967, Increased Rates Plastic Materials, Within SFA Territory, now being assigned hearing October 22, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C., and I&S 8967 Sub 1, Increased Rates, Liquid Plastic Materials, Within SFA Territory.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–21357 Filed 9–13–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 11, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 26, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 10788 (Sub-No. E8), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 W. Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, to points in that part of New York on and east of a line beginning at the Pennsylvania-New York line, thence along U.S. Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, and on and west of New York Highway 14. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC 10788 (Sub-No. E9), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box

749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, to points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC 10788 (Sub-No. E10), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 748, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of West Virginia on, north, and west of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, to points in that part of Pennsylvania on and south of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 60, thence along Pennsylvania Highway 60 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC–10788 (Sub-No. E11), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 W. Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and machinery, materials, supplies, and equipment* incidental to or used in the operation and maintenance of steel mills, between East Liverpool, Ohio, on the one hand, and, on the other, points in that part of Ohio bounded by a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 305, thence along Ohio Highway 305 to the Pennsylvania-Ohio State line, thence along the Ohio-Pennsylvania and Ohio-West Virginia State lines to points of beginning. The purpose of this filing is to eliminate the gateway of points in Hancock County, W. Va.

No. MC–10788 (Sub-No. E13), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 W. Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Michigan north and west of a line beginning at the Indiana-Michigan State line, thence along Michigan Highway 66 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 94, thence along U.S. Highway 94 to junction Michigan Highway 14, thence along Michigan Highway 14 to Detroit, to points in that part of Pennsylvania on, south, and west of a line beginning at the West Virginia-Pennsylvania State line, thence along Pennsylvania Highway 68 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC 10788 (Sub-No. E14), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, and machinery, materials, supplies, and equipment* incidental to or used in the operation and maintenance of steel mills, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in West Virginia, New York, points in Michigan on and north of U.S. Highway 12, and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of points in Hancock County, W. Va.

No. MC 10788 (Sub-No. E15), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel and manufactured products thereof*, from points in that part of Michigan on and north of Michigan Highway 55, to points in that part of New York on and east of New York Highway 16 and on and west of New York Highway 14. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E16), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Michigan on and north of a line beginning at Holland, thence along Michigan Highway 21 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 247, thence along Michigan Highway 247 to Lake Huron, to points in Washington, Noble, Monroe, Belmont, Guernsey, Harrison, Carroll, Jefferson, and Columbiana County, Ohio, and points in that part of Mahoning County, Ohio south and east of a line beginning at the Mahoning-Columbiana County line, thence along U.S. Highway 62 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E17), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of West Virginia on, north, and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, to points in that part of New York on and west of a line beginning at Lake Ontario, thence along New York Highway 14 to junction New York Highway 54, thence along New York Highway 54 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 70, thence along New York Highway 70 to junction New York

Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 20558 (Sub-No. E1), filed May 10, 1974. Applicant: HAWTHORNE HAULING, INC., 4359 Bath Street, Philadelphia, Pa. 19137. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Heavy industrial and commercial machinery*, between points in Pennsylvania east and south of points in (1) Franklin County on and east of U.S. Highway 11, (2) Cumberland County, (3) Perry County on and east of Pennsylvania Highway 74, (4) Juniata County north of the Juniata River, (5) Mifflin County on and east of U.S. Highway 322, (6) Union County, (7) Clinton County on and east of U.S. Highway 220, (8) Lycoming County on and south of U.S. Highway 220, (9) Montour County, (10) Columbia County on and south of U.S. Highway 11, (11) Luzerne County south of Interstate Highway 80, (12) Carbon County, (13) Lehigh County, (14) Northampton County on and south of U.S. Highway 22 on and west of Pennsylvania Highway 191, and (15) Bucks County, on the one hand, and, on the other, points in Connecticut, and those in Massachusetts west of Interstate Highway 95 and south of the Merrimack River (except points on Cape Cod east of Massachusetts Highway 137). (B) *Heavy machinery*, between points in New Jersey, on the one hand, and, on the other, points in Connecticut and those in Massachusetts, described in (A) above.

(C) *Heavy industrial and commercial machinery*, between points in Pennsylvania on, north, and east of a line beginning at Philadelphia and extending along the Pennsylvania Turnpike Northeast Extension to its junction with Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Delaware and those of Maryland east and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to Baltimore, thence along Interstate Highway 95 to the boundary of the District of Columbia, thence easterly along said boundary to U.S. Highway 50, thence along U.S. Highway 50 to its junction with Maryland Highway 450, thence along Maryland Highway 450 to Annapolis, including all points in Maryland on the Delmarva Peninsula. (D) *Heavy industrial and commercial machinery*, between points in Delaware and those in Maryland on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 81 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the District of Columbia Boundary, thence easterly along said boundary to U.S. Highway 50, thence along U.S. Highway 50 to its junction with Maryland Highway 450, thence along Maryland Highway 450 to Annapolis, including all points in Maryland on the Delmarva Peninsula.

(E) *Heavy industrial and commercial machinery*, between points in Delaware, and those in Maryland described in (D) above, on the one hand, and, on the other, points in New Jersey (except between points in New Castle County, Del., on the one hand, and, on the other, points in Cape May County, N.J., south of New Jersey Highway 585). (F) *Heavy industrial and commercial machinery*, between points in Delaware, and those in Maryland described in (D) above, on the one hand, and, on the other, points in New York, on and east of New York Highway 7 from the New York-Pennsylvania State line to its junction with New York Highway 145 (except Cobleskill), thence over New York Highway 145 to junction New York Highway 30, thence over New York Highway 30 to junction New York Highway 43, thence over New York Highway 43 to Albany, and thence over U.S. Highway 9 to the New York-Massachusetts State line (except between points in Maryland west of Interstate Highway 83, on the one hand, and, on the other, points in New York west of New York Highway 30). (G) *Heavy industrial and commercial machinery*, between points in Pennsylvania on, east, and south of the Pennsylvania Turnpike from the Pennsylvania-New Jersey State line to its junction with Interstate Highway 81, thence over Interstate Highway 81 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in New York territory described in (F) above. The purpose of this filing is to eliminate the gateways in (A) and (D) above Camden, N.J., and New York, N.Y.; in (B) New York, N.Y.; in (C), (E), (F), and (G) Camden, N.J.

No. MC 29886 (Sub-No. E4), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks*, which because of size or weight require the use of lowbed equipment; (1) from points in Vermont, Maine, New Hampshire, Connecticut, Massachusetts, and Rhode Island, to all points in the United States (except points in Alaska, Hawaii, North Carolina, Virginia, Kentucky, West Virginia, Indiana, Michigan, Ohio, Pennsylvania, Maryland, Delaware, New York, New Jersey, Vermont, Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, and the District of Columbia); (2) from points in Franklin, Clinton, Essex, Hamilton, Warren, Fulton, Saratoga, Washington, Montgomery, Schenectady, Rensselaer, Schoharie, Albany, Greene, Columbia, and Dutchess Counties, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington; and (3) from points in Vermont, Maine, New Hampshire, and Massachusetts, to points in Maryland, Delaware, Virginia, North Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Massachusetts and Philadelphia, Pa.

No. MC 59952 (Sub-No. E3), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities described above, between points in Indiana on and north of Indiana Highway 46, on the one hand, and, on the other, points in that part of West Virginia on, north, and east of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 14 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 59952 (Sub-No. E4), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities described above, between points in Kentucky, on the one hand, and, on the other, points in that part of New York on and north of U.S. Highway 287, and points in that part of Pennsylvania on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 59952 (Sub-No. E5), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities described above, between points in Delaware, on the one hand, and, on the other, points in that part of Pennsylvania north of Pennsylvania Highway 108 and west of U.S. Highway 79, and points in that part of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky

Highway 78, thence along Kentucky Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 73688 (Sub-No. E1), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, composed of wood fiber and cement combined, and *accessories* therefor, when moving incidental to and in the same vehicle with such boards, when such boards and accessories are roofing materials, from Arkadelphia, Ark., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E8), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except lumber, steel, and commodities in bulk, (1) from points in Mississippi on and south of U.S. Highway 82 and points in Arkansas on and south of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 70 to Hot Springs, thence along U.S. Highway 270 to the Arkansas-Oklahoma State line, to points in Illinois; and (2) from points in Mississippi to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E9), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire and nails, and roofing materials, and contractors' equipment* which are iron, steel, or steel products, restricted against the transportation of pipe, pipeline materials, and machinery and equipment incidental to, and used in connection with the construction, repairing, and dismantling of pipelines, between points in Mississippi on and south of U.S. Highway 78, and Memphis, Tenn., on the one hand, and, on the other, points in Missouri on and east of Missouri Highway 51. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and points in Arkansas.

No. MC 73688 (Sub-No. E10), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* (except pipe), from points in Missouri on and east of Missouri Highway 51 to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Arkansas and Memphis, Tenn.

No. MC 73688 (Sub-No. E11), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Birmingham, Ala., to points in Fulton, Hickman, and Carlisle Counties, Ky., restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts. The purpose of this filing is to eliminate the gateway of points in Arkansas within the Memphis, Tenn., commercial zone.

No. MC 73688 (Sub-No. E12), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel and culvert pipe, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe* which are iron and steel articles; (1) from points in Arkansas on and south of a line beginning at the Tennessee-Arkansas State line, thence over Arkansas Highway 14 to junction U.S. Highway 167, thence over U.S. Highway 167 to the Arkansas-Missouri State line, to points in Kentucky; (2) from points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line, thence over U.S. Highway 51 to Vaiden, thence over Mississippi Highway 35 to Taylorsville, thence over Mississippi Highway 28 to Laurel, thence over U.S. Highway 84 to the Mississippi-Alabama State line to points in Kentucky on and east of U.S. Highway 231; and (3) from points in Mississippi on and south of U.S. Highway 78, to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E14), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, composed of wood fiber and cement combined, and *accessories* therefor, when moving incidental to and in the same vehicle with such boards, when such boards and accessories are roofing materials, siding, asphalt, or insulating material, from Arkadelphia, Ark., to Lockland, Ohio, and points in Illinois. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E15), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107, Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and contractors' equipment, roofing materials, and culvert and fabricated metal pipe*, which are iron, steel, or steel products, from points in Tennessee to points in Louisiana on and north of U.S. Highway 84, restricted to traffic having a prior movement by water, and restricted against the transportation of oilfield and pipeline commodities, as defined in *T. E. Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and points in Arkansas on the Arkansas River and its tributaries.

No. MC 73688 (Sub-No. E16), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), from Montgomery and Holt, Ala., to points in Kentucky on and west of U.S. Highway 45. The purpose of this filing is to eliminate the gateway of points in Arkansas, within the Memphis, Tenn., commercial zone.

No. MC 73688 (Sub-No. E18), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and contractors' equipment, roofing materials, and culvert and fabricated metal pipe* which are iron, steel, or steel products, restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, between Greenville, Miss., on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Arkansas and Memphis, Tenn.

No. MC 73688 (Sub-No. E19), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles* (except pipe, pipeline materials, and machinery and equipment incidental to and used in connection with the construction, repairing, and dismantling of pipelines), between Greenville, Miss., on the one hand, and, on the other, points in Missouri on and east of Missouri Highway 51, restricted against the transportation of traffic originating in Alabama and Tennessee (except Memphis, Tenn.). The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 73688 (Sub-No. E20), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applican't representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron soil pipe and cast iron pipe fittings* which are building materials, from the plant site of Central Foundry Company at Holt, Ala., to Lockland, Ohio. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 103490 (Sub-No. E1), filed May 13, 1974. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Fred J. Provan, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohols, esters, ketones, naphtha, coating material solvents, and thinners* (which are also petroleum products), in bulk, in tank trucks; (1) from Paulsboro, N.J., and points in New Jersey, within two miles thereof, Marcus Hook, Pa., and Petty's Island, N.J., to points in Massachusetts and Rhode Island; and (2) between points in Hudson, Essex, Middlesex, Union, Passaic, and Bergen Counties, N.J., on the one hand, and, on the other, points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway of Stamford, Conn.

No. MC 106194 (Sub-No. E7), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Minturn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size and weight require the use of special equipment, and except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Colorado on and south of U.S. Highway 50 and on and east of Interstate Highway 25, to points in that part of North Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along North Dakota Highway 18 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC–106194 (Sub-No. E11), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Minturn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size or weight require the use of special equipment, and except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Nebraska beginning at the Nebraska-Iowa State line, thence along the North Platte River to junction Nebraska Highway 50, thence along Nebraska Highway 50 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, to points in that part of Colorado on, south, and west of a line beginning at the Colorado-New Mexico State line, thence along Interstate Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Montrose-Gunnison County line, thence along the Montrose-Gunnison, Montrose-Delta, and Montrose-Mesa County lines to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 110525 (Sub-No. E867), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Milwaukee, Wis., (1) to points in Maine, New Hampshire, and Vermont (Syracuse, N.Y.) *; (2) to points in Massachusetts, Connecticut, and Rhode Island (Ft. Lee, N.J.) *; (3) to the District of Columbia and points in Maryland and West Virginia (Pittsburgh, Pa.) *; (4) to points in North Carolina, South Carolina, and Georgia (points in Virginia) *; and (5) to points in Florida (points in Virginia and Atlanta, Ga.) *, restricted in (1) above against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen to points in Vermont, restricted in (4) above against the transportation of bituminous products and materials, and restricted in (5) above against the transportation of bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E902), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Pittsburgh, Pa., and points within 10 miles thereof, (1) to points in Massachusetts, Connecticut, and Rhode Island (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.) *; and (2) to Brattleboro, Rutland, Bennington, and White River Junction, Vt. (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.) *, restricted in (1) above against the transportation of liquid wax and those commodities requiring attached heater equipment. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E903), 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 petrochemicals*, in bulk, in tank vehicles, from Pittsburgh, Pa., and points within 10 miles thereof, to points in Maine (except points in Aroostook County), New Hampshire, and that part of Vermont on and north of U.S. Highway 2, restricted against the transportation of liquid wax and those commodities requiring attached heater equipment. The purpose of this filing is to eliminate the gateways of Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., Ft. Lee, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E906), 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 petroleum products*, in bulk, in tank vehicles, from Titusville, Pa., (1) to points in Delaware and that part of Maryland on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Maryland Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to Cambridge, thence along Maryland Highway 335 to junction Maryland Highway 336, thence along Maryland Highway 336 to Crocheron (Petty's Island, N.J.) *; and (2) to points in that part of New Jersey on and south of New Jersey Highway 33 (Petty's Island, N.J., and Philadelphia,

Pa.)*, restricted in (2) above against the transportation of medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heater equipment. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E907), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the Getty Oil Company (Eastern Operations), Inc., located at or near Delaware City, Del., (1) to points in Rhode Island (Newark, N.J.)*; (2) to points in North Carolina (Williamsburg, Va.)*; (3) to points in Columbiana, Cuyahoga, Harrison, Stark, and Summit Counties, Ohio (McMurry, Pa.)*; and (4) to points in that part of Ohio on and north of U.S. Highway 40 and on and east of Ohio Highway 13 (Beaver Falls, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E917), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products* (except medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heating equipment), in bulk, in tank vehicles, from Albany, N.Y., and points in New York within 50 miles thereof, to the District of Columbia and points in Delaware and Maryland (S. Egremont, Mass., Newark, N.J., Chester, Pa., and points in Aston Township, Pa.)*, and (2) to Philadelphia, Pa. (S. Egremont, Mass, Newark, N.J., and points in Aston Township, Pa.)*; and (B) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (Except medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heating equipment), in bulk, in tank vehicles, from Albany, N.Y., and points in New York within 50 miles thereof, to points in North Carolina (S. Egremont, Mass., Newark, N.J., Chester, Pa., points in Aston Township, Pa., Delaware City, Del., and points in York County, Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E918), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heater equipment), in bulk, in tank vehicles, from points in Dutchess County, N.Y., (1) to points in Delaware and Maryland (points in Connecticut and Newark, N.J.)*, (2) to the District of Columbia (points in Connecticut, Newark, N.J., Chester, Pa., and points in Aston Township, Pa.)*, (3) points in North Carolina (points in Connecticut, Newark, N.J., Delaware City, Del., and points in York County, Va)*. The purpose of this filing to to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E919), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum chemicals), in bulk, in tank vehicles, from ports of entry in New York on or near the Niagara and St. Lawrence Rivers on the International Boundary line between the United States and Canada, (1) to Hagerstown, Md., Martinsburg, W. Va., and Winchester, Va. (Chambersburg, Pa.)*, (2) to points in Allegany County, Md. (Cessna, Pa.)*, (3) points in Mineral and Grant Counties, W. Va. (El Dorado, Pa.)*, (4) to points in Allegany and Garrett Counties, Md., and Hardy, Monongalia, and Randolph Counties, W. Va. (El Dorado, Pa.)*, (5) to points in Washington County, Md., and Berkeley County, W. Va. (Harrisburg, Pa.)*, (6) to Cumberland and Oakland, Md., and points in Hancock County, W. Va. (Neville Island, Pa.)*, (7) to points in Barbour, Harrison, Hancock, Monongalia, Mineral, Ohio, Randolph, Marion, Hardy, Kanawha, and Upshur Counties, W. Va. (Pittsburgh, Pa.)*, and (8) to points in Delaware and Maryland (Philadelphia, Pa.)*, restricted to the transportation of traffic originating at the Province of Ontario, Canada, in foreign commerce only. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E932), 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 sodium ferrocyanide*, in bulk, in tank vehicles, from Warners, N.J., to points in Indiana, Illinois, Iowa, Michigan, Missouri, and that part of Ohio on and west of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 77 to junction Ohio Highway 8, thence along Ohio Highway 8 to junction Ohio Highway 91, thence along Ohio Highway 91 to Lake Erie. The purpose of this filing is to eliminate the gateway of Willow Island, W. Va.

No. MC 110525 (Sub-No. E933), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term chemicals), in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., to points in Texas. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110525 (Sub-No. E934), 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 plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to Clayton, and that part of Virginia on and east of U.S. Highway 21, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Willow Island, W. Va.

No. MC 110525 (Sub-No. E935), 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 plastics*, in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., to points in Minnesota, Iowa, Missouri, Kansas, Nebraska, that part of Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line, thence along Interstate Highway 90 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Minnesota State line, and that part of Arkansas on and west of a line beginning at the Missouri-Arkansas State line, thence along Arkansas Highway 115 to junction U.S. Highway 67,

thence along U.S. Highway 67 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, restricted to the transportation of such dry plastics as are chemicals. The purpose of this filing is to eliminate the gateway of Ottawa, Ill.

No. MC 110525 (Sub-No. E936), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term chemicals), in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., (1) to points in California, Oklahoma, and Texas (Mapleton, Ill.)*; and (2) to points in Virginia, North Carolina, South Carolina, and Georgia (except points in Dade, Walker, and Chattanooga Counties) (points in West Virginia)*, restricted in (2) above against the transportation of bituminous products and materials. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E937), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 1933g. 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 feed grade urea*, when derived from petroleum or petroleum products, in bulk, in tank vehicles, from Belle, W. Va., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Wilmington, Del., Philadelphia, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E938), 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: *Acrylonitricle*, in bulk, in tank vehicles, from Lima, Ohio, to points in West Virginia, Virginia, South Carolina, North Carolina, and Georgia. The purpose of this filing is to eliminate the gateway of Washington, W. Va.

No. MC 113459 (Sub-No. E62), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, the transportation of which, because of size or weight, require the use of special equipment, between points in Nevada, on the one hand, and, on the other, points in Indiana; (II) (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and related *machinery, tools, parts, and supplies* moving in connection therewith, (2) *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, used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of Pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main or trunk pipe lines), (3) Commodities, the transportation of which, by reason of size or weight, require the use of special equipment (except those commodities described in (II)(2) above, those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines, and farm machinery), and (4) Parts of commodities authorized in (II)(3) above, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments, between points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line at Sweetgrass, thence along U.S. Highway 15 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89.

Thence along U.S. Highway 89 to the Montana-Wyoming 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-Colorado State line, thence along U.S. Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 30, thence along New Mexico Highway 30 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 10, thence along U.S. Highway 10 to the New Mexico-Arizona State line; (III) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and, (d) the injection or removal of commodities into or from holes or wells, between points in that part of Montana or and east of a line beginning at the United States-Canada International Boundary line at Sweetgrass.

Thence along U.S. Highway 15 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex.; (IV) (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, and (2) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment (except from machinery and commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or truck pipelines), between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line, on the one hand, and, on the other, points in North Dakota; (VI) (1) *Metal tubing and pipe*, the transportation of which, because of size or weight, require the use of special equipment (except metal tubing and pipe 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 distribution of pipelines, including the stringing and picking up thereof), (2) *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 (except the stringing and picking up of pipe in connection with main or trunk pipelines), and (3) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in that part

of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 75.

Thence along U.S. Highway 75 to Galveston, to points in Ohio; (VII) *Commodities*, the transportation of 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, processing, production, refining, manufacture, 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 pipelines, including the stringing and picking up thereof, those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or truck pipelines, and farm machinery), and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, between points in that part of Missouri on and south of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, on the one hand, and, on the other, points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line, thence along North Dakota Highway 1 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line. Restriction: The operations authorized in (II) (1), (V) (1), and (VII) (1) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Colorado and Kansas for points in (I) above, points in Oklahoma for points in (II), (III), (IV), and (VII) above, points in Illinois for points in (V) above, and Tulsa, Okla., for points in (VI) above.

No. MC 113843 (Sub-No. E701), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to points in that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 20 to Cleveland, thence along Interstate Highway 71 to Lake Erie. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E702), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E703), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E704), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E705), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in that part of Kentucky on, west, and north of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 25 to Lexington, thence along the Blue Grass Parkway to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E706), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 116626 (Sub-No. E1), filed May 14, 1974. Applicant: C. W. EANES, CRF D #1, Box 6, Gretna, Va. 24557. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, rough and dressed (except plywood and veneer), from points in West Virginia to points in North Carolina. The purpose of this filing is to eliminate the gateway of any point in that part of Virginia bounded by a line beginning at Bluefield, W. Va.-Va., and extending along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60 at Sprouses Corner, Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to Bluefield, point of beginning, including points on the indicated portions of the highways specified. (2) *Lumber* (except plywood and veneer), from points in Ohio to points in that part of North Carolina on and east of U.S. Highway 321. The purpose of this filing is to eliminate the gateway of any point in Virginia.

No. MC 118159 (Sub-No. E1), filed May 22, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *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 the plant site of Producers Packing Company near Garden City, Kans., to points in North Carolina, South Carolina, Georgia, Florida, and points in that part of Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

(2) *Bananas*, from Freeport, Tex., to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Arizona, Wisconsin, Michigan, Illinois, Indiana, Ohio, West Virginia, Kentucky, Tennessee, Mississippi, Alabama, and Georgia. The purpose of this filing is to eliminate the gateway of Galveston, Tex.

(3) Bananas, from Houston, Tex., to points in Washington, Oregon, Idaho, Montana, Wyoming, South Dakota, North Dakota, Ohio, West Virginia, Kentucky, Tennessee, Georgia, Alabama, and Mississippi. The purpose of this filing is to eliminate the gateway of Galveston, Tex.

(4) *Bananas*, from Houston, Tex., to points in Virginia, North Carolina, South Carolina, and Florida (except Pensacola). The purpose of this filing is to eliminate the gateways of Gulfport, Miss., and Galveston, Tex.

(5) *Bananas*, from Mobile, Ala., to points in Nebraska and New Mexico. The purpose of this filing is to eliminate the gateway of New Orleans, La.

(6) *Bananas*, from Freeport, Tex., to points in Virginia, North Carolina, South Carolina, and Florida (except Pensacola). The purpose of this filing is to eliminate the gateways of Gulfport, Miss., and Galveston, Tex.

(7) *Bananas*, from Galveston, Tex., to points in Virginia, North Carolina, South Carolina, and Florida (except Pensacola). The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

(8) *Bananas*, from New Orleans, La., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

(9) *Glass containers and accessories for glass containers*, from Palestine, Tex. to St. Louis, Joplin, Springfield, and Carthage, Mo., and points in St. Louis and Jefferson Counties, Mo., and Cheyenne and Casper, Wyo., and points in Colorado and Kansas. The purpose of this filing is to eliminate the gateway of Tulsa, Okla., or Sand Springs, Okla. (a point within the Tulsa, Okla., commercial zone).

(10) (a) *Glass spice jars and glass containers*, from Port Allegany and Erie, Pa., to points in Texas and New Mexico. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

(b) *Glass containers*, from Port Allegany and Erie, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateway of Sand Springs, Okla. (a point within the Tulsa, Okla., commercial zone).

No. MC 119774 (Sub-No. E24), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Nevada, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Colorado, Oklahoma, and Arkansas.

No. MC 119774 (Sub-No. E25), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Nevada, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Oklahoma, Colorado, and Arkansas.

No. MC 119774 (Sub-No. E26), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico on and east of a line from the Mexico-U.S. International Boundary line along New Mexico Highway 11 to the junction of Interstate Highway 10, thence along Interstate Highway 10 to Las Cruces, thence along U.S. Highway 70/82 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the junction of Interstate Highway 25, thence along Interstate Highway 25 to the junction of U.S. Highway 56, thence along U.S. Highway 56 to the Texas-New Mexico State line, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 119774 (Sub-No. E27), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between Lordsburg, Gallup, Socorro, Los Alamos, Santa Fe, and Raton, N. Mex., on the one hand, and, on the other, Kalispell, Missoula, Butte, Bozeman, Havre, Billings, Glasgow, Plentywood, Glendive, and Broadus, Mont. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 119774 (Sub-No. E28), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with,

(a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E29), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 741, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or well, between points in New Mexico on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E30), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 119774 (Sub-No. E50), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and pcking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 119774 (Sub-No. E51), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismanting of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC 119774 (Sub-No. E52), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (1) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E53), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's represenative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and*

pipe incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E54), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E55), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery equipment, materials, supplies and pipe* incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Oklahoma and points in Texas.

No. MC 119774 (Sub-No. E56), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E57), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado.

No. MC 119774 (Sub-No. E58), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E59), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and

(2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E67) filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantilng of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Arkansas.

No. MC 119774 (Sub-No. E68), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E69), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over-irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery* and *equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E70), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, Manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, material, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in New Mexico.

No. MC 119774 (Sub-No. E73), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Arkansas and Oklahoma.

No. MC 119774 (Sub-No. E78), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing,

maintenance, and dismantling of pipelines, including stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E79), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E80), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, proc essing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies ,and pipe* incidental to, usel in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Florida on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of Arkansas and Oklahoma.

No. MC 119774 (Sub-No. E86), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459 and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E87), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459 and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in South Carolina. The purpose of this filing is to eliminate the gateways of points in Colorado, Oklahoma, and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E88), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit* as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459 and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in Delaware. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E89), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit* as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) injection or removal of commodities into or from holes or wells from points in Nevada to points in the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E90), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations

at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in Maryland. The purpose of this filing is to eliminate the gateways of points in Colorado and Oklahoma and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E91), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Colorado and Oklahoma and the plant site of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E239), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe* as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (3) Pipe, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (4) Pipe, used in or in connection with, the drilling of water wells, from points in Texas on and east of a line from the Texas-Oklahoma State line along Interstate Highway 35 to the junction of Interstate Highway 45, thence along Interstate Highway 45 to Galveston, to points in Missouri on and west of of a line from the Arkansas-Missouri State line along U.S. Highway 65 to the junction of Missouri Highway 32, thence along Missouri Highway 32 to the junction of Missouri Highway 73, thence along Missouri Highway 73 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 123407 (Sub-No. E13), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and lumber*, from the plant site of Johns-Manville Perlite Corporation at Rockdale, Ill., to points in Decatur and Seminole Counties, Ga., Choctaw, Clarke, Washington, Mobile, Monroe, Baldwin, Escambia, Conecuk, Covington, Geneva, and Houston Counties, Ala., Florida (except Madison, Baker, Hamilton, Suwanee, Nassau, Duval, Clay, Union, St. Johns, Bradford, Columbia, Lafayette, Putnam, Gilchrist, Alachua, Flagler, Marion, Volusia, Lake, Sumter, Orange, and Seminole Counties), and that part of Texas in and south of Sabine, Jasper, Tyler, Polk, Jacinto, Montgomery, Waller, Austin, Fayette, Bastrop, Travis, Blanco, Llano, Mason, Concho, McCulloch, Tom Green, Reagan, Crockett, and Val Verde Counties, restricted to the transportation of shipments originating at the said plant site. The purpose of this filing is to eliminate the gateway of the plant sites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E14), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), from Rockford, Ill., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Hardin, Hart, Darren, Warren, and Simpson Counties, and that part of Tennessee in and east of Summer, Davidson, Williamson, Maury, and Giles Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E15), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass glazing units used as a building material* from Mason City, Iowa to Warren, Ill. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E16), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Carnegie, Pa., to points in Minnesota, South Dakota, Nebraska, and that part of Kansas in and west of Republic, Cloud, Lincoln, Ellsworth, Rice, Reno, Kingman, and Barber Counties. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa and Warren, Ill.

No. MC 123407 (Sub-No. E17), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment, from points in Jo Davies, Stephenson, Winnebago, Carroll, Ogre, and Whiteside Counties, Ill., to points in North Carolina. The purpose of this filing is to eliminate gateways of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E18), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk) from Florence, Ky., to points in Greely, Wallace, Logan, Sherman, Thomas, Sheridan, Cheyenne, Rawlins, Decatur, and Norton Counties. The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Warren, Ill., Commercial Zone.

No. MC 123407 (Sub-No. E19), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from points in that part of Illinois in and north of Whiteside, Lee, DeKalb, Kendall, Grundy, and Kankakee Counties to points in Nebraska. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E20), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Building materials* from Rockford, Ill., to points in Pennsylvania and in that part of Ohio in and east of Lake, Geauga, Postage, Stark, Tuscarawas, Guernsey, Muskingum, Morgan, Athens, Meigs, Gallia, and Lawrence Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E21), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Spearfish, S.D. to points in Ohio, Pennsylvania, and Michigan (except Gogebic, Ontonagon, Iron, Baraga, Houghton, Keweenaw, and Marquette Counties). The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Commercial Zone of Warren, Ill.

No. MC 123407 (Sub-No. E24), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, use in the manufacture and distribution of windows, doors, and building woodwork, from Houston, Tex., to points in Michigan; Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, and Steuben Counties, Ind.; Williams, Fulton, Lucas, Ottawa, Lake, and Ashtabula Counties, Ohio; Erie, Warren, McKean, Potter, Tioga, Bradford, Sullivan, Susquehanna, Wyoming, Lakawanna, and Wayne Counties, Pa.; and that part of Minnesota in and east of Kittson, Roseau, Beltrami, Hubbard, Wadena, Cass, Morrison, Benton, Sherburne, Wright, Scott, Rice, Goodhill, and Wabaska Counties, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling and further restricted against the transportation of lumber, iron and steel, and iron and steel products. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E25), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are building materials, from Bartonville, Ill., to points in Minnesota, South Dakota, the Upper Peninsula of Michigan and Emmet, Cheboygan, and Presque Isle Counties, Mich., that part of Pennsylvania in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Schuylkill, Lebanon, and Lancaster Counties, and that part of Nebraska in and west of Thurston, Cuming, Stanton, Madison, Boone, Greeley, Howard, Buffalo, Dawson, Lincoln, Hayes, and Dundy Counties. The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E33), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from Dubuque, Iowa, to points in Florida, Early, Baker, Mitchell, Miller, Seminole, Decatur, Grady, Thomas, Brooks, and Lowndes Counties, Georgia; Orange, Jefferson, Chambers, Harris, Fort Bend, Galveston, Brazoria, Matagorda, Jackson, Victoria, Calhoun, Refugio, and Arkansas Counties, Texas. The purpose of this filing is to eliminate the gateway of the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E34), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Decorating or preservative materials, supplies, and equipment*, and (2) *paint, painting materials, supplies, and equipment* (except commodities in bulk) from Port Clinton, Ohio, to points in Wisconsin, South Dakota, Nebraska, the Upper Peninsula of Michigan, and Minnesota. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC 123407 (Sub-No. E35), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Hennepin, Ill., to points in that part of Nebraska in and west of Dixon, Wayne, Stanton, Colfax, Butler, Seward, Fillmore, and Nuckolls Counties; and that part of Kansas in and west of Jewell, Mitchell, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E36), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which, because of their size or weight require the use of special equipment), from L'Anse, Mich., to points in West Virginia, Virginia, North Carolina, Tennessee, Indianapolis, Ind., and that part of Kentucky on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. 37), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving curing compounds, paving joints, and joint compounds which are building materials* (except commodities in bulk), from Port Clinton, Ohio, to points in Iowa, Missouri (except points in Pike, Lincoln, Warren, St. Charles, St. Louis, Franklin, Jefferson, Washington, St. Francois, Ste. Genevieve, Perry, Iron, Madison, Bollinger, Cape Girardeau, Wayne, Scott, Butler, Stoddard, New Madrid, Mississippi, Pemiscot, and Dunklin Counties), and points in Arkansas (except Clay, Greene, and Mississippi Counties). The purpose of this filing is to eliminate the gateway of Elgin, Ill.

No. MC 123407 (Sub-No. E38), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size of weight, require the use of special equipment), from Jo Davies, Stephenson, and Carroll Counties, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E39), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board and parts, materials, and accessories*, incidental to the installation thereof (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size require the use of special equipment), from the plant site and storage facilities of the National Gypsum Company, at Mobile, Ala., to points in that part of West Virginia in and north of Wayne, Lincoln, Kanawha, Clay, Braxton, Webster, Randolph, and Tucker Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E40), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven

Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment) from Warren, Ill., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Jefferson, Bullitt, Nelson, La Rue, Green, Metcalfe, and Monroe Counties, and that part of Tennessee in and east of Macon, Trousdale, Wilson, Rutherford, Bedford, Marshall, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E41), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing material* (except commodities in bulk from the plantsite of Johns-Manville Perlite Corporation at Rockdale, Ill., to points in Indiana, restricted to shipments originating at the said plantsite. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 123407 (Sub-No. E42), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Clinton, Iowa, to points in Virginia, North Carolina, that part of Tennessee in and east of the counties of Scott, Morgan, Cumberland, Bledsoe, Rhea, Meigs, McMinn, and Polk Counties, that part of Kentucky in and east of Martin, Floyd, Knott, Perry, Leslie, Clay, Knox, Whitley, and McCreary Counties, and that part of West Virginia in and east of the Counties of Preston, Taylor, Barbour, Upshur, Lewis, Braxton, Clay, Kanawha, Lincoln, and Mingo Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E43), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials, and parts, materials, and accessories* incidental to the installation thereof from Niles, Ohio, to points in that part of the Upper Peninsula of Michigan on and east of a line beginning at the Wisconsin-Michigan State line and extending along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction U.S. Highway 41, thence along U.S. Highway 41 to L'Anse, Mich.

No. MC 123407 (Sub-No. E44), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 468383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk, lumber, and commodities the transportation of which because of size or weight require the use of special equipment), from Rockdale, Ill., to points in West Virginia, Virginia, North Carolina, and points in that part of Ohio in and south of Preble, Montgomery, Greene, Clark, Madison, Franklin, Fairfield, Perry, Mushingum, Guernsey, and Belmont Counties. The purpose of this filing is to eliminate the gateway of Wilmington, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E45), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 468383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board* used as a building materials from the plantsite of Certain-Teed Products Corporation at East St. Louis, Ill., to points in Florida; Washington, Mobile, Baldwin, Escambia, Covington, Conecuh, Geneva, and Houston, Counties, Ala.; Cameron, Willacy, Kenedy, Cleberg, Hidalgo, Starr, Zapata, Jim Hogg, Brooks, Duval, Jim Wells, Live Oak, Bee, San Patricio, Arkansas, Calhoun, Victoria, Jackson, Golida, Refugio, Matagorda, Wharton, Fort Bend, Harris, Chambers, Galveston, Brazoria, and Nueces Counties, Texas; and Miller, Seminole, Decatur, Grady, Thomas, Brooks, Lowndes, and Echols Counties, Ga. The purpose of this filing is to eliminate the gateway of the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E46), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board* from Freeport, Ill., to points in Mobile, Baldwin, and Escambia Counties, Ala., and Escambia, Santa Rosa, Dade, and Monroe Counties, Fla. The purpose of this filing is to eliminate the gateways of points in Wisconsin within the Dubuque, Iowa, Commercial Zone and the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 136277 (Sub-No. E1) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 13, 1974. Applicant: PRIORITY FREIGHT SYSTEM, INC., P.O. Box 8308, Charlotte, N.C. 28208. 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: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (4) between points in that part of South Carolina on and east of a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 95 to junction U.S. Highway 15, thence along U.S. Highway 15 to U.S. Highway 521, thence along U.S. Highway 521 to South Carolina Highway 97, thence along South Carolina Highway 97 to U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Ohio; (9) between all points in that part of North Carolina on and south of a line beginning at the South Carolina-North Carolina State line, thence along Interstate Highway 85 to North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to Raleigh, N.C., thence along U.S. Highway 70 to the Atlantic Ocean, on the one hand, and, on the other, points in Ohio; and (12) between points in that part of North Carolina on and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 52 to Winston-Salem, thence along U.S. Highway 311 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 119 to Greensburg, thence along Pennsylvania Highway 66 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 80S, thence along Interstate Highway 80S to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 79, thence along Interstate Highway 79 to Erie, Pa. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va. The purpose of this partial correction is to expand the territorial descriptions. The remainder of the letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21355 Filed 9-13-74;8:45 am]

[Notice No. 158]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 16, 1974.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 7, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75235. By order of September 9, 1974, the Motor Carrier Board approved, on reconsideration, the transfer to Emporia Motor Freight, Inc., Emporia, Kans., of Certificate No. MC–21753 issued by the Commission June 16, 1964, to Cecil Beatty and J. W. England III, a partnership, doing business as Beatty-England Trucking Service, Ottawa, Kans., authorizing the transportation of general commodities, with exceptions, between Williamsburg, Kans., and Kansas City, Mo., over specified routes, serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within ten miles of Williamsburg, Kans.; and from Kansas City, Mo., over specified routes to Ottawa, Kans.; and livestock, between Kansas City, Mo., and Ottawa, Kans., over specified routes, serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within eleven miles of Ottawa, Kans. John L. Richeson, Esq., First National Bank Building, Ottawa, Kans. 66067.

No. MC–FC–75289. By order of September 9, 1974, the Motor Carrier Board approved the transfer to John A. Kester, doing business as C & K Construction, Elkhart, Kansas, of the operating rights in Certificate No. MC–17057 issued March 6, 1964, to E. M. Gregg, Inc., Hugoton, Kansas, authorizing the transportation of various commodities between points in Oklahoma, Kansas, and Baca County, Colo. Clyde N. Christey, 641 Harrison St., Topeka, Kansas 66603, attorney for applicants.

No. MC–FC–75311. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Philip E. Reedy, doing business as Valley Transfer, Elkhorn, Nebr., of Certificate No. MC–120061 Sub-2 issued by the Commission August 27, 1964, to Delbert Braesch, doing business as Arlington-Hooper Transfer, Arlington, Nebr., authorizing the transportation of general commodities, with exceptions, between Hooper, Nebr., and Omaha, Nebr., serving all intermediate points. Donald L. Stern, Esq., Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106.

No. MC–FC–75331. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Lester W. Holben, doing business as Lester W. Holben Trucking, Spearfish, S.D., of Certificates Nos. MC–115796 and MC–115796 Sub-1 issued by the Commission September 3, 1957, and February 11, 1960, respectively, to W. C. Hartzell, Belle Fourche, S.D., authorizing the transportation of livestock feed and poultry feed from Sioux City, Iowa, to points in Butte, Pennington, Meade, Lawrence, and Harding Counties, S.D., and points in Crook County, Wyo.; and livestock and poultry feeds from Sioux City, Iowa, to points in Perkins County, S.D., respectively. Walter Mueller, Esq., 618 State Street, Belle Fourche, S.D. 57717.

No. MC–FC–75365. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Cheyenne Express, Inc., Brentwood, Tenn., of the operating rights in Certificates No. MC–127834 (Sub-No. 22), MC–127834 (Sub-No. 43), MC–127834 (Sub-No. 46), MC–127834 (Sub-No. 56), MC–127834 (Sub-No. 57), and MC–127834 (Sub-No. 61), issued December 8, 1969, October 14, 1971, November 2, 1970, July 28, 1971, December 30, 1971, and October 25, 1972, respectively, to Cherokee Hauling & Rigging, Inc., Nashville, Tenn., authorizing the transportation of various commodities from and to specified points and areas in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Texas. Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–21358 Filed 9–13–74;8:45 am]

[Notice No. 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 9, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 57TA), filed August 30, 1974. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Blair, Nebr., to points in California and Arizona, for 180 days. Supporting shipper: Raymond H. Ifft, Regional Manager, Ruminant Nitrogen Products Company, Box 450, 128 South 17th Street, Blair, Nebr. 68008. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 1824 (Sub-No. 68TA), filed August 27, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hagerstown, Md., and Pittsburgh, Pa., serving all intermediate and off-route points in Maryland west of Interstate Highway 81 and Intermediate points on Pennsylvania Highway 51 between Uniontown and Pittsburgh, Pa.: From Hagerstown over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to Hancock, Md., thence over U.S. Highway 40 to Uniontown, Pa., thence over Pennsylvania Highway 51 to Pittsburgh, and return, for 180 days. Supporting shippers: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

NOTE.—Applicant states that it intends to tack authority in MC 1824 at Hagerstown, Md., and Pittsburgh, Pa., and/or interline with any other carriers.

No. MC 2002 (Sub-No. 12TA), filed July 11, 1974. Applicant: PHILIPP TRANSIT LINES, INC., 1808 East 5th Street, Washington, Missouri 63090. Applicant's representative: Lucy Kennard Bell, 101 W. 11th Street, Suite 910, Kansas City, Missouri 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel Joists* from the plantsite of Midwestern Joist, Inc., Washington, Mo., to points in Illinois and (2) *Products* used in the manufacture and processing of Steel Joists, from points in Illinois, to points in plantsite of Midwestern Joist, Inc., Washington, Mo., for 180 days. Supporting shippers: Midwestern Joist, Inc., West Main Street, Washington, Mo. 63090, Associated Construction Trades Co., Inc., 215 W. Odgen Avenue, Westmont, Ill. 60559. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 22229 (Sub-No. 89TA), filed August 28, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Meadville, Conneautville, Saegertown (Kebert Park), Cochranton, and Blacks Corners, Pa., as off-route points in connection with carrier's authorized regular route operations between Cleveland, Ohio, and Rochester, N.Y., for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

NOTE.—Applicant states that in MC 2589, operated by applicant pursuant to Interstate Commerce Commission order in Docket No. MC-F-11674, applicant will tack and/or interline with any other carriers.

No. MC 30605 (Sub-No. 155TA), filed August 28, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kans. 67202. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), serving the construction site and plant of The Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Marys, Kans. (Pottawatomie County), as an off-route point in connection with carrier's presently authorized regular route operation, for 180 days. Supporting shipper: The Kansas Power and Light Company, 818 Kansas Avenue, Topeka, Kans. 66603. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 32213 ((Sub-No. 6TA), filed August 30, 1974. Applicant: PORTER TRUCK SERVICE, INC., P.O. Box 866, 1217 West Cherokee Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Hans O. Pedersen, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building materials, and supplies*, (1) from Sioux Falls, S. Dak., to points in South Dakota, Nebraska, Iowa, Minnesota, and North Dakota and (2) from Minneapolis, Minn., to Sioux Falls, S. Dak., for 180 days. Supporting shipper: Weyerhaeuser Company, 523 North Kiwanis, Sioux Falls, S. Dak. (H. G. Abraham, Manager). Send protests to District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 45764 (Sub-No. 22TA), filed August 27, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway & Saville Avenue, Eddystone, Pa. 19013. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which because of size and weight require the use of special equipment or special handling, and *related materials and supplies*, used in the installation thereof, between El Segundo, Oakland, and San Francisco, Calif.; West Palm Beach, Fla.; Baltimore, Md.; Minneapolis, Minn.; Philadelphia, Pa.; Windsor, Conn.; and Holtsville, N.Y., for 180 days. Supporting shipper: Turbo Power & Marine Systems, Farmington, Conn. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 53965 (Sub-No. 103TA), filed August 27, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), serving the construction site and plant of The Jeffrey Energy Center located 6½ miles north of and 2½ miles west of St. Marys, Kans. (Pottawatomie County), as an off-route point in connection with carrier's regular route operation, for 180 days. Supporting shipper: The Kansas Power and Light Company, 818 Kansas Avenue, Topeka, Kans. 66603. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 59488 (Sub-No. 40TA), filed August 27, 1974. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and Classes A and B explosives), serving Swan Lake, Ark., as an off-route point in connection with applicant's present regular route authority to and from Pine Bluff, Ark., via Arkansas State Highways 88, 11, 276, for 150 days.

NOTE.—Carrier does intend to tack its present authority in MC 59488. Supporting shipper: Mahaffy-Apollo Enterprises, Inc., Route One, Altheimer, Ark. 72004 (Swan Lake). Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 59531 (Sub-No. 100TA), filed August 15, 1974. Applicant: AUTO CONVOY CO., 3020 S. Haskell Avenue, Dallas, Tex. 75223. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial motor vehicles*, in secondary movements, in driveaway service, restricted to traffic having an immediately prior movement by rail, from El Paso, Tex., to points in Cochise, Graham, Greenlee, Pima, and Santa Cruz Counties, Ariz., and Catron, Chaves, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, and Socorro Counties, N. Mex., for 180 days. Supporting shippers: Ford Motor Company, Outbound Traffic Department, P.O. Box 1557, Dearborn, Mich. 48121, and International Harvester Company, 401 N. Michigan Avenue, Chicago, Ill. 60611. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 71902 (Sub-No. 81TA), filed August 26, 1974. Applicant: UNITED TRANSPORTS, INC., 4900 N. Santa Fe Street, P.O. Box 18547, Oklahoma City, Okla. 73118. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New foreign made trucks*, ¾ tons or less, from Kansas City, Mo., to points in Missouri (except Joplin, St. Louis, and Kansas City) and Nebraska, in secondary movements in truck-away service, restricted to traffic having a prior movement by rail or motor carrier, for 180 days. Supporting shipper: Nissan Motor Corp., 18501 South Figueroa St., Carson, Calif. Send protests to: District Supervisor Clifford L. Phillips, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 NW. 3rd Street, Oklahoma City, Okla. 73102.

NOTE.—Secondary authority is sought for traffic having prior movement by rail or motor carrier.

No. MC 99780 (Sub-No. 45TA), filed August 29, 1974. 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: *Containers of soya flour*, from Central Soya Company at Gibson City, Ill., to various railheads within the state of Illinois, destined for export, for 180 days. Supporting shipper: Central Soya Co., Inc., P.O. Box 112, Gibson City, Ill. 60936. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107515 (Sub-No. 947TA), filed August 28, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettlebaum, 3379 Peachtree Road NE., Room 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Northside Packing Company at Pittsburgh, Pa., to points in Alabama, Arkansas, Colorado, Florida, Georgia, North Carolina, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, Tennessee, and Kentucky and California, for 180 days. Supporting shipper: North Side Packing Company, 2200 Spring Garden Avenue, Pittsburgh, Pa. 15212. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 108207 (Sub-No. 404TA), filed August 29, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street (Mailing: P.O. Box 5888), Dallas, Tex. 75222. Applicant's representative: J. B. Ham, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source Plasma, human* (blood plasma), from points in Iowa to Berkeley and Oakland, Calif., for 180 days. Supporting shipper: Cutter Laboratories, 4th and Parker Streets, Berkeley, Calif. 94710. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 112989 (Sub-No. 38TA), filed August 27, 1974. Applicant: WEST COAST TRUCK LINES, INC., Route 4, Box 194–R, Eugene, Oreg. 97405. Applicant's representative: Frederick M. Kelley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe of cement containing asbestos fibre; and plastic pipe*, from the plantsite of Johns-Manville Co. at Stockton, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Johns-Manville Corp., P.O. Box 1587, Stockton, Calif. 95201. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 114533 (Sub-No. 307 TA), filed August 27, 1974. Applicant: BANKERS DISPATCH CORP., 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Detroit, Mich., and points within the Detroit Commercial Zone on the one hand, and, on the other, points in Allen, Huntington, Adams, Grant, Miami, Wabash, Whitley, Kosciusko, Fulton, Marshall, Dekalb, Noble, LaGrange, Elkhart, St. Joseph, LaPorte, Porter, Lake, Steuben, and Wells Counties, Ind., for 180 days. Supporting shipper: Elmwood Chambers, Communications Co-Ordinator, The Kroger Company, 1014 Vine Street, Cincinnati, Ohio. Send protests to: Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 115669 (Sub-No. 144 TA), filed August 30, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Semctite Vermiculite, dry, in bulk and bags*, from the plant site and shipping facilities of Micro-Lite, Inc., located at or near Chanute and Buffalo, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Minnesota, Missouri, New Mexico, North Dakota, Ohio, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Chase C. Wilson, Super Supplement, Inc., 301 West 11th Street, Kansas City, Missouri 64105. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 116077 (Sub-No. 355 TA), filed August 27, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop S., Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Weeks, La., to Port St. Joe, Fla., for 180 days. Supporting shipper: Morton Chemical Company, a Division of Morton-Norwich Products, 110 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 515 Rusk Avenue, Room 86110, Houston, Tex. 77002.

No. MC 117574 (Sub-No. 251 TA), filed August 29, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17103. Applicant's representative: E. S. Moore, P.O. Box 39, Carlisle, Pa. 17103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, fluid coolers, air, gas, and liquid cleaning, heating, cooling and moving equipment and parts, materials, accessories, and supplies* used in the construction, transportation, or assembly of the foregoing items (except commodities in bulk), between the plant warehouse or storage facilities of Baltimore Air Coil, Inc., Dorsey, Maryland, on the one hand, and, on the other, the plant warehouse, or storage facilities of Baltimore Air Coil, Inc., at Paxton, Ill., restricted to traffic originating at and destined to the above-named facilities, for 180 days. Supporting shipper: Baltimore Air Coil, Inc., P.O. Box 7322, Montevideo Road, Baltimore, MD. 21227. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 117940 (Sub-No. 146 TA), filed August 28, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds*, liquid or dry; *buffing or polishing compounds, textile softeners, grease or oil, lubricating, deodorants or disinfectants* (except commodities in bulk), from Joliet, Ill., to Cleveland and Fostoria, Ohio, for 180 days. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. &

U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 124947 (Sub-No. 29 TA), filed August 26, 1974. Applicant: MACHINERY TRANSPORT, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: Max G. Morgan, 600 Leinenger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used automobile transmissions, plant machinery, and equipment* and (2) *related plant equipment, materials, parts, accessories, and supplies* moving in connection with the items in (1) above, restricted to (1) and (2) when moving for export, from points in Wayne, Oakland, and Macon Counties, Mich., to Laredo, Tex., for 180 days. Supporting shipper: Pyramid Riggers, Inc., Detroit, Mich. Send protests to: District Supervisor Clifford L. Phillips, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 NW. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 125506 (Sub-No. 22 TA), filed August 28, 1974. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Pl., Valley Stream, N.Y. 11580. Applicant's repersentative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops, dealing primarily in *wearing apparel and accessories* (excluding appliances and furniture) and *store fixtures and supplies* not for resale, between New York, N.Y., on the one hand, and, on the other, Warwick, R.I.; Bridgeport, Conn.; Boston, Worcester, Natick, Peabody, and Braintree, Mass.; and Newark, Wayne, Paramus, and Menlo Park, N.J., for 180 days. Supporting shipper: Wallachs, 32–36 47th Avenue, Long Island City, N.Y. 11101. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126899 (Sub-No. 79 TA), filed August 27, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising materials*, from Milwaukee, Wis., to Toledo, Ohio, for 180 days. Supporting shipper: Great Lakes Distributors, Inc., 3917 Imlay Street, Toledo, Ohio 43612. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tennessee.

No. MC 127337 (Sub-No. 11TA), filed August 29, 1974. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, 425–13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, in bags, from Peabody, Mass., to points on entry on the United States-Canadian Boundary line in Maine, restricted to the transportation of shipments destined to the Provinces of New Brunswick, Nova Scotia, and Newfoundland, Canada. Supporting shipper: BFS Corporation, 177 Milk Street, Boston, Mass. 02109. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 127539 (Sub-No. 40TA), filed August 27, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Nampa, Idaho, to points in California, restricted to traffic moving with traffic having an immediately prior movement from Wheeler or Othello, Wash., to points in California, for 180 days. Supporting shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, Calif. 90036. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 127577 (Sub-No. 10TA), filed August 28, 1974. Applicant: D. DONNELLY LIMITED, 191 Murray Street, Montreal Quebec, Canada H3C2C9. Applicant's representative: W. Norman Charles, 80 Bay Street, Glenn Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig Iron*, in bulk, in dump vehicles, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, New York, and Vermont to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New York, for 180 days. Restriction: Restricted to traffic having an immediate prior movement in foreign commerce. Supporting Shipper: Quebec Iron and Titanium Corporation, P.O. Box 560, Sorel, Quebec, J3P5P6. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State Street, Montpelier, Vermont 05602.

No. MC 128030 (Sub-No. 82TA), filed August 27, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated and laminated wood products*, from Danville, Ill., to points in Arkansas, Michigan, Minnesota, and Missouri, for 180 days. Supporting shipper: Mr. Ronald Geiling, Production Manager, Marcus Industries, Inc., 3611 North Vermillion St., Danville, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128030 (Sub-No. 83TA), filed August 29, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Paris, Ill., for 180 days. Supporting shipper: James L. Davis, Owner, K. R. Davis Dist. Co., 609 Munsell Street, Paris, Ill. 61944. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128746 (Sub-No. 19TA), filed August 28, 1974. Applicant: D'AGATHA NATIONAL TRUCKING COMPANY, 3240 South 61st St., Philadelphia, Pa. 19153. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers, and related advertising materials*, from Baltimore, Md., to points in Indiana, Ohio, Michigan, and Kentucky, for 180 days. Supporting shippers: Carling Brewing Company, 1143 Worcester Rd., Natick, Mass. 01760; National Brewing Co., 225 N. Calvert St., Baltimore, Md. 21202. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 129510 (Sub-No. 9TA), filed August 26, 1974. Applicant: ENGLAND EQUIPMENT COMPANY, 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fittings, conduit*, in barrels or boxes with or without insulators; *cable terminals; tools*, hand; *plastic or rubber articles*, other than *expanded, straps, lashing, tying or tightening*, with or without metal hooks or fasteners, in packages; *cable assemblies or harness, electrical wiring*, in packages, between Elizabeth, N.J.; Montgomeryville, Pa.; Doylestown, Pa.; Easton, Mass.; Somerville, Mass.; Naugatuck, Conn.; Orangeburg, S.C.; Atlanta, Ga.; Memphis, Tenn.; Elk Grove Village, Ill.; Iowa City, Iowa; Mount Laurel, N.J.; Reno, Nev.; Los Angeles, Calif.; and Anaheim, Calif., for 180 days. Supporting shipper: Thomas & Betts Co., Division of Thomas & Betts Corporation, Elizabeth, N.J. 07207. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau

of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129516 (Sub-No. 29TA), filed August 30, 1974. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Washington 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Washington 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen potatoes*, from Walla Walla and Pasco, Washington, to ports of entry on the International boundary line at or near Blaine, Sumas, and Oroville, Washington, for 180 days. Supporting shipper: Oppenheimer Bros. & Company, Ltd., 4405 Canada Way Burnaby, B.C. Canada V5G1JS. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

No. MC 134922 (Sub-No. 99TA), filed August 27, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283, Appendix VII, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, between Americus, Ga., on the one hand, and, on the other, points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Michigan, Louisiana, Indiana, Kentucky, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Delaware, for 180 days. SUPPORTING SHIPPER: Gibson Metalux Corporation, Sutterfield Road, P.O. Box 1207, Americus, Ga. 31709. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135018 (Sub-No. 6TA), filed August 26, 1974. Applicant: SEAHORSE TRANSPORT, INC., P.O. Box 3709, Brownsville, Tex. 78520. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical, electro-mechanical and electronic components*, from Brownsville, Tex., to points in the United States (except Alaska and Hawaii) and (2) *materials, supplies and equipment* utilized in the manufacture, production and distribution of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Brownsville, Tex., for 180 days. Restriction: (1) Restricted against the transportation of commodities in bulk, in tank vehicles; (2) restricted to traffic either originating at or destined to the plant sites and facilities of I.T.T. Thompson Industries, Inc.; and (3) all transportation under a continuing contract or contracts with I.T.T. Thompson Industries, Inc. Supporting shipper: I.T.T. Thompson Industries, Inc., 21301 Civic Center Drive, Southfield, Mich. 48075. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 135684 (Sub-No. 7TA), filed August 28, 1974. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from plant site of Country Pride, Inc. at or near Creston, Ohio, to points in that portion of the New York, N.Y. Commercial Zone, as defined in *Commercial Zone and Terminal Areas* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 204(b)(8) of the Interstate Commerce Act, for 180 days. Supporting shipper: Country Pride, Inc., P.O. Box 397, Creston, Ohio 44217. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 135744 (Sub-No. 4TA), filed August 27, 1974. Applicant: BARKO TRANSPORT INC., P.O. Box 391, Orem, Utah 84057. Applicant's representative: H. E. Barker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfide concentrate*, in bulk, from Salt Lake City, Utah, to East Helena, Mont.; San Francisco, Calif.; and El Paso, Tex., for 180 days. Supporting shipper: Western Mineral Products Co., P.O. Box 17332, Salt Lake City, Utah 84117 (Robert E. Segervall, Owner). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 136008 (Sub-No. 39TA), filed August 27, 1974. Applicant: JOE BROWN COMPANY, INC., 23rd Street NE., Ardmore, Okla. 74301. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, from the quarry of Stringtown Materials, Inc., Stringtown, Okla., to stockpile areas at the following locations: two miles east of Clarksville, Tex.; Loop 286 two-tenths mile last F.M. 1497, Paris, Tex.; Ladonia, Tex.; Wolfe City, Tex.; Cooper, Tex.; and one mile south of Commerce, Tex., on State Highway 50, for 180 days. Supporting shipper: Stringtown Materials, Inc., P.O. Box 98B, Stringtown, Okla. 74569. Send protests to: Clifford L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 NW. Third Street, Oklahoma City, Okla. 73102.

No. MC 136008 (Sub-No. 40TA), filed August 28, 1974. Applicant: JOE BROWN COMPANY, INC., 23rd Street NE., Ardmore, Okla. 74301. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd, Oklahoma City, Okla. 73107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in open top self-unloading vehicles, (1) from Altus, Okla., to Bonham, Tex., (2) From Hugo, Okla.(to Bonham, Tex., (3) From Carneige, Okla., to Bonham, Tex., (4) From Durant, Okla., to Bonham, Tex. (5) From Erie, Kans., to Bonham, Tex., (6) From Lake Charles, La., to Carneige, Okla., (7) From Kerens, Tex., to Durant, Okla., (8) From Grandview, Tex., to New Orleans, La., (9) From Stevenville, Tex., to New Orleans, La., and (10) From Cleburne, Tex., to New Orleans, La., for 180 days. Supporting shipper: McCabe Minerals and Chemical Company, 428 Lincoln Center, Ardmore, Okla. Send protests to: Clifford L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations. 240 Old U.S. Post Office and Courthouse, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 136166 (Sub-No. 8TA), filed August 29, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Des Fax FDD, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palm oil and derivatives and coconut oil and derivatives*, in bulk, in tank vehicles, from the processing plant of Palmco, Inc. at Portland, Oreg., to points in the United States (including Alaska, but excluding Hawaii) and return loads or rejected shipments, for 180 days. Supporting shipper: Palmco, Inc., 12005 N. Burgard Road, P.O. Box 03380, Portland, Oreg. 97203. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 138809 (Sub-No. 1TA), filed August 27, 1974. Applicant: CROSS COUNTRY EXPRESS, INC., Jessup Road and Route 295, Thorofare, N.J. 08086. Applicant's representative: Isadore Ostroff, 37 South 20th Street, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions*

in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of Royal Packing Co. at or near National City, Ill., to Camden, N.J.; Stamford, Conn.; Baltimore, Md.; Boston, Brockton and Springfield, Mass.; New York and Troy, N.Y.; Philadelphia, Pa. and Washington, D.C., for 180 days. Supporting shipper: Royal Packing Co., P.O. Box 156, National Stock Yards, Ill. 62071. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 139360 (Sub-No. 1TA), filed August 26, 1974. Applicant: RAEMARC, INC., 1531 Taylor Avenue, Racine, Wis. 53403. Applicant's representative: Patrick H. Smyth, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts and materials* used in the manufacture of agricultural, industrial, and construction machinery and equipment (except commodities in bulk), between the manufacturing and storage facilities of J. I. Case located at or near Racine, Wis., on the one hand, and, on the other, Rockford, Lincolnshire, Bushnell, Bloomington, Addison, East Moline, Kankakee, Chicago, St. Charles, Geneva, Schaumburg, Cicero, Franklin Park, Bellwood, Elk Grove Village, Danville, Des Plaines, Aurora, Macomb, Freeport, Rock Falls, Libertyville, Winnetka, Elgin, Robinsson, Skokie, Quincy, and Decatur, Ill.; Portland, LaPorte, Garrett, LaFayette, Marion, Kendallville, Ft. Wayne, Indianapolis, Auburn, Anderson, Gary, Washington, Muncie, Connersville, and Kokomo, Ind.; and Milwaukee, Burlington, Racine, Kenosha, and Lake Geneva, Wis., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under contract with J. I. Case. Supporting shipper: J. I. Case, 700 State Street, Racine, Wis. 53404 (Robert L. Henderson, Manager, Corporate Traffic). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139607 (Sub-No. 1TA), filed August 29, 1974. Applicant: ASHBY HOUSE MOVERS, INC., Edmond, Okla. 73034. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular homes*, from the plant site of Modco, Inc., at Hinton, Okla., the plant site of Perdue Housing Industries, Inc., at Chickasha, Okla., to points in Kansas and Texas; (2) from the plant site of Custom Homes Manufacturing, Inc., at Blackwell, Okla., and the plant site of Brite-Side Construction, Inc., at Edmond, Okla., to points in Kansas, for 180 days. Supporting shippers: Modco, Inc., 5700 N. Portland Suite 200, Oklahoma City, Okla. Perdue Housing Industries, Inc., Box 1324, Chickasha, Okla. 73018, Custom Homes Mfg. Inc., P.O. Box 429, Blackwell, Okla, 74631 Brite-Side Construction Inc. 309 SW 32nd St., Edmond, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., Oklahoma City, Okla. 73102.

No. MC 140022 (Sub-No. 1TA), filed September 3, 1974. Applicant: DONOVAN P. RODRIGUEZ, doing business as WEST MICHIGAN TRUCKING SERVICE, 4630 Benzie Highway, Benzonia, Mich. 49616. Applicant's representative: James R. Davis, Tenth Floor, 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, between points in Michigan and points in Indiana on and north of Interstate Highway 70; and between points in Michigan and points in Ohio on and north of Interstate Highway 70, for 180 days. Supporting shippers: Budres Lumber Company, Inc., 657 76th Street, Grand Rapids, Mich. 49509; Snyder Sales, Box 98, Watervliet, Mich. 49098; and Durable Products, Inc., 768 Paw Paw Avenue, Benton Harbor, Mich. 49022. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 140117 (Sub-No. 1TA), filed August 29, 1974. Applicant: KENNETH G. CLARK, doing business as CLARK TRUCKING, 3914 Charles St., Cheyenne, Wyo. 82001. Applicant's representative: Robert S. Stauffer, 3539 Boston Rd., Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregate*, from points in Colorado to points in Wyoming (2) *aggregate and concrete blocks and block products*, from Cheyenne and Laramie, Wyo., to points in Colorado, and Nebraska (3) *concrete products*, from Denver, Colo., and points within 10 miles of Denver to points in Wyoming and Nebraska, from points in Wyoming to points in Colorado and Nebraska (4) *Cement*, from points in Colorado to points in Wyoming (5) *Clay brick*, from Denver, Colo., and points within 10 miles of Denver, to points in Wyoming and Nebraska, for 180 days. Supporting shippers: Powers Brick & Tile, 1003 E. Lincolnway, Cheyenne, Wyo. 82001; Mack Precast Products Company, Division of Mack Marble and Tile Company, 6900 Elm, Adams City, Colo; Wyoming Prestress Co., 420 Livingstone Ave., Cheyenne, Wyo.; Rocky Mountain Prestress, Inc., 3890 South Federal Blvd., Englewood, Colo. 80110; Clearwater Const., Inc., Avenue C., Cheyenne, Wyo. 82001. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Bldg. and Post Office 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140130 TA, filed August 26, 1974. Applicant: KENNETH M. HYATT, 106 South Burg, Kimball, Nebr. 69145. Applicant's representative: Bradford E. Kistler, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck-tractors), and (2) *Agricultural implements and machinery*, from Waterloo, Ottumwa, and Des Moines, Iowa, and East Moline, Ill., to Sidney, Ogallala, North Platte and Kimball, Nebr., and Julesburg, Colo., for 180 days. Restriction: Restricted to traffic originating at the facilities of Deere & Co. at the above points of origin. Supporting shippers: Donald R. Burns, Kimball Equipment, Inc., Kimball, Nebr. 69145; Orville Kaschke, Callahan-Kaschke Co., North Platte, Nebr. 69101; Donald Hadden, Sidney Implement Co., Sidney, Nebr. 69162; and Wendell Merrill, Reed-Merrill Implement Co., Ogallala, Nebr. 69153. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 140137 (Sub-No. 1TA), filed August 27, 1974. Applicant: WENDELL C. PENNEY, Rural Route No. 1, Percival, Iowa 51648. Applicant's representative: Gene Eaton, 416 Clay Street, P.O. Box 317, Sidney, Iowa 51652. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock and sand*, from quarries near Weeping Water, Nebr., and Louisville, Nebr., to Percival, Iowa and adjacent areas in Fremont County, Iowa, for 180 days. Supporting shippers: (1) Sherwood Lumber & Concrete Co., Percival, Iowa 51648; (2) Dean A Handy, Rural Route, Percival, Iowa 51648; (3) C. Wayne Smith, Hamburg, Iowa 51640; (4) C. A. Wurtele, Park Road Acres, Nebraska City, Nebr. 68410; (5) Carl King, Rural Route, Thurman, Iowa 51654; and (6) Randall L. Monroe, Rural Route No. 1, Sidney, Iowa 51652. Send protests to: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 140148 TA, filed August 27, 1974. Applicant: CITY AND LOOP EXPRESS, INC., 453 North May Street, Chicago, Ill. 60622, Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 those injurious or contaminating to other lading), from Chicago, Ill. and Portage and Burns Harbor, Ind., to points in Lake, Cook, Kane, Will, and Du Page Counties, Ill., restricted to shipments having a prior movement by water in foreign commerce,

for 150 days. Supporting shippers: Gary Heimendinger, Attorney in Fact/Ocean Import, D.C. Andrews International, Inc., 327 S. La Salle St., Chicago, Ill.; A. R. Jagiello, VP, Karl Schroff & Associates, Inc., 327 S. La Salle St., Chicago, Ill.; R. Castle, Import Manager, Novo International Corporation, 327 S. La Salle St., Chicago, Ill.; Andreas J. W. Back, Attorney in Fact, Quast & Co., Inc., 327 S. La Salle St., Chicago, Ill.; and T. L. Estrup, VP, William A. McGinty, Co., 327 S. La Salle St., Chicago, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill.

NOTE.—Applicant states that it does not intend to tack and/or interline with any other carrier.

No. MC 140151 TA, filed August 28, 1974. Applicant: MERCURY, INC., 273 Fairway Drive, Asheville, N.C. 28805. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knit goods and knitted fabrics and materials, equipment, machinery, parts and supplies* used in the manufacture thereof (except commodities which because of size or weight require the use of special equipment), between Asheville, N.C., and Newport, Tenn., and Bogota, N.J., on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, and District of Columbia, for 180 days. Supporting shippers: Win-Tex Knitting Mills, Inc., New York, N.Y., and Winston Mills, Inc., New York, N.Y. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140152 TA, filed August 26, 1974. Applicant: SPECIAL DISPATCH, INC., 10619 Liberty, St. Louis, Mo. 63132. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated machine parts; castings; mill supply items; metal stampings; electrical motors and parts; gauges and valves; tools; inks; hospital supplies; construction, industrial and maintenance equipment, and parts thereof*, restricted to emergency shipments not exceeding 1,000 lbs. from any one consignor to any one consignee, on any one day, between points in St. Louis and St. Louis County, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill., for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140153 TA, filed August 29, 1974. Applicant: JOE BRAND, INC., 1001 South Rockwell, P.O. Box 82461, Oklahoma City, Okla. 73108. Applicant's representative: Joseph K. Brand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil, grease, lubricants and antifreeze* in containers (except in bulk, in tank vehicles), from Oklahoma City, Okla., to El Paso, Tex., and points in New Mexico, Arizona, Utah, Nevada, and California, for 180 days. Supporting shipper: Double Eagle Lubricants, Inc., 301 North Rhode Island, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 140155 TA, filed August 30, 1974. Applicant: DONALD L. LATARE, 1668 38th Avenue, Columbus, Nebr. 68601. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Steel tubing and grain bin parts and accessories*, from the plant site and storage facilities of Middle State Manufacturing Co., at or near Columbus, Nebr., to points in Iowa, Illinois, Missouri, Indiana and Ohio, for 180 days. Supporting shipper: William J. Fritz, President, Middle State Manufacturing Co., 16th Avenue and 23d Streets, Columbus, Nebr. 68601. Send protests to: Max H. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 140156 TA, filed August 22, 1974. Applicant: WESLEY K. LOOK, Houlton Road, Woodland, Maine 04694. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Wood shavings*, in bulk, from Princeton, Maine, to the port of entry on the International Boundary between the United States and Canada at or near Calais, Maine, approximately 15 miles at all times along U.S. Route 1 into Canada, no backhaul, minimum deadhead mileage involved, for 180 days. Supporting shipper: Passamaquoddy Lumber Company, Mill Street, Princeton, Maine 04668. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

MOTOR CARRIERS OF PASSENGERS

No. MC 139527 (Sub-No. 1TA), filed August 28, 1974. Applicant: M. E. M. ENTERPRISES, INC., 216 South Third Avenue, P.O. Box 2304, Yakima, Wash. 98902. Applicant's representative: Richard A. Greiner, 115 North 4th Avenue, P.O. Box 2792, Yakima, Wash. 98902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip, special operations beginning and ending at points in King, Pierce, and Snohomish Counties, Wash. and extending to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Colorado, New Mexico, Texas, and Wyoming, including ports of entry on the International Boundary line between the United States and Canada located in Washington and Idaho, for 180 days. Supporting shipper: Luxury-Inquistors Club, 115 North 4th Avenue, P.O. Box 2792, Yakima, Wash. 98902. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21359 Filed 9-13-74;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 130]

SEPTEMBER 10, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authoirty under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20356 (Sub-No. 13TA), filed August 29, 1974. Applicant: BADGER FREIGHTWAYS, INC., 2720 North 19th Street, Sheboygan, Wis. 53081. Applicant's representative: Calvin H. Lukas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except

those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), deviation route: Between Wausau, Wis. and Milwaukee, Wis., as follows: over Wisconsin Highway 29 to junction with U.S. Highway 45, thence over U.S. Highway 45 to Oshkosh, Wis., thence over U.S. Highway 41 to Milwaukee, Wis. and return over the same route, for 180 days. Supporting shipper: Badger Freightways, Inc., 909 West Carpenter Avenue, Milwaukee, Wis. 53221 (Calvin H. Lukas, Assistant Terminal Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 41951 (Sub-No. 24TA), filed August 29, 1974. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, in containers, from points in Accomack and Northampton Counties, Va., to points in Ohio and Michigan, for 180 days. Supporting shipper: John W. Taylor Packing Co., Inc., Hallwood, Va. 23359. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 106920 (Sub-No. 55TA), filed August 29, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 E. North Street, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Blair, Fremont, Portage, and Madison, Wis., to points in Pennsylvania, New York, New Jersey, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, Maine, Maryland, Massachusetts, and the District of Columbia, for 180 days. Supporting shipper: Associated Milk Producers, Inc., P.O. Box 61, Mason City, Iowa 50401. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 109584 (Sub-No. 156TA), filed August 30, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Fresno, Calif., to points in Washington, for 180 days. Supporting shipper: Wingate Company, 4791 E. Date, P.O. Box 10046, Fresno, Calif. 93745. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., 1961 Stout Street, Denver, Colo. 80202.

No. MC 110525 (Sub-No. 1108TA), filed August 26, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, in tank vehicles, from Belle, W. Va., to points in Washington, D.C., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 112520 (Sub-No. 289TA), filed August 22, 1974. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green liquor*, in bulk, in tank vehicles, from St. Regis Paper Company at or Ferguson, Miss., to Cantonment, Fla., for 180 days. Supporting shipper: St. Regis Paper Company, P.O. Box 87, Cantonment, Fla. 32533. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 113678 (Sub-No. 560TA), filed August 26, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen potatoes and potato products*, from the plant site and storage facilities of American Potato Co. at or near Plover, Wis., to points in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, Tennessee, Iowa, Illinois, and Colorado, for 180 days. Supporting shipper: American Potato Company, Bank of America Center, 555 California Street, San Francisco, Calif. 94104. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 118959 (Sub-No. 119TA), filed August 29, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, knocked down, other than corrugated, from the facilities of Georgia-Pacific Corporation at Chicago Heights, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Georgia-Pacific Corporation, 3815 North Carnation, Franklin Park, Ill. 60301. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 119493 (Sub-No. 125TA), filed August 30, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: (1) *Rough gray iron and ductile iron castings* and (2) *Materials and supplies* used in the manufacture of commodities in item (1), (1) from Junction City, Kans., to cities and customers in the United States and (2) from points in the United States to Junction City, Kans., for 180 days. Supporting shipper: North Central Foundry, Inc., P.O. Box 24, Enterprise, Kans. 67441. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119700 (Sub-No. 21TA), filed August 26, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: James T. Allinder (same address as above) and/or F. W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, for the account of Krushette Kleen, Inc., from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, to Alton, Chicago, East St. Louis, and Rockford, Ill.; Indianapolis, Ind.; Beloit and Madison, Wis., for 180 days. Supporting shipper: Krushette Kleen, Inc., Box 661, Livingston, Mont. 59047. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 120710 (Sub-No. 1TA) (correction), filed August 20, 1974, published in the FEDERAL REGISTER issue of September 4, 1974, and republished as corrected this issue. Applicant: D. C. STOTTS, doing business as D.C. STOTTS TRUCKING COMPANY, 3502 Quirt Avenue, Lubbock, Tex. 79404. Applicant's representative: Richard Hubbert, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Concrete pressure pipe*, between points in Lubbock County, Tex., and points in Jackson, Tillman, and Kiowa Counties, Okla., for 180 days. Supporting shipper: Cecil L. White, Division Manger, Gifford-Hill-American Inc., P.O. 5667, Lubbock, Tex. 79417. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

NOTE.—The purpose of this republication is add the county of Kiowa, Okla., which was omitted in previous publication in the FEDERAL REGISTER.

No. MC 124154 (Sub-No. 65TA), filed August 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: *Fireplace logs*, from Camilla, Ga., to points in Texas, Oklahoma, Kansas, Nebraska, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Arkansas, Louisiana, Mississippi, Alabama, Florida, and the District of Columbia, for 180 days. Supporting shipper: Royal Oak Charcoal Company, P.O. Box 38, 1648 Thomas Street, Memphis, Tenn. 38101. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 136291 (Sub-No. 4TA), filed August 27, 1974. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 2701 South Bayshore Drive, Miami, Fla. 33133. Applicant's representative: Albert W. Stout (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories*, under continuing contract, or contracts with Ford Marketing Corporation, Ford Parts Division, (1) Between Teterboro, N.J., on the one hand, and, on the other, Baltimore and Marlowe Heights, Md.; Alexandria, Falls Church, and Richmond, Va.; and Washington, D.C. and (2) Between Pennsauken, N.J., on the one hand, and, on the other, Marlowe Heights, Md.; Alexandria, Falls Church, and Richmond, Va.; and Washington, D.C., for 180 days. Supporting shipper: Ford Marketing Corporation, Ford Parts Division, P.O. Box 3000, Livonia, Mich. 48151. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 140010 (Sub-No. 1TA) (correction), filed July 19, 1974, published in the FEDERAL REGISTER issue of August 7, 1974, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., doing business as ST. JOSEPH MOTOR LINES, a Corporation, 573 Dutch Valley Road NE., Atlanta, Ga. 30324. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309.

NOTE.—The purpose of this republication is to add the states of Florida, Kentucky, Louisiana, Indiana, Ohio, and West Virginia as destination states, which was omitted in previous publication in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 140110 (Sub-No. 1TA), filed August 27, 1974. Applicant: MANUEL VEGA AND AMY VEGA, 514 South 14th Street, Elko, Nev. 89801. Applicant's representative: Leo J. Puccinelli, P.O. Box 530, Elko, Nev. 89801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mined ore*, in bulk, in dump truck equipment, from Taylor Canyon (approximately 10 miles SE. of Tuscarora and extending approximately 6 miles SE. in Elko County, Nev.), to Elko, Nev., for 180 days. Supporting shippers: Old Soldier Mining Co., P.O. Box 1708, Elko, Nev. 89801; Rockymountain Refractories, 2436 West Andrew St., Salt Lake City, Utah 84104; and Zane Hunt Mining Co., 300 Willow St., Elko, Nev. 89801. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 140154TA, filed August 28, 1974. Applicant: DAIRYMAN TRANSPORTS, INC., 4411 Highland Blvd., Oklahoma City, Okla. 73107. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 NW. 23rd, Oklahoma City, Okla. 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, building accessories, and raw materials*, used in the production and manufacture of articles for the building trade, such as *aluminum molding or linships; thresholds; weather strip; metal carpet binding; tape*, NOI; *house numbers; grills; aluminum articles*, NOI; *sheet, aluminum*, NOI; *postal or letter box; vent, foundations, screen and sash combined and/or louvers, air*, NOI; *caulking guns; stepladders; ladders; display case*, KDF; *wood*, build up, NOI; *native wood*, NOI; not bent; *lumber, foreign wood*, NOI; *plastic articles; masking tape; adhesive cement*, NOI; *Cement*, liquid; *flammable liquid*, no label required, in coll tubes; *caulking or glazing compound; asphalt; adhesives*, NOI; *pads or covers; brushes*, NOI; *brushes, plastic bristle; pans, applicators, paint, hand roll or type, W or W/O covers; handles*, wooden, NOI; *hinges*, NOI; and *plastic moulding*, between the plant site and storage facilities of Macklenburg-Duncan Co. located in Oklahoma City, Okla. and its commercial zone on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Macklanburg-Duncan, Box 25183, 4041 N. Santa Fe, Oklahoma City, Okla. 73105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, Oklahoma City, Okla. 73102.

WATER CARRIERS OF PROPERTY

No. W 1277 (Sub-No. 1TA), (Correction), filed June 24, 1974, published in the FEDERAL REGISTER issue of July 17, 1974, and republished as corrected this issue. Applicant: U.S. ATLANTIC MARINE CORPORATION, Key West Towers, South Roosevelt Boulevard, Key West, Fla. 33040. Applicant's representative: Alan Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, to engage in operations, in interstate or foreign commerce, by water, transporting: (1) *General commodities* in trailers and/or containers, and (2) Trailers by self-propelled water vessels, from points in Dade and Broward Counties, Fla. and Tampa, Fla., on the one hand, and, on the other, Key West and Marathon, Fla., for 180 days. Supporting shippers: There are approximately 22 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

NOTE.—The purpose of this republication is to change the territory description to read from points in Dade and Broward Counties, Fla., in lieu of Miami, Fla., which was published in the Federal Register in error.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21360 Filed 9-13-74;8:45 am]