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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.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Deputy Assistant Secretary for Domestic and International Business is excepted under Schedule C.

Effective on October 17, 1974, § 213.3314 (m) (19) is added as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(19) One Private Secretary to the Deputy Assistant Secretary for Domestic and International Business.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–24162 Filed 10–16–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3115 is amended to show that 10 positions of Manpower Development Officer and Manpower Development Specialist in the Division of Indian Manpower Programs are excepted under Schedule A.

Effective October 17, 1974, § 213.3115 (d) (1) is added as set out below.

§ 213.3115 Department of Labor.

* * * * *

(d) *Manpower Administration.* (1) Not to exceed 10 positions of Manpower Development Officer and Manpower Development Specialist in the Division of Indian Manpower Programs when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities in the development and administration of comprehensive manpower training and employment programs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–24163 Filed 10–16–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one additional position of Special Assistant (Field Representative) is re-established under Schedule C.

Effective October 17, 1974, § 213.3312 (a) (3) is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(3) Six Special Assistants (Field Representatives).

* * * * *

(5 U.S.C. secs 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–24240 Filed 10–16–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one additional position of Secretary to the Secretary of Labor is excepted under Schedule C.

Effective October 17, 1974, § 213.3315 (a) (27) is amended as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(27) Two Secretaries to the Secretary.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–24241 Filed 10–16–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–272]

PART 111—CUSTOMHOUSE BROKERS

Review of Denial of a License

On April 5, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 12356) which proposed to amend § 111.17 of the Customs Regulations (19 CFR 111.17). The proposed amendment provided that a request from an applicant for review by the Commissioner of Customs of a denial of a customhouse broker's license must be received by the Commissioner within 60 days of the denial, and a request for additional review by the Secretary of the Treasury must be received by the Secretary within 30 days of the Commissioner's affirmation of the denial.

After consideration of all comments received, it was decided that the time for filing a request for additional review by the Secretary of the Treasury of a decision of the Commissioner of Customs affirming the denial of the application for a customhouse broker's license should be extended from 30 days, as originally proposed, to 60 days, in order to conform this time period with the period prescribed for filing a request for review by the Commissioner of Customs.

Accordingly, § 111.17 of the Customs Regulations (19 CFR 111.17) is revised to read as follows:

111.17 Review of the denial of a license.

(a) *By the Commissioner.* Upon the denial of an application for a license, the applicant may file with the Commissioner of Customs, in writing, a request that further opportunity be given for the presentation of information or arguments in support of the application by personal appearance, or in writing, or both. This request must be received by the Commissioner within 60 days of the denial.

(b) *By the Secretary.* Upon the decision of the Commissioner affirming the denial of an application for a license, the applicant may file with the Secretary of the Treasury, in writing, a request for such additional review as the Secretary shall deem appropriate. This request must be received by the Secretary within 60 days of the Commissioner's affirmation of the denial of an application for a license.

(R.S. 251, as amended, secs. 624, 641, 46 Stat. 759, as amended; (19 U.S.C. 66, 1624, 1641))

Effective date. This amendment shall become effective November 18, 1974.

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

Approved: October 8, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–24154 Filed 10–16–74;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Meat and Poultry Inspection Program; Rate Increase

Pursuant to the statutory authorities cited below, the fees relating to inspection, identification, or certification service rendered to operators of establishments engaged in slaughtering or preparing domestic rabbits, or squabs or game birds by the Animal and Plant Health Inspection Service, Meat and Poultry Inspection Program, are hereby amended to reflect increases in Federal employes' salaries authorized by the Federal Pay Comparability Act of 1970, and Executive Order 11811, dated October 8, 1974, to a level that will more adequately cover the service provided.

The rate for base time, overtime, or holiday inspection, identification, or certification service rendered, as provided for in these parts, is changed from $10.24 per hour to $11.00 per hour in §§ 54.101 (d) and 70.131(d).

It has been determined that in order to cover these increased costs of the services, the hourly fees charged in connection with the performance of the services must be increased as soon as practicable as provided herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Animal and Plant Health Inspection Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(60 Stat. 1090, as amended (7 U.S.C. 1624); 37 FR 28464, 28477)

These amendments shall become effective October 13, 1974.

Done at Washington, D.C., on: October 11, 1974.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-24260 Filed 10-16-74;8:45 am]

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

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes $111,663 of Control Committee expense for the 1974–75 fiscal period and the assessment rate of $0.015 per standard western pear box of pears, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1973–74 and prior years. This action is under Marketing Order 927.

On September 12, 1974, notice of rulemaking was published in the FEDERAL REGISTER (39 FR 32919) regarding proposed expenses and the related rate of assessment for the fiscal period July 1974, through June 30, 1975, and the carryover of unexpended 1973–74 assessments income, pursuant to the amended marketing agreement and Order No. 927 (7 CFR Part 927; 39 FR 26714), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 19 days during which interested persons could submit written data, views, or arguments in connection with said proposal. None were received.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that: § 927.214 be added as follows.

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

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1974, through June 30, 1975, will amount to $111,663.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 927.41, is fixed at $0.015 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1974, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 927.42.

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

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 fresh pears 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 pears handled during the aforesaid period; and (3) such period began on July 1, 1974, and the rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: October 11, 1974.

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

[FR Doc.74-24140 Filed 10-16-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1 and 449.5]

PART 1845—EMERGENCY LIVESTOCK LOANS

Miscellaneous Amendments

Part 1845 of 7 CFR Chapter XVIII (39 FR 27685, 29581) is amended. The changes are as follows:

1. Section 1845.11 is amended to add new paragraphs (r) and (s) which authorize loan funds to be used for family living expenses and payment of annual installments on secured debts under certain conditions.

2. Section 1845.12(j) is revised to prohibit the use of loan funds for handling, processing, or marketing livestock products except under certain conditions in refinancing cases.

3. Section 1845.13 is amended to add new paragraphs (h) and (i) containing special provisions for refinancing debts, and for securing loans where split lines of credit will exist.

4. Section 1845.14(d) is revised to provide additional alternative methods of securing loans.

5. Section 1845.26(c) is revised to make minor editorial changes.

6. A new § 1845.29 is added to require the lender or holder to make delinquency and renewal reports to FmHA.

7. The footnote to the chart in § 1845.30(a) is revised to make minor editorial changes.

In accordance with 5 USC 553 these amendments are not published for notice of proposed rule making inasmuch as: (1) The changes in §§ 1845.11 and 1845.14 reflect amendments made in response to public comments received from FmHA's publication in 39 FR 27685 dated July 31, 1974, (2) § 1845.29 requires lenders to make delinquency and renewal reports to FmHA, and (3) the remaining amendments only clarify existing agency procedures. Postponing the effective date of these emergency program amendments until after receipt of comments would not be in the public interest. Therefore, these amendments are effective October 17, 1974.

The amendments are as follows:

1. Section 1845.11 is amended by adding paragraphs (r) and (s) to read as follows:

§ 1845.11 EL loan purposes.

* * * * *

(r) Payment of essential family living expenses.

(s) Payment of not more than 1 year's installment(s) (principal and interest) on debts secured by liens on chattels or real estate when a deferment on such obligations cannot be obtained.

2. Section 1845.12(j) is revised to read as follows:

§ 1845.12 Prohibited EL loan purposes.

* * * * *

(j) To purchase machinery or equipment, or for supplies or labor which will be used in the handling, processing, or marketing of livestock products such as milk, eggs, wool, and mohair. However, this does not prohibit refinancing debts which have already been created for these purposes when they are part of an "overall" livestock operation indebtedness being refinanced with an EL loan under the conditions set forth in § 1845.11 (g).

3. Section 1845.13 is amended by adding paragraphs (h) and (i) to read as follows:

§ 1845.13 EL loan limitations and special provisions.

* * * * *

(h) *Refinancing debts.* When loans have been closed and funds *disbursed* prior to application for a guaranteed EL loan, the refinancing criteria set forth in § 1845.11(g) will apply.

(i) *Split lines of credit.* When a split line of credit is involved and there will be like security of the same lien rank for each loan, the EL loan must be adequately secured by liens on security property that is *clearly identifiable* in order to prevent co-mingling of security property. For example: Split lines of credit on like livestock such as feeder cattle of the same breed and approximate age should be avoided.

4. Section 1845.14(d) is revised to read as follows:

§ 1845.14 EL rates, terms, and security.

* * * * *

(d) *Security.* The security must be adequate in the opinion of the lender and FmHA to assure repayment of the loan. In taking security, the following priorities will apply:

(1) *First priority.* Real estate if equity therein is adequate to secure the entire EL loan.

(2) *Second priority.* By the following means:

(i) A first lien on all property purchased with the EL loan.

(ii) A lien of at least equal rank to any lien being fully refinanced with the EL loan will be taken on the same property. In partial refinancing cases, the best lien obtainable will be taken on the property covered by the lien being partially refinanced.

(iii) If liens taken under paragraph (2) (i) and (ii) of this section do not provide adequate security, additional real estate or other security, or a combination thereof, will be taken to adequately secure the EL loan.

See §§ 1841.14 and 1841.15 of Part 1841 for additional provisiong regarding security. Also, see § 1845.13(i) regarding security requirements in cases involving split lines of credit.

5. Section 1845.26(c) is revised to read:

§ 1845.26 Conditions precedent to issuance of Contract of Guarantee.

* * * * *

(c) *Favorable determination.* If the County Committee makes an affirmative certification and FmHA makes a favorable determination and if loan guarantee obligation authority is available, it will execute a Contract of Guarantee as authorized in § 1841.27. However, a Contract of Guarantee cannot be executed after July 25, 1975, or such extended period not exceeding 6 months thereafter as may be authorized by the Secretary of Agriculture.

* * * * *

6. Section 1845.29 is added to read as follows:

§ 1845.29 Reports to FmHA.

(a) *Delinquency reports.* The Holder will report to the FmHA County Office immediately by letter or computer printout any loan which is more than 90 days delinquent according to the terms specified in the promissory note or any authorized renewal thereof. The report will include the amount of such delinquency.

(b) *Renewal reports.* The Holder will notify the FmHA County Office and the FmHA Finance Office immediately by letter when a promissory note is renewed under the authority set forth in § 1845.14(c). The following specific information is required: (1) Date of renewal, (2) number and amount of installments, (3) final due date, and (4) interest rate.

§ 1845.30 [Amended]

7. Section 1845.30(a) table footnote is revised to read as follows:

[1] Signature and Distribution: "L"—Lender (includes Holder); "B"—Borrower or assumptor; "FC"—Finance Office; "FmHA"—Authorized FmHA Official; "Con"—Contractor; "O"—Original; "C"—Copy.

(Section 10 of Pub. L. 93-357; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70))

Dated: October 10, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-24141 Filed 10-16-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 307—FACILITIES FOR INSPECTION

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, AND CONDITION

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Rate Increase for Inspection Service

Pursuant to the statutory authorities cited below, the fees relating to inspection, identification, or certification service rendered to operators of official meat or poultry establishments, importers, or exporters by the Animal and Plant Health Inspection Service, Meat and Poultry Inspection Program, are hereby amended to reflect increases in Federal employees' salaries authorized by the Federal Pay Comparability Act of 1970, and Executive Order 11811, dated October 8, 1974, to a level that will more adequately cover the cost of the service provided.

The rate for overtime or holiday inspection, identification, or certification service rendered, as the case may be in accordance with the provisions of this chapter, is changed from $10.24 per hour to $11.00 per hour in §§ 307.6(a), 350.7 (c), 355.12, 381.39, 381.40(a), and 381.41.

The rate for base time for identification or certification service rendered, as provided in this chapter, is changed from $10.24 per hour to $11.00 per hour in §§ 350.7(c) and 355.12.

(31 Stat. 584 (21 U.S.C. 621); 82 Stat. 791 (21 U.S.C. 463); 62 Stat. 334 (21 U.S.C. 695); 41 Stat. 241 (7 U.S.C. 394); 84 Stat. 1633 (21 U.S.C. 1053); 37 FR 28464, 28477)

It has been determined that in order to cover these increased costs of the services, the hourly fees charged in connection with the performance of the services must be increased as soon as practicable as provided herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Animal and Plant Health Inspection Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective October 13, 1974.

Done at Washington, D.C., on: October 11, 1974.

HENRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-24261 Filed 10-16-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 74-936]

PART 584—REGULATED ACTIVITIES

PART 589—BOARD RULINGS

Activities of Savings and Loan Holding Companies

SEPTEMBER 25, 1974.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations. By this Resolution, the Board made the following changes:

1. Deemed approved, unless notification of withholding of approval is made by end of 30 days after receipt, all applications by subsidiary insured institutions to make loans to third parties where the loan is secured by property acquired from the institution's subsidiary service corporation.

2. Clarified interpretation of the term "service corporation" as used in the holding company regulations.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to amend § 584.3 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.3) by adding a new paragraph (f)(2) thereto for the purpose of modifying the review procedure of the Board with regard to applications by subsidiary insured institutions to make certain loans to third parties under § 584.3(a)(4), and to amend Board Ruling § 589.3 (12 CFR 589.3) of the Regulations for Savings and Loan Holding Companies by adding a new paragraph (c) thereto to clarify and describe the effects of the Board's interpretation of the term "service corporation" as used in the Regulations for Savings and Loan Holding Companies. Accordingly, the Board hereby amends § 584.3 to read as set forth below, effective November 17, 1974, and the Board hereby amends § 589.3, effective October 17, 1974.

Section 584.3(a)(4) provides that a subsidiary insured institution of a savings and loan holding company may apply to the Corporation for written approval to make a loan to a third party on the security of property acquired from a wholly-owned service corporation of such subsidiary insured institution. Section 584.3(f) provides in part that copies of applications for such approval shall be filed with the Supervisory Agent of the district in which the principal office of the applicant is located. The Board has delegated authority to the Supervisory Agents to approve such loans.

The present amendment provides for a 30 calendar day period during which the Supervisory Agent must make a determination whether to approve the application. If the application is approved, the Supervisory Agent may so notify the applicant. If, however, the Supervisory Agent does not notify the applicant within the 30 calendar day period that the approval is being withheld, the application will be deemed to be approved. If approval is withheld, the Supervisory Agent is required to promptly submit the application to the Corporation for a decision. Only the Supervisory Agent's withholding of approval, and not the subsequent Corporation action, must occur during the 30 day period. The amendment further provides that the Supervisory Agent may request additional information after receipt of the application but need not consider material submitted in response to such request if it is received less than 5 calendar days before the end of the 30 calendar day period.

Board Ruling § 589.3(b) interprets the term "service corporation", as used in section 408 of the National Housing Act, as amended, and in the Holding Company Regulations, as a corporation of the type in which Federal associations may invest under § 545.9-1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.9-1). The present amendment states in a new paragraph that the Ruling encompasses investment limits, service corporation debt limits, Board approval for nonpreapproved activities, disposal of unauthorized investments, and investment eligibility. Such amendment is intended simply to clarify the Ruling and to be certain that its effects are understood by holding companies.

Section 584.3(f) is revised as follows:

§ 584.3 Transactions with affiliates.

* * * * *

(f) *Filing of applications.* (1) Applications for Corporation approval under paragraphs (a)(4) and (a)(6) of this section shall be in the form prescribed by the Corporation in § 584.10(c). Such applications shall be filed with the Corporation by transmitting the number of copies prescribed in the General Instructions of the forms to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and to the Supervisory Agent of the district in which the principal office of the applicant is located.

(2) An application filed under paragraph (a)(4) of this section which fulfills all the filing requirements therein will be deemed to be approved if, by the close of 30 calendar days after the date of its receipt by the Supervisory Agent, such Supervisory Agent has not notified the applicant that approval has been withheld. If approval by the Supervisory Agent is withheld, the Supervisory Agent shall promptly cause the application to be submitted to the Corporation for its decision. The Supervisory Agent may request additional information after receipt of the application, but need not consider such additional information from the applicant which is received by the Supervisory Agent less than 5 calendar days before the end of the 30 calendar day period.

* * * * *

2. Section 589.3 is amended by revising paragraphs (a) and (b) and by adding a new paragraph (c) as follows:

§ 589.3 Interpretation of the term "service corporation".

(a) Paragraphs (d)(1) and (d)(4)(B) of section 408 of the National Housing Act, as amended, exclude "service corporations" from the prohibitions applicable to certain transactions between insured institution subsidiaries of savings and loan holding companies and other affiliates of such companies. The absence of a definition in the Act of the term "service corporation" has given rise to questions concerning the scope of these exceptions.

(b) The Board, as the operating head of the Corporation, hereby determines, pursuant to section 408(h) of the Act, that the term "service corporation", as used in said section 408 and this subchapter, refers to a corporation of the type in which a Federal savings and loan association may invest pursuant to § 545.9-1 of this chapter.

(c) Subsidiary insured institutions may therefore invest in service corporation affiliates to the same extent, and subject to the same limitations, that Federal associations may invest in service corporations under § 545.9-1 of this chapter. Consequently, a service corporation which is an affiliate of a subsidiary insured institution must obtain

Board approval to engage in any activity not preapproved by § 545.9-1 of this chapter for service corporations in which Federal associations may invest. If such approval is not obtained but the activity is nonetheless engaged in by such service corporation, then the subsidiary insured institution must dispose of its investment in such service corporation on the same basis that would be required of a Federal association in similar circumstances under § 545.9-1(e) of this chapter. Furthermore, the effect of § 589.3 and section 408(d)(1) is not limited to the need to apply for approval of activities. Investment by a subsidiary insured institution in an affiliated service corporation is prohibited by § 589.3 and by section 408(d)(1) unless all of the provisions of § 549.9-1 of this chapter are met. This applies to investments by insured institutions which are subsidiaries of either multiple or unitary holding companies.

(Sec. 402, 48 Stat. 1250, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; (12 U.S.C. 1725, 1730a), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1671.)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE, *Assistant Secretary.*

[FR Doc.74-24215 Filed 10-16-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-EA-67; Amdt. 39-1993]

PART 39—AIRWORTHINESS DIRECTIVE

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to deHavilland DHC-6 type airplanes.

There have been reports of spanwise cracks in stabilized rear spars. Since this deficiency can exist or develop in similar type aircraft, an airworthiness directive is being issued which will require an inspection and replacement where necessary of the subject spar.

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

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

DEHAVILLAND. Applies to DHC-6 airplanes Serial Numbers 1 to 393 inclusive, excluding Serial Numbers 107, 168, 182, 184, 209, 383, 385, 386, 390 and 391, certificated in all categories.

To detect cracks in the horizontal stabilizer rear spars, within the next 50 hours in service or 1 week, whichever occurs first, after the effective date of this AD, unless already accomplished, inspect visually using a magnification glass of at least 10 power or an approved equivalent for spanwise cracks along the radii at the junctions of the rear spar webs with the top and bottom flanges between Station 10.00 and Station 53.00 on the left and right hand horizontal stabilizers.

If cracks are found, accomplish the following:

1. Alter the spar in accordance with paragraph 2 of Accomplishment Instructions of DeHavilland Service Bulletin No. 6/310, dated June 28, 1974, or an approved equivalent before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the alteration can be performed.

2. Equivalent inspections or alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

3. The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

This amendment is effective October 23, 1974.

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

Issued in Jamaica, N.Y., on October 9, 1974.

JAMES BISPO, *Deputy Director, Eastern Region.*

[FR Doc.74-24091 Filed 10-16-74;8:45 am]

[Docket No. 74-EA-56; Amdt. 39-1991]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-23 type aircraft.

There have been reports of leaking heater fuel shut-off valves in the PA-23 type aircraft. This deficiency had in one instance resulted in the packing nut loosening and backing off, allowing fuel to flow into the cockpit. Since the foregoing deficiency may exist or develop in similar type aircraft, an airworthiness directive is being issued which will require an inspection of the valve to assure that it is properly safetied to preclude loss of the nut.

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

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

PIPER. Applies to Piper Models PA-23 and PA-23-160. Serial Nos. 23-1 to 23-2046 incl. and PA-23-235, PA-23-250 and PA-E23-250 Serial Nos. 27-1 to 27-3943 incl. except 27-3837.

Compliance required within 100 hours or ninety days after the effective date of this AD, whichever occurs first.

In order to prevent the heater fuel valve stem and cap nut from backing off and spilling fuel, accomplish the following:

a. Inspect the stem and cap nut on Valves P/N's 17781-00 and 19460-00 for proper safetying and securenes in accordance with Apache Service Manual No. 752422, Section 13-138 or Aztec Service Manual No. 753564, Section 13-135 as applicable, and Piper Service Bulletin No. 401 dated May 21, 1974, or subsequent approved revisions, or equivalent methods approved by the Chief, Engineering & Manufacturing Branch, FAA, Eastern Region.

b. If the stem and nut are not secure or properly safetied, disassemble and inspect the stem, seat body and threads for damage in accordance with Section 13-135 or 13-138 of the applicable airplane Service Manual. Any part found damaged must be replaced with a serviceable part. Also, replace the cap nut (or the complete assembly if necessary) with a like part which has been drilled for MS20995C41 safety wire, or has equivalent safetying provisions approved by the Chief, Engineering & Manufacturing Branch, FAA, Eastern Region.

c. Re-install valve assembly, safety wire cap nut and pressure check fuel system in accordance with Section 13-136 or 13-139 of applicable Airplane Service Manual and Piper Service Bulletin No. 401, or equivalent methods approved by the Chief, Engineering & Manufacturing Branch, FAA, Eastern Region.

d. Aircraft may be flown to a base where the maintenance required by this Airworthiness Directive may be performed per FAR's 21.197 and 21.199.

This amendment is effective October 23, 1974.

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

Issued in Jamaica, N.Y., on October 8, 1974.

JAMES BISPO, *Deputy Director, Eastern Region.*

[FR Doc.74-24092 Filed 10-16-74;8:45 am]

[Airspace Docket No. 74-AL-11]

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

Alteration of Low Frequency Airway

On August 12, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 28905) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign Blue 25 from Hinchinbrook, Alaska, NDB to the Glenallen, Alaska, NDB.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

In § 71.109 (39 FR 306, 3670, 19775) Blue 25 is amended to read as follows:

B-25 From INT Hinchinbrook, Alaska, NDB 206° and Wessels, Alaska, NDB 296° bearing, via Hinchinbrook NDB; 38 miles 12 AGL, 12 miles 95 MSL, 60 miles 12 AGL Glenallen NDB; Delta Junction, Alaska, NDB.

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

Issued in Washington, D.C., on October 10, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-24090 Filed 10-16-74;8:45 am]

[Airspace Docket No. 74-EA-42]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH POINTS

Alteration of Jet Routes

On July 8, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 24921) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-55 between Flat Rock, Va., and Sea Isle, N.J., J-80 and J-110 between Bellaire, Ohio, and Kennedy, N.Y., and J-95 between Huguenot, N.Y., and Buffalo, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable; however, since publication of the notice, it has been determined that only the proposed alterations to J-55 and J-80 will be made at this time. The notice proposed that J-110 be realigned in part from Bellaire, Ohio, via the intersection of the Bellaire 090° T (094° M) and Robbinsville, N.J., 264° T (274° M) radials; Robbinsville; to Kennedy, N.Y. In lieu of realignment as proposed, the existing alignment of J-110 via Coyle, N.J., will be retained to provide access to offshore warning areas for military aircraft based at Fort Dix, N.J. Therefore, the portion of the notice pertaining to alteration of J-110 is withdrawn. The notice proposed also that J-95 be realigned in part from Huguenot, N.Y., via the intersection of the Huguenot 301° T (312° M) and Buffalo, N.Y., 113° T (121° M) radials, to Buffalo. This would result in only a three degree dogleg to the north, but would probably require some resectorization within the New York Air Route Traffic Control Center. Ninety days additional time is being permitted for evaluation of realignment versus resectorization before final determination is made on the portion of the notice pertaining to J-55.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

Section 75.100 (39 FR 699) is amended as follows:

1. In the heading of Jet Route No. 55 "(Jacksonville, Fla., to United States/Canadian Border)" is deleted.

2. In the text of Jet Route No. 55 "Sea Isle, N.J., 257° radials;" is deleted, and "Sea Isle, N.J., 253° radials;" is substituted therefor.

3. In the heading of Jet Route No. 80 "(Oakland, Calif., to Kennedy, N.Y.)" is deleted.

4. In the text of Jet Route No. 80 all after "Bellaire, Ohio;" is deleted, and "INT of the Bellaire 090° and Robbinsville, N.J., 264° radials; Robbinsville; to Kennedy, N.Y.)" is substituted therefor.

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

Issued in Washington, D.C., on October 10, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-24093 Filed 10-16-74;8:45 am]

Title 45—Public Welfare

CHAPTER VIII—UNITED STATES CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Louisiana

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Louisiana:

LOUISIANA

Parish; Place for filing; beginning date.

* * * * *

Sabine; Many—U.S. Post Office Building; 525 San Antonia Avenue; September 27, 1974.

* * * * *

(Secs. 7 and 9 of the Voting Rights Act of 1965; Pub. L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-24165 Filed 10-16-74;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 15—FEATHER IMPORT QUOTAS

Subpart C—Application for and Allocation of Calendar Year Quotas

On January 4, 1974, there was published in the FEDERAL REGISTER (39 FR 1157) a revision of 50 CFR Chapter I, Subchapter B, except for Part 10 (General Provisions) and Part 20 (Migratory Bird Hunting), which were published on August 15, 1973 (38 FR 22021).

Part 15, Feather Import Quotas, included in the January 4, 1974, publication, provides in § 15.23(d), among other requirements, that applications must be accompanied by the prescribed fee. This requirement is superfluous and is included in Part 13, General Permit Procedures, in § 13.11.

Accordingly, § 15.23(d) is amended by deleting therefrom the requirements concerning fees.

Since this amendment merely deletes a requirement from one section, which requirement appears in another section, it is found that, for good cause, notice and public procedure thereon, called for by 5 U.S.C. 553(b), are impracticable and unnecessary. Under the same circumstances, it is found, for good cause, since this amendment relieves a restriction in § 15.23(d), that this notice is excepted from the publication required under 5 U.S.C. 553(d).

AUTHORITY: Tariff Classification Act of 1962, sec. 102, 76 Stat. 73-74, 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States."

Dated: August 12, 1974.

DOUGLAS P. WHEELER,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

Section 15.23(d) is revised to read as follows:

§ 15.23 Allocation of Calendar Year Quotas.

* * * * *

(d) Each applicant shall then be furnished a tabulation by registered or certified mail, return receipt requested, of the quantities of each species requested and the quantities proposed to be allocated to each applicant. Each applicant must then report by letter addressed to the Director, postmarked not later than 30 days after date of receipt of the notice of proposed allocations, that he accepts the proposed allocation. The letter must contain satisfactory proof, such as a copy of a currently confirmed order, that orders have been placed for the importing of his allocation of bird skins. Applicant's failing to respond to the notice of proposed allocations shall be deemed to have withdrawn their applications. Applicants who submit the required showing by other than registered or certified mail, do so at their own risk.

* * * * *

[FR Doc.74-24155 Filed 10-16-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

SUBCHAPTER C—DRUGS

NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin Sodium, Lincomycin, 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated supplemental new animal

drug applications filed by Elanco Products Co., a Division of Eli Lilly and Co., Indianapolis, IN 46206 (49-463V), and The Upjohn Co., Kalamazoo, MI 49001 (92-482V, 92-522V) proposing safe and effective use of premixes containing a range of 90 to 110 grams of monensin sodium in broiler chicken feeds in combination with other medications. These supplemental applications are approved.

The regulations are also amended in Part 135 to reflect the revision of the name of the sponsoring firm, Elanco Products Co.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135 and 135e are amended as follows:

PART 121—FOOD ADDITIVES

1. In § 121.262(c), by amending the text in Table 1, under the fourth column for item 1.23 so that, as revised, item 1.23 reads as follows:

§ 121.262 [Amended]

* * * * *

(c) * * *

TABLE 1.—*3-Nitro-4-Hydroxyphenylarsonic Acid in Complete Chicken and Turkey Feed*

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*	*	*	*
1.23 3-Nitro-4-hydroxyphenylarsonic acid	15-45	Monensin sodium + Lincomycin	90-110 (as monensin acid activity); 2	For floor-raised broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; 3-nitro-4-hydroxyphenylarsonic acid as provided by code No. 031, § 135.501(c) of this chapter; monensin sodium as provided by code No. 014, §135.501(c) of this chapter; lincomycin as provided by code No. 037, § 135.501(c) of this chapter; approval for this combination granted to firm No. 037 as identified in § 135.501(c) of this chapter.	For increase in rate of weight gain; as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mitis*, and *E. maxima*.
*	*	*	*	*	*

PART 135—NEW ANIMAL DRUGS

2. In § 135.501(c), by revising the firm name and address for sponsor code No. 014, as follows:

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

* * * * *

(c) * * *

Code No.	*Firm name and address*
*	*
014	Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206.
*	*

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

3. In § 135e.50(f), by revising the text under the second column of the table for items 5 through 7, to read as follows:

§ 135e.50 Monensin; monensin sodium.

* * * * *

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*	*	*	*
5. Monensin sodium.	90-110 (as monensin acid activity);	* * *	* * *	* * *	* * *
6. Monensin sodium.	do	* * *	* * *	* * *	* * *
7. Monensin sodium.	do	* * *	* * *	* * *	* * *
*	*	*	*	*	*

Effective date. This order shall be effective October 17, 1974.

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

Dated: October 8, 1974.

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

[FR Doc.74-23993 Filed 10-16-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Vincofos; Revocation

On the basis of withdrawal of approval of new animal drug application (NADA) No. 91-581V, for the use of vincofos capsules for the removal and control of helminths in dogs, held by the Shell Chemical Co., a Division of the Shell Oil Co., Agricultural Division, 2401 Crow Canyon Rd., San Ramon, CA 94583, and published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that § 135c.126 (21 CFR 135c.126) covering use of the subject drug should be revoked.

§ 135c.126 [Revoked]

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by revoking § 135c.126 *Vincofos capsules.*

Effective date. This order shall be effective October 17, 1974.

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

Dated: October 3, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-24107 Filed 10-16-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER H—OCEAN DUMPING

[FRL 280-7]

PART 227—CRITERIA FOR THE EVALUATION OF PERMIT APPLICATIONS

Transportation for Dumping and Dumping of Material Into Ocean Waters

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (the "Ocean Dumping Act"), gives the Administrator of the Environmental Protection Agency ("EPA") the authority to designate sites where ocean dumping may be permitted. The EPA ocean dumping regulations (40 CFR, Chapter I, Subchapter H, § 220.4(d)) state that ocean dumping sites will be designated by publication in this Part 227.

A list of "Approved Interim Ocean Dumping Sites" was published on May 16, 1973 (38 FR 12875-77) and the preamble to the final regulations and criteria, published on October 15, 1973 (38 FR 28610-21), stated that the list of "Approved Interim Ocean Dumping Sites" would continue to be effective until such time as final regulations relating to site selection and use are published. Such final regulations for site selection and use have not been published.

The purpose of this notice is to designate a new site in the western part of the Gulf of Mexico for use under certain

controlled conditions for high temperature incineration of organic chloride wastes.

Prior to December, 1973, Shell Chemical Company (the "Applicant") barged certain organic chloride constituents among other waste streams from its Deer Park, Texas, manufacturing facility for disposal in designated areas of the Gulf of Mexico, initially pursuant to the qualified approval of the U.S. Coast Guard and subsequently pursuant to permit and regulations of EPA. Applicant's temporary permit expired in November, 1973, and has not, insofar as the organic chloride constituents are concerned, been renewed by EPA pending the completion of detailed studies of the waste composition and continued investigation and alternative means of disposal. Since November, 1973, Applicant has stored its organic chloride wastes and is continuing to generate and store these wastes in above-ground tanks at its Deer Park facility. To date, Applicant has accumulated more than 19,000 tons of the organic chloride wastes and will continue to generate approximately 2,100 tons per month.

In July, 1974, Applicant contracted with Ocean Combustion Service BV ("OCS"), a wholly owned subsidiary of Hansa Lines of the Netherlands, for the use of the motor vessel "Vulcanus." The "Vulcanus" was designed for high temperature, at-sea incineration of similar wastes from manufacturing operations in Europe and is equipped to load, carry and incinerate at sea the organic chloride wastes currently being stored by Applicant. As a result of long-standing commitments in Europe the "Vulcanus" is available for the disposal of Applicant's organic chloride wastes for a period limited to approximately 2 months and is not anticipated to be available again in the near future.

Applicant's contract with OCS provided that OCS carry out the incineration in accordance with all governmental or other compulsory regulations required for the safe and environmentally sound completion of the operation. OCS, with the assistance of its U.S. environmental representative, the American Eagle Foundation, Inc., complied with all applicable international safety regulations and modified the "Vulcanus" to comply with additional requirements imposed by the U.S. Coast Guard. With the assistance of the American Eagle Foundation, Inc., OCS also requested an opinion from EPA with respect to the applicability of the Ocean Dumping Act to ocean incineration of wastes. By memorandum dated January 23, 1974, EPA concluded, on the basis of facts then available to it, that the Ocean Dumping Act did not cover the proposed activity. In response to questions that have been raised concerning the January, 1974, memorandum by the National Wildlife Federation and others, and in view of certain new information which has come to its attention, EPA has modified the previous memorandum. EPA has concluded that in any case where it can reasonably be anticipated that incineration of wastes at sea will result in any such material, or emissions from the incineration of such material, entering ocean waters, such incineration will require a permit issued under the Ocean Dumping Act. This conclusion was reached shortly before the "Vulcanus" was scheduled to arrive at the Port of Houston to commence at-sea incineration of the Applicant's organic chloride wastes.

The "Vulcanus" arrived at the Port of Houston on September 27, 1974. Required follow-up inspection by the Coast Guard is not anticipated to require longer than one day. Loading of the vessel would require no longer than 2 days after loading is authorized under permit.

A public hearing was held at the Shamrock Hilton Hotel, Castillion Room, Houston, Texas, on Friday, October 4, 1974, at 2 p.m., Houston time, with respect to Applicant's amended application to incinerate its organic chloride wastes at sea. Notice of the public hearing was published in Washington, D.C., Houston and Dallas newspapers and appropriate officials of the States of Texas, Louisiana, Mississippi, Alabama and Florida were notified by telephone on Friday, September 27, 1974. The Report of the Presiding Officer contains findings and recommendations which have been adopted by the Administrator in his decision of October 10, 1974. Copies of this Report and the Administrator's decision are available from the Environmental Protection Agency, Office of Public Affairs, 401 M Street, SW, Washington, D.C. 20460.

Pursuant to the decision of the Administrator a New Site for high-sea incineration is being designated by the Administrator by the promulgation of this notice in the FEDERAL REGISTER. The designation will take effect immediately on publication in accordance with 5 U.S.C. section 553 on the basis of the Administrator's determination that additional notice and public procedure thereon are impracticable, unnecessary and contrary to the public interest because (a) the location and proposed use of the New Site were set forth in a Public Notice issued on Friday, September 27, 1974, and were considered at a public hearing held in Houston, Texas, on Friday, October 4, 1974, (b) high temperature ocean incineration under the controlled conditions of the EPA permit appears to be the least environmentally damaging disposal method presently available, (c) continued storage of the organic chloride wastes involves certain risks with respect to the corrosion of storage facilities or other ruptures in such facilities which would present dangers to the public health and welfare and to the environment, (d) the proposed ocean incineration will not be available, for a substantial period of time, if further delays are incurred, (e) the New Site is required in order for more detailed biological and chemical monitoring and other studies to be carried with respect to the incineration and (f) carrying out the incineration at an existing site would pose significantly more possibilities of interference with other shipping. The New Site is designated for use only by the permittee of the permit issued in response to the Applicant's amended application and only for ocean incineration of Applicant's organochlorine wastes under terms and subject to the conditions set forth in such permit. The New Site is approximately 130 nautical miles from nearest land, outside any present dump site and in an area acceptable to the Coast Guard and the Corps of Engineers. The New Site is bounded by the following coordinates: From 26 degrees 20 minutes to 27 degrees 00 minutes north latitude; From 93 degrees 20 minutes to 94 degrees 00 minutes west longitude.

JOHN QUARLES,
Acting Administrator.

OCTOBER 10, 1974.

Chapter I of Title 40 is amended by adding to the list of approved interim ocean dumping sites in Subchapter H, Part 227, the area bounded by the following coordinates:

26°20′ North latitude
27°00′ North latitude
93°20′ West longitude
94°00′ West longitude

[FR Doc.74-24050 Filed 10-10-74;3:25 pm]

Title 41—Public Property

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.8—Price Negotiation Policies and Techniques

Correction

In FR Doc. 74-21566 at page 33516 in the issue for Wednesday, September 18, 1974, in the last 2 lines of § 5A-3.802-1, the figure "§ 1-3.803(c)" should read "§ 1-3.802-1(c)".

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Contract Quantities

This change to the General Services Procurement Regulations (GSPR) provides procedures for advising term contractors of significant changes in estimated contract requirements.

Section 5A-72.105-5 is revised as follows:

§ 5A-72.105-5 Contract quantities.

(a) Requirements contracts. An estimate of the total requirements for the contract period shall be stated in the invitation for bids for the information of prospective contractors. Separate estimates for each item to be awarded separately shall be shown. These estimates, or contract requirements forecasts, are provided by the National Item Management Division. The forecasts are machine-generated for each National Stock

Number (NSN) based on Contract Finder File information provided by the buying activity. GSA Form 6594, Contract Requirements, will be used to reflect contract requirements forecasts only when special manual preparation is necessary. Under requirement contracts, a specified minimum quantity of the total requirements, which the Government agrees to purchase during the contract period may be indicated (see § 5A-7.103-80), and maximum and minimum order quantities shall be stated in accordance with §§ 1-3.409(b)(1), 5A-72.105-20 and 5A-72.105-21.

(1) Advice to contractors of significant changes in Term Contract requirements forecasts. The Office of Supply Control (FX), which maintains current and future estimated demand data on stock items, will notify procuring activities of any significant changes (in excess of plus or minus 25 percent) in estimated future requirements. Where applicable, this advice will be furnished after 3 months and 6 months from the beginning date of a 1-year contract. This advisory notice is furnished exclusively for the contractor's information and is not to be considered a modification or a change in the basic obligations imposed upon either party to the contract.

(2) Upon receipt of the notification from FX in accordance with (1), above, procuring activities will advise the respective contractor of the change, referring to the provisions of the Scope of Contract clauses (§ 5A-7.103-82). In addition, two copies of the advisory notice to the contractor shall be furnished to the appropriate regional Quality Control Divisions.

(b) Definite quantity contracts. Estimates of quantities required for definite quantity contracts are provided by the National Item Management Division (FXN).

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

Effective date: This regulation is effective October 17, 1974.

Dated: October 2, 1974.

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

[FR Doc.74-24098 Filed 10-16-74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-154]

IMPLEMENTATION OF NATIONAL STOCK NUMBERS

Miscellaneous Amendments

This amendment provides for the new 13-digit national stock number and deletes reference to the 11-digit Federal stock number. Illustrated forms affected by this new stock numbering system are revised.

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents for Part 101-26 is amended to delete §§ 101-26.4901-344, 101-26.4902-952, 101-26.4902-1348 (6-PT), 101-26.4902-1348m, 101-26.4902-1348-1, 101-26.4902-1348-6, 101-26.4902-3127, and 101-26.4902-3128.

Subpart 101-26.2—Federal Requisitioning System

1. Section 101-26.203-1(b)(3) is revised to read as follows:

§ 101-26.203-1 Forms prepared by ordering offices.

* * * * *

(b) * * *

(3) GSA Form 1348-6, Non-NSN Requisition (Manual), (illustrated in the FEDSTRIP Operating Guide) will be used when ordering non-national stock numbered items which exceed the stock or part number field and/or require additional information (e.g., manufacturers part number, technical data, or detailed description). Document identifier (DI) codes AØ5 or AØE will be used in these instances.

2. Section 101-26.203-2(b) is revised to read as follows:

§ 101-26.203-2 Forms furnished to ordering offices.

* * * * *

(b) Supply/shipment status information will be provided by electrical transmission in machine-sensible (card) format via the Defense Automatic Addressing System (DAAS), Dayton, Ohio, to all military and civil activities having capabilities to receive/transmit by electrical communications. Military and civil activities not have electrical transmission facilities will be furnished information on the status of requisitions and replies to followup inquiries by DAAS (via first class mail) on GSA Form 2779, Supply/Shipment Status Information As Of, or DD Form 1348m, DOD Single Line Item Requisition System Document (Mechanical), as requested by the media and status (M & S) code (cc 7) of the requisition.

Subpart 101-26.7—Procurement Sources Other Than GSA and the Department of Defense

1. Section 101-26.701(c) is revised to read as follows:

§ 101-26.701 Purchase of blind-made products and services from the blind and other severely handicapped persons.

* * * * *

(c) Products produced by workshops of the blind or other severely handicapped persons available from GSA supply distribution facilities are identified by national stock numbers on the procurement list identified in paragraph (b) of this section.

2. Section 101-26.702(c) is revised to read as follows:

§ 101-26.702 Purchase of products manufactured by the Federal Prison Industries, Inc.

* * * * *

(c) Prison-made products available from GSA supply distribution facilities are identified by national stock numbers in the product schedule referred to in (b), above.

* * * * *

Subpart 101-26.49—Illustrations of Forms

Sections 101-26.4901-344, 101-26.4902-952, 101-26.4902-1348 (6-PT), 101-26.4902-1348m, 101-26.4902-1348-1, 101-26.4902-1348-6, 101-26.4902-3127, and 101-26.4902-3128 are deleted.

PART 101-27—INVENTORY MANAGEMENT

Subpart 101-27.1—Stock Replenishment

1. Section 101-27.102-2 is revised to read as follows:

§ 101-27.102-2 Guidelines.

Guidelines for development of appropriate implementation of the EOQ principle of stock replenishment are described in the GSA Handbook. The Economic Order Quantity Principle and Applications, issued by the Federal Supply Service, GSA. The handbook is listed in the GSA Supply Catalog and copies may be ordered in the same manner as other items in the catalog. In addition, the handbook is available to the public from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Subpart 101-27.3—Maximizing Use of Inventories

1. Section 101-27.303-2(b) is revised to read as follows:

§ 101-27.303-2 Redistribution.

* * * * *

(b) Offer agency managed items to other agencies managing the same item. Reimbursement shall be arranged by the agencies effecting the inventory transfer. The responsibility of locating agencies or activities requiring these items shall rest with the agency holding the long supply. However, agencies may receive a list of Government activities using particular national stock numbers by writing to the General Services Administration (FXL), Washington, DC 20406.

PART 101-30—FEDERAL CATALOG SYSTEM

The table of contents for Part 101-30 is amended to delete § 101-30.4902-2175 and to include the following new and revised entries:

101-30.101-10	National stock number.
101-30.401-3	Federal item logistics data record.
101-30.4902-1303	GSA Form 1303, Request for Federal Cataloging / Supply Support Action.

Subpart 101-30.1—General

1. Section 101-30.101-6 is revised to read as follows:

§ 101-30.101-6 Federal item identification.

"Federal item identification" means the approved item identification for the item of supply, plus the national stock

number assigned to that item identification. It consists of four basic elements: the name of the item, the identifying characteristics, the Federal Supply Classification code, and the national item identification number.

2. Section 101-30.101-10 is added as follows:

§ 101-30.101-10 National stock number.

The "national stock number" (NSN) is the identifying number assigned to each item of supply. The NSN consists of the 4-digit Federal Supply Classification (FSC) code and the 9-digit national item identification number (NIIN). The written, printed, or typed NSN configuration is 1234-ØØ-567-89Ø1. The following terms are elements of the 13-digit national stock number:

(a) "Federal Supply Classification" (FSC) is a 4-digit number which groups similar type items into classes.

(b) "National Codification Bureau" (NCB) code is a 2-digit number designating the central cataloging office of the NATO or other friendly country which assigned the national item identification number (NIIN), and is used as the first two digits of the NIIN.

(c) "National item identification number" (NIIN) is a 9-digit number, composed of the NCB code number (2 digits) combined with 7 other nonsignificant digits.

Subpart 101-30.2—Cataloging Handbooks and Manuals

1. Section 101-30.201(b)(4) is revised to read as follows:

§ 101-30.201 General.

* * * * *

(b) * * *

(4) Federal Item Name Directory (FIND) for Supply Cataloging (Cataloging Handbook H6).

2. Section 101-30.202(c) is revised to read as follows:

§ 101-30.202 Policies.

* * * * *

(c) *Numbering.* (1) Each item of supply identified in the Federal Catalog System shall be assigned a national stock number which shall consist of the applicable 4-digit FSC class code and a 9-digit national item identification number.

(2) The national stock number shall be the only stock number used in supply operations for items within the scope of the Federal Catalog System. The integrity of the national stock number shall always be maintained whenever it is employed in any operation or document. Supply management codes, or other management symbols, may be associated with, but never included as a part of the national stock number. These management codes or symbols shall always be separated from the national stock number in such a manner that the national stock number is clearly distinguishable.

Subpart 101-30.3—Cataloging Items of Supply

Section 101-30.304 is revised to read as follows:

§ 101-30.304 Application of item entry control.

In addition to the reviews attendant to the process of item identification and assignment of national stock numbers, proposed new items will be subjected to a technical review to associate them with items available through the GSA supply system. Where a similar item is available through the GSA supply system, the agency will be informed of the national stock number and source of supply and will be requested to use that item. If the requesting agency considers the technical differences such that the GSA item is unacceptable, a waiver shall be requested as required by § 101-26.100-2. The request for waiver shall reference the request for the item identification.

Subpart 101-30.4—Use of the Federal Cataloging System

1. Sections 101-30.401-2 and 101-30.401-3 are revised to read as follows:

§ 101-30.401-2 Data for civil agencies.

Catalog data will be furnished participating civil agencies by means of electric accounting machine cards and/or DD Form 146, Federal Item Logistics Data Record.

§ 101-30.401-3 Federal item logistics data records.

On request, copies of Federal item logistics data records will be provided to agencies by GSA on a reimbursable basis when billed by GSA.

2. Sections 101-30.403-1 and 101-30.403-2 are revised to read as follows:

§ 101-30.403-1 Reports of excess and surplus personal property.

For items of personal property which have been identified in the Federal Catalog System, national stock numbers and Federal item identifications, with such additional descriptive detail as is required, shall be utilized in reports and listings of excess and surplus personal property. The assignment of national stock numbers and Federal item identifications shall not be required for items of excess or surplus personal property which have not been identified in the Federal Catalog System.

§ 101-30.403-2 Management codes.

For internal use within an agency, alphabetic codes excluding letters "I" and "O" may be prefixed/suffixed to the national stock number as may be required for supply management operations as CM752Ø-ØØ-123-4567 or 752Ø ØØ-123-4567CM. Numeric codes shall not be affixed immediately adjacent to or as a part of the national stock number nor shall codes be intermingled in the national stock number.

3. Section 101-30.404(b) is revised to read as follows:

§ 101-30.404 Exemptions from the system.

* * * * *

(b) Number of items currently used having national stock numbers.

* * * * *

Subpart 101-30.5—Maintenance of the Federal Catalog System

1. Section 101-30.502(a) is revised to read as follows:

§ 101-30.502 Definitions.

* * * * *

(a) "Recorded data" means the data which are associated with a national stock number and are recorded on microfilm or magnetic computer tape at the Defense Logistics Services Center (DLSC), Battle Creek, MI 49016.

* * * * *

2. In § 101-30.503 paragraph (b) is deleted, and paragraph (c) is redesignated as (b) and revised; paragraph (d) is redesignated as paragraph (c) and revised to read as follows:

§ 101-30.503 Maintenance actions required.

* * * * *

(b) Agencies not having the capabilities cited in paragraph (a) of this section shall prepare GSA Form 1303, Request for Federal Cataloging/Supply Support Action, as instructed on the reverse of the form and forward the form to the General Services Administration (FXL), Washington, DC 20406, for the performance of all cataloging functions and the preparation and transmission of data to DLSC when required.

(c) GSA will confer with civil agencies periodically to review and revise methods of submission according to their needs and capabilities.

3. Section 101-30.504 is revised to read as follows:

§ 101-30.504 Cataloging data from Defense Logistics Services Center (DLSC).

Upon receipt of cataloging data from civil agencies, DLSC will process the data and provide for its inclusion in the Federal Catalog System. Notification to the submitting agencies of the action taken by DLSC will be as required in the Federal Manual for Supply Cataloging (Cataloging Manual M1) by means of DD Form 146, Federal Item Logistics Data Record, and DD Form 635, Logistics Item Data Card, when applicable. These cards shall be sent to the submitting agency when the agency is designated as the direct data receiver by GSA. Otherwise DLSC will transmit the required information to GSA for forwarding to the submitting agency, when required.

Subpart 101-30.6—GSA Section of the Federal Supply Catalog

1. Section 101-30.603-2 is revised to read as follows:

§ 101-30.603-2 GSA Supply Catalog.

The GSA Supply Catalog, published annually and updated quarterly, is an illustrated publication which serves as the primary source for identifying items and services available through the following GSA supply sources:

(a) GSA supply distribution facilities;

(b) Federal Supply Schedules; and

(c) Term Contract Program.

Subpart 101-30.49—Illustrations of Forms

§ 101-30.4902-1303 [Amended]

1. Section 101-30.4902-1303 is revised to illustrate the December 1973 edition of GSA Form 1303, Request for Federal Cataloging/Supply Support Action.

§ 101-30.4902-2175 [Deleted]

2. Section 101-30.4902-2175 is deleted.

NOTE: The GSA Form 1303, illustrated in § 101-30.4902-1303, is filed as part of the original document and does not appear in the FEDERAL REGISTER.

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

Effective date: This regulation is effective September 30, 1974.

Dated: October 4, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-24097 Filed 10-16-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1075]

PART 0—COMMISSION ORGANIZATION

Miscellaneous Amendments

1. Records of actions taken by the administrative law judges, the Chief Administrative Law Judge, the Review Board, and the Chief, Office of Opinions and Review, in docket cases are now maintained in both the Minute and Rules Branch and in the Dockets Branch, under the Secretary, in the Office of Executive Director. An examination of the functions of the two Branches and the records they maintain, indicates that the docket file contains an entirely satisfactory record of these actions and that these record keeping functions of the Minute and Rules Branch should be eliminated.

2. We are therefore eliminating these functions of the Minute and Rules Branch and amending Subpart B of Part O of the Rules (Delegations of authority) to indicate that the docket file contains the official record of actions taken by the administrative law judges, the Chief, Administrative Law Judge, the Review Board, and the Chief, Office of Opinions and Review in docket cases.

3. This amendment is adopted by authority of sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and of § 0.231(d) of the Commission's rules and regulations. Because it pertains to the internal workings of the Commission, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

4. Accordingly, *it is ordered,* effective October 15, 1974, That Part 0 of the rules and regulations is amended as set forth below.

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

Adopted: October 8, 1974.

Released: October 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.347 is revised, and §§ 0.357, 0.367, and 0.377 are added to read as follows:

§ 0.347 Record of actions taken.

The official record of all actions taken by an Administrative Law Judge, including initial and recommended decisions and actions taken pursuant to § 0.341, is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

§ 0.357 Record of actions taken.

The official record of all actions taken by the Chief Administrative Law Judge in docketed proceedings pursuant to § 0.351 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

§ 0.367 Record of actions taken.

The official record of all actions taken by the Review Board pursuant to § 0.361 or § 0.365 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

§ 0.377 Record of actions taken.

The official record of all actions taken by the Chief, Office of Opinions and Review, pursuant to § 0.371 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

[FR Doc.74-24143 Filed 10-16-74;8:45 am]

[Docket No. 19863]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Conversion of Marine Fixed and Receiver-Test Stations; Correction

1. The Commission Order in this proceeding was released on April 2, 1974, and was published in the FEDERAL REGISTER on April 8, 1974 (39 FR 12748).

2. The Report and Order inter alia amended § 81.132(a)(3), for the band 2000-2850 kHz, by the addition of a footnote which discontinued the availability of emission A3 in that band, effective July 1, 1975. Inadvertently, we omitted the application of that same limitation to the international distress and calling frequency 2182 kHz, which also appears in § 81.132(a)(3). This Errata corrects that oversight, that is, we have added a footnote to 2182 kHz to discontinue the availability of class of emission A3, effective on July 1, 1975.

3. In view of the foregoing, § 81.132(a)(3) of Part 81 is amended as set forth below.

Released: October 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 81.132, paragraph (a)(3) is amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(3) Marine fixed and marine receiver-test stations:

2000-2850 kHz, except for 2182 kHz: A3A and A3J[1]

2182 kHz: A3H[2]

* * * * *

[FR Doc.74-24144 Filed 10-16-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-57; Amdt. Nos. 172-28, 173-86]

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-179 OF THIS SUBCHAPTER

PART 173—SHIPPERS

Fluoboric Acid

NOTE.—This document is identical to FR Doc. 74-22558 published at 39 FR 35172, September 30, 1974, except for the effective date, issuance date, and signature.

On December 28, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendments 172-22, 173-77, and 178-30 in Docket No. HM-57 (38 FR 35467) which identified specifically by name a number of corrosive materials that would have been shipped as "Corrosive liquids, n.o.s." or "Corrosive solids, n.o.s." pursuant to the amendments dated March 23, 1972 (37 FR 5946). In the amendments published on December 28, 1973, the Board required that fluoboric acid be packaged according to the requirements set forth in § 173.264(a).

Three petitions for reconsideration of this amendment have been received: Harstan Chemical Corporation, Allied Chemical Corporation, and the Harshaw Chemical Company. These companies

[1] Emissions A3 and A3H may continue to be employed until July 1, 1975. These emissions will not be available for use after that date.

[2] Emission A3 may continue to be employed until July 1, 1975. This emission will not be available for use after that date.

advised the Board that the type of packaging in use at this time for this material was the packaging authorized in § 173.245. Further, each petitioner reported very satisfactory experience when using certain packagings specifically in use.

One petitioner furnished detailed amplifying information on the hazards of certain concentrations of fluoboric acid, setting forth valid reasoning why these materials are significantly different than hydrofluoric acid which is covered by § 173.264. This section of regulation is more stringent in its packing requirements and all petitioners argued that these restrictions were inordinate for the less hazardous material, fluoboric acid.

One petitioner based his petition on the fact that the proposed change in packaging, when published in notice form, was overlooked and for that reason no comments were submitted. In the amendment, a change in format in presenting the new regulations resulted in bringing the matter to petitioner's attention.

The Board has reviewed these petitions, and on the basis of the facts presented and the arguments for reconsideration, agrees that the regulations for packaging of fluoboric acid are overly restrictive.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are revised as follows:

In § 172.5 paragraph (a), the List of Hazardous Materials is revised as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
(*change*)				
Fluoboric acid	Cor	173.244, 173.283	Corrosive	1 gallon.

* * * * *

(A) In Part 173 table of contents, § 173.264 is revised and § 173.283 is added to read as follows:

Sec.

* * * * *

173.264 Hydrofluoric acid; white acid.
173.283 Fluoboric acid.

* * * * *

(B) In § 173.264, the heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.264 Hydrofluoric acid; white acid.

(a) Hydrofluoric acid and white acid (ammonium bifluoride and hydrochloric acid mixture), each must be packed in specification packaging as follows:

* * * * *

(C) § 173.283 is added to read as follows:

§ 173.283 Fluoboric acid.

(a) Fluoboric acid exceeding 50 percent concentration must be packed as prescribed in § 173.264(a) for hydrofluoric acid.

(b) Fluoboric acid of 50 per cent concentration or less must be packed as follows:

(1) In specification packaging as prescribed in paragraph (a) of this section.

(2) In specification packaging as prescribed in § 173.245(a) (12, (16), (18), (19), (21), (24), and (26).

These amendments are effective October 10, 1974.

Transportation of Explosives Act (18 U.S.C. 831–835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI; sec. 902(h) Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)).

Issued in Washington, D.C. on October 10, 1974.

JOHN W. INGRAM,
Board Member for the Federal Railroad Administration.

[FR Doc.74-24236 Filed 10-16-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. No. 1107]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. and Denver & Rio Grande Western Railroad Co.

Correction

In FR Doc. 74-23172, appearing at page 35798 in the issue for Friday, October 4, 1974, the bracket heading should read as set forth above.

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 134]

CAST OR MALLEABLE IRON PIPE FITTINGS

Withdrawal of Proposed Revocation of Exception From Country of Origin Marking Requirements

There was published in the FEDERAL REGISTER for March 7, 1973 (38 FR 6181), a notice that the United States Customs Service had under consideration a request to revoke the exception from country of origin marking for malleable and non-malleable cast iron pipe fittings which is presently authorized pursuant to 19 U.S.C. 1304(a)(3(J), and § 134.33, Customs Regulations (19 CFR 134.33).

The American Pipe Fittings Association had submitted information and affidavits indicating that malleable and non-malleable cast iron pipe fittings were not imported in substantial quantities in the 5-year period preceding January 1, 1937, and, accordingly, should not have been included in the list of articles excepted from marking under 19 U.S.C. 1304(a)(3)(J).

Careful consideration has been given to all of the comments submitted in response to the notice of proposed revocation of the exception from marking.

The comments added little additional specific information regarding the quantity of malleable iron pipe fittings imported in the years 1932 through 1936. Although the exact quantity cannot be determined, the evidence indicates that some malleable iron pipe fittings were imported during that period, and the quantity was deemed to be substantial within the meaning of 19 U.S.C. 1304(a)(3)(J), at the time the exceptions under this provision were promulgated.

In view of the comments received, the U.S. Customs Service finds that there is insufficient evidence to warrant a conclusion that malleable and non-malleable cast iron pipe fittings were not imported in substantial quantities in the 5-year period immediately preceding January 1, 1937, within the meaning of 19 U.S.C. 1304(a)(3)(J), without being required to be marked to indicate their country of origin.

Accordingly, the notice of proposed revocation of the exception from country of origin marking for malleable and non-malleable cast iron pipe fittings presently authorized under 19 U.S.C. 1304(a)(3)(J) is hereby withdrawn.

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

Approved: October 4, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-24152 Filed 10-16-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 43k]

REVISION OF THE FINAL ROLL OF THE MENOMINEE TRIBE OF WISCONSIN

OCTOBER 9, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

Notice is hereby given that it is proposed to add a new Part 43k to Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in section 7 of the Act of December 22, 1973 (PL 93-197; 87 Stat. 773).

The purpose of the new Part 43k is to establish procedures for revising the final roll of the Menominee Tribe of Wisconsin.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding these proposed regulations to the Commissioner of Indian Affairs, Washington, D.C. 20245, on or before November 18, 1974.

It is proposed to add a new Part 43k to Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 43k—REVISION OF THE FINAL ROLL OF THE MENOMINEE TRIBE OF WISCONSIN

Sec.
43k.1 Definitions.
43k.2 Purpose.
43k.3 Announcement of revision of roll.
43k.4 Basic membership roll.
43k.5 Additions to the roll.
43k.6 Removal of deceased persons from roll.
43k.7 Application forms.
43k.8 Filing of applications and deadline for filing.
43k.9 Burden of proof.
43k.10 Enrollment staff.
43k.11 Tenure of enrollment staff.
43k.12 Appeals.
43k.13 Decision of the Secretary on appeals.
43k.14 Current membership roll.
43k.15 Preparation of roll.
43k.16 Certification and approval of roll.
43k.17 Special instructions.

AUTHORITY: Sec. 7, 87 Stat. 773.

§ 43k.1 Definitions.

As used in this part:

(a) "Act" means the Act of Congress approved December 22, 1973, 87 Stat. 770, Public Law 93-197.

(b) "Secretary" means Secretary of the Interior.

(c) "Commissioner" means Commissioner of Indian Affairs or his authorized representative.

(d) "Director" means Area Director, Minneapolis Area Office, Bureau of Indian Affairs or his authorized representative.

(e) "Tribe" means the Menominee Tribe of Wisconsin.

(f) "Committee" means the Menominee Restoration Committee.

(g) "Staff" means enrollment staff employed by the Committee to prepare current membership roll.

(h) "Living" means born on or prior to and living on the specified date.

§ 43k.2 Purpose.

The regulations in this part govern the preparation of a current membership roll, as authorized by the Act of December 22, 1973 (87 Stat. 770).

§ 43k.3 Announcement of revision of roll.

When funds have been made available to the Committee to employ sufficient Staff to perform the work necessary to revise and update the membership roll of the tribe and such Staff has been employed and when the application forms and other necessary documents have been devised and printed, the Committee shall announce that a revision of the membership roll of the tribe shall commence on a specified date. The date specified shall be not less than fifteen (15) days nor more than thirty (30) days from the date the announcement is issued. A press release shall be prepared announcing the date the revision and

updating of the roll shall begin, other pertinent information such as the membership requirements and where application forms may be obtained. The press release shall be distributed to all newspapers and radio stations within the region of the reservation with a request that it be given wide publicity and shall be sent to all Indian Centers. Copies of the press release shall also be posted in the Great Lakes Agency and Minneapolis Area Office and at various other public places throughout the reservation area as well as in post offices of the towns adjacent to the Reservation.

§ 43k.4 Basic membership roll.

All persons living on December 22, 1973, whose names appear on the final roll of the Menominee Tribe of Wisconsin prepared and approved pursuant to the Act of June 17, 1954 (68 Stat. 250), shall be members of the tribe.

§ 43k.5 Additions to the roll.

There shall be added to the final roll of the tribe the names of all persons living on December 22, 1973, who meet the following qualifications:

(a) They are descendants born after midnight, June 17, 1954, of a person or persons whose names appear on the final roll; and

(b) They possess at least ¼ degree Menominee Indian blood; and

(c) They have filed an application for enrollment with the tribe in accordance with the procedures set forth in this part.

§ 43k.6 Removal of deceased persons from roll.

The name of any person who was not living on December 22, 1973, shall be stricken from the basic membership roll by the Staff upon receipt of a death certificate or other evidence of death acceptable to the Secretary.

§ 43k.7 Application forms.

(a) Application forms will be furnished by the Area Director, Committee or Staff or any other designated persons upon written or oral request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, the control numbers of the forms, and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing the application.

(b) Among other information, each application form shall contain:

(1) Certification as to whether the application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name, address, and relationship of the sponsor to the applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43k.8 Filing of applications and deadline for filing.

(a) Any person other than those persons whose names appear on the Menominee final roll who desires to be enrolled and who believes he meets the requirements for enrollment must file, or have filed in his behalf, a completed application form with the Staff, within ninety (90) days from the date specified in the announcement.

(b) Applications for minors, mental incompetents or other persons in need of assistance, members of the armed services or other services of the U.S. Government must be filed within ninety (90) days from the date specified in the announcement by the parent, next of kin, recognized guardian, next friend or other person responsible for their care.

§ 43k.9 Burden of proof.

The burden of proof of eligibility is on the applicant. If the applicant's parents or other ancestors through whom the applicant claims enrollment rights are unknown to the Staff and cannot be identified in the records, the Staff may request the applicant to furnish such additional information and evidence as it may deem necessary to determine the applicant's eligibility for enrollment. Failure of the applicant to furnish sufficient information to establish eligibility may be deemed sufficient cause for rejection.

§ 43k.10 Enrollment staff.

The Committee shall employ either from within or without the membership of the Committee, but not from without the membership of the tribe, an enrollment staff of at least five (5) persons to serve as the enrollment staff. The Staff shall review all applications for enrollment filed in accordance with the regulations in this part and shall determine the qualifications of the applicant for enrollment with the tribe. The Staff may perform such other functions relating to enrollment and membership in the tribe as the Committee may from time to time direct.

§ 43k.11 Tenure of enrollment staff.

The members of the Staff shall serve until such time as the final roll has been brought current but no later than the time that responsibility for the tribal roll is assumed by the tribal governing body.

§ 43k.12 Appeals.

Until such time as the tribe assumes responsibility for preparing the roll, appeals from rejected applications must be in writing and filed pursuant to Part 42 of this Chapter except that all appeals shall be determined by the Secretary within ninety (90) days after an appeal is initiated.

§ 43k.13 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the applicant or sponsor. When so directed by the Secretary, the Commissioner shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43k.14 Current membership roll.

The membership roll of the tribe shall be kept current until such time as the tribe assumes responsibility for the roll by striking therefrom the names of persons who have relinquished in writing their membership in the tribe and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Staff, and by adding thereto the names of children who meet the qualifications for membership in the tribe set forth in this part.

§ 43k.15 Preparation of roll.

The Staff shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a roll number, name, address, sex, date of birth, degree of Menominee blood, total degree of Indian blood, and, in the remarks column, the final roll number, name and relationship of the ancestor or ancestors through whom eligibility was established.

§ 43k.16 Certification and approval of roll.

The roll shall be certified by the Staff and Committee and a statement shall be attached to the roll by the Staff and Committee certifying that to the best of their knowledge and belief, the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Secretary shall approve the roll.

§ 43k.17 Special instructions.

To facilitate the work of the Staff, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 43k.

JOSE A. ZUNI,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-24150 Filed 10-16-74;8:45 am]

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Great Swamp National Wildlife Refuge, N.J.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Fish and Wildlife Service by chapter 2, part 242 of the Departmental Manual, it is proposed to open Great Swamp National Wildlife Refuge to white-tailed deer hunting.

The Fish and Wildlife Service proposes the issuance of the following regulation which, if final approval is given, would be effective on December 10, 1974.

The draft environmental impact statement discussing this proposed action has been filed with the Council on Environmental Quality. Copies are available from the Fish and Wildlife Service, Washington, D.C. Public comments are invited with regard to this rulemaking, and should be submitted before November 18, 1974, to the Director, U.S. Fish and Wildlife Service, Washington, D.C.

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

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 10, 1974, to December 14, 1974, inclusive, and during the New Jersey special one-day either-sex deer season on December 18, 1974. The open deer hunting areas are delineated on maps available at refuge headquarters, F.D. 1, Box 148, Basking Ridge, New Jersey 08920, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting of deer with firearms shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

Deer of either sex may be taken throughout the period of the hunt on the refuge. Four hundred hunter permittees will be randomly selected for the special hunt from applications for Great Swamp received by the New Jersey Division of Fish, Game and Shellfisheries. Only 150 hunters will be allowed to hunt on any given day during the hunt period. Special armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

All shotguns and loads used in the hunt must be certified by New Jersey Division of Fish, Game and Shellfisheries enforcement personnel prior to the refuge hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed." Baiting or hunting with the aid of bait is prohibited.

Other than on the days of the hunt, entry is permitted only on approved Public Use Areas as designated by signs.

The provisions of this special regulations supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR Part 32, and are effective through December 20, 1974.

LYNN A. GREENWALT,
Special Assistant to the Director, U.S. Fish and Wildlife Service.

[FR Doc.74-24199 Filed 10-16-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

REA RURAL TELEPHONE FACILITIES

REA Requirements and Procedure Covering the Purchase of Common Control Switching Equipment

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a memorandum (File With REA Bulletin 344-1) to provide REA requirements and procedure for purchasing common control switching equipment with funds loaned by REA, the Rural Telephone Bank or by another lender with the loan guaranteed by REA. On issuance of the proposed memorandum, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the contents of the proposed memorandum may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before November 18, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

The text of the proposed memorandum is as follows:

FILE WITH REA BULLETIN 344-1

GUIDELINES FOR THE PURCHASE OF COMMON CONTROL SWITCHING EQUIPMENT

In general, the award of common control central office equipment under the REA policy will be on the competitive bid basis as outlined in II, A, 1 and 2 below. However, 100 percent Bank and guaranteed loan borrowers may elect to obtain this equipment under the negotiation basis as set forth in II, B, 2.

I. General:

A. Plans and specifications for the procurement of common control central office equipment should be prepared on REA Form 524 a, b, c, and d, using either REA Form 525 or 545 for a contract. Plans and specifications must be reviewed and approved by REA prior to the release to bidders.

B. Since REA's prime objective is to furnish single-party service, it will be assumed that new common control offices will be arranged accordingly. Occasionally, however, there may be certain local conditions which will require some multi-party service.

C. When procuring foreign equipment under any of the plans listed under paragraph II, below, it will be necessary to obtain two or more domestic equipment proposals for comparable equipment for the purpose of making "Buy American" comparison.

D. Common control systems are divided into two size categories, i.e., SUS (small ultimate size) where the ultimate size does not exceed 6000 lines and (2) LUS (large ultimate size) where the ultimate size exceeds 6000 lines. Bulletin 344-2, "List of Materials Acceptable for Use on Telephone Systems of REA Borrowers," will list these offices under the appropriate category.

New common control installations may be approved.

a. For SUS common control equipment:

(1) When the initial requirement of the new central office is 600 lines or more and the equipment can meet the particular features specified, or

(2) In applications below 600 lines where complex switching and/or digit translation are required. No other features will justify use of common control equipment for less than 600 lines initially, unless a determination is made by the Area Director that the office will require common control features within the foreseeable future.

b. For LUS common control equipment when: (1) The initial requirement is 1000 lines or more, or

(2) The initial requirement is for 600 or more lines and there are requirements for complex switching and/or digit translation features which are not available with the SUS common control.

II. Procurement:

A. *Competitive Bidding.* 1. Procurement may be by competitive bids in which no less than three bidders capable of preparing a responsible bid will be invited to bid. Bids will be opened in public and the award will be made to the lowest responsible bidder or all bids shall be rejected.

2. Procurement may be by a "Two-Step Competitive Bid" in which case:

a. The method of evaluation of bids must be set forth in the contract documents and must require the submission of equipment lists and traffic calculations with the bids.

b. Standard REA Contract Forms 525 or 545, as appropriate, shall be used, except that the Notice and Instructions to Bidders shall state that prior to the bid opening a technical evaluation will be conducted with each supplier to resolve any questions related to the technical proposal submitted by the supplier. The suppliers' technical proposal should be requested far enough in advance of the bid opening to enable sufficient time to make the technical evaluation.

c. A sufficient number of firms (at least three) shall be invited to bid to assure adequate competition. A list of the firms invited to bid shall be sent to REA well in advance of the bid opening date.

d. Suppliers' technical proposal received by the owner should be considered by representatives from the board of directors of the borrower, the manager, and the borrower's engineer. The REA field engineer may attend these evaluations as an observer where requested by the borrower.

e. Upon completion of technical discussions, sealed bids will be solicited from the bidders whose technical proposals were found to meet the plans and specification requirements. The award will then be made to the low bidder.

f. The board shall, by appropriate resolution, award the contract to the low responsive bidder—such award to be subject to the approval of the Administrator.

g. REA is to be furnished a copy of the board resolution awarding the contract, a tabulation (certified by the borrower's engineer) of all bids received setting forth the prices, and a copy of the recommendations of the borrower's engineer. Three copies of the executed contract are to be submitted to REA for administrative approval.

B. *Negotiation.* 1. For either REA, Bank or guaranteed loan borrowers, additional common control central offices may be purchased by negotiation to standardize equipment on a system as outlined in Bulletin 344-1.

2. In the case of a 100 percent Bank or guaranteed loan borrower, certain negotiations may be approved when requested on a basis other than that described in the guidelines in paragraph 1, above. The permission to negotiate for initial common control central office equipment must be obtained prior to releasing the plans and specifications to the supplier.

Quotations from more than one supplier should be secured. It is recommended that a procedure similar to that outlined in Paragraph II, A, 2 (Two-Step) be used with the stipulation to the bidders that the award of the bid may be based upon factors other than low price.

III. As additional information is acquired by REA relative to features of the various types of common control equipment it will be distributed to REA, borrowers and consulting engineers for assistance in evaluating the bids. This will include both engineering and cost aspects of the features.

Dated: October 10, 1974.

C. R. BALLARD,
Assistant Administrator,
Rural Electrification Administration.

[FR Doc.74-24222 Filed 10-16-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 333]

OVER-THE-COUNTER DRUGS

Proposal to Establish a Monograph for OTC Topical Antimicrobial Products; Extension of Time for Additional Comment

A notice of proposed rulemaking was published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33103), in which the Commissioner of Food and Drugs issued the results of the OTC Antimicrobial I Advisory Review Panel and proposed to establish a monograph for OTC topical antimicrobial products. In the public interest, the Commissioner provided 60 days for comments and invited submission of such comments on or before November 12, 1974.

An additional 30 days were provided for additional comments replying to any comments so filed with such reply comments due on or before December 12, 1974.

The preamble of the monograph proposal states that in accordance with § 330.10(a)(2) all data and information submitted for consideration by the Advisory Review Panel have been handled as confidential by the Panel and the Food and Drug Administration, and that all such data and information shall be put on public display in the office of the Hearing Clerk, Food and Drug Administration, on or before October 15, 1974, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)).

The Commissioner has received requests from two major manufacturers of OTC antimicrobial products and from two trade associations requesting additional time for comments on the proposal.

1. Comment was made that a substantial amount of controversy has been generated regarding the proposed OTC topical antimicrobial products monograph because of the controversial conclusions and recommendations contained in the OTC Antimicrobial I Advisory Panel's Report on which this monograph is based. It was therefore requested that the time for comments be extended 60 days or until January 13, 1975.

The Commissioner concludes that the controversial nature of the report per se does not justify an extension of 60 days for comments. The controversial nature of any proposal is not necessarily related to the time needed to comment on it and no special showing was made.

2. Comment was made that both the OTC Antimicrobial I Advisory Review Panel's Report and the proposed OTC topical antimicrobial products monograph rely so extensively on data and information supplied to the Panel but not otherwise available that the development of detailed comments on the scientific basis for the Panel's conclusions can only be undertaken after interested parties have had a fair opportunity to review all the material to which the Panel has had access. It was pointed out that some 128 different references to unpublished reports and data are made in the Panel's report and that reliance on unpublished material for some of its conclusions appear to be so extensive in certain areas as to preclude the preparation of any type of meaningful comment until this material can be obtained and evaluated. It was also pointed out that this data will not be on public view until October 15, 1974, thus allowing only 30 days for initial comment instead of 60 days.

It was therefore requested that the the time allowed for comments and reply comments be computed from the date submitted data are released for public view rather than on the date of publication in the FEDERAL REGISTER. Alternately, initial comments on the presently nonpublic or unpublished material be accepted during the reply comment period.

The Commissioner agrees that more time for comment is necessary due to the heavy reliance upon unpublished data in this proposal. The Commissioner therefore concludes that for purposes of full public comment on this matter an extension of 30 days should be granted for the comment period, with 30 days for reply comments to follow as previously provided.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-42 as amended, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120), interested persons are therefore invited to submit their comments in writing (preferably in quintuplicate) regarding the proposal published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33103) on or before December 12, 1974. Such comments should be addressed to the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before January 13, 1975. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 11, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-24316 Filed 10-16-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner [Federal Housing Administration]

[24 CFR Part 275]

[Docket No. R-74-267]

LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678), prototype per unit cost schedules were published pursuant to Section 15(5) of the U.S. Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Oklahoma City Area Office indicates that the prototype costs published May 17, 1974 for Tulsa, Bartlesville, McAlester and Muskogee, Oklahoma should be revised.

Interested persons are invited to submit suggestions and data with respect to these proposed costs and all submittals received on or before November 13, 1974 will be considered before a final revision of the costs is adopted. Comments filed within that time will be without prejudice to the opportunity accorded all interested persons at any time to file information showing that a specific cost or costs may be inappropriate.

Written data, views or statements shall be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. Copies of comments received will be available for examination during business hours at the above address.

Accordingly, it proposed to amend 24 CFR Part 275 as follows:

1. On pages 17719 and 17720 of the FEDERAL REGISTER dated May 17, 1974, delete the existing Prototype Per Unit Cost Schedules shown for Detached and Semi-Detached Units and Row Dwellings for Tulsa, Bartlesville, McAlester and Muskogee, Oklahoma and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedules Sec. 7(d) of Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

REGION VI.—*Prototype per unit cost schedule*

	Number of bedrooms						
	0	1	2	3	4	5	6
Tulsa:							
Detached and semidetached	9,000	10,850	13,450	16,000	19,250	21,450	22,350
Row dwellings	8,350	10,150	12,500	14,850	17,850	19,000	20,800
Walk-up							
Elevator-structure							
Bartlesville:							
Detached and semidetached	9,450	11,400	14,150	16,800	20,200	22,500	23,500
Row dwellings	8,750	10,650	13,100	15,600	18,700	20,850	21,850
Walk-up							
Elevator-structure							
McAlester:							
Detached and semidetached	9,500	11,350	14,150	16,800	20,150	22,500	23,450
Row dwellings	8,750	10,600	13,100	15,600	18,700	20,850	21,800
Walk-up							
Elevator-structure							
Muskogee:							
Detached and semidetached	9,600	11,500	14,300	17,000	20,400	22,750	23,750
Row dwellings	9,050	11,000	13,650	16,200	19,450	21,700	22,650
Walk-up							
Elevator-structure							

[FR Doc.74-24045 Filed 10-16-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 215]

[Docket RSFC-4, Notice 1]

SAFETY STANDARDS

Railroad Freight Car

The Federal Railroad Administration (FRA) is considering amendments to Part 215, Railroad Freight Car Safety Standards. The standards were initially issued by FRA on November 12, 1973 (38 FR 32224) and became effective on January 1, 1974. Amendments to these standards were published in the July 11 and July 25, 1974 issues of the FEDERAL REGISTER (39 FR 25496, 27139) and they became effective upon issuance.

On February 11, 1974, the Association of American Railroads (AAR) filed a petition requesting modification of § 215.99 of the FRA Railroad Freight Car Safety Standards (49 CFR § 215.99) to extend to 48 months the present 36-month maximum interval for lubrication of grease lubricated roller bearings with end caps that rotate. On July 9, 1974, Trailer Train Company joined AAR in petitioning for this rule change and endorsed the position taken in the AAR petition.

In its petition, AAR contends that this modification is justified by the detrimental effects of over-lubrication and the proven ability of currently used greases and bearing component to provide safely, at a minimum, 48 months of service before lubrication. After carefully considering this matter, FRA proposes to amend § 215.99 (a) and (c) to extend the maximum allowable interval between lubrications from 36 months to 48 months, and to more precisely prescribe the manner in which these lubrications are to be accomplished.

FRA also proposes to amend § 215.9 by adding a paragraph (a) 3). This new paragraph would require a "bad order tag or card" to be affixed securely to each side of a railroad freight car which has any component described as defective in the FRA Freight Car Safety Standards, while it is being moved for repair under § 215.9(a). Use of a specific form for this purpose would not be required, provided the tag or card contains the information prescribed in the new paragraph. Railroads would be allowed to continue use of their own forms such as Form "B" or "C" described in Rule 130, Field Manual of the Interchange Rules adopted by the AAR Mechanical Division, Operations and Maintenance Department, which became effective January 1, 1974. Proposed subparagraph (3) also provides that the card may only be removed by a person designated by a railroad under § 215.15 who must sign it and write on the card the date, place and reason for its removal. A copy of each card attached to or removed from a car must be retained for 90 days and made available for inspection by FRA inspectors upon request.

In addition, § 215.7 would be amended by adding a new paragraph (b) to provide that a railroad which operates a defective freight car is deemed to know or have notice that the car is defective if a tag or card bearing the words "bad order" or "home shop for repairs" is attached to the car.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the docket number and notice number (RSFC-1, Notice 1), and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 4, 1974, will be considered by the Federal Railroad Administrator before final action is taken on the proposed amendments. Comments received after that date will be considered to the extent practical. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, NW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971 (45 U.S.C. 431) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

In consideration of the foregoing, it is proposed to amend 49 CFR Part 215 as set forth below.

Issued in Washington, D.C. on October 11, 1974.

JOHN W. INGRALL,
Administrator.

1. It is proposed to amend § 215.7 to read as follows:

§ 215.7 Responsibility for defective cars.

(a) Any railroad that knows, has notice, or should have known that a railroad freight car that it operates has any component which is described as defective in this part is responsible for compliance with this section. Subject to § 215.9, each railroad freight car which has a component described as defective in this part must be—

(1) Repaired; or

(2) Removed from service.

(b) For purposes of paragraph (a) of this section, a railroad is deemed to know or have notice that a freight car it operates has a defective component if a card described in § 215.9(a)(3) is attached to the car.

2. It is proposed to amend § 215.9(a) to read as follows:

§ 215.9 Movement of defective cars for repair.

(a) Except as provided in paragraph (b) of this section, a railroad freight car which has any component described as defective in this part may be moved for repair only after—

(1) A person designated under § 215.15 determines—

(i) That it is safe to move the car; and

(ii) The maximum speed and other restrictions necessary for safely conducting the movement;

(2) The person in charge of the train in which the car is to be moved is notified in writing and informs all other crewmembers of the presence of the defective car and the maximum speed and other restrictions determined under paragraph (a)(1)(ii) of this section. A copy of the tag or card described in paragraph (a)(3) of this section may be used to provide written notification; and

(3) A tag or card bearing the words "bad order" or "home shop for repairs" and containing the following information, is securely attached to each side of the car—

(i) Reporting mark and car number;

(ii) Name of inspecting railroad;

(iii) Inspection location, date and time;

(iv) Nature of defect and movement restrictions;

(v) Destination for shopping or repair; and

(vi) Signature of a person designated under § 215.15.

This tag or card may only be removed from the car by a person designated under § 215.15. A record or copy of each card attached to or removed from a car must be retained for 90 days and, upon request, made available for inspection by FRA inspectors. Each card removed from a car must contain a notation stating the date, location, reason for its removal and the signature of the person that removed it from the car.

3. It is proposed to amend the chart in paragraph (a) and paragraph (c) of § 215.99 as follows:

§ 215.99 Roller bearings.

(a) * * *

Description of bearing	Size of bearing	Amount of lubricant required	Lubricate bearing within the following number of months before car is oper.
Oil lubricated	All	Fill to maximum level	12
Grease lubricated; end caps do not rotate	All	16 ounces	18
Grease lubricated; end caps rotate	12 inches	12 ounces	48
	11 inches or less	8 ounces	48

* * * * *

(c) In the case of a grease lubricated roller bearing, the lubrication must be performed as follows:

(1) Immediately before the application of grease—

(i) Clean the grease fitting to prevent road dirt and foreign material from being forced into the bearings; and

(ii) Test the grease fitting to ensure it has not been damaged; and

(2) Insert the amount of Grade B grease (Association of American Railroads Specification M-917-64) prescribed in the chart in paragraph (a), using a properly calibrated dispensing device which is equipped with a strainer and is checked monthly to accurately measure ounces of grease.

* * * * *

[FR Doc.74-24247 Filed 10-16-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 87]

[FRL 280-4]

CONTROL OF AIR POLLUTION FROM SUPERSONIC AIRCRAFT

Notice of Public Hearings

Section 231 of the Clean Air Act, as amended by Public Law 91-604, directs the Administrator of the Environmental Protection Agency to "establish standards applicable to emission of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to air pollution which endangers the public health or welfare." Such standards were proposed for supersonic aircraft in the issue of the FEDERAL REGISTER published on July 23, 1974, at page 26653.

Section 231 of the Act also provides that the Administrator shall hold public hearings with respect to the proposed emission standards. Notice is hereby given of a hearing concerning the proposed supersonic aircraft emission standards to be held at:

Faneuil Hall
Faneuil Hall Square
Boston, Massachusetts

on November 14 and 15, 1974, and

California State Building
217 West First Street
Room 115
Los Angeles, California 90012

on November 26 and 27, 1974.

This hearing is intended to provide an opportunity for interested persons to state their views or arguments, or provide information relative to the proposed emission standards for supersonic aircraft.

Dr. Norman Shutler is hereby designated as the Presiding Officer for the hearings. He will be responsible for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

Any person desiring to make a statement at the hearings or submit material for inclusion in the record of the hearings should provide written notice of such intention not later than 15 days prior to the hearing date. Also, 25 copies of the proposed statement or material for inclusion in the record should be submitted not later than five days before the hearing date to the Director, Mobile Source Enforcement Division (EG-340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Date: October 9, 1974.

ALAN G. KIRK,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-24086 Filed 10-16-74;8:45 am]

[40 CFR Part 180]

[FRL 280-2]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Linuron; Proposed Tolerance

The State of California, Department of Food and Agriculture, 1220 N Street, Sacramento, CA 95814, submitted a petition (PP 3E1373) proposing establishment of a tolerance for residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) in or on the raw agricultural commodity asparagus at 0.25 part per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is proposed.
2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.
3. The proposed tolerance will protect the public health.
4. The wording for corn in § 180.184 should be updated to conform to that now in use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that § 180.184 be amended by revising the paragraph "0.25 part per million * * *" to read as follows:

§ 180.184 Linuron tolerances for residues.

* * * * *

0.25 part per million in or on asparagus, corn grain including popcorn, fresh corn including sweet corn (kernels plus cob with husk removed), cottonseed, and the grain of barley, oats, rye, sorghum (milo), and wheat.

* * * * *

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before November 18, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 421, East Tower, 401 M Street, SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before November 18, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 5, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-24801 Filed 10-16-74;8:45 am]

[40 CFR Part 419]

[280-1 FRL]

PETROLEUM REFINING POINT SOURCE CATEGORY

Proposed Effluent Limitations and Guidelines

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR 419—Petroleum Refining Point Source Category; Subpart A—Topping Subcategory, §§ 419.12(b) (1) and (2), 419.13(b) (1) and (2), and 419.15(b) (1) and (2); Subpart B—Cracking Subcategory, §§ 419.22(b) (1) and (2), 419.23(b) (1) and (2) and 419.25(b) (1) and (2); Subpart C—Petrochemical Subcategory, §§ 419.32(b) (1) and (2), 419.33(b) (1) and (2) and 419.35(b) (1) and (2); Subpart D—Lube Subcategory, §§ 419.42(b) (1) and (2), 419.43(b) (1) and (2) and 419.45(b) (1) and (2); Subpart E—Integrated Subcategory, §§ 419.52(b) (1) and (2), 419.53(b) (1) and (2) and 419.55(b) (1) and (2) as set forth below. 40 CFR 419 was promulgated on May 9, 1974, pursuant to sections 301, 304 (b) and (c) 306(b) and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. et seq.; Pub. L. 92-500 of the Act.

During the preparation of the size and process factors for each subcategory a continuous function for each of these factors was broken down into distinct ranges, in order to make their use more manageable.

As a result of comment received after the promulgation of this regulation, it was found that the ranges used in preparing the size and process factors were too broad. These broad ranges resulted in a step change, from one range to another, of up to 50 percent in the allocation received.

The range sizes are therefore being reduced so that the change in allocation will be only 10-15 percent in most cases.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW, Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before November 18, 1974, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: October 8, 1974.

JOHN QUARLES,
Acting Administrator.

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1. Section 419.12(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	*Size factor*
Less than 24.9	1.02
25.0 to 49.9	1.06
50.0 to 74.9	1.16
75.0 to 99.9	1.26
100.0 to 124.9	1.38
125.0 to 149.9	1.50
150.0 or greater	1.57

(2) Process factor.

Process configuration:	*Process factor*
Less than 2.49	0.62
2.5 to 3.49	0.67
3.5 to 4.49	0.80
4.5 to 5.49	0.95
5.5 to 5.99	1.07
6.0 to 6.49	1.17
6.5 to 6.99	1.27
7.0 to 7.49	1.39
7.5 to 7.99	1.51
8.0 to 8.49	1.64
8.5 to 8.99	1.79
9.0 to 9.49	1.95
9.5 to 9.99	2.12
10.0 to 10.49	2.31
10.5 to 10.99	2.51
11.0 to 11.49	2.73
11.5 to 11.99	2.98
12.0 to 12.49	3.24
12.5 to 12.99	3.53
13.0 to 13.49	3.84
13.5 to 13.99	4.18
14.0 or greater	4.36

* * * * *

2. Section 419.13(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	*Size factor*
Less than 24.9	1.02
25.0 to 49.9	1.06
50.0 to 74.9	1.16
75.0 to 99.9	1.26
100.0 to 124.9	1.38
125.0 to 149.9	1.50
150.0 or greater	1.57

(2) Process factor.

Process configuration:	*Process factor*
Less than 2.49	0.62
2.5 to 3.49	0.67
3.5 to 4.49	0.80
4.5 to 5.49	0.95
5.5 to 5.99	1.07
6.0 to 6.49	1.17
6.5 to 6.99	1.27
7.0 to 7.49	1.39
7.5 to 7.99	1.51
8.0 to 8.49	1.64
8.5 to 8.99	1.79
9.0 to 9.49	1.95
9.5 to 9.99	2.12
10.0 to 10.49	2.31
10.5 to 10.99	2.51
11.0 to 11.49	2.73
11.5 to 11.99	2.98
12.0 to 12.49	3.24
12.5 to 12.99	3.53
13.0 to 13.49	3.84
13.5 to 13.99	4.18
14.0 or greater	4.36

* * * * *

3. Section 419.15(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.15 Standards of performance for new sources.

* * * * *

(b) * * *

(1) Size factor.

1,000 bbl of feedstock per stream day:	*Size factor*
Less than 24.9	1.02
25.0 to 49.9	1.06
50.0 to 74.9	1.16
75.0 to 99.9	1.26
100.0 to 124.9	1.38
125.0 to 149.9	1.50
150.0 or greater	1.57

(2) Process factor.

Process configuration:	*Process factor*
Less than 2.49	0.62
2.5 to 3.49	0.67
3.5 to 4.49	0.80
4.5 to 5.49	0.95
5.5 to 5.99	1.07
6.0 to 6.49	1.17
6.5 to 6.99	1.27
7.0 to 7.49	1.39
7.5 to 7.99	1.51
8.0 to 8.49	1.64
8.5 to 8.99	1.79

Process configuration:	Process factor
9.0 to 9.49	1.95
9.5 to 9.99	2.12
10.0 to 10.49	2.31
10.5 to 10.99	2.51
11.0 to 11.49	2.73
11.5 to 11.99	2.98
12.0 to 12.49	3.24
12.5 to 12.99	3.53
13.0 to 13.49	3.84
13.5 to 13.99	4.18
14.0 or greater	4.36

* * * * *

4. Section 419.22(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 24.9	0.91
25.0 to 49.9	0.95
50.0 to 74.9	1.04
75.0 to 99.9	1.13
100.0 to 124.9	1.23
125.0 to 149.9	1.35
150.0 or greater	1.41

(2) Process factor.

Process configuration:	Process factor
Less than 2.49	0.58
2.5 to 3.49	0.63
3.5 to 4.49	0.74
4.5 to 5.49	0.88
5.5 to 5.99	1.00
6.0 to 6.49	1.09
6.5 to 6.99	1.19
7.0 to 7.49	1.29
7.5 to 7.99	1.41
8.0 to 8.49	1.53
8.5 to 8.99	1.67
9.0 to 9.49	1.82
9.5 or greater	1.89

* * * * *

5. Section 419.23(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 24.9	0.91
25.0 to 49.9	0.95
50.0 to 74.9	1.04
75.0 to 99.9	1.13
100.0 to 124.9	1.23
125.0 to 149.9	1.35
150.0 or greater	1.41

(2) Process factor.

Process configuration:	Process factor
Less than 2.49	0.58
2.5 to 3.49	0.63
3.5 to 4.49	0.74
4.5 to 5.49	0.88
5.5 to 5.99	1.00
6.0 to 6.49	1.09
6.5 to 6.99	1.19
7.0 to 7.49	1.29
7.5 to 7.99	1.41
8.0 to 8.49	1.53
8.5 to 8.99	1.67
9.0 to 9.49	1.82
9.5 or greater	1.89

* * * * *

6. Section 419.25(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.25 Standards of performance for new sources.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 24.9	0.91
25.0 to 49.9	0.95
50.0 to 74.9	1.04
75.0 to 99.9	1.13
100.0 to 124.9	1.23
125.0 to 149.9	1.35
150.0 or greater	1.41

(2) Process factor.

Process configuration:	Process factor
Less than 2.49	0.58
2.5 to 3.49	0.63
3.5 to 4.49	0.74
4.5 to 5.49	0.88
5.5 to 5.99	1.00
6.0 to 6.49	1.09
6.5 to 6.99	1.19
7.0 to 7.49	1.29
7.5 to 7.99	1.41
8.0 to 8.49	1.53
8.5 to 8.99	1.67
9.0 to 9.49	1.82
9.5 or greater	1.89

* * * * *

7. Section 419.32(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 24.9	0.73
25.0 to 49.9	0.76
50.0 to 74.9	0.83
75.0 to 99.9	0.91
100.0 to 124.9	0.99
125.0 to 149.9	1.08
150.0 or greater	1.13

(2) Process Factor.

Process configuration:	Process factor
Less than 4.49	0.73
4.5 to 5.49	0.80
5.5 to 5.99	0.91
6.0 to 6.49	0.99
6.5 to 6.99	1.08
7.0 to 7.49	1.17
7.5 to 7.99	1.28
8.0 to 8.49	1.39
8.5 to 8.99	1.51
9.0 to 9.49	1.65
9.5 or greater	1.72

* * * * *

8. Section 419.33(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 24.9	0.73
25.0 to 49.9	0.76
50.0 to 74.9	0.83
75.0 to 99.9	0.91
100.0 to 124.9	0.99
125.0 to 149.9	1.08
150.0 or greater	1.13

(2) Process factor.

Process configuration:	Process factor
Less than 4.49	0.73
4.5 to 5.49	0.80
5.5 to 5.99	0.91
6.0 to 6.49	0.99
6.5 to 6.99	1.08
7.0 to 7.49	1.17
7.5 to 7.99	1.28
8.0 to 8.49	1.39
8.5 to 8.99	1.51
9.0 to 9.49	1.65
9.5 or greater	1.72

* * * * *

9. Section 419.35(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.35 Standards of performance for new sources.

* * * * *

(b) * * *

(1) Size factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 24.9	0.73
25.0 to 49.9	0.76
50.0 to 74.9	0.83
75.0 to 99.9	0.91
100.0 to 124.9	0.99
125.0 to 149.9	1.08
150.0 or greater	1.13

(2) Process factor.

Process configuration:	Process factor
Less than 4.49	0.73
4.5 to 5.49	0.80
5.5 to 5.99	0.91
6.0 to 6.49	0.99
6.5 to 6.99	1.08
7.0 to 7.49	1.17
7.5 to 7.99	1.28
8.0 to 8.49	1.39
8.5 to 8.99	1.51
9.0 to 9.49	1.65
9.5 or greater	1.72

* * * * *

10. Section 419.42(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 49.9	0.71
50.0 to 74.9	0.74
75.0 to 99.9	0.81
100.0 to 124.9	0.88
125.0 to 149.9	0.97
150.0 to 174.9	1.05
175.0 to 199.9	1.14
200.0 or greater	1.19

(2) Process factor.

Process configuration:	Process factor
Less than 6.49	0.81
6.5 to 7.49	0.88
7.5 to 7.99	1.00
8.0 to 8.49	1.09
8.5 to 8.99	1.19
9.0 to 9.49	1.29
9.5 to 9.99	1.41
10.0 to 10.49	1.53
10.5 to 10.99	1.67
11.0 to 11.49	1.82
11.5 to 11.99	1.98
12.0 to 12.49	2.15
12.5 to 12.99	2.34
13.0 or greater	2.44

* * * * *

11. Section 419.43(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 49.9	0.71
50.0 to 74.9	0.74
75.0 to 99.9	0.81
100.0 to 124.9	0.88
125.0 to 149.9	0.97
150.0 to 174.9	1.05
175.0 to 199.9	1.14
200.0 or greater	1.19

(2) Process factor.

Process configuration:	Process factor
Less than 6.49	0.81
6.5 to 7.49	0.88
7.5 to 7.99	1.00
8.0 to 8.49	1.09
8.5 to 8.99	1.19
9.0 to 9.49	1.29
9.5 to 9.99	1.41
10.0 to 10.49	1.53
10.5 to 10.99	1.67
11.0 to 11.49	1.82
11.5 to 11.99	1.98
12.0 to 12.49	2.15
12.5 to 12.99	2.34
13.0 or greater	2.44

* * * * *

12. Section 419.45(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.45 Standards of performance for new sources.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 49.9	0.71
50.0 to 74.9	0.74
75.0 to 99.9	0.81
100.0 to 124.9	0.88
125.0 to 149.9	0.97
150.0 to 174.9	1.05
175.0 to 199.9	1.14
200.0 or greater	1.19

(2) Process factor.

Process configuration:	Process factor
Less than 6.49	0.81
6.5 to 7.49	0.88
7.5 to 7.99	1.00
8.0 to 8.49	1.09
8.5 to 8.99	1.19
9.0 to 9.49	1.29
9.5 to 9.99	1.41
10.0 to 10.49	1.53
10.5 to 10.99	1.67
11.0 to 11.49	1.83
11.5 to 11.99	1.98
12.0 to 12.49	2.15
12.5 to 12.99	2.34
13.0 or greater	2.44

* * * * *

13. Section 419.52(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 124.9	0.73
125.0 to 149.9	0.76
150.0 to 174.9	0.83
175.0 to 199.9	0.91
200.0 to 224.9	0.99
225 or greater	1.04

(2) Process factor.

Process configuration:	Process factor
Less than 6.49	0.75
6.5 to 7.49	0.82
7.5 to 7.99	0.92
8.0 to 8.49	1.00
8.5 to 8.99	1.10
9.0 to 9.49	1.20
9.5 to 9.99	1.30
10.0 to 10.49	1.42
10.5 to 10.99	1.54
11.0 to 11.49	1.68
11.5 to 11.99	1.83
12.0 to 12.49	1.99
12.5 to 12.99	2.17
13.0 or greater	2.26

* * * * *

14. Section 419.53(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 124.9	0.73
125.0 to 149.9	0.76
150.0 to 174.9	0.83
175.0 to 199.9	0.91
200.0 to 224.9	0.99
225 or greater	1.04

(2) Process factor.

Process configuration:	Process factor
Less than 6.49	0.75
6.5 to 7.49	0.82
7.5 to 7.99	0.92
8.0 to 8.49	1.00
8.5 to 8.99	1.10
9.0 to 9.49	1.20
9.5 to 9.99	1.30
10.0 to 10.49	1.42
10.5 to 10.99	1.54
11.0 to 11.49	1.68
11.5 to 11.99	1.83
12.0 to 12.49	1.99
12.5 to 12.99	2.17
13.0 or greater	2.26

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15. Section 419.55(b) is amended by revising paragraphs (1) and (2) to read as follows:

§ 419.55 Standards of performance for new sources.

* * * * *

(b) * * *

(1) Size Factor.

1,000 bbl of feedstock per stream day:	Size factor
Less than 124.9	0.73
125.0 to 149.9	0.76
150.0 to 174.9	0.83
175.0 to 199.9	0.91
200.0 to 224.9	0.99
225 or greater	1.04

(2) Process factor.

Process configuration:	Process factor
Less than 6.49	0.75
6.5 to 7.49	0.82
7.5 to 7.99	0.92
8.0 to 8.49	1.00
8.5 to 8.99	1.10
9.0 to 9.49	1.20
9.5 to 9.99	1.30
10.0 to 10.49	1.42
10.5 to 10.99	1.54
11.0 to 11.49	1.68
11.5 to 11.99	1.83
12.0 to 12.49	1.99
12.5 to 12.99	2.17
13.0 or greater	2.26

[FR Doc.74-24080 Filed 10-16-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19902; FCC 74-1036]

DAYTIME AM BROADCAST STATIONS

One Hour Advancement in Sign-On Time

In the matter of amendment of Part 73 of the Commission's rules to provide a one-hour advancement in the sign-on times of daytime AM broadcast stations to recoup the morning hour lost by the enactment of year-round Daylight Saving Time. Order rescinding FCC 73-1324 (39 FR 1077) and FCC 74-135 (39 FR 6146).

1. By Public Law approved October 5, 1974, and effective October 27, 1974 (Pub. L. 93-434), Pub. L. 93-182, enacted December 15, 1973, was amended to return

the nation to "standard" (non-advanced) time between October 27, 1974, and February 23, 1975. This legislation applies to all states and possessions with the exception of jurisdictions exempted from year-round daylight saving time (YRDST), either by virtue of local legislation or by order of the Secretary of Transportation; i.e., all or portions of Arizona, Hawaii, Idaho, Indiana, Kentucky, Michigan, Puerto Rico, the Virgin Islands, and American Samoa.

2. Absent further action by Congress, the nation will, effective the last Sunday of April 1975, revert to the traditional "6 and 6" formula provided by the Uniform Time Act of 1966; i.e., the observance of "standard" time during the six months between the last Sunday of October and the last Sunday of April, and the observance of advanced time between the last Sunday of April and the last Sunday of October.

3. By way of explanation, YRDST was legislated last year as an energy conservation measure. One result of this legislation was to delay daytimers' "clock-time" sign-on times during the winter and early spring portions of 1974, when "standard" time had heretofore prevailed. In enacting YRDST, it was recognized by Congress that many people accustomed to receiving the early morning programs of daytime broadcast stations would be arriving at work or school before the authorized sign-on times of many such stations. For this reason, section 6 of PL 93-182 directed the Commission to make emergency adjustments in the sign-on times and powers of daytime-only stations, with due regard to skywave interference caused to co-channel fulltimers and to the requirements of international agreements to which the United States is signatory.

4. In carrying out this mandate, we adopted a series of rulemaking proposals and interim orders designed to maximize the pre-sunrise operations of daytime-only stations without, at the same time, destroying fulltime services being conducted on the same channels. In general terms, the measures thus far taken provided a minimum of one hour of pre-sunrise operation with a power of at least 50 watts, except where such operation is barred by international agreement.[1]

5. It is estimated that more than 1000 class III daytimers and approximately 165 class II daytimers have benefited from these actions. However, and as demonstrated by the comments received to date in this proceeding, the relief we were able to provide in this situation was severely limited by interference conflicts between daytimers and fulltimers sharing the same channels under nighttime skywave propagation conditions. In the majority of cases, daytime stations were simply "backed up" one hour with the powers specified in their pre-sunrise service authorizations (PSA's).

6. The legislative history of Pub. L. 93-182 (YRDST) makes clear that Congress intended our emergency authority to adjust the sign-on times and powers of daytime stations to be exercised only to compensate for the dislocations resulting from YRDST. It follows that if the two emergency pre-sunrise operating orders thus far adopted in this proceeding are allowed to remain in force beyond the return to "standard" time on October 27 of this year, we would be exceeding the authority granted by Congress under section 6 of Pub. L. 93-182 and, in addition, would deprive affected fulltime stations of hearing rights to which they are entitled under section 316 of the Communications Act. It is therefore necessary that we rescind these emergency orders, effective with the return to "standard" time (2 a.m., October 27, 1974). The sign-on practices of all daytime stations will then be governed by their licensed sign-on times or by the terms of PSA's issued pursuant to § 73.99 of our rules. In taking this action, we recognize that between February 23 and April 27, 1975, when most of the country again returns to daylight saving time, daytime stations will suffer varying (but diminishing) degrees of hardship. For this reason, we wish to indicate our intention, barring unforeseen circumstances, to permit those classes of daytime stations now entitled to added hours of pre-sunrise operation under the emergency orders herein rescinded, to operate between February 23 and April 27, 1975, on generally the same footing as provided in those orders. It is contemplated that these benefits will be spelled out in an order to be released early in 1975 which will, among other things, incorporate whatever temporary operating benefits are arrived at as a result of the ongoing negotiations with Canada.

7. Authority for the adoption of this order is contained in Pub. L. 93-434, Pub. L. 93-182, and sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

8. Accordingly, *it is ordered*, That effective 2 a.m., October 27, 1974, the Orders adopted December 18, 1973, and February 6, 1974, in this proceeding (FCC 73-1324, and FCC 74-135, respectively) are rescinded, and all affected stations shall revert to their licensed and/or authorized PSA modes of operation as provided in §§ 73.87 and 73.99 of the rules pending further order of the Commission.

Adopted: October 8, 1974.

Released: October 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-24145 Filed 10-16-74;8:45 am]

[1] Pre-sunrise operation by approximately 200 U.S. class II daytimers assigned to the seven Canadian I-A clear channels—540 kHz, 690 kHz, 740 kHz, 860 kHz, 990 kHz, 1010 kHz, and 1580 kHz—is now precluded by international agreement. The possible use of these channels by co-channel daytime stations in the United States is the subject of on-going negotiations with Canada. In the case of the Bahamian I-A clear channel (1540 kHz), on which about 40 U.S. class II daytimers operate, a final agreement was recently concluded under which a substantial number of these stations can be authorized to engage in pre-sunrise operation in accordance with the protection standards contained in that agreement. Since the Bahamian agreement is not tied to the continuation of YRDST in the United States, we plan to proceed with its implementation in the near future by appropriate amendment of section 73.99 of our rules. The operation of U.S. class II daytimers assigned to frequencies on which Mexico has clear channel priorities is already provided for in section 73.99 as an outgrowth of the 1970 "pre-sunrise" agreement with that country (TIAS-7021).

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

OCTANE AND PRICE POSTING RULES

Notice of Public Hearings

The Federal Energy Administration hereby gives notice that public hearings will be held on the proposed amendment to the Octane and Price Posting Regulation (10 CFR 212.129). Notice of the proposed rulemaking was issued on August 5, 1974 (39 FR 28646, August 9, 1974). The comments of the Administrator of the Environmental Protection Agency, which were included with the initial notice, were published at a later date, and the time for filing written comments in this proceeding was extended to September 3, 1974 (39 FR 30505, August 23, 1974).

Inasmuch as the rulemaking proposes only minor changes in an existing regulation, public hearings were not scheduled because of the slight public impact these proposed minor changes would have. Nevertheless, a request for oral presentation of comments having been received, FEA has determined that a public hearing should be held.

Therefore, public hearings in this proceeding regarding the Proposed Amendment to the Octane and Price Posting Regulation will be held beginning at 9:30 a.m. on November 5, 1974, at the Federal Building, Room 3000, 12th and Pennsylvania Avenue, NW, Washington, D.C., in order to receive comments from interested persons.

Any person who has an interest in the Proposed Amendment to the Octane and Price Posting Regulation, or who is a representative of a group or class of persons which has an interest in the Proposed Amendment, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Box BC, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., 20461, and must be received before 4:30 p.m., e.d.t., October 29, 1974. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through

Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and give a concise summary of the proposed oral presentation and a phone number where he may be contacted through October 30, 1974. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., October 30, 1974 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on November 4, 1974.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentation and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., November 1, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, The Federal Building, 12th and Pennsylvania Avenue NW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., October 11, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.74-24157 Filed 10-16-74; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74-1051]

FEDERAL SAVINGS AND LOAN SYSTEM

Payments to Third Parties; Proposed Amendment

OCTOBER 9, 1974.

The following summary of the amendments proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulation.

I. Existing regulation: Limits the authority of Federal associations to offer bill payment services primarily to the payment of "housing-related items".

II. Proposed amendments: Remove the "housing-related items" restriction.

III. Effect of proposed amendment: Enables Federal associations to offer a full range of bill payment services.

The Federal Home Loan Bank Board considers it desirable to propose to amend § 545.4-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.4-1) by deleting the second sentence of § 545.4-1(a)(2) in order to expand the authority of Federal associations to offer "giro-type" funds transfer services as described below.

Section 545.4-1(a)(1) authorizes Federal associations to honor withdrawal requests "in the form of nontransferable orders or authorizations to the association for the payment of amounts in savings accounts to third parties periodically or otherwise * * *." The second sentence of § 545.4-1(a)(2) restricts this authority as follows:

> A Federal association may accept orders or authorizations for payment by the association to third parties only for the purchase of obligations of the United States, payment of premiums on mortgagor or savings member insurance plans, systematic payment of withdrawals to a relative of the accountholder, and payment on behalf of accountholders for housing-related items and loans for such items, including residential real estate mortgages, taxes, and insurance, rent, utilities, home improvements, mobile homes, fixtures, major home furnishings, major home appliances, and similar items.

The Board proposes to remove the above-quoted restriction. If this restriction, commonly referred to as the "housing-related items" restriction, is removed as proposed, the principal effect of the amendment will be to enable Federal associations to offer bill payment services to their customers without restriction as to the type of transactions out of which payments arise. For example, a Federal association would be authorized to honor withdrawal requests in the form of nontransferable orders or authorizations to the association for the payment of any of the customer's bills. Such bill payment services are referred to as "giro-type" bill payment services after a similar service offered in England and in some European countries, in which payment orders are given by the accountholder directly to the financial institution in question.

The first sentence of § 545.4-1(a)(2) would continue to prohibit checking-account-like powers for Federal associations. That sentence provides that, "An accountholder shall not have a right to transmit or deliver any such order or authorization to a third party to whom a withdrawal is to be paid or transferred, and a Federal association shall not accept any such order or authorization which is received by it from or through such a third party."

Accordingly, the Board hereby proposes to revise § 545.4-1(a)(2) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by November 20, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.4-1 Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.

(a) *Withdrawals and transfers.*

(1) *General.* Savings accounts in a Federal association shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association. However, withdrawal requests may be in the form of nontransferable orders or authorizations to the association for the payment of amounts in savings accounts to third parties periodically or otherwise. Any such order or authorization which may be honored as a withdrawal request for payment to a third party may, if so authorized by the third party, also be honored as a transfer to a savings account of such third party. The association may charge a fee for its services in making any payment or transfer pursuant to this section.

(2) *Restrictions.* An accountholder shall not have a right to transmit or deliver any such order or authorization to a third party to whom a withdrawal is to be paid or transferred, and a Federal association shall not accept any such order or authorization which is received by it from or through such a third party.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board

[SEAL] A. CATHERINE POORE,
Assistant Secretary.

[FR Doc.74-24213 Filed 10-16-74;8:45 am]

[12 CFR Part 584]

[No. 74-995]

SAVINGS AND LOAN HOLDING COMPANIES

Service Corporation Subsidiaries of Subsidiary Insured Institutions; Withdrawal of Proposed Amendment

SEPTEMBER 25, 1974.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 73-1377, dated September 19, 1973, proposed to amend Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) for the purpose of extending to service corporation subsidiaries of subsidiary insured institutions the prohibitions against such subsidiary insured institutions engaging in certain transactions with their affiliates. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on October 16, 1973 (38 FR 28706-28707), and interested persons were invited to submit written data, views and arguments as to whether such proposal should be adopted, rejected or modified, by November 16, 1973. Upon consideration of the written comments received and other available information, the Board considers it advisable to withdraw the proposal from consideration at this time. However, the Board has directed its examination staff to pay particular attention to such transactions with a view toward possible further regulatory action.

Accordingly, the Board hereby withdraws from consideration the amendment relating to transactions with holding company affiliates proposed by said Resolution No. 73-1377.

(Sec. 402, 48 Stat. 1256, as amended; 3408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; (12 U.S.C. 1725, 1730a) Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE, *Assistant Secretary.*

[FR Doc.74-24214 Filed 10-16-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 32]

[Docket No. RM75-3]

INTERCONNECTION OF FACILITIES; EMERGENCIES, TRANSMISSION TO FOREIGN COUNTRY

Extension of Time

OCTOBER 9, 1974.

On October 7, 1974, Metropolitan Edison Company, Jersey Central Power and Light Company, Pacific Gas and Electric Company, Pennsylvania Electric Company and Pennsylvania Power and Light Company filed a motion to extend the comment period fixed by Notice issued August 26, 1974, in the above-designated matter (39 FR 31654, August 30, 1974).

Upon consideration, notice is hereby given that the final date for submitting comments in the above matter is extended to and including October 23, 1974.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-24109 Filed 10-16-74;8:45 am]

[18 CFR Part 154]

[Docket No. RM75-9]

RATE INCREASES

Proposed Change in Notice Requirements for Filing

OCTOBER 9, 1974.

Notice is hereby given pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 551 et seq. (1970), and sections 4 and 16 of the Natural Gas Act[1] that the Federal Power Commission proposes to amend §§ 154.38, and 154.63 of its regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, in the manner set forth below. The changes proposed herein would amend provisions in the regulations which require natural gas pipeline companies to file changes in wholesale rates for the purpose of tracking purchased gas costs and increases due to research and development expenditures 45 days prior to the proposed effective date of the filing. The proposed changes would also amend the provision in the regulations which provides a pipeline company a 15-day period to cure a deficiency in a general rate increase filing upon notification of that deficiency if the pipeline files the proposed rate increase 45 days prior to its requested effective date.

We feel compelled to amend § 154.38 of the regulations in light of the District of Columbia Circuit Court of Appeals' decision in Indiana & Michigan Electric Company v. Federal Power Commission.[2] In a challenge to the Commission's authority to require the prefiling of certain cost of service data 60 days prior to the proposed effective date of a rate increase the Court declared § 35.13(b)(4)(i) of the regulations under the Federal Power Act to be invalid. The Court found that "the practical effect of the section is to impose a de facto 60 day notice requirement on utilities seeking to increase their rates."[3] Because section 205(d) of the Federal Power Act, which provides for a 30 day notice period, created not only a "minimum notice period for the utility's customers and the Commission but also a maximum waiting period for the filing utility,"[4] the Court held that the Commission's 60 day filing requirement in § 35.13(b) of its regulations "contravenes the terms of section 205(d) of the Federal Power Act."[5]

The Court concluded that "[t]hirty days is the maximum a utility can be compelled to wait from the time it files its rate changes until the date the charges take effect unless the Commission properly exercises its suspension power."[6]

Section 4(d) of the Natural Gas Act,[7] pursuant to which the regulations proposed to be amended were implemented, contains language virtually identical to that in section 205(d) of the Federal Power Act. Although a Court has upheld the Commission's authority under section 4(d) to require a notice period of longer than 30 days for a proposed increased rate filing,[8] we believe that the Indiana & Michigan decision under the facts presented in that case may be controlling.[9] We therefore are of the opinion that Indiana & Michigan compels us to amend the sections in the regulations Under the Natural Gas Act which presently require a notification period in excess of the 30 day period provided in section 4(d) of the Natural Gas Act.

We are cognizant that with respect to §§ 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e), which permit tracking of increased purchased gas costs and expenditures for research and development, that a 30 day notice period may not provide sufficient time for pipeline company customers to seek adjustment of their rates. Indeed this concern was a primary impetus for our substituting a 45 day notice period for PGA filings[10] rather than the 30 day notice period we originally suggested in our proposed rulemaking in Docket No. R-406.[11]

Although we are aware of the difficulties to be borne by pipeline customers in their attempts to readjust their rates to

[1] 15 U.S.C. 717c and 717o.

[2] Docket No. 72-2168, issued February 14, 1974, order on rehearing issued August 14, 1974.

[3] Slip Opinion, p. 8.

[4] Slip Opinion, p. 9. Emphasis by the Court.

[5] Slip Opinion, p. 8.

[6] Slip Opinion, p. 9.

[7] Section 4(d) of the Natural Gas Act provides in part: "Unless the Commission otherwise orders, no change shall be made by any natural gas company in any such rate, charge, classification, or service, or in any rule, regulations, or contract relating thereto, except after thirty days' notice to the Commission and to the public * * *" (emphasis supplied) (15 U.S.C. 717c[d]).

[8] *Placid Oil Company* v. *Federal Power Commission*, 483 F. 2d 880, 912 (5th Cir. 1973).

[9] Placid Oil may also be clearly distinguished from Indiana & Michigan since the notice requirements for rate increase filings involved in the case were part of a settlement proposal. Furthermore the Court pointed out that it refused to tamper with the Commission's decision on the notice requirements since it was unable to state "to what extent the Commission might have altered or modified the effective date if it had dredged out all the provisions of the rate scheme." 483 F. 2d at 912.

[10] Purchased Gas Cost Adjustment Provision in Natural Gas Pipeline Companies' FPC Gas Tariff, 47 FPC 1049 (1972); modified by Order Nos. 452-A and 452-B, 47 FPC 1510 (1972) and 49 FPC 84 (1973).

[11] Purchased Gas Cost Adjustment Provisions in Natural Gas Pipeline Companies' FPC Gas Tariff, notice of proposed rulemaking, Docket Nos. R-406, issued October 23, 1970.

reflect passed-on increased rates, we feel statutorily constrained from providing for notice requirements in excess of the 30 day period provided in section 4(d) of the Natural Gas Act.

We believe that the Indiana & Michigan decision is broad enough to further cast doubt on our authority to require a 45-day notice period under § 154.63(c)(4) in order for a pipeline to be permitted a 15-day period to cure a deficiency upon notice of that deficiency. Moreover it has become increasingly clear to us that the administrative difficulties inherent in that provision require the deletion of a curing period. Because a pipeline company's filing is often voluminous an in-depth analysis by the Commission staff to determine if a filing is deficient may take more than three weeks. If a company then does not file the material necessary to cure the deficiency until the fifteenth day of its curing period, the Staff does not have adequate time to investigate whether the company's subsequent filing is sufficient before the increase goes into effect by operation of law. Because of the inability to insure the protection of the public interest in all cases and the doubt cast upon this section by Indiana & Michigan we propose therefore to also amend § 154.63.

The proposed amendment to §§ 154.38 and 154.63 of the Commission's regulations Under the Natural Gas Act would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 16 (52 Stat. 822, 830, 76 Stat. 72; 15 U.S.C. 717c, 717o).

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, not later than November 1, 1974, data, views, comments, and suggestions, in writing, concerning the proposed amendments. An original and 14 conformed copies should be filed with the Commission. Submissions to the Commission should indicate the name, address and telephone numbers of the person to whom correspondence in regard to the proposal should be addressed. Responses to the submittals shall be filed no later than November 15, 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.

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.

Accordingly, it is proposed to amend §§ 154.38 and 154.63 of the Commission's regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations as follows:

Section 154.38(d) will be amended by providing that a 30 day notice period replace the 45 day notice periods in §§ 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e). Section 154.38(d)(4)(v) will further be amended by deleting the provision for a 15 day period in which to cure a deficient rate increase filing if such proposed rate increase were filed 45 days prior to its effective date. Sections 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e) will read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) *Statement of rate.* * * *

(4) * * *

(v) The Company shall file with the Commission and post pursuant to § 154.16 at least (30) days prior to the date on which any change(s) in its existing rates is to become effective, a single tariff sheet, entitled Original PGA-1, which contains the information in the margins as set out and required in § 154.33(d) and which shows the following:

NOTICE OF PURCHASED GAS COST ADJUSTMENT RATE CHANGE

Rate schedule	Base tariff rate[1]	Current adjustment	Cumulative adjustment	Rate after current adjustment

[1] The Base Tariff Rate is the effective rate on file with the Commission excluding adjustments effected pursuant to a PGA clause.

Simultaneously with the filing of the above described tariff sheet, the company shall furnish the Commission, jurisdictional customers, and interested state commissions a report containing detailed computations which clearly show the derivation of the Current Adjustment to be applied to its existing rates. Exhibit A hereto details the information which is necessary for the Commission to verify the accuracy of the proposed adjustment. In the event the material submitted is deficient, the company will be notified of the deficiencies. No filing date will be assigned until the deficiencies are eliminated.

* * * * *

(5) * * *

(ii) * * *

(e) Any tariff filing made by the company to increase its rates to its customers shall meet the notice requirements of § 154.22, which provide, in pertinent part, that the filing be filed with the Commission and posted (as defined in § 154.10) at least 30 days prior to the date on which any change(s) in its existing rates is to become effective. Simultaneously with the above filing, the company shall furnish the Commission, jurisdictional customers, and interested State Commissions a report containing detailed computations which clearly show the derivation of the proposed rate adjustment. The effect upon jurisdictional rates shall be determined by computing the unit change (either increase or decrease) based upon jurisdictional sales volumes for the 12-month period ending 3 months prior to the proposed rate adjustment. Any R. & D. expenditure for which the company has been allowed to track by other regulatory body shall be clearly designated and treated in such a manner so as to avoid double recovery. Each rate adjustment shall become effective on the proposed effective date without suspension provided that any rate increase shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final and non-appealable Commission order.

Section 154.63(c)(4) will be revised to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * *

(c) *Submission and rejection.* * * *

(4) *Rejection for noncompliance.* Where the data submitted in compliance with paragraph (b) of this section do not comply with the requirements of the rules and regulations, the rate filing is subject to rejection.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24111 Filed 10-16-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-C8]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Cancelled Meeting

The meeting of the Government Advisory Committee on International Book and Library Programs scheduled for Thursday, October 24, 1974, at the Watergate Hotel (Continental Room), has been cancelled. It is to be rescheduled.

Dated: October 10, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-24166 Filed 10-16-74;8:45 am]

[Public Notice CM-176]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Commitee will be held at 9:30 a.m. on Tuesday, November 12, 1974, in Room 7200, Coast Guard Headquarters, 400 Seventh Street, SW, Washington, D.C. The meeting will be open to the public.

The purpose of the meeting is to discuss preparations for the next meeting of the Marine Environment Protection Committee of IMCO (Intergovernmental Maritime Consultative Organization) scheduled to meet November 18-21, 1974.

Dated: October 8, 1974.

RICHARD K. BANK,
Acting Chairman,
Shipping Coordinating Committee.

[FR Doc.74-24178 Filed 10-16-74;8:45 am]

[Public Notice CM-172]

STUDY GROUP CMTT OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group CMTT of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 31, 1974 at 10 a.m. in Room 7182 of the ComSat Building, 950 L'Enfant Plaza, SW, Washington, D.C.

Study Group CMTT deals with technical standards for telecommunication systems to permit the transmission of sound and television broadcasting programs over long distances. The main items of the agenda for the meeting on October 31 are:

1. Review of CMTT meeting in March 1974 in Geneva.
2. Review of the CCIR Plenary in July 1974.
3. Discussion of new work and new reports submitted during this interim period.
4. Report on the digital television interim working party.

Members of the general public who desire to attend the meeting on October 31 will be admitted up to the limits of the capacity of the meeting room.

Dated: October 1, 1974.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.74-24094 Filed 10-16-74;8:45 am]

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Procedures Workshop to be jointly sponsored by A.I.D. and the Advisory Committee on Voluntary Foreign Aid, which will be held October 22, 1974; 9 a.m. to 5:15 p.m., at the National Academy of Sciences, Washington, D.C.

The purpose of this meeting will be to provide an exchange of information relevant to private and voluntary organizations on the formulation of proposals, A.I.D. grant review procedures, and grant award, management and administration.

This meeting is open to the public. Any interested person may participate, subject to Workshop procedures and pre-Workshop registration.

Dr. Jarold A. Kieffer will be the A.I.D. representative for the entire Workshop. Information concerning the meeting may be obtained from Ms. Judith W. Gilmore, Office of Private and Voluntary Cooperation, Agency for International Development, Washington, D.C. 20523, or by telephone at (202) 632-7656/7.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

OCTOBER 10, 1974.

[FR Doc.74-24151 Filed 10-16-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-265]

FOREIGN CURRENCIES

Certification of Rates

OCTOBER 4, 1974.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-191 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Australia dollar:	
Sept. 25, 1974	$1.3075
Sept. 26, 1974	1.3065
Sept. 27, 1974	1.3060
Sept. 30, 1974	1.3100
Finland markka:	
Sept. 26, 1974	0.2616
Sept. 27, 1974	.2614
Sept. 30, 1974	.2616
New Zealand dollar:	
Sept. 25, 1974	1.2950
Sept. 26, 1974	1.3000
Sept. 27, 1974	1.2980
Sept. 30, 1974	1.2980

[SEAL] JAMES D. COLLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc.74-24153 Filed 10-16-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKER DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Baker District Advisory Board will meet on November 7th and 8th, and on December 18, 1974. The meeting on the 7th will be for the purpose of touring range improvement projects. The tour will originate in the parking lot of the Federal Building and will start at 8:30 a.m. Interested persons must furnish their own lunch and transportation.

The meetings on November 8 and December 18, 1974, will be held in the Conference Room, room 235, Federal Building, Baker, Oregon, commencing at 9 a.m. The Agenda for the meeting on the 8th will include considering applications and

making recommendations for grazing privileges on national resource lands for the 1975 grazing year and hear a resumé of the proceedings of the State and National Advisory Board meetings.

The Agenda for the meeting on December 18, 1974, will include hearing protests on proposed allocation of grazing privileges, reports of District programs and proposed plans for the following fiscal year.

The meetings will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Harlan Wendt, Bridgeport, Oregon 97814.

Written statements should be submitted to Mr. Wendt, c/o District Manager, Bureau of Land Management, P.O. Box 589, Baker, Oregon 97814.

ALBERT ROMEO,
Baker District Manager.

OCTOBER 4, 1974.

[FR Doc.74-24176 Filed 10-16-74;8:45 am]

[N-10590]

NEVADA

Proposed Withdrawal and Reservation of Lands

OCTOBER 8, 1974.

The Bureau of Indian Affairs has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws.

The applicant desires the land to be temporarily withdrawn in aid of legislation. The lands are to be added to and made a part of the present Ely Indian Colony.

On or before November 18, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 63 E.,
Sec. 22: N½SE¼; NE¼NE¼SW¼.
Containing 90 acres.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.74-24175 Filed 10-16-74;8:45 am]

PRINEVILLE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Prineville District Advisory Board will meet on November 12, 1974, commencing at 9:30 am in the Prineville District Office. Bureau of Land Management, 185 E. Fourth Street, Prineville, Oregon.

The agenda for the meeting will include review and recommendations on section 3 Grazing applications, section 7 transfers, dependent property surveys and other grazing matters.

Specific topics of discussion will include the Bear Creek Watershed Management Plan, establishment of commercial forage rates for grazing trespass assessment, gathering of claimed horses from the Federal range, newly established branding requirements for livestock using national resource lands, and other unidentified matters which may come before the board.

The meeting will be open to the public. It is to be held in a room accommodating 30 people.

Persons, other than board members, wishing to make brief oral statements should so advise the chairman or co-chairman well in advance of the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Prineville District Manager, P.O. Box 550, Prineville, Oregon 97754.

PAUL W. ARRASMITH,
Prineville District Manager.

OCTOBER 4, 1974.

[FR Doc.74-24177 Filed 10-16-74; 8:45 am]

[S 5561]

CALIFORNIA

Opening of Public Lands

OCTOBER 8, 1974.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended, (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

HUMBOLDT MERIDIAN

(S 5561)
T. 4 S., R. 1 E.,
Sec. 21, SW¼SE¼;
Sec. 27, SW¼NW¼, W½SW¼;
Sec. 28, W½NE¼, SE¼NE¼, E½SW¼, SE¼;
Sec. 33, E½NE¼;
Sec. 34, NW¼, N½SW¼.
T. 5 S., R. 1 E.,
Sec. 2, SW¼SE¼;
Sec. 11, NW¼NE¼.

the areas described aggregate a total of 920.00 acres

2. The above described lands are situated in the King Range Area and were acquired for the purpose of consolidating the public lands and providing for proper multiple use management of all the resources. The lands lie within the boundaries described in section 9 of Pub. L. 91-476 (84 Stat. 1057), an Act which provides for the establishment of the King Range National Conservation Area.

3. The United States does not have jurisdiction as to 50 percent of the minerals in the following described lands as the mineral rights were not reconveyed by exchange:

HUMBOLDT MERIDIAN

T. 4 S., R. 1 E.,
Sec. 34, SE¼NW¼, N½SW¼.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m., on November 18, 1974, be open to the operation of the public land laws. All valid applications received at or prior to 10 a.m., November 18, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Except as to the 50 percent mineral reservation described in paragraph 3 above, the lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws at 10 a.m., on November 18, 1974; except the following lands which have always been subject to location under the mining laws and to application and offers under the mineral leasing laws:

HUMBOLDT MERIDIAN

T. 4 S., R. 1 E.,
Sec. 21, SW¼SE¼;
Sec. 27, SW¼NW¼, NW¼SW¼;
Sec. 28, W½NE¼, SE¼NE¼, NE¼SW¼, SE¼;
Sec. 33, E½NE¼;
Sec. 34, N½NW¼, SW¼NW¼.

Inquiries concerning the lands should be addressed to the Bureau of Land

Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-24212 Filed 10-16-74;8:45 am]

Fish and Wildlife Service

SNAILS, MUSSELS AND CRUSTACEANS

Endangered Species

The Endangered Species Act of 1973 (16 U.S.C. 1531-1543) authorizes and directs the Department of the Interior to determine which species of mollusks and crustaceans are "threatened species" or "endangered species" as defined by that Act, and to take whatever measures may be necessary to insure the survival of such threatened or endangered species.

The Fish and Wildlife Service has evidence which indicates that the following 61 species and subspecies of mollusks and crustaceans may be threatened species or endangered species as defined by the Endangered Species Act of 1973, and is now initiating a thorough review of the status of each.

CALIFORNIA SNAILS

Common name	Scientific name	Where found
Yates' Snail	*Ammonitella yatesi*	Eastern Calaveras County.
Slug Snail	*Binneya notabilis*	Santa Barbara Island.
Allynsmith's Banded Snail	*Helminthoglypta allynsmithi*	Mariposa County.
Dented Peninsula Snail	*Helminthoglypta arrosa minoka*	Marin County.
Nicklin's Peninsula Snail	*Helminthoglypta nickliniana awanta*	Do.
Banded Dune Snail	*Helminthoglypta walkeriana*	San Luis Obispo County.
Fraternal Snail	*Micrarionta feralis*	Ventura County.
Cathedral Snail	*Micrarionta indioensis cathedralis*	Riverside County.
Colorado Desert Snail	*Micrarionta morongoana*	San Bernardino County.
California McCoy Snail	*Micrarionta rowelli mccoiana*	Riverside County.
Tryon's Snail	*Micrarionta tryoni*	Santa Barbara and San Nicolas Island.
Rocky Coast Snail	*Monadenia fidelis pronotis*	Delnorte County.
Indian Yosemite Snail	*Monadenia hillebrandi yosemitensis*	Mariposa County.
California Northern River Snail	*Monadenia setosa*	Swede Creek, Trinity River Drainage.
Karok Indian Snail	*Vespericola karokorum*	Humboldt Co.
California Brackish Water Snail	*Tryonia imitator*	Bodega Bay to San Diego Bay.
	MIDWESTERN PEARLY MUSSELS	
Wheeler's Pearly Mussel	*Arkansia wheeleri*	Kiamichi River, Okla.
Birdwing Pearly Mussel	*Conradilla caelata*	Powell, Clinch, and Duck Rivers, Va. and Tenn.
Spectacle Case Pearly Mussel	*Cumberlandia monodonta*	Gasconada, Meramec, Powell, Clinch, Nolichucky, and Lower Red Rivers; Ky., Mo., Va., and Tenn.
Dromedary Pearly Mussel	*Dromus dromas*	Powell and Clinch Rivers; Va. and Tenn.
Curtis' Pearly Mussel	*Epioblasma (=Dysnomia) florentina curtisi.*	Black River, Mo.
Yellow-Blossom Pearly Mussel	*Epioblasma (=Dysnomia) florentina florentina.*	Duck River, Tenn.
Acorn Pearly Mussel	*Epioblasma (=Dysnomia) haysiana*	Clinch River, Va.
Lefevre's Pearly Mussel	*Epioblasma (=Dysnomia) leferrei*	Black and White Rivers, Mo., and Ark.
Sampson's Pearly Mussel	*Epioblasma (=Dysnomia) sampsoni*	Wabash River, Ind., and Ill.
White Cat's Paw Pearly Mussel	*Epioblasma (=Dysnomia) sulcata perobliqua.*	Detroit River in Mich.; St. Joseph River in Mich., Ohio, and Ind.
Purple Cat's Paw Pearly Mussel	*Epioblasma (=Dysnomia) sulcata sulcata.*	Green River, Ky.
Green-Blossom Pearly Mussel	*Epioblasma (=Dysnomia) torulosa gubernaculum.*	Clinch River, Va., and Tenn.
Tuberculed-Blossom Pearly Mussel	*Epioblasma (=Dysnomia) torulosa torulosa.*	Ohio River, Ky. and Ill.; Nolichucky River, Tenn.; and Kanawha River, W.Va.
Turgid-Blossom Pearly Mussel	*Epioblasma (=Dysnomia) turgidula*	Duck River, Tenn.
Fine-Rayed Pigtoe Pearly	*Fusconaia cuneolus*	Clinch and Powell Rivers, Va., and Tenn.; Paint Rock River, Ala.
Shiny Pigtoe Pearly Mussel	*Fusconaia edgariana*	Powell and Clinch Rivers, Va., and Tenn.; Paint Rock River, Ala.; Holston River, Va.
Higgins' Eye Pearly Mussel	*Lampsilis higginsi*	Mississippi River, Minn., Wis., and Ill.; Meramec River in Mo.
Pink Mucket Pearly Mussel	*Lampsilis orbiculata orbiculata*	Green River, Ky.; Kanawha River, W. Va.; Tennessee River, Tenn. and Ala.; and Muskingum River, Ohio.
Neosho Pearly Mussel	*Lampsilis rafinesqueana*	Neosho River System, Okla., Kank. and Mo.
Alabama Lamp Pearly Mussel	*Lampsilis virescens*	Paint Rock River, Systems, Ala.
Scale Pearly Mussel	*Leptodea leptodon*	Gasconade and Meramec Rivers, Mo.; Kiamichi River, Okla.; Saline and Little Rivers, Ark.
Golf Stick Pearly Mussel	*Obovaria retusa*	Green River, Ky.
Little-winged Pearly Mussel	*Pegias fabula*	Holston River, Va.; and Rockcastle River, Ky.
White Wartyback Pearly Mussel	*Plethobasis cicatricosus*	Tennessee River, Tenn., and Ala.
Orange-footed Pimpleback Pearly Mussel.	*Plethobasis cooperianus*	Tennessee River, Tenn., and Ala.; Duck River, Tenn.
Rough Pigtoe Pearly Mussel	*Pleurobema plenum*	Tennessee River, Tenn.; Green River, Ky.; and Clinch River, Tenn. and Va.
Fat Pocketbook Pearly Mussel	*Potamilus (=Proptera) capax*	White and St. Francis Rivers, Ark., and Mo.

CALIFORNIA SNAILS—Continued

Common name	Scientific name	Where found
Rough Rabbits Foot Pearly Mussel	*Quadrula cylindrica strigillata*	Clinch and Powell Rivers, Va. and Tenn.
Rough Maple Leaf Pearly Mussel	*Quadrula fragosa*	Kiamichi River, Okla.
Cumberland Monkey Face Pearly Mussel.	*Quadrula intermedia*	Powell and Clinch Rivers, Va., and Tenn.; Duck River, Tenn.
Appalachian Monkey Face Pearly Mussel.	*Quadrula sparsa*	Powell and Clinch Rivers, Va., and Tenn.
Pale Lilliput Pearly Mussel	*Toxolasma (=Carunculina) cylindrella.*	Duck River, Tenn.; Paint Rock Rivers, Ala.
Ortman's Pearly Mussel	*Villosa (=Micromya) ortmani*	Green River, Ky.
Fine-rayed Purple Pearly Mussel	*Villosa (=Micromya) perpurpurea*	Clinch River and Copper Creek, Va.
Cumberland Bean Pearly Mussel	*Villosa (=Micromya) trabilis*	Cumberland and Rockcastle Rivers, Ky.
CENTRAL ATLANTIC CRUSTACEANS		
Madison Cave Isopod	*Antrolana lira*	Augusta County, Va.
Ephemeral Cave Scud	*Apocrangonyx ephemerus*	Giles County, Va.
Minute Cave Scud	*Apocrangonyx parvus*	Randolph County, W. Va.
Pennsylvania Cave Scud	*Crangonyx dearolfi*	Pennsylvania and Maryland.
Burnsville Cove Cave Scud	*Stygonecdes conradi*	Bath County, Va.
Hay's Spring Scud	*Stygonecdes hayi*	Washington, D.C.
Tidewater Scud	*Stygonecdes indentatus*	Nansemond County, Va.
Bath County Cave Scud	*Stygonecdes mundus*	Bath County, Va.
Pizzini's Scud	*Stygonecdes pizzinii*	Pennsylvania, Maryland, Virginia, and Washington, D.C.
Stellmack's Cave Scud	*Stygonecdes stellmacki*	Centre County, Penn.

The purpose of this review is to determine whether any of the above listed mollusks and crustaceans should be classified as either endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

One or more of these mollusks and crustaceans are found in each of the following States: California, Oklahoma, Virginia, Maryland, Tennessee, Missouri, Arkansas, Indiana, Illinois, Michigan, Ohio, Kentucky, West Virginia, Minnesota, Wisconsin, Kansas, Alabama, Pennsylvania, and the District of Columbia. Pursuant to section 4(b) of the Endangered Species Act of 1973, the Service has notified the Governors of these States, and the Mayor of the District of Columbia, of this review and requested them to provide any data they may have pertaining to the status of the species that are resident in their respective States.

All interested parties are hereby invited to submit any factual information which is germane to this review to: Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Data gathered as a result of this review, together with the evidence already available to the Service, will be analyzed to determine whether sufficient evidence is available to support further action. On or before January 16, 1974, will be allowed for receipt of data and comments.

LYNN A. GREENWALT,
Special Assistant to the Director, Fish and Wildlife Service.

OCTOBER 11, 1974.

[FR Doc.74-24240 Filed 10-16-74;8:45 am]

Office of the Secretary

CLIFTON F. ROGERS

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 September 4, 1974.

Dated: September 4, 1974.

CLIFTON F. ROGERS.

[FR Doc.74-24172 Filed 10-16-74;8:45 am]

JOHN F. ENGLISH

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 30, 1974,

Dated: August 30, 1974.

JOHN F. ENGLISH.

[FR Doc.74-24169 Filed 10-16-74;8:45 am]

JOHN H. KLINE

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 September 3, 1974.

Dated: September 3, 1974.

JOHN H. KLINE.

[FR Doc.74-24171 Filed 10-16-74;8:45 am]

MODESTO IRIARTE, 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) No change.
(3) No change.
(4) No change.

This statement is made as of September 5, 1974.

Dated: September 5, 1974.

MODESTO IRIARTE, Jr.

[FR Doc.74-24170 Filed 10-16-74;8:45 am]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordace 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 September 14, 1974.

Dated: September 14, 1974.

S. M. SWANSON.

[FR Doc.74-24173 Filed 10-16-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

BOLL WEEVIL ERADICATION FIELD TRIAL

Notice of Intent To Prepare Environmental Impact Statement

A proposal to eradicate the boll weevil from the United States has been presented to the Secretary of Agriculture by the cotton industry. The authority for an eradication program is contained in Pub. L. 93-86, the Agriculture and Consumer Protection Act of 1973. This authority is contingent upon the determination by the Secretary that eradication is assured.

A large-scale field trial designed to evaluate technical and operational feasibility was completed in August 1973. It is proposed to further test capability for eradication by conducting a 3-year field

trial under operational conditions in Virginia, North Carolina, and South Carolina.

This notice is for the purpose of announcing that an environmental impact statement is under preparation pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, by the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service. The first draft is scheduled for completion in October 1974.

To provide opportunity for participation in the development of the draft environmental impact statement, comments are invited from the public, from State and local agencies which administer plant pest control regulatory programs or are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any national program, issue, or environmental impact involved.

Comments concerning the proposed environmental impact statement and requests for additional information should be addressed to the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 by November 18, 1974

Done at Washington, D.C., this 11th day of October 1974.

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

[FR Doc.74-24221 Filed 10-16-74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON FOREIGN ANIMAL AND POULTRY DISEASES

Reestablishment

After consultation with the Office of Management and Budget, in compliance with Public Law 92-463, notice is hereby given that the Secretary has reestablished the Advisory Committee on Foreign Animal and Poultry Diseases.

The objective of the Committee is to advise the Secretary regarding program operations and and measures to prevent, suppress, control or eradicate an outbreak of foot-and-mouth disease or other destructive foreign animal and poultry diseases in the event such diseases should enter this country.

Dated: October 11, 1974.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.74-24219 Filed 10-16-74;8:45 am]

Packers and Stockyards Administration

MID FLORIDA LIVESTOCK MARKET, INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, location of stockyard, and date of posting

FL-116 Mid Florida Livestock Market, Inc., Orlando, Florida, March 9, 1960.
KS-151 Rush County Sales, LaCrosse, Kansas, April 17, 1950.
LA-121 Lacassine Stockyard, Lacassine, Louisiana, June 12, 1957.
MN-115 Faribault Livestock Sales, Faribault, Minnesota, September 24, 1963.
OK-187 Midway Sale Barn, Edmond, Oklahoma, March 31, 1972.
OK-150 Mountain View Livestock Auction, Mt. View, Oklahoma, April 9, 1959.
WI-100 Central Wisconsin Livestock, Inc., Augusta, Wisconsin, September 17, 1969.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective October 17, 1974.

(42 Stat. 159, as amended and supplemented; (7 U.S.C. 181 et seq.))

Done at Washington, D.C., this 9th day of October, 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74-24142 Filed 10-16-74;8:45 am]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102 (2)(C) of the National Environmental Policy Act of 1969 in connection with a loan application from Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401. The statement will cover approximately 98 miles of new 230 kV transmission line from Boone, Pueblo County, Colorado, to Lamar, Prowers County, Colorado; approximately 2.5 miles of new double circuit 115 kV transmission line from Boone, Pueblo County, Colorado, to Boone Hill, Pueblo County, Colorado; approximately 13 miles of new 115 kV transmission line from Lamar, Prowers County, Colorado, to South Lamar, Prowers County, Colorado; a new 100 MVA, 230-115 kV substation at Boone; a new 100 MVA, 230-115 kV substation at Lamar; and a new 115 kV switching bay in the existing South Lamar Substation.

Interested persons are invited to submit comments which may be helpful in preparing the draft environmental impact statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Colorado-Ute whose address was given above. Additional information may be obtained at Colorado-Ute's office during regular business hours.

Dated at Washington, D.C., this 8th day of October, 1974.

DAVID H. ASHEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.74-24139 Filed 10-16-74;8:45 am]

BOONE COUNTY TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,647,000 to Boone County Telephone Company, Little Rock, Arkansas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. H. R. Wilbourn, Jr., President, Boone County Telephone Company, P.O. Box 2177, Little Rock, Arkansas 72203.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. H. R. Wilbourn, Jr. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Boone County Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of October, 1974.

C. R. BALLARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.74-24223 Filed 10-16-74;8:45 am]

CITIZENS TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (Vol. 39-No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $7,885,000 to Citizens Telephone Company, Lexington, South Carolina. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. LeRoy Darling, President, Citizens Telephone Company, P.O. Box 816, Lexington, South Carolina 29072.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. LeRoy Darling. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Citizens Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of October, 1974.

C. R. BALLARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.74-24224 Filed 10-16-74;8:45 am]

Soil Conservation Service

ROWLAND RC&D MEASURE, UPPER WILLAMETTE RC&D PROJECT, OREG.

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (89 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Rowland RC&D Measure, Linn County, Oregon.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James W. Mitchell, State Conservationist, Soil Conservation Service, U.S.D.A., 1218 SW. Washington Street, Portland, Oregon 97205, has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for flood prevention. The planned works of improvement include conservation land treatment supplemented by improvement on 5.6 miles of existing channel which is largely manmade and has no flow for about five months each year.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, U.S.D.A.
1218 SW. Washington Street
Portland, Oregon 97205

No administrative action in implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: October 9, 1974.

D. M. WHITT,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.74-24090 Filed 10-16-74;8:45 am]

UPPER BLACK BEAR CREEK WATERSHED, OKLA.

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for 15 single-purpose floodwater retarding structures in the Upper Black Bear Creek Watershed Project, Garfield, Noble, and Pawnee Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection, flood prevention, and municipal water supply. The planned works of improvement include conservation land treatment, one multiple purpose structure and 75 single purpose floodwater retarding structures. The multiple-purpose structure and 60 of the floodwater retarding structures have been built. This negative declaration covers only the remaining 15 single-purpose floodwater retarding structures and about 24 percent of the planned land treatment practices.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until November 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service)

Dated: October 10, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-24095 Filed 10-16-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

UNITED FISHERMEN OF ALASKA

Receipt of Application

Notice is hereby given that the following applications have been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protectiton Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

The United Fishermen of Alaska, Box 191, Juneau, Alaska 99801, has applied for a general permit, Category 3, "Encircling Gear, Seining other than Yellowfin Tuna."

The United Fishermen of Alaska, Box 191, Juneau, Alaska 99801, has applied for a general permit, Category 4, "Stationary Gear." The United Fishermen of Alaska, Box 191, Juneau, Alaska 99801, has applied for a general permit, Category 5, "Other Gear."

Copies of the applications are available for review as follows: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202-343-9445); Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 (telephone 206-442-0150). Interested parties may

submit written views on this application on or before November 18, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: October 10, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-24104 Filed 10-16-74;8:45 am]

QUINLAN MARINE ATTRACTIONS

Issuance of Permit

On April 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 12148), that an application had been filed with the National Marine Fisheries Service by Quinlan Marine Attractions, Route 3, Lincolnton, North Carolina 28092, for a permit to take five Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that, on October 9, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to Quinlan Marine Attractions, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: October 9, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-24103 Filed 10-16-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OBSTETRICS AND GYNECOLOGY ADVISORY COMMITTEE AND PANEL ON REVIEW OF OBSTETRICAL AND GYNECOLOGICAL DEVICES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Obstetrics and Gynecology Advisory Committee and the Panel on Review of Obstetrical and Gynecological Devices (joint meeting).	October 29 and 30, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Closed October 29, 9:30 a.m. to 1:30 p.m., open October 29 after 1:30 p.m., open October 30, 9:30 a.m. to 2 p.m., closed October 30 after 2 p.m. Lillian Yin, M.D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of obstetrical and gynecological devices currently in use.

Agenda. Closed session: Preparation of a final report on the safety and effectiveness of IUD's in general and of the Dalkon Shield in particular. Open session: Discussion of the proposed professional and patient product labeling for labeling for all IUD's and discussion of the proposed IUD studies.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no

way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: October 10, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-24108 Filed 10-16-74;8:45 am]

[DESI 0024 NV; NADA 65-175V]

PFIZER, INC.

Combistrep; Withdrawal of Approval of New Animal Drug Application

In a notice published in the FEDERAL REGISTER of July 1, 1970 (35 FR 10698), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group on Combistrep solution (containing streptomycin sulfate and dihydrostreptomycin sulfate) marketed by Pfizer, Inc., 235 East 42d St., New York, N.Y. 10017, under new animal drug application (NADA) No. 65-175V. In the notice, based upon the need for revised labeling and additional efficacy data, the product was evaluated as probably effective under specified conditions of use. Susbequently, the Commissioner also determined that data were not adequate to establish the absence of unsafe residues in edible products of food-producing animals administered the drug.

In response to his communications to the firm regarding the need for additional residue data, the Commissioner was advised by Pfizer, Inc. that it wished to withdraw the NADA because it does not desire to submit additional data on the safety and efficacy of the drug nor to continue marketing the drug. The firm stated that it did not wish to avail itself of an opportunity for a hearing.

Based on the grounds set forth above and the firm's response, the Commissioner concludes that approval of the subject NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 65-175V, including all amendments and supplements thereto, is hereby withdrawn effective October 17, 1974.

Dated: October 3, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-24105 Filed 10-16-74;8:45 am]

[NADA No. 91-581V]

SHELL CHEMICAL CO.

Vincofos; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (e), 82 Stat. 345-347; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

New animal drug application (NADA) No. 91-581V held by the Shell Chemical Co., a Division of the Shell Oil Co., Agricultural Division, 2401 Crow Canyon Rd., San Ramon, CA 94583, provides for the use of vincofos capsules for the removal and control of helminths in dogs. New evidence not available at the time the application was approved shows that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved. Information submitted in drug experience reports has shown an unexpected incidence of side effects and toxic reactions related to use of this drug.

As a result of the new evidence, the firm has discontinued sale of the drug and initiated its recall. The firm has requested that approval of the application be withdrawn and has waived the opportunity for a hearing.

An order revoking § 135c.126 (21 CFR 135c.126) which covers use of the subject drug is published elsewhere in this issue of the FEDERAL REGISTER.

Therefore, in accordance with § 135.28 (21 CFR 135.28), approval of NADA No. 91-581V, including all amendments and/or supplements thereto, is hereby withdrawn effective October 17, 1974.

Dated: October 3, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-24106 Filed 10-16-74;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, October 24 and 25, 1974, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 5 p.m. on October 24, and from 9 a.m. to 11 a.m., on October 25, to review and discuss activities and goals of the intramural program. 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 11 a.m. to 5 p.m., time of adjournment, on October 25, 1974, for review, discussion and evaluation of individual projects conducted by the intramural scientific staff of the National Institute of Allergy and Infectious Diseases including consideration of personal qualifications and performance; the competence of individual investigators and similar matters, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

Mr. Robert L. Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, Bethesda, Md. 20014, telephone 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. John R. Seal, Executive Secretary, Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 5, Room 137, Bethesda, Md. 20014, telephone 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health.)

Dated: October 7, 1974.

R. W. LAMONT-HAVERS,
Deputy Director, NIH.

[FR Doc.74-24104 Filed 10-16-74;8:45 am]

BREAST CANCER DIAGNOSIS COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Diagnosis Committee, National Cancer Institute, November 7, 1974, National Institutes of Health, Building 31, Conference Room 7.

This meeting will be open to the public on November 7, 1974 from 9 a.m. to 9:30 a.m., to discuss miscellaneous committee matters. 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 November 7, 1974 from 9:30 a.m. until adjournment at 5 p.m. for review of contract proposals. The contracts 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 contracts.

Mrs. Marjorie Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825 National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director, NIH.

[FR Doc.74-24180 Filed 10-16-74;8:45 am]

BREAST CANCER TREATMENT COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Treatment Committee, National Cancer Institute, November 15, 1974, National Institutes of Health, Landow Building, Conference Room C-418.

This meeting will be open to the public on November 15, 1974 from 9:15 a.m. to 10:30 a.m., to discuss general programs associated with the treatment of breast cancer and to participate in a scientific session concerning clinical and pathological staging of breast cancer. 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 November 15, 1974 from 10:30 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, and other technical information; 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.

Mary E. Sears, M.D., Executive Secretary, Landow Building, Room A-416, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director, NIH.

[FR Doc.74-24179 Filed 10-16-74;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Advisory Committee, National Cancer Institute, November 6, 1974, National Institutes of Health, Building 31, Conference Room 4.

This meeting will be open to the public on November 6, 1974, from 9 a.m. to 2 p.m., to discuss current and projected programs of the Division of Cancer Control and Rehabilitation. 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 November 6, 1974, from 2 p.m. until adjournment for the review and discussion of the projected 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 meetings and rosters of committee members.

Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A01 National Institutes of Health, Bethesda, Maryland 20014 (301/427-7943), will furnish substantive program information.

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24195 Filed 10-16-74;8:45 am]

CANCER IMMUNODIAGNOSIS COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, November 8, 1974, National Institutes of Health, Clinical Center, Conference Room 4B14.

This meeting will be open to the public on November 8, 1974 from 1 p.m. to 1:30 p.m. to discuss general business. 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 November 8, 1974 from 1:30 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. Majorie 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. Barbara H. Sanford, Executive Secretary, Clinical Center, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1971), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. (13.825), National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director, NIH.

[FR Doc.74-24197 Filed 10-16-74;8:45 am]

CANCER IMMUNOTHERAPY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, November 7, 1974, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on November 7, 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 November 7, 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 4B17, 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: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director, NIH.

[FR Doc.74-24182 Filed 10-16-74;8:45 am]

CANCER REVIEW COMMITTEE FOR A CANCER CENTER PROGRAM

Notice of Establishment

The Director, National Institutes of Health, announces the establishment on September 30, 1974 of the advisory committee indicated below by the Director, National Cancer Program, National Cancer Institute under the authority of section 410 of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Cancer Review Committee for a Cancer Center Program.

Purpose: The Committee provides to the Director, NCI, assistance in the technical review of a contract proposal from the Norris Cotton Cancer Center, Dartmouth—Mary Hitchcock Medical Center, Hanover, New Hampshire, for programs in cancer research and control, and for new construction to house the research programs. Authority for this Committee will expire March 1, 1975.

Dated: October 9, 1974.

ROBERT S. STONE.

[FR Doc.74-24191 Filed 10-16-74;8:45 am]

EPILEPSY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological Diseases and Stroke, December 9, 1974, Room 2, Building 31, National Institutes of Health.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Dr. J. Kiffin Penry, Chief, Applied Neurologic Research Branch, C&FR, NINDS (Building 36, Room 5D-10), National Institutes of Health, Bethesda, Md. 20014; telephone 301/496-6691; will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc. 74-24192 Filed 10-16-74;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, November 21-22, 1974, Conference Room 7, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 10:30 a.m. and from 1:30 p.m. to recess on November 21, at which time general information announcements will be made and administrative matters will be discussed. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m. to 1:30 p.m. on November 21, and from 9 a.m. to adjournment on November 22, 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.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, telephone (301) 496-5717, will provide summaries of meetings and rosters of committee members. Dr. William I. Gay, Executive Secretary of the Council, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Westwood Building, Room 703, telephone (301) 496-7291, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24185 Filed 10-16-74;8:45 am]

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, November 25-26, 1974, National Institutes of Health, Building 31-C, Conference Room 8.

This meeting will be open to the public from 9:30 a.m. to 12:30 p.m. on November 25 for general discussion and program presentations. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:30 p.m. to adjournment on November 25 and from 8 a.m. to adjournment on November 26 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. Janet Lynn McMahan, Council Secretary, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C35, Bethesda, Maryland (telephone 301-496-3571), will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.525, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24190 Filed 10-16-74;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, November 26-27, 1974, Building 31C, Conference Room 6. This meeting will be open to the public on November 26 from 9 a.m. to 5 p.m. The morning session will be devoted to opening remarks; report of the Director, NIGMS; a report on Center Grants; and other business of the Council. The afternoon session will be devoted to the review of the Biomedical Engineering 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 November 27 from 9 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301, 496-5676, will provide a summary of the meeting and a roster of Council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, Building 31, Room 4A52, Telephone: 301, 496-5231, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24189 Filed 10-16-74;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the NANDS Council Research Subcommittee, November 11, 1974, at 8:30 a.m. in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on November 11, 1974, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m. on November 11, 1974, to adjournment on November 11, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, Bethesda, Maryland, phone: 496-7220, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24186 Filed 10-16-74;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Notice of Meeting

Pursuant to Pub L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological Diseases and Stroke Council, National Institutes of Health, November 21, 22, and 23, 1974, at 9 a.m. in Building 31-C, Conference Room 9, NIH, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. until 1:30 p.m. on November 21, 1974, and from 11:00 a.m. to 1:30 p.m. on November 22, 1974, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:30 p.m. on November 21, 1974, until 11 a.m. on November 22, 1974, and from 1:30 p.m. on November 22, 1974, until the conclusion of the meeting on November 23, 1974, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8a03, NIH, NINDS, Bethesda, Maryland, telephone 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Murray Goldstein, Executive Secretary, Westwood Building, Room 757, Bethesda, Maryland, telephone 496-7705, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24187 Filed 10-16-74;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board, National Cancer Institute, November 18-20, 1974, National Institutes of Health, Building 31, Conference Room 6, and the Board Subcommittees on Diagnosis and Treatment and Carcinogenesis and Prevention, November 17 at 4 p.m., Conference Rooms 2 and 3, respectively.

The Board meeting will be open to the public on November 18 from 9 a.m. to 5 p.m.; November 19 from 2 p.m. to 5 p.m.; and, on November 20 from 9 a.m. to adjournment. On November 18, reports will be presented on the National Prostatic Cancer Project, a planning project for pancreatic cancer; and, the status of the Frederick Cancer Research Center. On November 19, the International Cancer Research Data Bank and Cancerline Demonstration will be discussed, and on November 20, a report on detection of tumor virus information in human cancers will be presented. The Board Subcommittees will be open to the public on November 17 from 4 p.m. to 4:30 p.m. to discuss any new policy considerations involving the National Cancer Program. Attendance by the public at these meetings 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 Board meeting will be closed to the public on November 19 from 9 a.m. to 12:30 p.m. and the Subcommittee meetings on November 17 from 4:30 p.m. to adjournment, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide summaries of the meetings, substantive program information, and rosters of Board members.

(Catalog of Federal Domestic Assistance Program Nos. 13.312; 13.314; 13.391; 13.393, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS, M.D.,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24198 Filed 10-16-74;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, National Heart and Lung Institute, November 14, 15, and 16, 1974, National Institutes of Health, Building 31, Conference Room 10, at 9 a.m.

This meeting will be open to the public on November 14, from 9 a.m. to 5 p.m., and on November 15 from 9 a.m. to 10:30 a.m. to discuss program policies and issues, as well as the Council's annual report. Attendance by the public is 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 November 15 from 10:30 a.m. to recess, and on November 16 from 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York Onnen, Information Officer, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Council members. Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, telephone (301) 496-7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.346, 13.374, and 13.382, National Institutes of Health.)

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24188 Filed 10-16-74;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, November 20, 1974, 2 p.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 2 p.m. to 3 p.m. for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 3 p.m. to adjournment for review and discussion of the proposed fiscal year 1976 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

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 open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24196 Filed 10-16-74;8:45 am]

PULMONARY DISEASES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is thereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart and Lung Institute, November 2, 1974, at the Marriott Hotel (Chartres Room), New Orleans, Louisiana.

The entire meeting will be open to the public on November 2, 1974 from 8:30 a.m. until 6 p.m., to discuss the Division of Lung Diseases programs relative to contracts, Specialized Centers of Research, and Pulmonary Academic Awards. Attendance by the public will be limited to space available.

Mr. York Onnen, Information Officer, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A18, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.374 and 13.826, National Institutes of Health.)

Dated: October 8, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24193 Filed 10-16-74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee A, National Cancer Institute, November 8, 1974, Building 37, Room 1B04, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on November 8, 1974, at 9 a.m. to discuss management practices. 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 November 8, 1974, at 9:30 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, 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: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24184 Filed 10-16-74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee A, National Cancer Institute, November 10, 1974, Hershey Motor Lodge, Hershey, Pennsylvania.

This meeting will be open to the public on November 10, 1974, from 1:30 p.m. to 2:30 p.m. to discuss the general activities and 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 November 10, 1974, from 2:30 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.

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: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24183 Filed 10-16-74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee B, National Cancer Institute, November 10, 1974, Hershey Conference Center, Hershey, Pennsylvania and November 14, 1974, National Institutes of Health, Building 37, Room 1B04.

This meeting will be open to the public on November 10, 1974 and November 14, 1974, 9 a.m. to 9:30 a.m. to discuss the development of new project areas and new approaches in tumor virus detection. 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 November 10, 1974, 9:30 a.m. to adjournment, and November 14, 1974, 9:30 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, 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: October 9, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-24181 Filed 10-16-74;8:45 am]

Social and Rehabilitation Service

[Docket No. SRS 75-1]

NEW YORK STATE PLAN AMENDMENTS

Reconsideration and Decision Regarding Hearing

Please take notice that the Social and Rehabilitation Service, United States Department of Health, Education, and Welfare, having received, on September 5, 1974, a petition for reconsideration requesting a hearing pursuant to section 1116(a) (2) of the Social Security Act, 42 U.S.C. 1316(a) (2), and the implementing regulations appearing at 45 CFR 201.4, hereby notifies petitioner, the State of New York, of the institution of a reconsideration hearing pursuant to section 1116(a) (2) of the Social Security Act, 42 U.S.C. 1316(a) (2).

1. The hearing shall commence on Friday, December 6, 1974 at 10:00 a.m. in Room 1331, 330 C Street, SW., Washington, D.C. or at such other time and place as may be fixed, pursuant to 45 CFR 213.22(a) (1), by the presiding officer designated pursuant to 5 U.S.C. 3105 or 3344. The hearing shall continue from day to day thereafter until completed.

2. Pursuant to 45 CFR 213.13, the Administrator, Social and Rehabilitation Service, United States Department of Health, Education, and Welfare, has determined that the hearing shall be held at the location stated in paragraph 1, since all documentation pertaining to the New York State plan amendments involved in this hearing is presently located in Washington, D.C.

3. The issue to be considered at such hearing is whether the amendments submitted on December 30, 1971 by the State of New York to its State plans approved under title IV and XVI of the Social Security Act, 42 U.S.C. 601 et seq. and 1381 et seq., conform to the statutory requirements for approval under such titles.

4. Pursuant to 45 CFR 213.11, a copy of this notice shall be published as soon as practicable in the FEDERAL REGISTER.

In witness whereof, the Social and Rehabilitation Service has caused this Notice to be issued at Washington, D.C. this 7th day of October, 1974.

GARY A. MASSEL,
Acting Administrator, Social and Rehabilitation Service, United States Department of Health, Education, and Welfare.

[FR Doc.74-24218 Filed 10-16-74;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting; Tentative Agenda

On October 7, 1974, at 39 FR 36036, it was announced that the next meeting of the National Council on Educational Research would take place on October 17 at Van Hise Hall, University of Wisconsin, Madison, Wisconsin and that the agenda would be announced as soon as available. The tentative agenda is as follows:

9:30	Convene
9:30-10:00	Director's Remarks
10:00-10:05	Approval of Minutes of July 12 meeting
10:05-10:10	Approval of Minutes of September 6 meeting
10:10-10:30	Report on Council's Annual Report and plans for next Report
10:30-11:00	Report on FY 1975 budget
11:00-1:30	Closed Session
1:30-3:00	Discussion Planning for Reauthorization Process
3:00	Adjourn

Normally the agenda for a Council meeting appears in the FEDERAL REGISTER well in advance of the meeting date; however, circumstances beyond the control of the Institute precluded any earlier preparation or announcement of the detailed agenda set forth above.

Dated: October 15, 1974.

EMERSON J. ELLIOTT,
Deputy Director.

[FR Doc.74-24426 Filed 10-16-74;11:56 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX73-4; Notice 4]

CUSHMAN MOTORS

Petition for Temporary Exemption From Motor Vehicle Safety Standards

This notice grants the petition of Cushman Motors for an extension of its temporary exemption of its Haulster model from S5. of Motor Vehicle Safety Standard No. 122 (49 CFR 571.122), *Motorcycle Brake Systems.*

On August 14, 1974 (39 FR 29213) the NHTSA published notice of petition by Cushman, on grounds of substantial economic hardship, that its existing exemption from the stopping distance requirements of Standard No. 122 be extended until March 1, 1975, at a minimum, or until such time as its vehicle is no longer classified as a motorcycle, but in any event not later than January 1, 1977. The notice referred to earlier notices (38 FR 14785, 38 FR 32963) on the original Cushman petition for further information on hardship and other factors.

No comments were received in response to the notice of August 14, 1974. No final action has been taken on the redefinition of "motorcycle" proposed earlier this year (39 FR 15046) to become effective March 1, 1975, which would exclude the Cushman Haulster from its coverage. The NHTSA has concluded that, given the low production of the Haulster (fewer than 2,000 on-road vehicles annually), an extension of its temporary exemption from S5. of Standard No. 122 will not have a significant effect on traffic safety.

In consideration of the foregoing, Cushman Motors is granted an extension of NHTSA Exemption No. 73-4, for its Haulster model from compliance with S5. of Federal Motor Vehicle Safety Standard No. 122, *Motorcycle Brake Systems* (49 CFR 571.122), until such time as the Haulster is no longer defined as a "motorcycle" under 49 CFR 571.3(b), but in any event not later than January 1, 1977.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on October 10, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-24156 Filed 10-16-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Proposed Issuance of Amendment to Construction Permit

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Construction Permit No. CPPR-94 issued to South Carolina Electric and Gas Company which authorized construction of a pressurized water reactor designated as the Virgil C. Summer Nuclear Station, Unit 1 (the facility) located in Fairfield County, South Carolina.

The proposed amendment would reflect a change in ownership of the facility. As a result of the change, the South Carolina Public Service Authority would receive a one-third ownership interest in the facility. South Carolina Electric and Gas Company would retain sole responsibility for the overall technical direction in the licensing, design,

construction, operation, management, maintenance, and decommissioning of the facility.

The Commission has reviewed the application for amendment and has issued its Safety Evaluation, dated September 5, 1974, with respect to the proposed amendment. In accordance with 10 CFR 50.33(f) and Appendix C to 10 CFR Part 50, the Commission has concluded that the South Carolina Public Service Authority is financially qualified to acquire a one-third ownership in the facility.

By November 18, 1974, South Carolina Electric and Gas Company may file a request for a hearing concerning the change in ownership 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 action, see the application for amendment dated May 17, 1974 and the Commission's Safety Evaluation, dated September 5, 1974, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Fairfield County Library, Vanderhorst Street, Winnsboro, South Carolina. A copy of the Safety Evaluation and the proposed amendment, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland this 10th day of October, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-24039 Filed 10-16-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26471]

EVERGREEN HELICOPTERS, INC., ET AL.

Acquisition of Johnson Flying Service; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding has been scheduled to be held commencing on October 30, 1974, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, Washington, D.C., before the undersigned Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 11, 1974.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.74-24205 Filed 10-16-74;8:45 am]

[Docket No. 22859; Order 74-10-67]

ALASKA AIRLINES, INC.

Proposed Air Freight Rate Increase; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of October, 1974.

By tariff revisions filed September 13 and marked to become effective October 15, 1974, Alaska Airlines, Inc. (Alaska) proposes the following increases in its bulk commodity rates:

1. All general and specific commodity rates in the Seattle-Anchorage, Seattle-Fairbanks, and Anchorage-Fairbanks markets by 6 percent;

2. All other rates to and from Fairbanks by 5 percent.

In support of its proposal, Alaska asserts, inter alia, (1) that volume of air freight shipped is only slightly inelastic with respect to changes in rates and charges, resulting in additional freight revenues of only $19,000 in the forecast year; and (2) that the additional revenue will cover only a small portion of the increased fuel costs that the carrier has recently experienced.

To the extent that the proposed rates apply between Seattle, on the one hand, and Anchorage and Fairbanks on the other, they come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Board has reviewed the proposed rates between Seattle-Anchorage and Seattle-Fairbanks in the light of average industry costs of carrying air freight (including a full return on investment) and finds that all of the general commodity rates and one specific commodity rate are substantially above cost.

In view of the foregoing and upon consideration of all other revelant factors, the Board finds that the proposal, to the extent it applies to such rates as set forth in Appendix A, should be suspended. The 5 percent increase in intra-Alaskan rates to and from Fairbanks should be permitted to become effective.[1]

[1] All proposed rates involving service between Fairbanks and other Alaskan points are not covered in the Freight Rate Case. The costs of serving intra-Alaskan routes are higher than domestic costs, and the carrier receives subsidy for these routes. The proposed increases do not appear excessive.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. Pending hearing and decision by the Board, the increased rates described in Appendix A[2] are suspended and their use deferred to and including January 12, 1975 unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board;

2. Copies of this order shall be filed with the tariffs and served upon Alaska Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-24203 Filed 10-16-74;8:45 am]

[Docket No. 22859; Order 74-10-71]

BRANIFF AIRWAYS, INC.

Proposed Air Freight Rate Increase; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of October, 1974.

By tariff revisions filed September 13 and marked to become effective October 15, 1974, Braniff Airways, Inc. (Braniff), proposes to revise its domestic air freight rates as follows:

1. Increase its bulk minimum charges per shipment from the current $10.60 to the following levels:

Segment mileage:	*Proposed minimum charge*
1 to 1,050	$12.00
1,051 to 1,350	13.00
1,351 to 1,600	14.00
1,601 and over	15.00

2. Increase all eastbound directional general commodity rates as follows:

a. Under-100-pound rates by amounts ranging from 1 to 19 percent; and

b. Increase all other rates by 15 percent, but not to exceed the comparable rate in the opposite direction in the same market;

3. Increase all westbound rates by amounts ranging from 1 to 19 percent;

4. Cancel numerous specific commodity rates and increase remainder by 12 percent;

5. Cancel all local general commodity 250-pound and 500-pound weightbreaks to/from Hawaii;

6. Increase all container rates by 12 percent; and

7. Cancel:

a. Type A container rates where freight service is no longer provided; and

b. All Type B container rates.

[2] Appendix A is filed as part of the original document.

In support of its proposal, Braniff contends, inter alia, that (1) it has not increased the level of minimum charges in several years, despite the fact that costs of providing this service have been increasing; (2) increases proposed are economically justified and are urgently needed to relieve an increasing cost burden; (3) based on 1974 data, the proposal is expected to generate $2.02 million additional annual revenue, but that is $1.45 million short of what Braniff believes is necessary in order to realize a 12 percent return on investment; (4) specific commodity rates that either do not generate traffic or generate so little traffic that their continuation can no longer be justified are being canceled and (5) minimum weights for Type A containers are being increased from 3,100 to 4,500 pounds, because carrier experience reveals a loss of revenue occurs when container discounts are granted for weights under 4,500 pounds.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding.[1] The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Board has reviewed these proposed rates and charges in the light of industry costs of carrying air freight (including a full return on investment) and including adjustments to reflect recent fuel price increases, and finds the following proposed rates in general to be excessive in relation to costs:[1]

1. Type D container rates with lengths of haul of 750 miles and over;
2. Type A container rates with lengths of haul over 600 miles; and
3. Bulk general commodity rates in markets with lengths of haul over 1,200 miles, with some exceptions.

In addition, the proposed cancellation of 250- and 500-pound rates in the Mainland-Hawaii markets means that shipments formerly moving at these weight-breaks would now move at the substantially higher 100-pound rates.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to such rates as set forth in detail in Appendix A,[1] should be suspended. The remaining portions of the proposal, including increases in bulk minimum charges and most increases in short-haul markets, appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. Pending hearing and decision by the Board, the rates and charges described in Appendix A are suspended and their use deferred to and including January 12, 1975, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and
2. Copies of this order shall be filed with the tariffs and served upon Braniff Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-24210 Filed 10-16-74;8:45 am]

[1] In Order 74-7-120, dated July 26, 1974, the Board sets forth in some detail, the bases for use of the costing methodology in evaluating tariff increases pending final decision in the Domestic Air Freight Investigation. These bases are equally applicable herein and will not be repeated.

[1] Appendix A is filed as part of the original document.

[Docket No. 22859; Order 74-10-65]

EASTERN AIR LINES, INC.

Proposed Air Freight Rate Increase; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of October, 1974.

By tariff revisions[1] variously posted and issued and marked to become effective October 15, 1974, Eastern Air Lines, Inc. (Eastern) proposes, inter alia, to revise its domestic air freight rates as follows:

1. Increase all minimum charges, currently $12.00 per shipment, as follows:

Mileage:	*Increase*
0 to 1,050	No change
1,051 to 1,350	$1.00
1,351 to 1,600	2.00
1,601 and over	3.00

2. Increase all non-directional and westbound directional general commodity rates between 1 and 27 percent. Rates in some westbound markets exceeding 2,400 miles will be decreased to coincide with Eastern's rate scale;
3. Increase all eastbound directional rates, generally between 8 and 26 percent, and not to be less than 80 percent of the proposed westbound rate in the same market. Eastbound rates will not exceed the proposed westbound rate in the same market;
4. Cancel all specific commodity rates, regardless of direction, except for rates on uncremated human remains which are unchanged;
5. Reduce the exception rating applicable on human remains, currently 150 percent, to 135 percent of the applicable general commodity rate, which would result in no change in charges on such shipments;
6. Increase all import general commodity rates 10 percent; regardless of direction; and
7. Increase container rates and charges based upon the former domestic industry container formula which utilized the applicable bulk rate level.

In support of its proposal, Eastern asserts, inter alia, that the increases for minimum shipments are being filed in recognition of the increases for longer hauls that have been approved for other carriers and to compensate for substantial freight losses that have been partially attributed to these shipments, and even with these increases, revenues asociated with these shipments will not be sufficient to offset costs; that since eastbound directional rates are an average of 81 percent of westbound rates, Eastern is increasing all rates to at least that level; that contrary to past directional trends, it is now experiencing, in many markets, more traffic in the eastbound direction than in the westbound direction; and that the rates proposed for medium and long-haul markets (over 1,150 miles) reflect cost levels that have been recognized by the Board in its recent evaluation of freight rate tariff proposals, with a 5 percent escalation factor to compensate for subsequent expense adjustments.[2] Furthermore, with respect to the cancellation of specific commodity rates, Eastern feels at this time that all rates should be at the level of the proposed general commodity rates, thereby simplifying the rate structure; that the present rules governing assembly service are no longer economical and the use of this service has declined over the past few years; and that Eastern estimates that this increase, resulting in approximately $4.2 million annually, will reduce its operating loss, but not eliminate it.

The proposed rates come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Board has reviewed these proposed rates and charges in the light of industry costs of carrying air freight[3] (including a full return on investment) and including recent fuel price increases, and finds a number of the proposed rates and charges to be excessive in relation to costs. Specifically, the rates found to be above costs are typically for the longer hauls, although they vary by distance, weight-break, or container type, with Type D containers typically found to exceed costs for most lengths of haul.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to such rates as set forth in detail in Appendix A,[4] should be suspended. The remaining portions of the proposal, including the increased minimum charges per shipment, the reduced

[1] Revisions to Airline Tariff Publishers, Inc., Agent's C.A.B. Nos. 169 and 227.

[2] Eastern, however, fails to provide any support for this escalation factor. The Board has consistently followed the principle of disregarding claims of cost increases that are not factually supported or that may be merely anticipatory.

[3] See Order 74-7-120 for explanation of cost-based rates.

[4] Appendix A is filed as part of the original document.

exception rating for human remains, and the remaining increased bulk and container rates and charges, appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. Pending hearing and decision by the Board, the increased rates and charges described in Appendix A[4] are suspended and their use deferred to and including January 12, 1975, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-24206 Filed 10-16-74;8:45 am]

[Docket No. 22859; Order 74-10-66]

HUGHES AIRWEST

Proposed Freight Rate Increase; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of October, 1974.

By tariff revisions issued September 13 and marked to become effective October 13, 1974, Hughes Air Corp. d/b/a Hughes Airwest (Airwest) proposes to revise its bulk general and specific commodity air freight rates as follows:

1. Increase minimum charges per shipment *from $10.00 to $12.00;*

2. Increase all general and specific commodity rates by 7.5 percent; and

3. Reduce the exception rating for human remains from 230 percent to 210 percent, resulting in no increase in charges.

In support of its proposal, Airwest asserts, inter alia, that the purpose of this increase is to offset escalating costs of fuel, labor, and other items; that for the year ending June 30, 1974, it has a loss of $756,000 in air freight operations; that the proposed increase will approximate 11.55 percent of total air freight revenues and will result in an estimated increase in revenue of $417,000 annually; and that, even with the proposed increase, Airwest will have an estimated loss of $374,000 for the year ending September 30, 1975.

The proposed rates come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Board has reviewed these proposed increases in the light of industry costs of carrying air freight[1] (including a full return on investment) and including recent fuel price increases, and finds the proposed general commodity rates at the 100-pound weight-break in 44 markets to be excessive in relation to costs. These rates are all typically over 800 miles.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to such rates as set forth in detail in Appendix A,[2] should be suspended. The remaining portions of the proposal, including the increased minimum charge per shipment, the reduced exception rating on human remains (which applied to the increased bulk general commodity rate, results in no increase in charges), and the remaining increased general and specific commodity rates, appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates described in Appendix A below are suspended and their use deferred to and including January 10, 1975, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon Hughes Air Corp. d/b/a Hughes Airwest.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-24207 Filed 10-16-74;8:45 am]

[Docket No. 25952; Order 74-10-68]

SPEARAIR OY

Foreign Air Carrier Permit; Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of October, 1974.

Spearair OY, a Finnish corporation, has applied to the Board for a permit authorizing it to engage in various types of charter foreign air transportation. A hearing has been held on the application and on March 4, 1974, Administrative Law Judge Frank M. Whiting issued a decision recommending the grant of a permit. Exceptions were filed by Pan American World Airways, an intervenor in the case, and on March 28, 1974, Pan American and Spearair filed briefs to the Board.

Information has subsequently been received by the Board that in May 1974 Spearair OY went into bankruptcy and that the corporation is in the process of liquidation. The Board is informed that the company has no aircraft, its two Douglas DC-8-32's having been repossessed in July by the U.S. seller. The Board also understands that Spearair's operating permit has been canceled by the Finnish Board of Civil Aviation.

Accordingly, the Board tentatively finds and concludes that the pending application of Spearair OY for a permit to engage in charter foreign air transportation has been rendered moot by the carrier's bankruptcy and liquidation, the repossession of the aircraft with which it proposed to perform the transportation and the cancellation of its operating permit by the Finnish authorities and that the proceeding should therefore be dismissed. The Board finds that unless objections are received within 20 days from the date of this order, an order should be issued making final the tentative findings and conclusions herein and dismissing the proceeding as moot.

Accordingly, it is ordered That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions set forth herein and which would dismiss the proceeding involving the application of Spearair OY for a foreign air carrier permit;

2. Any interested person having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within twenty days of the date of service of this order[1];

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Spearair OY, Pan American World Airways, and the Ambassador of Finland shall be served with copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-24209 Filed 10-16-74;8:45 am]

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[1] See Order 74-7-120 for explanation of cost-based rates.

[2] Appendix A is filed as part of the original document.

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

COMMISSION ON CIVIL RIGHTS

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of

the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on October 31, 1974, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine 04331.

Persons wishing to attend this meeting should contact the Committee Chairman, or the New York Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to begin plans for the release of the Maine Indian report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 3, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-24346 Filed 10-16-74;9:24 am]

MICHIGAN STATE ADVISORY COMMITTEE

Notice of Change

The location of the meeting of the Michigan State Advisory Committee to the U.S. Commission on Civil Rights, originally scheduled to be held on October 25, 1974, at The Butzel Building, 163 Madison, Detroit, Michigan 48226, a notice of which was previously published on page 35594 in the FEDERAL REGISTER on Wednesday, October 2, 1974, (39 FR Doc. 74-22806), has been changed.

The meeting of the Michigan State Advisory Committee will be held on October 25, 1974, in the Seventh Floor Conference Room, Michigan State Plaza Building, 1200 West Six Street, Detroit, Michigan 48226.

Dated at Washington, D.C., October 3, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-24344 Filed 10-16-74;9:24 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on October 29, 1974, at the New Hampshire Highway Motel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purposes of this meeting shall be to (1) review status of the New Hampshire prison report and (2) discuss possible projects to be undertaken during FY 1976.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 2, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 74-24345 Filed 10-16-74;9:24 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

ANNUAL REPORT

Availability

Pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and Circular A-63, revised, of the Office of Management and Budget, notice is hereby given of the availability of the First Annual Report of the Federal Prevailing Rate Advisory Committee.

The Report summarizes the activities of the Committee in dealing with Federal prevailing rate pay systems and related matters, during the calendar year 1973.

Copies of the Report are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price is 55 cents per copy, and the stock number is: 5271-00418.

The Report may be otherwise examined at the Office of the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday, legal holidays excluded.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

OCTOBER 10, 1974.

[FR Doc.74-24164 Filed 10-16-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Appellate Section, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-24242 Filed 10-16-74;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Associate Director for Human Rights, Office of Human Rights.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-24243 Filed 10-16-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Executive Direction and Administration.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-24244 Filed 10-16-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Notice of Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Assistant Director for International Communications and Executive Direction.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-24245 Filed 10-16-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/125; FRL 275-8]

NOTICE OF 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 December 16, 1974, any person who (a) is or has been an applicant, (b) believes that data be developed and submitted to EPA on or after October 21, 1972, is being used to support an application 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 December 16, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 9087-I. Aspen Industries, Inc., PO Box 177, Tully NY 13159. TABEX CHLOR-SHOCK CONDITIONER. Active Ingredients: Sodium Dichloro-s-Triazinetrione 49.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4206-GR. The Barcolene Co., 620 South St., Holbrook MA 02343. BARCOLENE START UP. Active Ingredients: Sodium dichloro-s-triazinetrione dyhydrate 49.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 31521-RG. Biotech Products Corp., Lapp Rd., Waterford NY 12188. BIOTECH DISINFECTANT SURFACE SPRAY P220. Active Ingredients: O-Phenylphenol 0.20%; n-Alkyl (92% C18, 8% C16) N-Ethyl Morpholinium Ethylsulfates 0.035%; Triethylene Glycol 8.000%; Isopropyl alcohol 51.080%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 31521-RE. Biotech Products Corp. BIOTECH DISINFECTANT FOAM CLEANER P100. Active Ingredients: O-Phenylphenol 0.20%; O-Benzyl-p-Chlorophenol 0.20%; Tetrasodium ethylenediamine tetraacetate 1.90%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 31521-EU. Biotech Products Corp. BIOTECH DISINFECTANT FOAM CLEANER Q100. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.10%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.10%; Tetrasodium ethylenediamine tetraacetate 1.90%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 887-UN. Bonewitz Chemicals, Inc., PO Box 927, Burlington IA 52601. BONCHEM LCS-200 DISINFECTANT FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7299-RE. The Brenco Corp., 704 N. First St., St. Louis MO 63102. BRENCO WATER TREATMENT MICROBIOCIDE 570. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7299-RG. The Brenco Corp., 704 N. First St., St. Louis MO 63102. BRENCO 565 LIQUID ALGAECIDE. Active Ingredients: Sodium Pentachlorophenate 9.83%; Sodium Salts of other chlorophenols 1.37%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7616-GL. Chem Lab Products, Inc., 2850 E. Coronado, Anaheim CA 92806. KEMEX POOL START. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 49.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4450-GR. Chemex Chemicals & Coatings, Inc., 2822 85th St., Tampa FL 33605. CHEMEX MIL-DU-NIX. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4600-20. Clean Home Products, 2801-05 Locust St., St. Louis MO 63103. PERFUMED FRESH 'N' CLEAN DEODORANT BLOCK. Active Ingredients: Paradichlorobenzene 99.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4600-23. Clean Home Products, 2801-05 Locust St., St. Louis MO 63103. PERFUMED CEDAR-PINE CLOSET FRESHENER. Active Ingredients: Paradichlorobenzene 99.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34693-R. Di-Chem Diversified Chemicals Corp., 8100 Electric Ave., Stanton CA 90680. DI-CHEM 650 BACTERICIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride 30.4%; Isopropyl Alcohol (C12 25%, C14 60%, C16 15%) 6.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34852-G. Eucalyptus Laboratories, Eucalyptus Research, PO Box 4301, Carmel CA 93921. KOALA KOLLAR. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 4.3%; Essential oils 2.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7053-RA. Fremont Industries, Inc., PO Box 67, Shakopee MN 55379. FREMONT 9015 MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 10%; Isopropyl alcohol 4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32460-E. Hydrology Laboratories, Inc., PO Box 714, Smithtown NY 11787. EASYTABS CONCENTRATED ALGAECIDE TABLETS. Active Ingredients: n-alkyl (98% C12, 2% C14) dimethyl 1-napthylmethyl ammonium chlorides monohydrate 52%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34903-R. Smith Pump & Supply Co., 938 S. Central Ave., Canonsburg PA 15317. IODINE (TECHNICAL GRADE). Active Ingredients: Iodine 99.5%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated October 3, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-23595 Filed 10-16-74;8:45 am]

[FRL 279-5]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Thursday, October 31, 1974, in meeting rooms of the Sheraton O'Hare Motor Inn, 6810 N. Mannheim Road, Rosemont, Illinois.

The purpose of this meeting is to present and discuss the Effluent Limitations for Steam Electric Power Plants and discuss the Finalized Guidelines for 316 (a) and (b) demonstrations. The panel will also discuss the 316(a) demonstrations which have been submitted to U.S. EPA for the Zion and Waukegan Power Plants.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Mr. William D. Franz, Environmental Protection Agency, Region V, Federal Activities Branch, 230 South Dearborn, Chicago, Illinois 60604. The telephone number is area code 312-353-5756.

JOHN QUARLES,
Acting Administrator.

OCTOBER 10, 1974.

[FR Doc.74-24033 Filed 10-16-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20014; FCC 74R-380]

GROSS TELECASTING, INC.

Order Regarding Renewal of Licenses

1. By Memorandum Opinion and Order, FCC 74-374, 46 FCC 2d 543, released April 22, 1974, the Commission designated for hearing, on various issues, the renewal applications of Gross Telecasting, Inc. (Gross), Docket No. 20014, File Nos. BR-830, BRH-1052, BRSCA-207, BRCT-68, for Stations WJIM, WJIM-FM, and WJIM-TV, Lansing, Michigan. The Review Board now has before it a second petition to enlarge issues,[1] filed

[1] The ACLU also filed a petition to enlarge issues with the Board on May 14, 1974.

on August 28, 1974, by the American Civil Liberties Union of Michigan, Lansing Branch (ACLU),[2] requesting the Board to add a § 73.1208[3] issue against Gross.[4]

2. With regard to the timeliness of ACLU's petition, ACLU alleges that the information supporting its petition came to its attention for the first time "after a tip from a station employee" on approximately August 8, 1974, and that it filed its petition within 20 days thereafter. In opposition, Gross points out that the issues originally designated for hearing were published in the FEDERAL REGISTER on April 26, 1974, 39 FR 14757, and that § 1.229 of the Commission's rules requires motions to enlarge issues to be filed, unless good cause is shown, within 15 days after publication. Gross alleges that petitioner's motion is grossly untimely, that no good cause has been shown, and that, therefore, the motion should be dismissed. In the Board's view, absent a "tip" or some other unusual circumstance, petitioner had no way of discovering by the exercise of ordinary diligence the alleged misconduct. And, since the petition was filed within a reasonable period of time after the discovery, we believe that good cause for the late filing has been shown. We will, therefore, consider the petition to enlarge issues on its merits.

3. In its petition, ACLU alleges that sometime since the fall of 1973, Gross has engaged in the practice of taping a 6:40 p.m. television weather report for rebroadcast at 11:25 p.m. without informing the viewer that the broadcast had been taped at an earlier time.[5] This allegation is supported by the affidavits of WJIM-TV anchorperson Ralph Allen and anchorperson/reporter Diane Smith.[6] In opposition, Gross does not deny that the 11:25 p.m. weather report is a rebroadcast of an earlier report or that the station failed to so inform its viewers. Rather, Gross maintains that this practice does not violate § 73.1208 since it does not involve any program matter as to which a time delay is of significance; therefore, it urges, an announcement under § 73.1208 of the rules, is not required. In further explanation, Gross alleges that the weather report consists of both the pre-recorded "forecast" material,[7] as well as updated superimposed, "currents", e.g., current temperature, barometer, dew point and relative humidity information. Moreover, alleges Gross, the station disregards the above-outlined procedures and broadcasts the weather report live when there is a substantial change in the forecast subsequent to the taping of the weather segment. Additionally, according to Gross, regular programming is interrupted to broadcast emergency weather reports. Gross contends that the alleged procedures do not endanger the health and welfare of the public and, therefore, there is no basis for addition of the requested issue.[8]

4. The Board finds that petitioner has raised serious questions regarding Gross' practice of broadcasting weather reports which were recorded more than four hours earlier without so informing the viewers. Section 73.1208 is clearly intended to prevent the viewer from being misled or from having the impression that the program material is occurring simultaneously with the broadcast. In light of Gross' admission of the procedures alleged by the ACLU, and notwithstanding the factors offered in mitigation by Gross in its opposition, we are of the view that the matter clearly warrants further exploration in a hearing to determine all of the facts surrounding this practice. Therefore, the Board will add the requested Section 73.1208 issue.

5. Accordingly, *it is ordered*, That the Broadcast Bureau's motion to strike, filed September 27, 1974, is granted, and the reply of Gross Telecasting, Inc. to the Broadcast Bureau's comments, filed September 26, 1974, is dismissed; and

6. *It is further ordered*, That the petition to enlarge issues, filed on August 28, 1974, by the American Civil Liberties Union, is granted; and

7. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether Gross Telecasting, Inc. has violated the provisions of § 73.1208 of the Commission's rules and, if so, to determine the effect thereof on its qualifications to be a Commission licensee.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the foregoing issue SHALL BE upon the American Civil Liberties Union of Michigan, Lansing Branch, and that the burden of proof shall be upon Gross Telecasting, Inc.

Adopted: October 7, 1974.

Released: October 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-24149 Filed 10-16-74;8:45 am]

[Docket Nos. 20076-79; FCC 74R-360]

MEL-LIN, INC. ET AL.

Applications for Construction Permits

In re applications of Mel-Lin, Inc., Jacksonville, Florida, Docket No. 20076, File No. BPH-8194; Mark L. Wodlinger, Jacksonville, Florida, Docket No. 20077, File No. BPH-8252; Bold City Broadcasting Company, Jacksonville, Florida, Docket No. 20078, File No. BPH-8255; Diamond T. Coal and Realty Co., Jacksonville, Florida, Docket No. 20079, File No. BPH-8258; for construction permits.

1. The above captioned applications for a new FM broadcast station in Jacksonville, Florida, were designated for hearing by Commission Order, 39 FR 21189, published June 19, 1974. The Review Board now has before it a motion to enlarge issues, filed July 5, 1974, by Bold City Broadcasting Company (Bold City), and a petition to hold in abeyance, filed by Mel-Lin, Inc. on August 21, 1974.[1][2] Bold City requests the Board to

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[2] The ACLU, which filed a petition to deny Gross' application, was made a party to the proceeding in the designation Order.

[3] Section 73.1208(a) of the Commission's Rules and Regulations reads as follows:

Any taped, filmed or recorded program material in which time is of special significance, or by which an affirmative attempt is made to create the impression that it is occurring simultaneously with the broadcast, shall be announced at the beginning as taped, filmed or recorded. The language of the announcement shall be clear and in terms commonly understood by the public. For television stations, the announcement may be made visually or aurally.

[4] The Board also has before it for consideration the following related pleadings: (a) opposition, filed September 16, 1974, by Gross; (b) comments, filed September 16, 1974, by the Broadcast Bureau; (c) reply to the Bureau's comments, filed September 26, 1974, by Gross; (d) motion to strike the reply to the Bureau's comments, filed September 27, 1974, by the Bureau; (e) comments on the Broadcast Bureau's motion to strike, filed October 2, 1974, by the ACLU; and (f) reply to (a) above, filed September 26, 1974, by the ACLU. Since Gross' reply to the Bureau's comments is an unauthorized pleading, the Board will grant the Bureau's motion to strike and dismiss the responsive pleading, without consideration. See *Post-Newsweek Stations, Florida, Inc.* (WPLG-TV), FCC 74R-303, ____ FCC 2d ____, released August 23, 1974.

[5] Petitioner maintains that this practice directly affects the health and well-being of those individuals, such as farmers, who rely on the accuracy of weather information.

[6] The Bureau supports the requested issue in its comments.

[7] "Forecast" information, according to Gross, consists of information related to anticipated conditions, e.g., rainy, cloudy, and the like; and the predicted high and low temperatures.

[8] In its reply, petitioner attaches selected program logs of Station WJIM-TV which, according to petitioner, show that WJIM-TV recorded on the logs that the 11:25 p.m. weather report was broadcast live. ACLU requests that the Board also add a false logging issue and an issue to determine if Gross misrepresented and concealed material facts in its opposition to petition to enlarge issues. The Board will deny this request. Reply pleadings, which contain wholly new and previously unmentioned allegations of fact and/or requests for additional issues will not be considered. To do otherwise would permit the reply to serve the purpose of the original petition and thereby, inter alia, preclude another party from responding to the allegations. See Industrial Business Corporation, 40 FCC 2d 69, 26 RR 2d 1447 (1973), and discussion therein.

[1] The Board also has before it: (a) comments, filed July 10, 1974, by the Broadcast Bureau; (b) reply to Broadcast Bureau's comments, filed July 29, 1974, by Bold City; (c) opposition, filed August 1, 1974, by Mark L. Wodlinger and (d) a reply, filed August 13, 1974, by Bold City.

[2] The Broadcast Bureau filed an opposition to the petition to hold in abeyance on August 28, 1974. The request is predicated on a joint petition for approval of a dismissal agreement now pending before the Administrative Law Judge. However, since that petition has not yet been acted on, the Board is of the view that the requested action would not be consistent with the orderly dispatch of the Commission's business.

add issues concerning Wodlinger's financial qualifications and his efforts to ascertain community needs, as well as a comparative programming issue. Bold City also seeks to determine whether Wodlinger disclosed all of the information required in his application in accordance with § 1.514(a) of the Commission's rules; whether Wodlinger has reasonable assurance that his proposed antenna site will be available to him; [3] and whether Wodlinger's proposed operation would provide optimum coverage within the 3.16 mv/m contour.

ASCERTAINMENT OF NEEDS ISSUE

2. Bold City asserts that Wodlinger's survey of "needs and interests" is deficient in that: the demographic information submitted does not adequately describe the community; the data concerning interviews with community leaders does not indicate who conducted the interviews, whether memoranda or records were kept, or whether the persons interviewed represented minority groups; there is no indication that leaders of other communities within Wodlinger's proposed service area have been interviewed; the survey does not include representatives of several significant groups in the community; and the general public survey does not indicate that it was conducted by the licensee, his employees, prospective employees or a professional survey organization and does not show how "randomness" was achieved. Bold City also contends that the programming proposed by Wodlinger is not adequate to meet the needs discovered by his survey. The Broadcast Bureau, in its comments, states that Wodlinger's survey is deficient in that it does not appear that all significant groups were interviewed and, since the addresses of the persons interviewed are not given, it is impossible to determine whether leaders of other communities which Wodlinger undertakes to serve were consulted.

3. The Review Board will add the requested issue. We agree with the petitioner that Wodlinger has not provided sufficient information to establish compliance with the requirements of the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). First, Wodlinger's application does not state who conducted the interviews with community leaders; it merely asserts that Wodlinger consulted with representatives of city government and the chamber of commerce to form a foundation for the interviews that follow. Nor does the assertion in Wodlinger's opposition to the motion to enlarge, that

> • • • even a cursory reading of Exhibit 5 would disclose that Mr. Wodlinger conducted personal interviews covering a representative cross section of community leaders,

establish that Wodlinger did in fact interview the community leaders. The above quoted language is too vague to establish that Wodlinger conducted the interviews; nor is it supported by an affidavit of a person with personal knowledge of the facts. In the absence of a definitive statement by the applicant, the Board is unable to determine who interviewed the community leaders. Furthermore Wodlinger's statement that he personally supervised the survey of the general public does not indicate who actually conducted those interviews. Questions and answers 11(b) and 12 of the Primer, supra, specify that only applicants, employees, prospective employees or a professional research or survey service may conduct this survey; from the information before us, it is impossible to determine whether Wodlinger has met this requirement. We also note that Wodlinger did not specify the major communities within his service area which he did not choose to serve nor did he identify any community leaders from other communities within his service area as directed by question and answer 6 of the Primer. The belated statement in his opposition pleading that

> • • • he did not consult with leaders outside Jacksonville since it is his intention to direct his programming solely to the needs and problems of Jacksonville. Since Jacksonville is a large city of over 500,000 people covering its needs and problems would surely occupy a station's full time • • •.

does not adequately explain his failure to provide the required information in the first instance; nor does it, in the absence of further explanation, justify his failure to serve other communities within his service area.[4] With respect to Bold City's assertion that Wodlinger has not consulted with all significant groups, Wodlinger concedes that he neglected to identify the leaders of black people in his original list. He then names three whom he considers to be "representative of the several black leaders who were contacted." Wodlinger did not identify any representatives of the U.S. Navy nor does he question the existence of three major Naval installations within this proposed service area. Thus in the absence of further explanation, we cannot find that Wodlinger has consulted all significant groups in the community to be served. Moreover, we have serious questions, in the absence of further explanation, that Wodlinger's proposed use of "one minute capsule programs", a one-half hour program each week addressed to a different problem, and by emphasis on local news satisfies Primer requirements or adequately describes the means by which the applicant proposes to meet the ascertainment needs of his community. Accordingly, an appropriate issue will be added.

COMPARATIVE PROGRAMMING ISSUE

4. Bold City notes that Wodlinger proposes to devote only 5 percent of the broadcast week to news, public affairs and all other programming exclusive of entertainment and sports, while Bold City proposes to devote 20.93 percent of its broadcast week to those same categories of programs. Moreover, Bold City contends that since Commission rules prohibit the Bureau from acting pursuant to delegated authority on those uncontested applications which propose to devote less than 6 percent of the broadcast week to news, public affairs and all other except sports and entertainment, there is serious question whether the Wodlinger proposal meets the minimum criteria for operation in the public interest. Bold City's request will be denied. The Commission, in its Policy Statement on Comparative Broadcast Hearings states:

> Substantial differences [in programming] will be considered to the extent that they go beyond ordinary differences in judgment and show a superior devotion to public service. For example, an unusual attention to local community matters for which there is a demonstrated need, may still be urged. We will not assume, however, that an unusually high percentage of time to be devoted to local or other particular types of programs is necessarily to be preferred. 1 FCC 2d 393, 397-93 (1965).

Bold City has made no such showing. Specifically, although petitioner alleges generally that the differences in its proposed programming and its opponent's are reflected in its ascertainment showing, it has supplied no specific allegations demonstrating that this is the case. The requested issue will therefore be denied.

RULE 1.514 ISSUE

5. Bold City argues that Wodlinger's application does not comply with § 1.514 of the rules[6] in that it did not include a copy of the bank's commitment to lend it $150,000.00; nor did it contain copies of its leases on land and buildings as required by paragraph 4(e) of section III of FCC Form 301. Moreover, Bold City contends that Wodlinger's response to paragraph 19, page 5, section II of FCC Form 301 was incomplete since it disclosed only his interest in broadcast stations or applications he had an interest in from 1970 to the date the application was filed, despite the fact that the instructions require a listing of all such interests without regard to date. To support this contention, Bold City refers to the application of Community Telecasting Corp., File No. BPCT 2339, Docket 12501, wherein Wodlinger disclosed that

[3] By Order, FCC 74M-1151, released September 11, 1974, the Presiding Judge accepted an amendment to Wodlinger's application containing various changes in his financial proposal, and additional documentation to establish the availability of his proposed site. In light of these changes, petitioner concedes in its reply pleading that Wodlinger is now financially qualified and that his site is available. Therefore, no further discussion of these requested issues is necessary.

[4] *Childress Broadcasting of West Jefferson*, 37 FCC 2d 766, 25 RR 2d 711, 716, app for rev denied, FCC 73-433, released April 25, 1973.

[6] Section 1.514 reads in pertinent part as follows:

(a) Each application shall include all information called for by the particular form on which the application is required to be filed, unless the information called for is inapplicable, in which case this fact shall be indicated.

he has had associations with many different broadcast stations dating back to 1947. The Bureau supports addition of the 1.514 issue. Wodlinger, in opposition, concedes his long and varied record of broadcast interests, but contends that he failed to provide the information because he misconstrued the instruction as requiring only disclosure of his current holdings. He argues that he would have no reason to withhold the information since the additional broadcast experience would have been to his advantage. Wodlinger also contends that since the information was readily available to the Commission and the parties in other Commission records, no harm was done.

6. An issue to determine whether Wodlinger has complied with § 1.514 of the Commission's rules will be added to this proceeding. While the Review Board agrees with Wodlinger that the allegations concerning his bank loan commitment and the availability of his proposed site do not warrant such an issue, the instructions in paragraph 19, section II of the Form 301 are clear and unequivocal, and § 1.514(a) of the rules requires that all pertinent information be included in the application. However, we find no indication of intent to deceive the Commission and we have no reason to doubt Wodlinger's explanation for not including the omitted information. We will therefore limit our inquiry to Wodlinger's comparative qualifications.

NULL FILL ISSUE

7. Bold City contends that Wodlinger's proposal to use an antenna system which produces zero nulls [6] would not be an efficient use of the channel. Because of these nulls, Bold City argues that the proposed signal could not be received at 0.09, 0.154, 0.265 and 0.566 miles from the station, and that in the vicinity of these distances the signal would not be satisfactory. In view thereof, Bold City requests the addition of a "null fill" issue.[7]

8. The Board will not add the requested issue. No authority has been cited to support the contention that calculation (evaluation) of Wodlinger's proposed city coverage should include consideration of theoretical zero nulls in the vertical plane.[8] Moreover, Bold City has made no showing that a significant number of persons reside in the theoretical dead zones. Bold City's attempt to treat this case as analogous to standard broadcast (AM) directional operations is misplaced. AM directional operations often involve complex antenna systems utilizing several towers to obtain the desired radiation pattern. The horizontal pattern is adjusted after construction of the system, and it is often difficult to maintain the required pattern which requires frequent readjustment. However, the subject FM antenna is nondirectional in the horizontal plane, it is "adjusted" by design at the factory and it (practically speaking) does not require readjustment. Therefore, the vertical radiation nulls of a nondirectional FM operation do not create the problems of day-to-day variations that are found in directional AM operations. Also, the subject theoretical zero nulls cannot be achieved under actual operating conditions. In actual operation, as proposed by Wodlinger, the nulls will be sufficiently filled to provide a city grade signal to the areas described by Bold City as "dead zones". The requested issue will therefore be denied.

9. Accordingly, *It is ordered*, That the petition to hold in abeyance, filed on August 21, 1974, by Mel-Lin, Inc. is denied, and that the motion to enlarge issues, filed on July 5, 1974, by Bold City Broadcasting Company is granted to the extent indicated herein, and is denied in all other respects; and

10. *It is further ordered*, That the issues in this proceeding are enlarged as follows:

a. To determine the efforts made by Mark L. Wodlinger to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

b. To determine whether Mark L. Wodlinger omitted information in his application regarding his past broadcast interests in violation of the requirements of Section 1.514 of the Commission's rules, and, if so, the effect on his comparative qualifications to be a Commission licensee.

11. *It is further ordered*, That the burdens of proceeding and proof under issue a. above shall be on Mark L. Wodlinger.

Adopted: September 30, 1974.

Released: October 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-24147 Filed 10-16-74;8:45 am]

[6] Nulls are the low radiation sections of a directional radiation pattern. Wodlinger's proposed horizontal pattern is nondirectional. However, the vertical pattern varies in field intensity. The horizontal radiation values are generally used to determine the extent of coverage. According to Bold City, Wodlinger's proposed antenna produces four nulls in the vertical plane with radiation reduced in these nulls to zero, and these values should be used in determining the extent of service that would be provided to the principal city.

[7] The requested issue actually pertains to the extent of city coverage resulting from the zero nulls not being filled.

[8] The Bureau's staff letter to Tim Timothy, Inc., attached to Bold City's pleading, cannot be accepted as precedent; and, even if it were, the circumstances of that AM case are not similar to those of the subject FM case.

[Docket Nos. 20084-86; FCC 74R-377]

RADIO DISPATCH CORP. ET AL

Applications for Construction Permits

1. This proceeding, involving the applications of Radio Dispatch Corporation, Pomona, California, Docket No. 20084, File No. 3322-C2-P-70, Mobilfone, Inc. (Mobilfone), Los Angeles, California, Docket No. 20085, File No. 3514-C2-P-(3)-70, and Industrial Communications Systems, Inc. (Industrial), Los Angeles, California, Docket No. 20086, File No. 4611-C2-P-(4)-70 for construction permits to establish new or additional facilities in the Domestic Public Land Mobile Radio Service, was designated for hearing on various issues by Commission Memorandum Opinion and Order, 47 FCC 2d 610, released June 28, 1974, 39 FR 24952, published July 8, 1974. Before the Review Board is a motion to enlarge issues, filed July 23, 1974, by Mobilfone.[1] Petitioner seeks modification of the comparative service issue and addition of a Section 21.516 issue against Industrial.

COMPARATIVE SERVICE ISSUE

2. Among the issues specified in the designation Order, supra, was the following:

1. To determine the nature and extent of the services proposed by each applicant, including, maintenance, personnel, and charges pertaining thereto.

Mobilfone now seeks to substitute for the foregoing an issue:

1. To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto.

Mobilfone contends that a substitution would insure the consideration of all the criteria which the Commission has previously employed in deciding the standard comparative service issue. According to Mobilfone, these criteria are found in sections 201(b) and 202(a) of the Communications Act of 1934, as amended, as well as in FCC Form 401, and are therefore clearly relevant and material to a reasoned comparison of competing radio common carrier applicants. Movant also complains that issue 1 as now framed erroneously separates "maintenance" from "personnel", whereas maintenance personnel has previously been considered a single item.

3. In its opposition, the Common Carrier Bureau asserts that the new wording of the issue is intended to reflect the fact that the Commission does not directly regulate the charges, classifications, practices, services, facilities or regulations of California mobile telephone carriers, but rather examines these factors on a comparative basis only, according to the broad standard of "public interest, convenience and necessity". Since the Commission does specify minimum qualifications for personnel maintaining radio transmitters, the Bureau

[1] Also before the Board are the following related pleadings: (a) opposition, filed August 1, 1974, by the Common Carrier Bureau; (b) comments, filed August 5, 1974, by Industrial; and (c) reply, filed August 13, 1974, by Mobilfone.

states, the term "maintenance personnel" has been retained in the new issue; in addition, it avers, the word "charges" has been included to confirm the Commission's interest in the other factors, at least on a comparative basis. Industrial, in its comments, declares that it understood issue 1 to encompass maintenance as one subject and personnel, including maintenance personnel, as another. If the Commission intended another result, Industrial says, the Board should clarify the "ground rules" as to evidence regarding ownership, management, or operating personnel.

4. Replying to the Bureau, Mobilfone asserts that whether or not the Commission directly regulates rates, charges, etc., it has long regarded these factors as relevant in making a reasoned choice between two applicants, and has never before feared creating the appearance of improperly usurping valid state interests and functions. But if the Board was disinclined to "correct" issue 1, Mobilfone maintains, it should at least clarify whether any evidence relevant to such factors as rates, etc. may be adduced under the existing issue. Mobilfone also declares, in reply to Industrial, that its proposed issue definitely would permit an inquiry into non-maintenance personnel in connection with the comparisons of each applicant's "facilities."

5. The Review Board will not modify issue 1. Apparently, the omission of the words "rates", etc. from the issue as presently framed did not result from an oversight or mistake, cf. Day-Nite Radio Message Service Corp., 23 FCC 2d 665, 19 RR 2d 301 (1970), but rather from a desire to reflect the distinction between the Commission's direct regulation of interstate common carriers and its indirect regulation of intrastate carriers. Compare Sections 2 and 201 of the Communications Act; see also Public Notice, FCC Announces New Policy Regarding Filing of Mobile Tariffs, 1 FCC 2d 830 (1965). Accordingly, we will not reinstate the former language of the issue, as Mobilfone proposes. Nor will the Board grant Mobilfone's alternate request to clarify the existing issue. Such requests should first be addressed to the Administrative Law Judge, in order to facilitate the orderly and effective workings of the Commission's processes. See § 1.248(c)(1) of the Commission's Rules; Western Connecticut Broadcasting Co., 26 FCC 2d 1019, 20 RR 2d 961 (1970), and cases cited therein.

SECTION 21.516 ISSUE

6. According to paragraph 5 of the designation Order, supra, Industrial seeks to add two new UHF frequencies (along with two new transmitters at existing sites) in order to provide "automatic/manual access" two-way communications service to the Los Angeles area. Mobilfone now requests that the Board add an issue:

To determine the nature and extent of services now rendered by Industrial Communications Systems, Inc., the capacity of its existing facilities, and in the light of § 21.516 of the Commission's rules, or other pertinent regulations or Commission policy, whether grant of Industrial's application for additional channels is justified in the public interest.

In support of this issue, Mobilfone contends that the number of two-way units in use on Industrial's four existing UHF frequencies is actually declining, so that the addition of its proposed new service would at best restore Industrial's two-way traffic to its former level.[2] If Industrial has any capacity problems at all, Mobilfone surmises, it is because of its use of one of its frequencies for one-way paging—but such usage, movant points out, must give way to an existing demand for two-way service, since § 21.501(c) of the Rules permits paging to be offered on UHF on a secondary basis only. Movant also asserts that, for purposes of channel allocation, there is no significant difference between Industrial's present and proposed systems and no incompatibility between them. For these reasons, Mobilfone concludes, its rival has failed to meet the test established in Empire Communications Co., 47 FCC 2d 329, 30 RR 2d 649 (1974), that "the need for the proposed service [be] greater than the capacity of the existing facilities." 47 FCC 2d at 331, 30 RR 2d at 652.

7. The Bureau opposes Mobilfone's request on the ground that the evidence that would be offered under the proposed issue is "germane and even essential" to the resolution of existing issues 4 and 7.[3] Industrial, in its comments, argues that the Empire decision, *supra*, is irrelevent to the present proceeding, since it involved an existing carrier who was attempting to preserve its monopoly status against a newcomer. Here, Industrial declares, all three applicants are existing carriers, so the Commission did not specify § 21.516 issues against any of them. The Commission must have done this "on the basis of a reasoned rationale", Industrial concludes; accordingly, the Board should reject Mobilfone's proposed issue. But if such an issue is specified, Industrial adds, "due process requires" that it be directed against all three applicants.

8. In reply, Mobilfone first points out that neither Industrial nor the Bureau has contested any of its factual assertions about Industrial's capacity. Movant then argues that there is a fundamental difference between a § 21.516 issue and the standard need issue, in that the former involves basic and the latter comparative qualifications. Moreover, Mobilfone declares, there simply is no question of due process involved here, for if there were, all basic issues, such as financial, character, etc., would have to be specified as to each applicant. Finally, Mobilfone asserts that Industrial's traffic loading study (which was not available when the instant motion was filed) confirms its previous assertions and lends additional support to its request for an issue.

9. The Board has examined the instant pleadings as well as the documents referred to therein, including Industrial's application, as amended to date, and its 1972 and 1973 Form L reports. From these it appears, as Mobilfone has alleged, that Industrial is currently utilizing one of its four UHF frequencies exclusively for paging, which is a secondary usage of the channel under § 21.501(c) of the Commission's Rules; that the service proposed by Industrial is completely compatible with its existing service; and that, given Industrial's need showing, the implementation of its proposal would do no more than restore the number of two-way units served by it to the level of 1972. In our opinion, then, Mobilfone has raised a serious question as to whether Industrial's existing channel capacity is "sufficient to meet traffic needs for the reasonably foreseeable future." Empire Communications Co., FCC 71-856, 31 FCC 2d 477 at 479. We will, therefore, add an appropriate issue against Industrial.[4]

10. Accordingly, *it is ordered*, That the motion to enlarge issues, filed July 23, 1974, by Mobilfone, Inc., is granted to the extent indicated herein and is denied in all other respects; and

11. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine the nature and extent of services now rendered by Industrial Communications Systems, Inc., the capacity of its existing facilities, and in light of Section 21.516 of the Commission's Rules, or other pertinent regulations or Commission policy, whether grant of Industrial's application for additional channels is justified in the public interest.

12. *It is further ordered*, That the burdens of proceeding and proof with respect to the foregoing issue shall be on Industrial Communications Systems, Inc.

Adopted: October 3, 1974.

Released: October 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-24148 Filed 10-16-74;8:45 am]

[2] Its own four channels, Mobilfone states, now "efficiently accommodate" almost 100 more units than do Industrial's—even though Industrial, with all of its frequencies on the same band, has superior "trunking" capability.

[3] These issues read in pertinent part as follows:

4. To determine the total area and population to be served by Industrial * * * and to determine the need for its proposed service in that area. [Identically framed issues, nos. 2 and 3, are also specified against the other applicants.]

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications would best serve the public interest, convenience, and necessity.

[4] Contrary to movant's assertion, the need issues designated in this proceeding (see note 3, supra) are not solely comparative. These issues are intended to determine whether a public need exists for an applicant's proposed service.

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the Annual Meeting of the Assembly of the Radio Technical Commission for Aeronautics (RTCA) to be held at the Marriott (Twin Bridges) Motel, Washington, D.C., November 20-21, 1974. Sessions will begin at 9 a.m. each day.

The purpose of this meeting will be to hear viewpoints on technical problems confronting the aviation community, nationally and internationally, and ways to solve them.

PROGRAM

First Session. What are the management viewpoints or major issues facing users and manufacturers on forecasts affecting aviation, on present and future automation, on planning of common navigation systems, and on world-wide operational implications?

Second Session. What new operational, support, fail-soft and training procedures are being developed to accommodate automation concepts, present and future?

Third Session. An overview of the two major documents currently used by the Federal Government in the overall planning for and management of common-user navigation systems. Status reports on two specific global systems which are under development (OMEGA and NAVIGATION SATELLITES). Progress reports on RNAV.

Fourth Session. International cooperation in the Aerosat Program. Reaching international agreement on technical system proposals—MLS, long-range NAV, Aerosat, etc. International development of essential system characteristics, and promulgation of related airborne performance standards. Aviation's stake in the electromagnetic spectrum.

The meeting is open to the public. Any member of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting. Those desiring more specific information may contact the RTCA Secretariat, Suite 655, 1717 H Street, NW, Washington, D.C. 20006, or phone area code 202-296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-24146 Filed 10-16-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER ADVISORY COMMITTEE

Notice of Charter Amendment

This notice is given to advise of a change in the name of the Consumer Advisory Committee. The Charter of the Consumer Advisory Committee was published on August 21, 1974, (39 FR 30195-30196). The new name for this Committee will be the Consumer Affairs and Special Impact Advisory Committee.

The Charter published August 21, 1974, is hereby amended, effective immediately, to substitute "Consumer Affairs and Special Impact Advisory Committee" for "Consumer Advisory Committee" wherever the latter phrase appears. The Charter is not amended in any other respect.

Issued at Washington, D.C. on October 9, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74-24158 Filed 10-16-74;8:45 am]

RETAIL DEALERS ADVISORY COMMITTEE

Notice of Charter Amendment

This notice is given to advise of a revision in the Charter of the Retail Dealers Advisory Committee. The Charter was published in the August 21, 1974 issue of the FEDERAL REGISTER (39 FR 30198).

The amendment will revise provisions of that Charter dealing with rotation of members (section B(4)). It has been concluded that such rotation procedures should be amended to allow for a smaller number of members to be rotated at a given time and a longer period of service from each member.

No other changes are being made in the Charter.

The Office of Management and Budget has concurred in this revision.

The revised Charter is published below and is effective immediately.

Issued at Washington, D.C. on October 9, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

REVISED CHARTER

A. *Establishment.* The Administrator, Federal Energy Administration (FEA), having determined after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with technical and timely information on a wide range of business activities associated with the retailing of gasoline and diesel fuel, is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Retail Dealers Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, functions, and administrative provisions.* 1. *Objectives and scope.* The objectives of the Retail Dealers Advisory Committee are to advise the Administrator, FEA, with expert technical, and timely knowledge on a wide range of activities associated with the retail sale of gasoline/diesel fuel.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue for the duration of the FEA.

3. *Official to whom committee reports.* The Committee will report to the Administrator, FEA.

4. *Committee membership.* At the end of each anniversary year, approximately two to three members will be replaced with new members.

5. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Administration.

6. *Committee duties.* The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

7. *Estimated annual operating costs.* The estimated annual operating costs for the Committee are $30,000 and involve approximately one-half man-years of staff support.

8. *Meetings.* The Committee will meet approximately bimonthly.

9. *Termination date.* The Committee will terminate on June 30, 1976, or if the Federal Energy Administration Act of 1974 is amended to extend the duration of FEA beyond that date, the Committee will terminate on such later date or two years from the date of the original charter (August 16, 1974) whichever occurs earlier.

Dated: October 9, 1974.

JOHN C. SAWHILL,
Administrator.

[FR Doc.74-24160 Filed 10-16-74;8:45 am]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Charter Amendment

This notice is given to advise of a revision in the Charter of the Wholesale Petroleum Advisory Committee. The Charter was published in the August 21, 1974 issue of the FEDERAL REGISTER (39 FR 30199).

The amendment will revise provisions of that Charter dealing with rotation of members (section B(4)). It has been concluded that such rotation procedures should be amended to allow for a smaller number of members to be rotated at a given time and a longer period of service for each member.

No other changes are being made in the Charter.

The Office of Management and Budget has concurred in this revision.

The revised Charter is published below and is effective immediately.

Issued at Washington, D.C. on October 9, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

A. *Establishment.* The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide the FEA with advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Wholesale Petroleum Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, functions, and administrative provisions.* 1. *Objectives and scope.* The objectives of the Wholesale Petroleum Advisory Committee are to provide the Administrator, FEA, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

2. *Committee tenure.* In view of the goals of this Committee, it will be expected to continue for the duration of the FEA.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Administration.

4. *Committee membership.* At the end of each anniversary year, approximately two to three members will be replaced with new members.

5. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Administration.

6. *Committee duties.* The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

7. *Estimated annual operating costs.* The estimated annual operating costs for the Committee are $30,000.00 and involve approximately one-half man-years of staff support.

8. *Meetings.* The Committee will meet approximately every two months.

9. *Termination date.* The Committee will terminate on June 30, 1976, or if the Federal Energy Administration Act of 1974 is amended to extend the duration of FEA beyond that date, the Committee will terminate on such later date or two years from the date of the original charter (August 16, 1974) whichever occurs earlier.

Dated: October 9, 1974.

JOHN C. SAWHILL,
Administrator.

[FR Doc.74-24159 Filed 10-16-74;8:45 am]

FEDERAL MARITIME COMMISSION

AGROMAR LINES AND TABOGA ENTERPRISES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 6, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Philip C. Gardner, Kersten Shipping Agency, Inc., 52 Broadway, New York, New York 10004.

Agreement No. 10144 establishes a rate agreement between the two above listed carriers governing the transportation of freight in the trade between Atlantic Colombian ports of Barranquilla, Cartagena, Santa Marta and Turbo; Venezuela ports of La Guaira, Puerto Cabello Matanzas, and Maracaibo and ports in Puerto Rico and U.S. Virgin Islands.

Dated: October 11, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-24238 Filed 10-16-74;8:45 am]

COMPANIA SUD AMERICANA DE VAPORES AND LYKES BROTHERS STEAMSHIP CO.

Notice of Agreement Filed, Extension

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 6, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd Strickland, Vice President, Lykes Bros. Steamship Co., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9942-2, between the above named carriers, extends the effective period of the basic pooling agreement through December 31, 1975.

Dated: October 11, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-24237 Filed 10-16-74;8:45 am]

FEDERAL POWER COMMISSION

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

NATURAL GAS SALES

Just and Reasonable National Rates Declaratory Order on Petition for Clarification

OCTOBER 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.

The State Corporation Commission of the State of Kansas (Kansas) on August 29, 1974, filed a request for clarification of Opinion No. 699 concerning the right of producers making jurisdictional sales in Kansas covered by that opinion to adjust upward the national rate prescribed therein by the amount of the Kansas ad valorem tax.

Opinion No. 699 provides in Ordering paragraph A(3) (mimeo p. 141) that the national rate established there "shall be adjusted upward for all State or Federal production, severance, or similar taxes * * *". The question presented is whether the Kansas ad valorem tax is a similar tax within the meaning of the above provision. A number of other states also have an ad valorem tax, and our determination here will not be limited to the Kansas ad valorem tax, but will apply to ad valorem taxes in general.

As Kansas points out, the bulk of the Kansas ad valorem tax is based upon production factors, and, as such, is in fact, a severance or production tax merely bearing the title "ad valorem tax". The ad valorem tax in some other states is also similar to a production or severance tax inasmuch as it is based on the amount of production and the revenues therefrom. Consequently, we conclude that it is proper under Opinion No. 699 for producers to adjust the national rate upward for a state ad valorem tax where such tax is based on production factors.

The Commission orders:

Under Ordering paragraph (A) (3) of Opinion No. 699, mimeo p. 141, if a state ad valorem tax is based on production factors it shall be deemed to be included as a "similar tax" as that phrase is used therein, and the producer may adjust the national rate upward for such tax.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24110 Filed 10-16-74;8:45 am]

[Docket Nos. RP71-75, RP73-77]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

OCTOBER 9, 1974.

Take notice that on August 30, 1974, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box

918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fifth Revised Sheet No. 3-A. This filing is proposed to become effective as of October 15, 1974.

Alabama-Tennessee states that the sole purpose of Fifth Revised Sheet No. 3-A is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of paragraph 20 of the General Terms and Conditions of its tariff to reflect increased rates, proposed to become effective on October 15, 1974, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The increases proposed by Alabama-Tennessee are as follows:

Rate Schedule:	*Amount of Increase per Mcf (cents)*
G-1:	
Demand	$0.02
Commodity	.90
SG-1: Commodity	1.05
I-1: Commodity	.90

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24112 Filed 10-16-74;8:45 am]

[Docket No. CP75-14]

ALGONQUIN LNG, INC. AND ALGONQUIN GAS TRANSMISSION CO.

Extension of Time and Postponement of Hearing

OCTOBER 9, 1974.

On October 3, 1974, Algonquin LNG, Inc. and Algonquin Gas Transmission Company filed a motion to extend the procedural dates fixed by order issued September 27, 1974, in the above-designated matter. The motion states that the parties to this proceeding have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by the Companies and supporting Intervenors, October 24, 1974.
Hearing, November 14, 1974 (2:00 p.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24113 Filed 10-16-74;8:45 am]

[Docket No. E-8881]

CAROLINA POWER AND LIGHT CO.

Order Granting Late Petition To Intervene

OCTOBER 9, 1974.

On July 29, 1974, the City of Bennettsville, South Carolina (Bennettsville) filed a motion to intervene out of time in this proceeding and in Carolina Power and Light Company's wholesale rate increase proceeding in Docket No. E-8884. In its motion, Bennettsville adopted the protest and petition to intervene of Electric Cities of North Carolina in both dockets. By order issued August 26, 1974, Bennettsville was granted permission to intervene in Docket No. E-8884. We shall permit it to intervene in this proceeding also.

The Commission finds. Good cause exists to grant the above-mentioned petition to intervene in this proceeding.

The Commission orders. (A) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petitions to intervene: And *provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring the procedural schedule heretofore established for the orderly and expeditious dispostion of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24114 Filed 10-16-74;8:45 am]

[Docket No. E-8866]

CENTRAL HUDSON GAS & ELECTRIC CORP. ET AL.

Filing of Rate Change to New York Power Pool Agreement; Amendment

OCTOBER 9, 1974.

In the matter of Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and Power Authority of the State of New York.

Take notice that on October 2, 1974, Counsel to the member electric corporations of the New York Power Pool filed on behalf of the above listed organizations a request to amend the period during which a revised Schedule C-2 "Intervening Party Transmission Facility Charge" (the "Schedule") to the New York Power Pool Agreement dated February 1, 1974 (the "Agreement"), presently before the Commission in Docket No. E-8866, is to be effective. The Agreement was accepted for filing by the Commission in Docket No. E-8778 on July 25, 1974.

This amended filing proposes that the Schedule become effective as of 12:01 a.m. April 28, 1974 and continue through April 26, 1975. The original filing proposed that the Schedule become effective as of 12:01 a.m. April 28, 1974 and continue through October 26, 1974.

The reasons for the amended filing are to extend the effective period of the rates to be charged under the Schedule and to delete inappropriate material. No rates or conditions of service are proposed to be changed by the amendment.

The Schedule and the amended proposed effective period have been adopted by all parties to the Agreement.

Any person desiring to be heard or to protest said amended filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24115 Filed 10-16-74;8:45 am]

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Application for Rate Increase

OCTOBER 9, 1974.

Take notice that on September 27, 1974, Central Vermont Public Service Corporation (Central Vermont) tendered for filing its proposed Rate R-3, consisting of a partial requirements Rate R-3P and a full requirements Rate R-3F. Rate R-3 is proposed to become effective for deliveries of power and energy on October 31, 1974.

The affected partial requirements wholesale customers are four municipalities (Hyde Park, Johnson, Lyndonville, and Ludlow, Vermont), one cooperative (Vermont Electric Cooperative, Inc.), and three investor-owned utility customers (Allied Power and Light Company, Rochester Electric Light and Power Company, Inc., and Vermont Marble Company). The sole full requirements customer is Central Vermont's wholly owned New Hampshire subsidiary, Connecticut Valley Electric Company, Inc.

Central Vermont states that the proposed Rate R-3 will produce an increase in wholesale revenues over the currently effective Rate R-2 of $1,946,618 on the 1974 test year basis, an increase of approximately 60 percent. Central Vermont

further states that the proposed Rate R-3 filing involves three significant rate design changes: (1) the proposed rate is designed to track as closely as possible the customers, demand, and energy components of the cost of service; (2) the demand ratchet in the partial requirements rate is increased from 50 percent to 90 percent; and (3) a fuel clause is introduced.

Central Vermont states that copies of the filing have been mailed to each affected wholesale customer, to the Vermont Public Service Board, and to the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24116 Filed 10-16-74;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Filing of Fuel Adjustment Clause

OCTOBER 8, 1974.

Take notice that on September 30, 1974, Connecticut Light and Power Company (CL&P) filed a revised fuel adjustment clause in response to the Commission's Order issued August 30, 1974, in the above captioned proceeding. The filing consists of a Revised Sheet No. 11 to be inserted in the CL&P FPC Electric Tariff, Resale Service Rate Schedule R-2.

CL&P requests that the revised fuel adjustment clause be permitted to become effective September 2, 1974, the date the CL&P's R-2 rate filing became effective, subject to refund.

CL&P states that copies of their filing have been sent to each of the parties listed on the Commission's service list.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24118 Filed 10-16-74;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Contract Amendment

OCTOBER 9, 1974.

Take notice that Consumers Power Company, on September 30, 1974, tendered for filing a change in a Contract for Electric Service with the Edison Sault Electric Company (Consumers Power Company Rate Schedule FPC No. 14), as amended. The change, consisting of a letter from Consumers to Edison Sault dated February 19, 1973, has the effect of increasing Con sumers Power Company's capacity reservation under the terms of the contract from 7500 kVA to 16,500 kVA, effective January 1, 1973. The change has no effect on revenues collected from Edison Sault.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24119 Filed 10-16-74;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Changes in Rates and Charges Pursuant to Settlement

OCTOBER 9, 1974.

Take notice that Consumers Power Company (Consumers) on September 30, 1974, tendered for filing contract amendments in compliance with the Commission's order issued August 30, 1974, approving a rate settlement agreement in this proceeding, with Consumers' wholesale customers. The wholesale customers include ten cities, two villages, two rural electric cooperatives and two privately owned electric utilities, all in the State of Michigan. The rate filing also includes a schedule setting forth the computations of refunds of charges to the wholesale customers in the amount of $1,334,537.16 refunded on September 24, 1974, and $636.34 still owing to Edison Sault Electric Company.

Consumers states that a copy of the filing was mailed to each person listed on the Commission Secretary's official service list in this proceeding, to the City of Eaton Rapids, not a party to the proceeding, and also to the Michigan Public Service Commission. (No proposed notice for publication in the FEDERAL REGISTER, pursuant to § 35.8(a) of the Commission's regulations under the Federal Power Act, was included in the filing).

Any person desiring to comment upon or to protest the subject rate filing should file such comment or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.10). All such comments or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24117 Filed 10-16-74;8:45 am]

[Docket No. E-8343]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Order Granting in Part and Denying in Part Applications for Rehearing

OCTOBER 9, 1974.

On September 9, 1974, the Municipal Electric Light Departments of the Town of South Hadley and the City of Chicopee, Massachusetts tendered for filing an Application for Rehearing of the Commission's order issued August 9, 1974, in the above referenced docket. On the same date the Holyoke Water Power Company (HWP) tendered for filing its application for rehearing of the same order. In said order, the Commission rejected a proposed rate increase applicable to South Hadley because HWP did not give proper notice to South Hadley pursuant to the contract governing service between South Hadley and the Holyoke Power and Electric Company (HP&E)[1]; however, the Commission accepted the proposed increase applicable to Chicopee and instituted a section 206 investigation to determine whether the proposed increase was just and reasonable.

South Hadley seeks rehearing on the following grounds: (1) the South Hadley contract does not permit a section 205 proceeding because the contractual language requires the regulatory agency to act "as an arbitrator" in resolving any request for a readjustment of the price or terms of the contract; (2) the state regulatory agency (and its successor) was not bound by the applicable state law

[1] HP&E is a wholly owned subsidiary of HWP.

but instead, was bound by the contractual language in the South Hadley contract that required the agency to act as an arbitrator in resolving contractual disputes; and (3) nothing in the Federal Power Act would appear to preclude the Commission from fulfilling the role designated to it through the contractual terms of the South Hadley contract.

In our order of August 9, 1974, we concluded that the language in section 10 of the South Hadley contract requiring the State agency to act as an arbitrator did not limit our authority under section 205 of the Federal Power Act (Act). South Hadley, in its application, reiterated its argument that this language requires the Commission to review any rate changes filed pursuant to section 10 of the South Hadley contract under section 206 rather than section 205 of the Act. Upon reconsideration and further review of South Hadley's contract we conclude that the contractual language stating that the State agency's decision, "* * * shall be final and binding upon such parties for the balance of the term of this contract * * *" is most reasonably interpreted as requiring prospective relief from the date of a final decision. While we shall grant South Hadley's application for rehearing on this limited issue, we reaffirm the finding in our August 9, 1974, order that HWP's failure to provide the notice required by its contract with South Hadley results in a contractural bar to its subject filing in the above docketed proceeding.

Chicopee seeks rehearing for the following reasons: (1) HWP did not tender adequate notice as required by Section 10 of the Chicopee contract; (2) since HWP did not file its proposed rate increase with the Commission within the two week negotiation period provided in the Chicopee contract, HWP was contractually barred from making the unilateral filing tendered to the Commission on June 11, 1974; and (3) the Commission's interpretation reforms the contract because it gives the Company an open-ended, unilateral right to file a rate increase at any time after the negotiation period terminates.

The Company did provide Chicopee with notice of its intent to file a rate increase in a letter dated September 24, 1973, which notice was tendered within the correct time span delineated in the Chicopee contract. However, Chicopee argues that the two week negotiation period would be rendered meaningless if the Company is not required to supply additional data concerning the details of any rate increase. We disagree with Chicopee's argument that the failure of the Company to provide detailed data concerning any proposed rate increase necessarily nullifies the following contractual language, "* * * and, unless the parties shall reach an agreement upon the matter within two (2) weeks after giving such notice, the matter shall be submitted for decision * * *." The intent of this language is to insure that the parties to the Chicopee contract have time to discuss settlement before the Company makes a filing. Moreover, the end of the two week negotiation period is not a time limit within which the Company must file a rate increase; instead, it is a minimum time span within which the Company must not file a rate increase so the parties to the contract will have an opportunity to discuss settlement. Therefore, since HWP did tender proper notice to Chicopee as required by the contract, HWP's proposed rate increase, tenderd for filing on June 11, 1974, is not barred by the provisions of the Chicopee contract.

HWP seeks rehearing on the following grounds: (1) the Commission failed to consider that South Hadley by its course of conduct had agreed to an extension of the contractual filing requirement and that said conduct constituted waiver of the contractual filing provision; (2) the Commission misinterpreted the meaning of the term "exigency" as used in the South Hadley contract; and (3) the Commission failed to interpret the Chicopee contract in light of changed circumstances, and if the parties could have foreseen today's federal regulatory scheme, the contract would have permitted a unilateral filing pursuant to section 205.

With regard to the South Hadley contract, we conclude that, in the absence of South Hadley's written consent to the extension of time, HWP was bound by the terms of the contract to file its proposed rate increase within the time frame specified in section 10. Having failed to do so, HWP's proposed rate increase as to South Hadley is prohibited by the contract. As to HWP's assertion that we misinterpreted the meaning of the term "exigency", we conclude that our interpretation of this contractual term was correct and that a finding of an "exigency" required more than a showing of a material change in conditions since the contract was executed. As to HWP's argument (3), supra, the Mobile-Sierra[2] rule requires this Commission to look to the contract in determining HWP's right to make the instant filing related to Chicopee, rather than to what HWP would have agreed to had it foreseen today's federal regulatory scheme.

In view of the above, we conclude that HWP's proposed rate increase, insofar as it affects South Hadley, was properly rejected in our order of August 9, 1974, and that HWP's proposed rate increase for Chicopee was properly set for hearing under section 206 of the Act.

The Commission finds. (1) The language contained in HWP's contract with South Hadley is most reasonably interpreted as requiring prospective relief from the date of a final decision and accordingly South Hadley's application for rehearing should be granted.

(2) The applications for rehearing filed by Chicopee and HWP raise no facts or points of law which would provide an appropriate basis for modification of the Commission's Order of August 9, 1974, in this proceeding.

The Commission orders. (A) South Hadley's application for rehearing filed September 9, 1974, is hereby granted.

(B) The applications for rehearing filed by Chicopee and HWP are hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74-24120 Filed 10-16-74;8:45 am]

[2] United Gas Pipeline Co. v. Mobile Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[Docket No. E-8815]

IOWA PUBLIC SERVICE CO.

Filing of Settlement Agreement

OCTOBER 8, 1974.

Take notice that on September 23, 1974, Iowa Public Service Company (IPSC) tendered for filing a settlement agreement between (1) IPSC, (2) ten municipals, one private company and one cooperative.[1]

The Settlement Agreement provides for a total annual increase of $200,560 instead of the $293,209 proposed by IPSC. The agreement also provides for a 6.81 percent rate of return and for the effective date of the rates to be on November 28, 1974, rather than May 28, 1974.

Copies of this agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon matters contained in this Agreement should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on or before October 18, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-24121 Filed 10-16-74;8:45 am]

[1] The customers are the Iowa Cities of Anthon, Aplington, Auburn, Denver, Dunkerton, Fonda, Hudson, Livermore, Pocahontas, and Sergeant Bluffs, the Lincoln Light and Power Company and the Farmers Cooperative Light and Power Company.

[Docket No. CP70-21]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

OCTOBER 9, 1974.

Take notice that on September 30, 1974, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48225, filed in Docket No. CP70-21 a petition to amend the order of the Commission issued in said docket on January 6, 1970, pursuant to section 7(c) of the Natural Gas Act granting a certificate of public convenience and necessity authorizing Petitioner, among other things, to develop

and operate the Winfield Underground Storage Field (Winfield) in central Michigan by authorizing Petitioner to increase the average maximum shut-in wellhead pressure in said field from 680 psig to 735 psig, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that operating experience gained since projections as to the average maximum stabilized shut-in wellhead pressure were made in 1969 indicates that it will be necessary to elevate progressively said pressure to 735 psig in order to attain the maximum storage capability at Winfield. Petitioner further states that such pressure elevation will accelerate the displacement of water in the reservoir, thereby increasing the capability of the reservoir to store the ultimate projected volume of 9 million Mcf of working storage gas at an earlier date than would be possible if the existing pressure limitation were retained.

Petitioner asserts that the increase in gradient will not impair the integrity of the reservoir and states that all of the wells and related piping facilities have been designed to withstand the higher pressure limitation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24122 Filed 10-16-74;8:45 am]

[Docket No. CP73-147]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Petition To Amend

OCTOBER 8, 1974.

Take notice that on September 27, 1974, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1348, Kansas City, Missouri 64141 [hereinafter jointly referred to as Petitioners], filed in Docket No. CP73-147 a petition to amend the order of the Commission, as amended, issued in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing an extension of time for the previously authorized transportation and deferred exchange of gas and an increase in price collected by Trunkline and Panhandle for gas ransported for Mich Wisc, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By order issued April 6, 1973, the Commission authorized Mich Wisc to deliver Exchange Gas to Trunkline during the period November 14, 1972, to October 31, 1973, and Trunkline and Panhandle to transport and deliver, on a best efforts basis, Transportation Gas for Mich Wisc's account to Mich Wisc's market area during the same period at a charge of 13.5 cents per Mcf. By order issued July 25, 1973, the Commission approved a new point for delivery of gas to Mich Wisc. On January 4, 1974, the Commission approved an extension up to and including October 31, 1974, and increase of the volumes of gas exchanged to 8 million Mcf.

Petitioners state that, by amendment dated as of September 26, 1974, they have agreed to extend the term of their agreement up to and including April 30, 1975, for deliveries to Trunkline of the Exchange and Transportation Gas by Mich Wisc and the transportation of the Transportation Gas by Trunkline and Panhandle and delivery thereof for the account of Mich Wisc. Petitioners further state that the September 26, 1974, amendment further provides for an increase in the transportation charge paid by Mich Wisc to Panhandle and Trunkline to 20 cents per Mcf, reflecting increased costs of transportation.

The September 26, 1974, amendment states that Mich Wisc desires to extend the period for transportation of gas and that Trunkline is in curtailment and may have need for additional volumes of Exchange Gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24123 Filed 10-16-74;8:45 am]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Certification of Settlement Agreement on Depreciation Issue

OCTOBER 8, 1974.

Take notice that on October 1, 1974, Presiding Administrative Law Judge William L. Ellis certified to the Commission a proposed settlement agreement resolving the depreciation issue in this proceeding (Agreement). As stated in the motion for approval accompanying the Agreement, the depreciation rates for the Northern and Southern Systems of Midwestern Gas Transmission Company (Midwestern) were reserved by the Amended Settlement Agreement as to Northern and Southern Systems, approved by the Commission by its order of July 24, 1973 in this docket.

The motion further states that the Agreement provides for the reduction in the existing depreciation rate for Midwestern's Northern System and retention of the existing depreciation rate for Midwestern's Southern System. Midwestern is to file revised tariff sheets within ten days of the Commission's order approving the Agreement and make appropriate refunds to its Northern System customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24124 Filed 10-16-74;8:45 am]

[Docket No. E-9034]

NIAGARA MOHAWK POWER CORP.

Notice of Tariff Change

OCTOBER 8, 1974.

Take notice that Niagara Mohawk Power Corporation, on September 23, 1974, tendered for filing proposed changes in its FPC Electric Service Tariff, No. 79. The proposed change is the cancellation of a firm power agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. for the sale of

firm capability in the aggregate of 400 Mw and its associated energy purchased by Consolidated Edison Company of New York, Inc. from Niagara Mohawk Power Corporation.

The firm power agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. was effective on June 1, 1973 and terminated on October 27, 1973.

Applicant requests waiver of the notification period required by § 35.15 of the Commission's regulations.

Copies of the filing were served upon Consolidated Edison Company of New York, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24126 Filed 10-16-74;8:45 am]

[Docket No. E-9035]

NIAGARA MOHAWK POWER CORP.

Notice of Cancellation

OCTOBER 9, 1974.

Take notice that Niagara Mohawk Power Corporation, on September 23, 1974, tendered for filing proposed changes in its FPC Electric Service Tariff, No. 83. The proposed change is the cancellation of the transmission agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. for the transmission of electric energy associated with 200 Mw of firm power purchased by Consolidated Edison Company of New York, Inc. from Rochester Gas and Electric Corporation.

The transmission agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. was effective on April 28, 1974, and terminates on October 26, 1974.

Copies of the filing were served upon Consolidated Edison Company of New York, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24125 Filed 10-16-74;8:45 am]

[Docket No. E-9041]

NEW YORK STATE ELECTRIC AND GAS CORP.

Proposed Cancellation of Electric Rate Schedule

OCTOBER 9, 1974.

Take notice that on September 27, 1974, New York State Electric and Gas Corporation (New York) tendered for filing a notice of cancellation of FPC Rate Schedule No. 61. The proposed effective date of the cancellation is September 14, 1974.

The subject rate schedule is an agreement dated March 7, 1974 providing for short term firm power sales to Central Hudson Gas and Electric Corporation; the effective commencement date being April 28, 1974. New York states that the rate schedule expires by its own terms.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24127 Filed 10-16-74;8:45 am]

[Docket No. E-9001]

ROCKLAND ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Rejecting Proposed Fuel Adjustment Clause, Establishing Procedures and Granting Interventions; Correction

SEPTEMBER 30, 1974.

In the Order Accepting for Filing and Suspending Proposed Rate Increase, Rejecting Proposed Fuel - Adjustment Clause, Establishing Procedures and Granting Interventions, issued September 27, 1974 and published in the FEDERAL REGISTER on October 7, 1974, 39 FR 36058, page 36059, line 7: Change November 1, 1974 to November 15, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24129 Filed 10-16-74;8:45 am]

[Docket No. E-9036]

NORTHERN STATES POWER CO.

Mid-Continent Area Power Pool Agreement

OCTOBER 9, 1974.

Take notice that on September 26, 1974, Northern States Power Company (Northern States) tendered for filing stepped rates in Service Schedules B and I of the Mid-Continent Area Power Pool Agreement to become effective November 1, 1974.

The Agreement provides for a schedule of stepped rates in Service Schedule B, Seasonal Participation Power Interchange Service and Service Schedule I, Short-Term Power Interchange Service. Northern States requests November 1, 1974 as the effective date of the stepped rates contained in Schedules B and I for the period November 1, 1974, and thereafter.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24128 Filed 10-16-74;8:45 am]

[Docket No. CI75-194]

SKELLY OIL CO.

Notice of Application

OCTOBER 9, 1974.

Take notice that on September 30, 1974, Skelly Oil Company (Applicant), P.O. Box 1650, Tulsa, Oklahoma 74102, filed in Docket No. CI75-194 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern) from Applicant's 100 percent interest in the Campbell Lease, South Kermit Field, Winkler County, Texas, pursuant to the terms of a gas purchase agreement, dated September 5, 1974, between Applicant and Transwestern, all as more fully set

forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the Texas Railroad Commission has reclassified the Campbell "A" Well No. 6 as a gas well, that Applicant's contract with the purchaser, Texaco Inc., covered only the casinghead gas and did not cover gas-well gas, and that Texaco Inc. has advised Applicant that it is unable to take gas from the Campbell "A" Well No. 6 because of lack of capacity and inability to handle the higher pressure gas. Applicant further states that it filed on April 1, 1974, an application for partial abandonment of gas sales from the Campbell "A" Well No. 6, but that on September 18, 1974, in Docket No. CI74-581, the Commission advised that it is holding said abandonment application in abeyance pending notification from Applicant as to the arrangements made for the sale of gas-well gas and the type of certificate sought.

Applicant, therefore, requests authorization to sell gas from the Campbell Lease to Transwestern at 49.9750 cents per Mcf at 14.65 psia, including all adjustments and tax reimbursements, plus any tax increases after the contract date, subject to upward and downward Btu adjustment. Estimated sales volumes are 60,000 Mcf per month. Applicant's understanding is that Transwestern has been authorized to construct and operate the required pipeline facilities necessary to accept delivery of gas.

Applicant maintains that the sale of gas to Transwestern is a sale initiated on or after January 1, 1973, for the sale of natural gas in interstate commerce where such gas has not previously been sold in interstate commerce except pursuant to the provisions of §§ 2.68, 2.70, 157.22 and 157.29 of the Commission's regulations (18 CFR 2.68, 2.70, 157.22 and 157.29), within the meaning of § 2.56(h) of the Commission's general policy and interpretations (18 CFR 2.56(h)), promulgated by the order accompanying Opinion No. 699, issued on June 21, 1974 (51 FPC ____).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24130 Filed 10-16-74;8:45 am]

[Docket No. E-9038]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Increased Rate and Petition for Waiver of Notice Requirements

OCTOBER 8, 1974.

Take notice that on September 26, 1974, Southern California Edison Company (Edison) pursuant to § 35.13 of the regulations under the Federal Power Act, made a filing with the Commission extending its Power Supply Agreement with Sierra Pacific Power Company (Sierra), Rate Schedule FPC No. 49 terminating by its own terms on September 30, 1974, for a two month period until December 1, 1974, but substituting for the rates charged thereunder its resale rate R-2, presently in effect for Edison's other large resale customers. Edison asserts such rate would increase the level of charges above those provided in the original agreement by about 144 percent. Edison proposes such increased rate to become effective no later than October 1, 1974, and includes in such filing, a petition for waiver of any notice requirements and requests minimum suspension as required to permit such an effective date.

Any person desiring to be heard or to protest said filing of increased rate and petition for waiver should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24131 Filed 10-16-74;8:45 am]

[Docket Nos. RP72-91 (Phase II), etc.]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing and Making Subject to Refund Proposed Change in Rates

OCTOBER 9, 1974.

Southern Natural Gas Company (Southern), on August 27, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1.[1] Southern states that this filing is pursuant to Article III of the Stipulation and Agreement approved by Commission order of July 23, 1973, in Southern's Docket No. RP72-91 (Phase II), et al. This filing reflects a net decrease of $10,129,248 in the level of advance payments below the level currently reflected in its rates. This decrease in the advance payment level provides for a reduction in jurisdictional rates of $1,276,387.

Notice of this filing was issued on September 9, 1974 with protests and petitions to intervene due on or before September 17, 1974. The Commission Staff filed comments on September 17 stating that the advance payments reflected in this filing have not been shown to be reasonable and appropriate in that it was not shown that the producers will make these expenditures within a reasonable time from the date the advances would be included in Southern's rate base, in accordance with the policy set out in Order No. 499 and the order denying rehearing of that order.[2] Staff recommends that these advances be made subject to refund and the matter set for hearing.

Our review of the filing indicates that it reflects assignment of a ½ interest in an advance payment agreement pursuant to paragraph (5) of Article III of the Stipulation and Agreement approved in this docket. We believe that this part of the filing is appropriate in accordance with Article III, paragraph (5) of Southern's Stipulation and Agreement.

The filing also reflects the proposed inclusion in Southern's rate base of additional advance payments in excess of the advance payments presently included in its rate base. Pursuant to Paragraph (1) of Article III, such increases may not be suspended but may be made subject to refund. We believe that these additional advances have not been shown to be reasonable and appropriate, as they may be in excess of costs for exploration, development, and production incurred by the producers who receive the advances within a reasonable time from the date such amounts would be included in Southern's rate base. In accordance with the intent of Paragraph (1) of Article III, we shall accept Southern's tariff sheet for filing and permit it to become effective, subject to refund, pending hearing and decision on the lawfulness, reasonableness, and appropriateness of the inclusion of the additional advance

[1] Tenth Revised Sheet No. 4A.

[2] Docket No. RM74-4, Order No. 499, issued December 28, 1974; rehearing denied February 22, 1974.

payments reflected therein in Southern's Rate Base.

The Commission finds. (1) Good cause exists to accept and approve that part of Southern's filing which reflects assignment of a ½ interest in an advance payment agreement to Southern since it is in accordance with paragraph (5) of Article III of Southern's Stipulation and Agreement.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the portion of Southern's filing reflecting additional advance payments be made subject to refund, pursuant to paragraph (1) of Article III of Southern's Stipulation and Agreement, pending hearing and decision as to the lawfulness, reasonableness, and appropriateness of the inclusion of these advance payments in Southern's rate base.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly section 4 thereof, the Commission's rules and regulations (18 CFR, Chapter I) a hearing shall be held on March 11, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates and charges contained in Southern's August 27, 1974 filing.

(B) Southern's proposed rate change is accepted for filing and will be permitted to become effective October 11, 1974, subject to refund pending a determination of the lawfulness of the additional advance payments included in Southern's filing in the proceeding established in ordering paragraph (A) above.

(C) On or before December 19, 1974, Southern shall file its direct testimony and exhibits. On or before January 28, 1975, the Commission Staff shall file its prepared testimony and exhibits. Any intervenor testimony and exhibits shall be filed on or before February 11, 1975, and any rebuttal testimony and exhibits shall be filed on or before February 25, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74-24132 Filed 10-16-74;8:45 am]

[Docket No. CI75-199]

SUN OIL CO.

Notice of Application

OCTOBER 9, 1974.

Take notice that on September 26, 1974, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI75-199 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the North Bayou Fer Blanc Field, Lafourche Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on September 12, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from November 11, 1974, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 160 Mcf of gas per day at 60.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The gas is estimated to contain 1,080 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-24133 Filed 10-16-74;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 9, 1974.

Take notice that Texas Gas Transmission Corporation (Texas Gas), on September 30, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, to become effective on November 1, 1974. Texas Gas states that the proposed changes would increase revenues from jurisdictional sales and services by approximately $27,978,836 based on the 12 month period ending June 30, 1974, as adjusted, and the proposed settlement rates set forth in Appendix A-4 of the Stipulation and Agreement filed with the Commission on September 17, 1974, in Docket No. RP74-25.

Texas Gas states that the principal reasons for the proposed rate increase are: (1) increases in operating expenses; (2) increased costs associated with increased curtailment and further husbanding of gas; and, (3) increase in rate of return.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-24134 Filed 10-16-74;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Extending Briefing Dates

OCTOBER 8, 1974.

Our Order of September 13, 1974, in this proceeding provided for the filing of initial briefs no later than October 11, 1974, and reply briefs no later than November 11. Thereafter, on September 30, the Transcontinental Gas Pipe Line Corporation filed an interim settlement agreement, such agreement to be applicable for the one year period commencing November 16, 1974, and it also filed a motion for approval of the agreement. In view of those filings, the Brooklyn Union Gas Company moved also on September 30 for an extension of the briefing dates to November 1 and December 6, respectively. Our

Secretary's Notice of October 3 provided that answers to Brooklyn Union's motion were to be filed no later than October 7.

Numerous parties have filed responses. With two exceptions, all express either support for the Brooklyn Union motion or no objection to it. They argue generally that an extension is needed because time that would otherwise have been spent in brief preparation has been devoted to settlement negotiations, and further that the current briefing schedule conflicts with the deadlines for comments on the settlement proposal.

One party that objects to an extension is the Philadelphia Gas Works, which argues principally that, prior to considering the interim settlement, we ought to have briefs before us that reflect the long hearings that have been held. However, if we are permitted by the Court of Appeals for the District of Columbia to act upon the interim settlement, as explained in our October 4 Notice of the filing of the settlement, it is extremely unlikely that we could do so prior to November 1, on which date briefs would be due under Brooklyn Union's proposed timetable. Thus, initial briefs would be before us in good time. And on the other hand, even the existing briefing schedule would not allow a reasonable interval for the consideration of reply briefs, for they are now due on November 11, only four days before the interim settlement is to go into effect. Therefore, in terms of our consideration of the settlement proposal, we would be substantially as well served under the briefing dates as proposed to be extended as we are under the existing schedule.

The Staff also objects to the Brooklyn Union motion. Staff reminds us that the hearings in this case ended about 80 days ago; that during only 10 of those days were settlement negotiations held; that most parties are represented by more than one counsel; and that it thus "strains credulity" for any party to claim that initial briefs could not be filed on time. The Staff does not object, however, to an extension for the filing of reply briefs. While the Staff position is valid, particularly in retrospect, we do not believe that any party would be prejudiced by the extension, nor do we believe that the extension would hamper our own decision-making process.

We therefore extend the date for the filing of initial briefs to November 1, 1974. We will, however, impose November 25 as to deadline for reply briefs. Because we remain anxious that this case proceed, and because the November 25 date would appear to afford to the parties sufficient time for preparation, we shall require the filing of reply briefs by that date.

The Commission orders. The briefing dates established by the order issued September 13, 1974, in this proceeding are modified, so that initial briefs will be filed no later than November 1, 1974, and reply briefs no later than November 25, 1974.

By the Commission.

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

[FR Doc.74-24135 Filed 10-16-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST MOORE BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

First Moore Bancshares, Inc., Moore, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Moore, Moore, Oklahoma ("Bank").

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of $11.6 million), the larger of two banks in Moore, is the 37th largest of 52 banking organizations in the relevant banking market,[1] controlling less than .5 of one percent of the total commercial bank deposits therein. (All banking data are as of December 31, 1973.) The five largest banking organizations in the market control approximately 64 per cent of the total deposits in the market. Since Applicant has no present subsidiaries and the purpose of the proposed transaction herein is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's present management or operation, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

The financial condition, managerial resources and future prospects of Applicant, which are dependent upon those same factors in Bank, are considered to be generally satisfactory. From the facts of record, it appears that Applicant would be able to finance the debt incurred in acquiring Bank without placing an undue strain on Bank's resources. Accordingly, 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 community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 8, 1974.

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

[FR Doc.74-24100 Filed 10-16-74;8:45 am]

[1] The relevant banking market is approximated by the Oklahoma City RMA.

UNION PLANTERS CORP.

Order Approving Acquisition of Planters Life Insurance Company

Union Planters Corporation, Memphis, Tennessee, 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 Planters Life Insurance Company ("Company"), Phoenix, Arizona, a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life insurance and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 28570). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls one bank, Union Planters National Bank of Memphis, with deposits of approximately $997 million, representing about 8.5 percent of the total deposits in commercial banks in Tennessee.[1] Company will be organized under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will

[1] All banking data are as of December 31, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's subsidiary in Tennessee. Such insurance would be directly underwritten by an insurer qualified to underwrite in Tennessee and would thereafter be assigned or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure payment of a loan in the event of death or disability of a borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

> To insure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates that are about 7 percent below those presently being charged by Applicant's holding company system and credit accident and health insurance at rates 5 percent below its prevailing rates. The Board believes that such a reduction in the price of credit life and credit accident and health insurance is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefit, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provides support for approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to 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 the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 8, 1974.

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

[FR Doc.74-24102 Filed 10-16-74;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

TENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisitions of Banks

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, 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 three de novo banks: Commerce Union Bank of Lawrence County, Lawrenceburg, Tennessee ("Lawrenceburg Bank"); Commerce Union Bank of Rutherford County, Murfreesboro, Tennessee ("Murfreesboro Bank"); and Commerce Union Bank of Sumner County, Gallatin, Tennessee ("Gallatin Bank") (collectively referred to as "Banks").

Notice of the applications, 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 applications 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 fifth largest banking organization in Tennessee, controls six subsidiary banks with aggregate deposits of $935 million,[1] representing approximately 8 percent of the total commercial bank deposits in Tennessee. These applications essentially represent an internal reorganization whereby three new individual banks are being formed from three of the existing branches of Applicant's lead bank, Commerce Union Bank, Nashville, Tennessee ("Nashville Bank"). Accordingly, consummation of this proposal would not immediately increase Applicant's share of commercial bank deposits in the State.

Nashville Bank presently has 30 domestic branch offices with aggregate deposits of approximately $789 million and operates branch offices in Gallatin, Murfreesboro, and Lawrenceburg, Tennessee. As a result of recently-enacted legislation in Tennessee, Applicant may now reorganize certain existing branch offices of Nashville Bank into separate subsidiary banks and thereby gain the ability for the new banks to branch throughout their respective counties.

Gallatin Bank and Murfreesboro Bank are each located in the Nashville banking market,[2] which is served by 24 banking organizations controlling 27 banks. Applicant is the second largest banking organization in the Nashville banking market, controlling approximately 27 percent of the total deposits in commercial banks in the market. The Gallatin branch of Nashville Bank, which will become Gallatin Bank, controls deposits of almost $21 million, representing .71 percent of the total deposits in commercial banks in the market. The Murfreesboro branch of Nashville Bank, which will become Murfreesboro Bank, controls deposits of almost $39 million, representing 1.3 percent of the total deposits in commercial banks in the market. Lawrenceburg Bank is located in the Lawrence County banking market,[3] which is served by five banking organizations. The Lawrenceburg branch of Nashville Bank, which will become Lawrenceburg Bank, is the second largest bank in the Lawrence County banking market and controls deposits of $22.1 million, representing approximately 31 percent of the total deposits in commercial banks in the market.

Since Applicant's proposal represents a corporate reorganization whereby existing branches of Applicant's lead bank will become individual subsidiary banks controlled by Applicant, Applicant's acquisition of Banks would not have any immediate effect on Applicant's share of commercial bank deposits in any relevant market area; nor would it have any adverse effect on existing or potential competition with respect to any relevant market area. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Although Banks, as proposed new banks, have no financial or operating history, their financial condition and management as branches of Nashville Bank are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Although the services to be offered by Banks will not differ significantly from those presently offered by the respective existing branches of Nashville Bank, Applicant proposes that Banks will have new boards of directors which should result in their being more responsive to the needs of their respective local communities. Considerations relating to convenience and needs of the community to be served lend some weight toward approval of the applications. It is the Board's judgment that the proposed acquisitions are in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three

[1] Banking data are as of December 31, 1973.

[2] The Nashville banking market is approximated by Davidson, Wilson, Rutherford, and Williamson Counties, and most of Robertson and Sumner Counties.

[3] The Lawrence County banking market is approximated by Lawrence County.

months after that date, and (c) Commerce Union Bank of Sumner County, Gallatin, Tennessee; Commerce Union Bank of Lawrence County, Lawrenceburg, Tennessee; and Commerce Union Bank of Rutherford County, Murfreesboro, Tennessee, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 7, 1974.

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

[FR Doc.74-24101 Filed 10-16-74;8:45 am]

COMMERCE UNION BANK OF LAWRENCE COUNTY ET AL.

Order Approving Acquisitions of Assets and Assumptions of Liabilities Under Bank Merger Act

Commerce Union Bank of Lawrence County, Lawrenceburg, Tennessee; Commerce Union Bank of Rutherford County, Murfreesboro Tennessee; and Commerce Union Bank of Sumner County, Gallatin, Tennessee (collectively referred to as "Banks"), proposed State member banks of the Federal Reserve System, have applied in separate applications pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to acquire the assets and assume the liabilities of three existing branches of Commerce Union Bank, Nashville, Tennessee ("Nashville Bank"), located in the respective above-mentioned cities.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the applications are approved for the reasons summarized in the Board's Order of this date relating to the applications of Tennessee Valley Bancorp, Inc., Nashville, Tennessee, to acquire voting shares of Commerce Union Bank of Sumner County, Gallatin, Tennessee; Commerce Union Bank of Lawrence County, Lawrenceburg, Tennessee; and Commerce Union Bank of Rutherford County, Murfreesboro, Tennessee, all proposed new banks. The transactions shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, and (c) Commerce Union Bank of Lawrence County, Lawrenceburg, Tennessee; Commerce Union Bank of Rutherford County, Murfreesboro, Tennessee; and Commerce Union Bank of Sumner County, Gallatin, Tennessee shall be opened for business not later than six months after effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 7, 1974.

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

[FR Doc.74-24312 Filed 10-16-74;8:45 am]

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-67]

NASA SPACE PROGRAM ADVISORY COUNCIL (SPAC) AD HOC SUBCOMMITTEE ON SCIENTIST-ASTRONAUTS

Meeting

The SPAC Ad Hoc Subcommittee on Scientist-Astronauts of NASA will meet on November 4, 1974 in Room 5026, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. Members of the public will be admitted to the open portions of the meeting beginning at 1:30 p.m. on a first-come, first-served basis, up to the seating capacity of the room, which is about 40 persons, including Subcommittee members and other participants. Visitors will be requested to sign a visitor's register.

The SPAC Ad Hoc Subcommittee on Scientist-Astronauts, which serves in an advisory capacity only, was established to review the scientist-astronaut program of Apollo and Skylab and to study alternative approaches to the effective participation of scientists as on-board specialists in future Space Shuttle operations. The Chairman pro tem is Dr. Frederick Seitz; total membership of the Subcommittee is eight. The following list sets forth the approved agenda and schedule for the meeting. For further information, contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755-8433.

Item, time, and topic

1. 1:30 p.m. *Introduction and background.* The purpose and objectives of the study to be conducted will be described to the members of the subcommittee.
2. 1:445 p.m. *Apollo/Skylab scientist-astronaut program.* The scientist-astronaut program developed for the Apollo and Skylab programs will be described. Included will be discussions of purpose, selection of candidates, training, utilization in the programs, and results.
3. 2:30 p.m. *Utilization of scientists in the Space Shuttle.* The proposed roles of scientists as flight crew members in the Space Shuttle program will be described, as will be their responsibilities to both the science communities and the mission operations communities.
4. 3:15 p.m. *Executive session.* This discussion will attempt to relate shuttle science needs to both the past scientist-astronaut program and alternatives concepts for the shuttle. These discussions will require frequent references to and comments on the professional qualifications of the individuals involved. Discussions of these matters in a public session would constitute an invasion of the privacy of these individuals and hence the session will be closed pursuant to 5 U.S.C. 552(b)(6).

4:30 p.m. Adjourn.

BOYD C. MYERS II, *Assistant Administrator for Organization and Management, National Aeronautics and Space Administration.*

OCTOBER 9, 1974.

[FR Doc.74-24161 Filed 10-16-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held at Columbia Plaza, 14th floor conference room, 2401 E Street, Washington, D.C., on October 29 from 9:00 a.m.-5:30 p.m. and October 30 from 9 a.m.-5:30 p.m.

A portion of this meeting will be open to the public on October 29 from 1:30-5:30 p.m. and on October 30 from 9 a.m.-1:30 p.m. on a space available basis. Accommodations are limited. During the Open session on October 29 there will be a policy discussion and on October 30 there will be discussion on Program Development Reports during the Open session.

The remaining sessions of this meeting October 29 from 9 a.m. to 1:30 p.m. and October 30 from 1:30 p.m. to 5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

EDWARD M. WOLFE, *Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.74-24235 Filed 10-16-74;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 October 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), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

National Bureau of Standards:
Survey on the Impact of Corrosion Programs at the National Bureau of Standards, Form NBS 799, Single time, Caywood (395-3443), Professionals in corrosion and field needing corrosion data.
Investigation Outline—Mortality Study Form ____, Occasional, Ellett (395-6172), People with information about specific firefighter fatalities.

ENVIRONMENTAL PROTECTION AGENCY

Application for Registration of Economic Poisons, Form 8570 series, Occasional, Lowry (395-3772), Pesticide Firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Information, Development of Profiles of State Agency Certification Processes, Form HSA BQA 0913, Single time, Caywood (395-3443), State survey agency directors.

REVISIONS

DEPARTMENT OF DEFENSE

Departmental: ROTC Four-Year Scholarship Application, Form DD 1893, Occasional, Lowry (395-3772), High School student.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: 1975 Health Interview Survey Questionnaire, Form HRANCHS 1003, Occasional, Hall (395-4697), Planchon (395-3898), Sample of household representing civilian noninstitutional population of U.S.

DEPARTMENT OF LABOR

Employment Standards Administration:
Employer's Supplementary Report of Accident or Occupational Illness, Form LS 210, Occasional, Ellett (395-4730), Employers.
Executive, Administrative or Equal Pay Questionnaire, Form WH 32, Occasional, Evinger (395-3648), Individual employees.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration: Hurricane Report, Form WS F-60, Occasional, Evinger (395-3648), Cooperating weather observers.

NATIONAL FOUNDATION ON ARTS AND HUMANITIES

Dance Company Information Questionnaire, Form NEA-D-1, Annual, Evinger (395-3648), Professional dance companies.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-24318 Filed 10-16-74;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

NOTICE OF MEETINGS

OCTOBER 14, 1974.

Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held on October 23-24, 1974, at 9 am in Room 459, Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 552-(b)(2) and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

A waiver of the 15-day notice provision has been granted by the Director, Office of Management and Budget, under OMB Circular No. A-62, as revised, pertaining to the Federal Advisory Committee Act of 1972. This waiver is required for the Board to give immediate consideration to those recently furloughed from prison under Executive Order 11803.

CHARLES E. GOODELL,
Chairman.

[FR Doc.74-24319 Filed 10-16-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-28521, 22-4941]

ALLIED PRODUCTS CORP.

Notice of Application and Opportunity for Hearing

OCTOBER 9, 1974.

Notice is hereby given that Allied Products Corporation (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Continental Illinois National Bank and Trust Company of Chicago ("Continental") under two indentures, one heretofore qualified under the Act and another which will not be qualified under the Act because of the exemption contained in section 304(a)(4) of the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Continental from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The company alleges that:

(1) Continental is presently acting as trustee under an Indenture dated January 15, 1968 between Continental as trustee and the Company (the "1968 Indenture"), pursuant to which $14,803,100 principal amount of 7 percent Senior Subordinated Debentures due 1984 of the Company were outstanding as of June 30, 1974. The Company and the City of Fort Dodge, Iowa (the "City") desire to have Continental act as trustee under an Indenture between the City and a commercial bank as trustee (the "1974 Indenture") providing for the issuance of approximately $3,500,000 principal of Series 1974 Industrial Revenue Bonds (the "1974 Bonds") bearing interest at a rate to be determined immediately prior to sale.

(2) The Company proposes to enter into a lease agreement with the City whereby the Company will lease from the City certain land and equipment purchased by the City with the proceeds from the sale of the 1974 Bonds. The

Company is required to make semi-annual payments to the trustee under the 1974 Indenture, as rent due to the City under the lease agreement, in amounts sufficient to pay the principal, interest and premium, if any, then due on the 1974 Bonds on the date of each such semi-annual rental payment. The Company is also required to pay the annual fees and expenses of the 1974 Indenture trustee. The lease agreement provides that the obligations of the company are "absolute and unconditional * * * until such time as the principal of, and interest and premium, if any, on the (1974) Bonds shall have been fully paid or provision for the payment thereof shall have been made in accordance with the (1974) Indenture * * *".

(3) The Company does not guarantee payment of the 1974 Bonds, will not be a party to the 1974 Indenture and technically, is not an obligor on or the issuer of the 1974 Bonds. However, because payment of the 1974 Bonds depends upon the Company's timely payment of rent under the lease agreement, because default by the Company under the lease agreement constitutes a default under the 1974 Indenture, and because the 1974 Bonds will be marketed largely on the basis of the Company's strength, the Company may be deemed to be an obligor on the 1974 Bonds and the 1974 Bonds may be deemed to be securities of the Company.

(4) The 1968 Indenture was qualified under the Trust Indenture Act as No. 22-4941. The 1968 Indenture contains the provisions permitted by the proviso of section 310(b)(1) of the Trust Indenture Act. The 1974 Indenture will not be qualified under the Trust Indenture Act because of the exemption contained in section 304(a)(4) of the Act. The 1974 Indenture contains no provision concerning a conflict of interest a trustee has or may acquire.

(5) The obligations of the company under the 1968 Indenture and the 1974 Indenture are wholly unsecured, although the 1974 Bonds are secured by the equipment which is owned by the City and leased by the Company, and each such obligations ranks equally with the other. The Company is not in default under the 1968 Indenture.

(6) The terms of the Indentures differ in respect of amounts, dates, interest rates, redemption prices, sinking fund and default provision and in certain other respects, including conflicts of interest. The primary differences between the 1968 and 1974 Indentures with respect to default provisions are:

(a) An event of default under the 1974 Indenture includes an event of default under the lease agreement which in turn includes failure of the Company to observe or perform covenants relating specifically to completion and use of or manner of dealing with the leased equipment;

(b) Non-payment of interest on the Debentures is an event of default under the 1968 Indenture only if non-payment continues for 30 days, whereas under the 1974 Indenture there is an event of default immediately upon non-payment of interest on the Bonds and upon non-payment of rent continuing for five days after notice thereof; and

(c) Upon the occurrence of an event of default under the 1974 Indenture or the lease agreement, the trustee may take possession of and sell or sublease or otherwise deal with the leased equipment whereas no such comparable right exists under the 1968 Indenture.

(7) Such differences as exist between the two indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or protection of investors to disqualify Continental from acting as trustee under either of said Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission at 500 North Capitol Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 8, 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 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-24201 Filed 10-16-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-Disapproval of Amendments to Option Plan

Notice is hereby given that on September 26, 1974, the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b-1 (17 CFR 240.9b-1). The CBOE had proposed an amendment to Interpretation 6.2.01(b) under CBOE's Rule 6.2 and a new Interpretation to Rule 6.1. These proposed changes were originally published at 39 FR 35719 on October 3, 1974.

CBOE's proposed Rule 6.1 provides that the Board shall determine by resolution the hours during which transactions may be made on the Exchange. The CBOE's Board has previously established the hours of 9 a.m. to 2:30 p.m. (Chicago Time) as the hours for such trading. These hours correspond to the present hours of the New York Stock Exchange, Inc., the primary exchange listing the stocks underlying CBOE options, and were adopted because of the close connection of the value of options traded on the primary exchange. The New York Stock Exchange has determined to extend its hours of trading effective October 1, 1974. In order to conform CBOE trading hours to the extended hours of the New York Stock Exchange, the CBOE's Board at its meeting on September 13, 1974, resolved to extend CBOE hours by one-half hour. This would extend the present hours of 9 a.m. to 2:30 p.m. (Chicago Time) to the hours of 9 a.m. to 3 p.m. (Chicago Time).

Proposed Interpretation 6.1 would state the Board's determination that CBOE trading hours would in the future conform to those of the primary exchange listing the stocks underlying CBOE options. And, in this connection, Interpretation 6.2.01(b), which provides for a closing rotation to commence at 2:30 p.m. (Chicago Time), would be amended to provide such rotation at the close of trading.

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 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.*

OCTOBER 9, 1974.

[FR Doc.74-24203 Filed 10-16-74;8:45 am]

[70-5560]

CONNECTICUT LIGHT AND POWER CO.

Proposed Acquisition of Utility Assets

OCTOBER 9, 1974.

Notice is hereby given that The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

CL&P, Boston Edison Company (Edison), Central Maine Power Company, Central Vermont Public Service Corporation, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Public Service Company of New Hampshire, The United Illuminating Company, and Western Massachusetts Electric Company (WMECO) (collectively, the "Owners") intend to construct, own, and operate as tenants in common a nuclear generating unit, known as Pilgrim Unit No. 2 ("Unit No. 2"), to be constructed on approximately 3 acres (the "Unit #2 Site") of the 517 acres of land (the "Pilgrim Site") in Plymouth, Massachusetts, on which Edison is presently operating another nuclear generating unit known as Pilgrim Unit #1. Unit #2, scheduled for commercial operation in August 1980, is expected to have a net generating capacity of 1,180,000 kw and has an estimated cost, including associated transmission costs but excluding the cost of nuclear fuel and interest during construction, of $570,000,000. Pursuant to an Agreement for Joint Ownership, Construction and Operation of Pilgrim Unit #2 dated October 13, 1972 ("Agreement"), CL&P has agreed to own an 8.61 percent interest as tenant in common in the Unit #2 Site and in Unit #2 and its associated facilities, and to share its costs and take its electrical output in the same 8.61 percentage. Subject to possible minor variations, Edison will have a 60 percent interest in Unit #2, WMECO, an associate company of CL&P, a 4.63 percent interest, and the remaining Owners will have interests ranging in amounts between 0.19 percent and 9.97 percent. Generally, CL&P and the other Owners will also be granted such easements, licenses, rights, and permissions with respect to the 5.7 acre Pilgrim Site as may be reasonably required for the construction, operation, or maintenance of Unit #2.

CL&P proposes and requests Commission approval to acquire from Edison for cash on or about November 1, 1974, said 8.61 percent ownership interest in the Unit #2 Site, including certain site improvements, and the aforementioned easements, licenses, rights, and permissions. All of the Owners' payments are together intended to reimburse Edison for that portion of the total cost of the Pilgrim Site (including site development costs, an allowance for funds used during construction, and local taxes) which is allocable to Unit #2. If the transfer were to have taken place on August 15, 1974, CL&P's estimated payment to Edison for the purchase of its 8.61 percent interest in the Unit #2 Site, Pilgrim Site development, and common facilities would have been approximately $1,600,000 ($100,000 for the Unit #2 Site, $300,000 for Pilgrim Site development, and $1,200,000 for common facilities). CL&P's payment will be made from funds obtained through short-term borrowings.

Edison will act as the agent for the Owners in all matters with respect to the design, construction, operation, and maintenance of Unit #2 and its associated facilities, including purchasing and maintaining the nuclear fuel at appropriate levels. After Unit #2 goes into operation, CL&P and each other Owner will own and have available to it that amount of the generating capability and neet electrical output of Unit #2 corresponding to its ownership percentage. All costs and expenses, direct and indirect, in connection with Unit #2 will be shared by the Owners in proportion to their ownership percentages; except that the cost of capital, including an allowance for funds used during construction, depreciation or amortization, and certain taxes will be borne by each Owner. The Owners will reimburse Edison for all costs incurred by it in carrying out its functions under the Agreement.

The fees and expenses to be incurred by CL&P in connection with the proposed transaction are estimated at $5,000, including legal fees of $4,500. 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 November 6, 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 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 applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted 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 notice of further developments 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.74-24202 Filed 10-16-74;8:45 am]

[File No. 24SF-3706]

ROYAL AIRLINE, INC.

Order Permanently Suspending Exemption

OCTOBER 8, 1974.

I. Royal Airline, Inc. ("Royal"), Suite A-204, 5441 Paradise Road, Las Vegas, Nevada 89109, incorporated in the State of Nevada on March 13, 1970, filed with the Commission a Notification on Form 1-A and an Offering Circular on April 19, 1971, concerning an offering of 500,000 shares of its common stock at $1 per share for an aggregate offering price of $500,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and regulation A thereunder. McCoig Securities, Inc. ("McCoig"), a registered broker-dealer having its principal place of business in Las Vegas, Nevada, was named as underwriter of the proposed offering.

II. The Commission, on March 7, 1974, temporarily suspended the regulation A exemption of Royal, stating it had reasonable cause to believe, on the basis of information reported to it by its staff, that:

A. The Offering Circular, as amended, contained untrue statements of material facts necessary in order to make the statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in that:

1. The Offering Circular failed to identify Messrs. John Worthen, Curt Wilken, Gerard F. Lewis and Contemporary Securities Corporation as underwriters of the offering;

2. The Offering Circular failed to disclose that during the public offering a merger was negotiated between the Duesenberg Corporation and Royal; and,

3. The Offering Circular failed to accurately disclose the plan of distribution and the offering price of the securities.

B. The terms and conditions of regulation A had not been complied with in that:

1. The Form 2-A falsely stated the number of shares that had been sold by Royal through its underwriter McCoig;

2. The Form 2-A falsely stated the aggregate proceeds that had been received by Royal from the public offering pursuant to Regulation A;

3. The Form 2-A falsely stated that the public offering of Royal had ended as of August 4, 1972, when in fact the offering continued for an indeterminate period thereafter; and,

4. The Offering Circular and the Form 2-A failed to identify Messrs. John Worthen, Curt Wilken, Gerald F. Lewis and Contemporary Securities Corporation as underwriters of the offering.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. No hearing having been requested by Royal Airline, Inc. within thirty days after the entry of an order temporarily

suspending the exemption of Royal Airline, Inc. under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of Royal Airline, Inc. under Regulation A be permanently suspended.

It is ordered, Pursuant to rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption of Royal Airline, Inc. under regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-24200 Filed 10-16-74;8:45 am]

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Notice of Meeting and Agenda

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings October 31, 1974, beginning at 1 p.m., and November 1, 1974, beginning at 8:30 a.m., at 500 North Capitol Street, Washington, D.C., in Room 776.

The summarized agenda for the meeting is as follows:

(I) Final review of document on "Basic Characteristics and Principles of the Central Market System."

(II) Discussion of possible rules applicable to specialists and market-makers in the Central Market System.

A. Capital requirements.

B. Obligations to provide market continuity.

C. Preference for public orders.

D. Dealing with "Institutional Customers" (NYSE Rule 113, Amex Rule 190).

E. Treatment of limit orders.

F. Affirmative obligations.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS, *Advisory Committee Management Officer.*

OCTOBER 10, 1974.

[FR Doc.74-24313 Filed 10-16-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 611]

ASSIGNMENT OF HEARINGS

OCTOBER 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 October 17, 1974.

MC 109533 Sub 57, Overnite Transportation Co., now assigned November 18, 1974, at Lexington, Ky., will be held at the Campbell House Inn, 1375 Harrodsburg Road.

MCC 8378, Laurel Hill Trucking Co., Employers Assistance, Inc., and PV Trucking, Inc.—Investigation and Revocation of Certificate and Permit, now assigned November 11, 1974, will be held in Room F-2220, 26 Federal Plaza, New York, New York.

MC 63535, Spencer Pape, Inc., now assigned November 12, 1974, will be held in Room F-2220, 26 Federal Plaza, N.Y., N.Y.

RRA No. MC 1343, Anacon Auto Transport, Inc., now assigned November 14, 1974, will be held in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC 139572, Pappas and Deffet Cartage, Inc., Dba Pappas Trucking Unlimited, now assigned October 21, 1974, at Columbus, Ohio, is cancelled and the application is dismissed.

MC 60787 Sub 5, Garrison Van and Warehouse Corp., Inc., now assigned December 16, 1974, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 74-24229 Filed 10-16-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 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 October 27, 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 3252 E9, filed May 30, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine 01403. Applicant's representative: Francis E. Barrett Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Packaged sewage plants,* from points in Maine to points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Ohio, Michigan, Virginia, West Virginia, North Carolina, and the District of Columbia; and (2) exhaust systems, from points in Maine to points in New Jersey, Delaware, Pennsylvania, Maryland, Ohio, Michigan, Virginia, West Virginia, North Carolina, points in New York located on and west of Interstate Highway 81, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Portland, Maine, in (1); and Auburn or Rockland, Maine, in (2).

No. MC 29886 (Sub E15), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors* (limited to contractors' equipment and except truck tractors), (1) from points in Connecticut, Rhode Island, and points in that part of New York on and east of U.S. Highway 15 to points in that part of Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 43 to Columbia, thence along U.S. Highway 431 to Nashville, thence along Interstate Highway 40 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to the Kentucky-Tennessee State line, (2) from points in Connecticut, Rhode Island, and points in that part of New York on and east of U.S. Highway 15 to points in that part of Kentucky on and west of U.S. Highway 12 F, (3) from points in that part of New York on and east of U.S. Highway 15 to points in Michigan, Indiana, Illinois, Mississippi, Louisiana, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California, (4) from Rome, New York, to points in South Carolina, Georgia, Tennessee, Kentucky, Alabama, and Florida, (5) from Rome, New York, to points in that position of North Carolina on and west of a line beginning at the North Carolina-Virginia and extending along U.S. Highway 501 to Raleigh, thence along U.S. Highway 70 to the Atlantic Ocean.

No. MC 41951 (Sub-No. E1), filed May 30, 1974. Applicant: WHEATLEY TRUCKING INC., P.O. Box 458, Cambridge, Md. 21613. Applicant's representative: Marion L. Wheatley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* from Cambridge, Md., to points in that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 13 to Williamston, thence along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70

to Onslow Bay. The purpose of this filing is to eliminate the gateway of Petersburg, Va.

No. MC 73688 (Sub E2), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Kentucky 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 *culvert* and *fabricated metal pipe, contractors' equipment,* and *roofing materials* which are iron, steel, or steel products, between points in Tennessee, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 107403 (Sub-No. E554), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzene, toluene, xylene, and naphtha,* in bulk, in tank vehicles, from Chalmette, La., to points in Massachusetts and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Elizabeth, N.J.

No. MC 107403 (Sub-No. E555), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzene, toluene, xylene, and naphtha,* in bulk, in tank vehicles, from Chalmette, Ia., to points in Michigan. The purpose of this filing is to eliminate the gateways of Baton Rouge, La., and the plant site of the B. F. Goodrich Company, in Milan Township (Allen County, Ind.

No. MC 107403 (Sub-No. E557), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzene, Toluene, Xylene and Naphtha* (in liquid form only, in bulk, in tank vehicles), from Chalmette, La., to points in Kansas. The purpose of this filing is to eliminate the gateways of the plant sites of Allied Chemicals Corporation in Baton Rouge, La.

No. MC 107403 (Sub-No. E558), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzene, Toluene, Xylene and Naphtha* (in liquid form only, in bulk, in tank vehicles), from Chalmette, La., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Geismar, La.

No. MC 107403 (Sub-No. E561), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphate fertilizer solutions,* in bulk in tank vehicles, from the plant site of Freeport Chemical to near Uncle Sam, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Baton Rouge, La., Greensboro, N.C., and Elizabeth and Newark, N.J.

No. MC 107403 (Sub-No. E563), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and muriatic acid* (in liquid form only, in bulk, in tank vehicles), from Freeport, Tex., to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateways of Baton Rouge, La., Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E566), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and muriatic acid* (in liquid form only, in bulk, in tank vehicles, from Freeport, Tex., to points in Massachusetts and Vermont. The purpose of this filing is to eliminate the gateways of Baton Rouge, La., Greensboro, N.C., and Elizabeth, N.J.

No. MC 107403 (Sub-No. E569), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Toluene, Xylene, and Naphtha* (in liquid form only, in bulk, in tank vehicles), from Chalmette, La., to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E571), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphate fertilizer solutions,* in bulk, in tank vehicles, from the plant site at Freeport Chemical Co., near Uncle Sam, La., to points in Colorado, Illinois, Indiana, Mississippi, North Carolina, South Carolina, Utah, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107515 (Sub-No. E182), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products,* from Memphis, Tenn., to the District of Columbia and to points in Delaware, New Jersey, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, that part of Virginia on and east of Interstate Highway 95, that part of Maryland on and east of a line beginning at the District of Columbia-Maryland Boundary line, thence along Interstate Highway 95 to Baltimore, thence along Interstate Highway 83 to the Maryland-Pennsylvania State line, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to York, thence along U.S. Highway 30 to Lancaster, thence along Pennsylvania Highway 722 to junction U.S. Highway 222, thence along U.S. Highway 222 to Reading, thence along Pennsylvania Highway 61 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 81 to Binghamton, thence along New York Highway 7 to Schenectady, thence along Interstate Highway 90 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E183), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* in the Appendix to the report in *Modification of Permits—Packing House Products,* 46 M.C.C. 23 and 48 M.C.C. 628, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles, and hides), from the plant site of Odom's Sausage Co., at Madison, Tenn., to that part of Ohio on and north of Interstate Highway 90, restricted against traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of any point in Michigan.

No. MC 107515 (Sub-No. E184), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Bristol, Tenn., to points in Iowa, Indiana, Missouri, Wisconsin, Minnesota, and that part of Michigan on and north of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 27 to junction Michigan Highway 21, thence along Michigan Highway 21 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E185), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-dairy food dressing, non-dairy cream substitute, and cocoa mix*, from Jonesboro, Tenn., to points in Mississippi and Louisiana, restricted against the transportation of candy and confectionery. The purpose of this filing is to eliminate the gateway of the warehouse of Commercial Cold Storage, Inc., at Doraville, Ga.

No. MC 107515 (Sub-No. E186), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen fresh and cured meats*, from that part of Tennessee on and east of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction Tennessee Highway 21, thence along Tennessee Highway 21 to the Tennessee-Kentucky State line, to the District of Columbia, and to points in Delaware, that part of Virginia on and east of U.S. Highway 1, that part of Maryland on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line, thence along Interstate Highway 95 to Philadelphia, thence along Interstate Highway 78 to Seronton, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 81 to Binghampton, thence along New York Highway 7 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of (1) any point that is both within 10 miles of Atlanta, Ga., and within the Atlanta commerical zone as defined by the Commission (except Atlanta), and (2) Gatesville, N.C.

No. MC 107515 (Sub-No. E188), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, and Kentucky, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 107515 (Sub-No. E189), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative; R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in Oklahoma, Arkansas, and Texas, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of (1) Richmond, Va., and (2) Florence, Ala.

No. MC 107515 (Sub-No. E190), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza pies, frozen puree, and dairy products*, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Minnesota, Missouri, and points in that part of Indiana on and west of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 227 to junction U.S. Highway 421, thence along U.S. Highway 421 to Madison, thence along Indiana Highway 7 to Columbus, thence along U.S. Highway 31 to Greenwood, thence along an unnumbered Indiana Highway to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction Indiana 39, thence along Indiana Highway 39 to junction Indiana Highway 42, thence along Indiana Highway 42 to junction U.S. Highway 231, thence along U.S. Highway 231 to Lafayette, thence along U.S. Highway 52 to the Indiana-Illinois State line, that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 52 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, that part of Wisconsin on and north of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, and that part of Iowa on and west of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 61 to junction Iowa Highway 64, thence along Iowa Highway 64 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Illinois State line, restricted (1) to the transportation of traffic originating at Baltimore, Md., and the District of Columbia, and (2) against the transportation of traffic destined to points in Florida. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E191), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 107515 (Sub-No. E192), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in Alabama, Georgia, Florida, Tennessee, Louisiana, Mississippi, and Kentucky. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 107515 (Sub-No. E193), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's

representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in Nevada, that part of Missouri on and south of a line beginning at the Missouri-Illinois State line, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Gainesville, Ga.

No. MC 107515 (Sub-No. E193), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in Nevada, that part of Missouri on and south of a line beginning at the Missouri-Illinois State line, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Gainesville, Ga.

No. MC 107515 (Sub-No. E247), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meat and meat products* (except commodities in bulk, in tank vehicles), from Sidney, Nebr., to the District of Columbia, Philadelphia, Chester, and Levittown, Pa., and to points in that part of Virginia on and east of U.S. Highway 29, that part of Maryland on and south of U.S. Highway 301, that part of Delaware on and south of U.S. Highway 40, that part of Rhode Island on and south of U.S. Highway 6, that part of New Jersey on and south of a line beginning at the Delaware River, thence along New Jersey Highway 70 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean, that part of Connecticut on and east of a line beginning at the Long Island Sound, thence along Connecticut Highway 156 to the Connecticut Turnpike, thence along the Connecticut Turnpike to junction Connecticut Highway 52, thence along Connecticut Highway 52 to the Connecticut-Massachusetts State line, and that part of Massachusetts on and south of a line beginning at the Massachusetts-Rhode Island State line, thence along Interstate Highway 95 to junction Massachusetts Highway 123, thence along Massachusetts Highway 123 to junction on unnumbered Massachusetts Road, thence along the unnumbered Massachusetts Road to Scituate on Massachusetts Bay. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E248), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, from points in Cooke, Lake, DuPage, and Will Counties, Ill., and Lae County, Ind., to points in that part of Texas on and south of U.S. Highway 70, restricted against the transportation of shipments destined to points in Florida. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

No. MC 107515 (Sub-No. E250), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from the plant site of Oscar Mayer & Co., Inc., at Beardstown, Ill., to that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along Interstate Highway 81 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-District of Columbia Boundary line, restricted (1) to the transportation of traffic originating at the plant site of Oscar Mayer & Co., Inc., at Beardstown, Ill., and (2) against the transportation originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Madison, Tenn.

No. MC 107515 (Sub-No. E307), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen fruits, frozen berries, and frozen vegetables), from the plantsite of Standard Foods, Inc., at Louisville, Ky., to that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 301 to junction Virginia Highway 36, thence along Virginia Highway 36 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 156, thence along Virginia Highway 156 to junction Virginia Highway 5, thence along Virginia Highway 5 to junction Virginia Highway 155, thence along Virginia Highway 55 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, restricted to traffic originating at the above named facilities. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E309), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats and frozen edible meat products*, from Covington, Ky., to points in that part of Mississippi on and south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 84 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Mississippi Highway 24, thence along Mississippi Highway 24 to junction Mississippi Highway 33, thence along Mississippi Highway 33 to junction Louisiana Highway 19, thence along Louisiana Highway 19 to junction Louisiana Highway 10, thence along Louisiana Highway 10 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 59, thence along U.S. Highway 59 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 108449 (Sub-No. E166), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. S. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Pine Bend, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E167), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plantsite of the Hawkeye Chemical Company, at or near Clinton, Iowa, to points in South Dakota on and north of a line beginning at the South Dakota-Minnesota State line and extending along South Dakota Highway 28 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to its junction with South Dakota Highway 34, thence along South Dakota Highway 34 to its junction with South Dakota Highway 47, thence along South Dakota Highway 47 to its junction with Interstate Highway 90, thence along

Interstate 90 to its junction with Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Pope County, Minn.

No. MC 108449 (Sub-No. E168), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except cryogenic liquids), in bulk, in tank or hopper type vehicles, from the plantsite of the Hawkeye Chemical Company, at or near Clinton, Iowa, to points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 99 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Interstate Highway 35–W, thence along Interstate Highway 35–W to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 110098 (Sub-No. E66), filed May 9, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruits, and frozen berries, and frozen fish and shrimp* when moving in the same vehicle with frozen vegetables, frozen fruits, or frozen berries, in mechanically refrigerated equipment, from points in Idaho, and from Clearfield, Ogden, Provo, and Salt Lake City, Utah, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 110098 (Sub-No. E668), filed May 9, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in 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 vehicles equipped with mechanical refrigeration, from the plantsite of Geo. A. Hormel & Company, at or near Bureau, Ill., to points in Arizona, California, and that part of Nevada-Utah State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 110098 (Sub-No. E69), filed May 9, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and 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 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in New Mexico, Arizona, that part of California on and south of a line beginning at the California-Nevada State line, thence along Interstate Highway 80 to junction California Highway 20, thence California Highway 20 to the Pacific Ocean, and that part of Nevada on and south of U.S. Highway 91. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 110098 (Sub-No. E70), filed May 9, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Sections A and C of Appendix I to the Report in Motor Carrier Certificates, 61 M.C.C. 209, and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in New Mexico, Arizona, that part of California on and south of a line beginning at the California-Nevada State line, thence along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junction California Highway 99, thence along California Highway 99 to junction Interstate Highway 80, to San Francisco, and that part of Nevada on and south of U.S. Highway 91. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 110098 (Sub-No. E71), filed May 19, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209, 272, 273, and frozen foods, all in vehicles equipped with mechanical refrigeration, from points in Eddy, Lea, and Chaves Counties, N. Mex., to points in California, Oregon, Washington, Nevada, Montana, Wyoming, that part of Arizona on and south of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 70 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line, and that part of Colorado on, north, and east of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 13, thence along Colorado State Highway 13 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 110098 (Sub-No. E72), filed May 19, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Sections A and C of Appendix I to the report in Motor Carriers Certificates, 61 M.C.C. 209, 272, 273, and 766, and frozen foods, all in vehicles equipped with mechanical refrigeration, from points in Dona Ana County, N. Mex., to points in California, Oregon, Washington, Nevada, Montana, Wyoming, and that part of Colorado on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of El Paso, Tex.

No. MC 110098 (Sub-No. E73), filed May 19, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209, 272, 273, and 766, and frozen foods, all in vehicles equipped with mechanical refrigeration, from points in Quay, Union, Curry, and Roosevelt Counties, N. Mex., to points in Arizona, California, Oregon, Washington, and Nevada. The purpose of this filing is to eliminate the gateway of Farwell or Glenrio, Tex.

No. MC 110098 (Sub-No. E74), filed May 19, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Appendix I to the reporting *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, 272, 766, and frozen foods, all in vehicles equipped with mechanical refrigeration, from Quay, Curry,

and Roosevelt Counties, N. Mex., to points in Montana, Wyoming, and Colorado, restricted against the transportation of traffic from points in Quay County, N. Mex., to points in LaPlata and Montezuma Counties, Colo. The purpose of this filing is to eliminate the gateway of Farwell and Dalhart, Tex.

No. MC 110420 (Sub-No. E82), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate and liquid cocoa butter*, in bulk, in tank vehicles, from St. Louis, Mo., to (a) Madison and Milwaukee, Wis. (Chicago, Ill.) *; (b) Boston and North Abington, Mass. (Chicago, Ill., and Milwaukee, Wis.) *; (c) points in that part of California on and north of Interstate Highway 80 (Chicago, Ill., and Milwaukee, Wis.) *; (2) *Liquid chocolate and chocolate coating*, in bulk, in tank vehicles, from St. Louis, Mo., (a) to points in Michigan, Minnesota, and North Dakota (Chicago, Ill.) *; (b) to points in that part of South Dakota on and north of U.S. Highway 212 (Chicago, Ill.,) *; (c) to points in that part of Ohio on and north of U.S. Highway 225, and that part of Indiana in and west of St. Joseph, Marshall, Pulaski, White, and Benton Counties (Chicago, Ill.) *; (d) to points in that part of North Carolina in and east of Hartford, Bertie, Martin, Beaufort, Craven, and Carteret Counties (Chicago, Ill.) *; (e) to Baltimore, Md. (Chicago, Ill.) *: The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1266), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils, sea animal oils, and vegetable oils*, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaick, Somerset, Sussex, Union, and Warren Counties, N.J., and that part of New York on and south of New York Highway 7 and on and east of U.S. Highway 11, to points in Kentucky, restricted to movements in mixed shipments with resins, the transportation of which was authorized before the date of issuance of Carrier's Certificate No. MC 110525 (Sub-No. 924, Paragraph 738). The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E1267), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such coal tar products* as are dry chemicals, in bulk, in tank vehicles, from points in Jefferson County, Ky., to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Lima, Pa., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E1269), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except calcium chloride), in bulk, in tank vehicles, from Solvay, N.Y., to points in Missouri. The purpose of this filing is to eliminate the gateway of South Fayette Township, Allegheny County, Pa.

No. MC 110525 (Sub-No. E1270), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid wax and commodities requiring attached beater equipment), in bulk, in tank vehicles, from the District of Columbia and points in Delaware and Maryland, to points in that part of New Jersey on and north of New Jersey Highway 70. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa.

No. MC 110525 (Sub-No. E1271), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Jefferson County, Ky., (1) to Philadelphia, Pa., New York, N.Y., and points in New Jersey (Lima, Pa.) *, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Lima, Pa., and Newark, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1275), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products* (except classes A and B explosives), in bulk, in tank vehicles, between points in Atlantic and Gloucester Counties, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of points in Somerset County, N.J., and New York, N.Y.

No. MC 110525 (Sub-No. E1276), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in New Jersey to points in Lake, Mahoning, Trumbull, and Wayne Counties, Ohio, and Cambria, McKean, and Venango Counties, Pa. The purpose of this filing is to eliminate the gateway of Chester, Pa.

No. MC 110525 (Sub-No. E1278), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago Heights, Ill., (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 (Pittsburgh, Pa.) *, (4) to points in North Carolina, South Carolina, and Georgia (Ewing, Va.) *, and (5) to points in Florida (Ewing, Va., 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) and (5) above against the transportation of bituminous products and materials, and further restricted in (5) above against the transportation of 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 asterisks above.

No. MC 110525 (Sub-No. E1279), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry and powdered chemicals* (except fertilizer, fertilizer materials, lime, and limestone), from Baltimore, Md., (1) to points in Connecticut, Massachusetts, and Rhode Island (Morrisville, Pa., and Newark, N.J.) *, (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Morrisville, Pa., Newark, N.J., and Springfield, Mass.) *, and (3) to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., restricted against the transportation of classes A and B explosives, and further restricted to the transportation of traffic in tank vehicles (Morrisville, Pa., and Newark, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1281), filed June 4, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorinated camphene*, in bulk, in tank vehicles, from Hattiesburg, Miss., (1) to points in Virginia (Chattanooga, Tenn.) *, and (2) to points in Ohio (Copperhill, Tenn.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110686 (Sub-No. E1), (Correction), filed May 9, 1974, published in the FEDERAL REGISTER September 5, 1974. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's representative: William O. Turney, 2001 Mass. Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * (6) *Machinery and machine parts*, from points in that part of New Jersey north of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 80 to junction Garden State Parkway, thence along the Garden State Parkway to junction New Jersey Highway 6, thence along New Jersey Highway 6 to the Hudson River to points in Virginia on and south of U.S. Highway 60 and on and west of U.S. Highway 220 (Muncy, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to reflect the destination territory. The remainder of the letter-notice remains as previously published.

No. MC 110761, E1, filed June 4, 1974. Applicant: CARROLL TRANSPORT, INC., 710 Allegheny Bldg., Adams Street, Pittsburgh, Penn. 15233. Applicant's representative: William J. Levelle, 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and iron and steel scrap*, between points in Marshall, Ohio, Brook, and Hancock Counties, West Virginia, on the one hand, and, on the other, Caldwell, Little Falls, and Newark, New Jersey, Courtland and Syracuse, New York, and points in the New York, New York commercial zone. The purpose of this filing is to eliminate the gateway of Canton township (Washington County), Penn.

No. MC 110761, E2, filed June 4, 1974. Applicant: CARROLL TRANSPORT, INC., 710 Allegheny Bldg., Adams Street, Pittsburgh, Penn. 15233. Applicant's representative: William J. Levelle, 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel mill and foundry products*, from points in Marshall, Ohio, Brooke, and Hancock Counties, West Virginia, to Lyndhurst, Paterson, Elizabeth, Rochelle Park, Perth Amboy, and Trenton, New Jersey. The purpose of this filing is to eliminate the gateway of Canton Township (Washington County), Penn.

No. MC 110761, E3, filed June 4, 1974. Applicant: CARROLL TRANSPORT, INC., 710 Allegheny Bldg., Adams Street, Pittsburgh, Penn. 15233. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and iron and steel scrap*, between Weirton, West Virginia, and points in Brooke, Ohio, and Marshall Counties, West Virginia, on the one hand, and, on the other, Lancaster, Rochester, and Buffalo, New York. The purpose of this filing is to eliminate the gateway of Canton Township (Washington County), Penn.

No. MC 110761, E4, filed June 4, 1974. Applicant: CARROLL TRANSPORT, INC., 710 Allegheny Bldg., Adams Street, Pittsburgh, Penn. 15233. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Weirton, West Virginia, and points in Marshall, Ohio, and Brooke Counties, West Virginia, to Willow Run, Mich. The purpose of this filing is to eliminate the gateway of Canton Township (Washington County), Penn.

No. MC 115826 (Sub-No. E4), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 22, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in that portion of California on and north of a line beginning at Los Angeles and extending along Interstate Highway 405 to junction California Highway 14 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Nevada-California State line to points in that portion of Arkansas on and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Arkansas-Tennessee State line, and points in that portion of Kansas on, east, and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to Wichita, thence along U.S. Highway 54 to the Kansas-Missouri State line; and (2) from points in that portion of California on and north of a line beginning at San Francisco and extending along Interstate Highway 280 to San Jose, thence along Interstate Highway 680 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 5, thence along Interstate Highway 5 to Stockton, thence along California Highway 99 to Sacramento, thence along Interstate Highway 80 to the California-Nevada State line to points in Kansas, points in that portion of Louisiana on and east of Louisiana Highway 23, and points in that portion of Arkansas on and east of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Strevell, Idaho. The purpose of this correction is to correct the California route description.

No. MC 115826 (Sub-No. E15), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 26, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, fresh, and cured meats and frozen meat products*, from Denver, Colo., to points in that part of Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S. Highway 97 to Bend, thence along U.S. Highway 20 to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-Washington State line, and points in that part of Washington on and west of a line beginning at the Washington-Oregon State line and extending along Interstate Highway 5 to Olympia, thence along U.S. Highway 101 to Maryland and the Puget Sound. The purpose of this filing is to eliminate the gateway of Alturas, Calif. The purpose of this correction is to correctly describe the destination territory.

No. MC 115826 (Sub-No. E18), Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 26, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, fresh, and cured meats, and frozen meat products*, from the plant site of Minden Beef Company at or near Minden, Nebr., to points in that part of Washington on and west of Interstate Highway 5 and points in that part of Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S. Highway 97 to junction U.S. Highway 197, thence along U.S. Highway 197 to the Oregon-Washington State line. The purpose of this filing is to eliminate the gateway of Alturas, Calif. The purpose of this correction is to clarify route descriptions.

No. MC 115826 (Sub-No. E42), (correction), filed June 4, 1974, published in the FEDERAL REGISTER August 30, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen*,

fresh, and cured meats, and frozen meat products, from the plantsite of Producers Packing Company near Garden City, Kans., to points in that part of Oregon on and west of a line beginning at the California-Oregon State line extending along U.S. Highway 395 to Burns, thence along U.S. Highway 20 to Bend, thence along U.S. Highway 97 to the Oregon-Washington State line, and points in that part of Washington on and west of a line beginning at the Oregon-Washington State line and extending along the eastern boundaries of Skamania, Lewis, and Pierce Counties to the intersection of Washington Highway 410, thence along Washington Highway 410 to junction Washington Highway 169, thence along Washington Highway 169 to junction Interstate Highway 405, thence along Interstate Highway 405 to junction Washington Highway 522, thence along Washington Highway 522 to Washington Highway 9, thence along Washington Highway 9 to the U.S.-Canada International Boundary line, restricted to traffic originating at the above plantsite. The purpose of this filing is to eliminate the gateway of Alturas, Calif. The purpose of this correction is to clarify the route descriptions.

No. MC 115826 (Sub-No. E46), (correction), filed June 4, 1974, published in the FEDERAL REGISTER August 30, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables,* from Brownsville and Harlingen, Tex., to points in Oregon (except points in those portions of Malheur and Harvey Counties south of U.S. Highway 20), points in Washington (except points in Stevens, Pend, Oreille, Ferry Counties, and Okanogan County excluding Coulee Dam), and points in that part of Idaho bounded by a line beginning at the Washington-Idaho State line at Lewiston and extending along U.S. Highway 95 to Coeur d'Alene, thence along Interstate Highway 90 to the Washington-Idaho State line, thence along the Washington-Idaho State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Los Angeles, Calif. The purpose of this correction is to correctly describe the destination territory.

No. MC 116073 (Sub-No. E2), filed June 4, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Warner (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used mobile trailer homes,* in secondary movements, in truckaway service; (1) between points in Montana (except those bounded by a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line, thence along the Montana-Wyoming State line to the Montana-South Dakota State line, thence along the Montana-South Dakota State line and Montana-North Dakota State lines to the point of beginning), on the one hand, and, on the other, points in North Carolina and those in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 42 to junction U.S. Highway 70S, thence southwest along U.S. Highway 70S to junction Tennessee Highway 55, thence southwest along Tennessee Highway 55 to junction U.S. Highway 64, thence west along U.S. Highway 64 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line; (2) between points in Montana (except points both south of Interstate Highway 94 and east of U.S. Highway 212), on the one hand, and, on the other, points in Mississippi on and south and east of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 78 to junction Natchez Trace National Parkway, thence along Natchez Trace National Parkway to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line; and (3) between points in Montana (except Carter County), on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of points in North Dakota, points in Arkansas, and Birmingham, Ala., and points within 15 miles thereof.

No. MC 116073 (Sub-No. E3), filed June 4, 1974: Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used mobile trailer homes,* in secondary movements, in truckaway service, (1) between points in Minnesota on and north of a line beginning at the Minnesota-Wisconsin State line and extending along Interstate Highway 94 to junction Interstate Highway 694, thence south along Interstate Highway 694 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line, on the one hand, and, on the other, points in Mississippi on, south, and east of a line beginning at the Mississippi-Alabama State line and extending along Mississippi Highway 12 to Columbus, thence along U.S. Highway 45 to Meridian, thence along Interstate Highway 20 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line; (2) between points in Minnesota, on the one hand, and, on the other, points in Mississippi, on, south, and east of a line beginning at the Mississippi-Alabama State line and extending along Interstate Highway 20 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Gulf of Mexico; and (3) between points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to the U.S.-Canada International Boundary line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of points in Arkansas, and Birmingham, Ala., and points within 15 miles thereof.

No. MC 116073 (Sub-No. E4), filed June 4, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used mobile trailer homes,* in secondary movements, in truckaway service, (1) between points in North Dakota, on the one hand, and, on the other, points in Hamilton County, Tenn.; points in Mississippi on and south and east of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 82 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Mississippi Highway 21, thence along Mississippi Highway 21 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Louisiana State line; and points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along Interstate Highway 85 to Charlotte, thence along U.S. Highway 74 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean; and (2) between points in North Dakota on and west of U.S. Highway 83, on the one hand, and, on the other, points in North Carolina on and south and east of a line beginning at the North Carolina-South Carolina State line and extending along Interstate Highway 26 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 74, thence east along U.S. Highway 74 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Arkansas and Birmingham, Ala., and points within 15 miles thereof.

No. MC 116073 (Sub-No. E5), filed June 4, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC.,

P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used mobile trailer homes*, in secondary movements, in truckaway service, (1) between points in Minnesota, on the one hand, and, on the other, points in Florida and Georgia, and (2) between points in Minnesota, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles thereof. The purpose of this filing is to eliminate the gateways of points in Arkansas and Birmingham, Ala., and points within 15 miles thereof in (1); and points in Arkansas in (2).

No. MC 116073 (Sub-No. E8), filed June 4, 1974. Applicant: Barrett Mobile Home Transport, Inc., P.O. Box 919, Moorhead, Minn. Applicant's representative: David L. Wanner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mobile house trailers*, in secondary movements, in truckaway service, from points in Yuma County, Ariz., to points in Oregon. The purpose of this filing is to eliminate the gateway of points in California.

No. MC 116073 (Sub-No. E9), filed June 4, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Mobile homes, in secondary movements, in truckway service*, between Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Wyoming.

No. MC 116763 (Sub-No. E29), filed May 22, 1974. Applicant: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and building supplies* (except lumber, plywood, veneer, forest products, and cement), from points in Louisiana on and north of U.S. Highway 80 (except Shreveport, La., and points in the commercial zone thereof as defined by the Commission), to points in New York on and west of Interstate Highway 81 (except Endicott and Binghamton), restricted to the transportation of traffic originating at the origin points specified above. The purpose of this filing is to eliminate the gateway of points in Georgia on and south of U.S. Highway 80.

No. MC 117119 (Sub-No. E167), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Springdale, Lowell, and Johnson, Ark., to points in New Mexico, Arizona, Colorado, and California. The purpose of this filing is to eliminate the gateway of Westville, Okla.

No. MC 117119 (Sub-No. E168), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved meats, meat products, and meat byproducts and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in containers, restricted to commodities fit for human consumption from the plant site and warehouses of Americia Beef, Inc., at or near Fort Morgan, Colo., to points in Connecticut, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, Philadelphia, Pa., and New York, N.Y. The purpose of this filing is to eliminate the gateway of Hoxie, Ark.

No. MC 117119 (Sub-No. E169), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in containers, restricted to commodities fit for human consumption, from Sterling, Colo., to points in Connecticut, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, and Philadelphia, Pa., and New York, N.Y. The purpose of this filing is to eliminate the gateway of Hoxie, Ark.

No. MC 117119 (Sub-No. E170), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except dairy products and commodities in bulk), in vehicles equipped with mechanical refrigeration, from New Orleans, La., to points in Washington (except Grandview, and Kennewick), Oregon, and Nevada (except points in Clark, Lincoln, Nye, Esmeralda, Mineral, and White Pine Counties, Nev.). The purpose of this filing is to eliminate the gateways of Jackson, Tenn., and Springdale, Ark.

No. MC 117119 (Sub-No. E171), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), from points in that part of Ohio on, east, and south of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to Columbus, thence along U.S. Highway 40 to Cambridge thence along U.S. Highway 22 to the Ohio-West Virginia State line and points in Franklin County, Ohio, to points in that part of Washington on and west of Interstate Highway 5, and points in Oregon and Nevada. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC 117119 (Sub-No. E172), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tyler, Tex., to points in Illinois, Indiana, Michigan, Ohio, and points in that portion of Wisconsin on and east of U.S. Highway 53. The purpose of this filing is to eliminate the gateway of Humboldt, Tenn.

No. MC 117119 (Sub-No. E173), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Shawnee, Okla., to points in Indiana, Ohio, and Michigan. The purpose of this filing is to eliminate the gateway of Humboldt, Tenn.

No. MC 117119 (Sub-No. E174), filed June 5, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from New Orleans, La., to points in Iowa, Minnesota, Montana, Nebraska, and California (except points in San Diego, Imperial, Orange, Riverside, and San Bernardino Counties, Calif.). The purpose of this filing is to eliminate the gateway of Jackson, Tenn.

No. MC 119531 (Sub-No. E276), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from the facilities of Metro Glass, a division of Kraftco Corp., at Jersey City and Carteret, N.J., to points in Minnesota and Iowa. The purpose of this filing is to eliminate the gateway of Lapel, Ind.

No. MC 119531 (Sub-No. E277), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati,

Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardboard products*, from Newark, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC 119531 (Sub-No. E278), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Lapel, Ind., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the plantsite of the Liquid Box Corporation or the plant site of Continental Can Company, Worthington, Ohio.

No. MC 119531 (Sub-No. E280), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, from Bradford, Pa., to points in Wisconsin and Iowa. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC 119531 (Sub-No. E281), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* used in the manufacture of pulpboard, from points in West Virginia to Chicago, Ill. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Fremont Container Company at Fremont, Ohio.

No. MC 119531 (Sub-No. E282), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from Louisville, Ky., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC 119531 (Sub-No. E283), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardboard products*, from Newark, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC 119531 (Sub-No. E284), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from Three Rivers, Mich., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 119531 (Sub-No. E285), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant of Midland Glass Company, Inc., at or near Terre Haute, Ind., to points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 119531 (Sub-No. E286), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Piqua, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC 119531 (Sub-No. E287), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Piqua, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC 119531 (Sub-No. E288), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Cincinnati, Ohio, to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC 119531 (Sub-No. E289), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 45215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Circleville, Ohio, to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC 123048 (Sub-No. E65) (Correction), filed June 13, 1974, published in the FEDERAL REGISTER August 13, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul F. Beery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and farm tractors* (except commodities which because of size or weight requires the use of special equipment or special handling), from Rock Island, Ill., to points in Idaho on, north, and west of a line from the Montana-Idaho State line along U.S. Highway 12 to the junction of Idaho Highway 13, thence along Idaho Highway 13 to the junction of U.S. Highway 95, thence along U.S. Highway 95 to the junction of U.S. Highway 55, thence along U.S. Highway 55 to Boise, thence along Interstate Highway 80N to the Oregon-Idaho State line, and points in Mississippi on and south of a line from the Mississippi-Alabama State line along Mississippi State Highway 12 to Durant, thence along U.S. Highway 51 to Jackson, thence along U.S. Highway 80 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of the plant site of Helix Corp., at Crown Point, Ind. The purpose of this correction is to correct the Interstate Highway number.

No. MC 123407 (Sub-No. E165), 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 materials* (except iron and steel and commodities in bulk) and materials used in the installation thereof from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill., to points in that part of Arkansas bounded by a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 67 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 70, thence along U.S. Highway 79 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-Teed Products Corporation at East St. Louis, Ill.

No. MC 123407 (Sub-No. E166), filed July 18, 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: *Precast concrete structures* used as a building material from Hammond, Ind., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E167), filed July 18, 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: *Particleboard*, from the plant site of Plywood Panels, Inc., at or near New Orleans, La., to points in South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Illinois, Missouri, Kansas, Nebraska, Iowa, South Dakota, Wisconsin, Minnesota, North Dakota, the Upper Peninsula of Michigan, and Arkansas (except points in Columbia, Lafayette, Miller, and Little River Counties). The purpose of this filing is to eliminate the gateway of the plant site of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E168), filed July 18, 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: *Particleboard*, from Marrero, La., to points in Florida, Georgia, Tennessee, Alabama, and Mississippi. The purpose of this filing is to eliminate the gateway of the plant site of Plywood Panels, Inc., located at or near New Orleans, La.

No. MC 123407 (Sub-No. E169), filed July 18, 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: *Precast-concrete stuctures* used in prefabricated buildings from Hammond, Ind., to points in Montana and Wyoming (except Carbon, Albany, Platte, Goshen, and Laramie Counties). The purpose of this filing is to eliminate the gateway of Warren, Ill., and Litchfield, Minn.

No. MC 123407 (Sub-No. E170), filed July 18, 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: *Precast concrete structures*, used as a building material from Warren, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hammond, Ind.

No. MC 124078 (Sub-No. E42), filed May 29, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, used in connection with highway construction, in bulk, in tank vehicles, from Lemont and Lockport, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 124673 (Sub-No. E3), filed September 29, 1974. Applicant: FEED TRANSPORT, INC., P.O. Box 2167, Amarillo, Tex. 79105. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brook Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry livestock feedstuffs*, in bulk, between points in Bent and Prowers Counties, Colo., on the one hand, and, on the other, points in that part of Oklahoma west of U.S. Highway 77 (except points in Cimarron County). The purpose of this filing is to eliminate the gateway of points in that part of Texas north of the southern boundaries of Deaf Smith, Randall, Armstrong, Donley, and Collingsworth Counties, Tex.

No. MC 128741 (Sub-No. E61), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Washington, D.C., on the one hand, and, on the other, points in Indiana, Wisconsin, Minnesota, Illinois, Iowa, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E62), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky on and west of U.S. Highway 31E, on the one hand, and, on the other Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Indiana South of U.S. Highway 40.

No. MC 128741 (Sub-No.E63), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cass, Berrien, and Van Buren Counties, Mich., Kalamazoo, Holland, Muskegon, and Ludington, Mich., and points in the Upper Peninsula of Michigan, on the one hand, and, on the other, Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E64), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Washington, D.C., on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, South Dakota. The purpose of this filing is to eliminate the gateways of Spearfish, South Dakota, and points within 16 miles thereof, Arnold, Nebr., and points within 40 miles thereof, and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub E65), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio on, west, and south of a line from the Indiana-Ohio State line along Ohio Highway 29 to the junction of U.S. Highway 127, thence along U.S. Highway 127 to the Ohio-Kentucky State line, on the one hand, and, on the other, Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub E66), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota on and west of the Missouri River, on the one hand, and, on the other, Washington, D.C. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub E67), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., and points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E68), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in New Mexico on and south of a line from the Texas-New Mexico State line along U.S. Highway 60 to the junction of Interstate Highway 25, thence along Interstate Highway 25 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line. The purpose of this filing is to eliminate the gateways of points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E69), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri on and south of a line from the Kansas-Missouri State line along U.S. Highway 66 to the junction of Missouri Highway 8, thence along Missouri Highway 8 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the junction of Missouri Highway 32, thence along Missouri Highway 32 to the Illinois-Missouri State line, on the one hand, and, on the other, points in Kansas on, west, and south of a line from the Nebraska-Kansas State line along U.S. Highway 81 to the junction of U.S. Highway 56, thence along U.S. Highway 56 to the junction of U.S. Highway 75, thence along U.S. Highway 75 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Greene County, Mo.

No. MC 128741 (Sub-No. E70), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in South Dakota on and west of the Missouri River. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E71), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in South Dakota on and west of the Missouri River. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E72), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota on and west of the Missouri River, on the one hand, and on the other, points in Indiana on and south of a line from the Illinois-Indiana State line along Interstate Highway 74 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E73), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defind by the Commission, between points in South Dakota on and west of the Missouri River, on the one hand, and, on the other, points in Illinois on and south of a line from the Iowa-Illinois State line along U.S. Highway 34 to Galesburg, thence along Interstate 74 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E74), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Blair and Omaha, Nebr., on the one hand, and, on the other, points in Fall River, Shannon, Pennington, Custer, Meade, Lawrence, Butte, Harding, and Perkins Counties, S. Dak. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E75), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota on and west of the Missouri River, on the one hand, and, on the other, points in Nebraska on and south of a line from the Iowa-Nebraska State line along U.S. Highway 34 to the junction of Nebraska Highway 2, thence along Nebraska Highway 2 to the junction of Nebraska Highway 70, thence along Nebraska Highway 70 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Colorado State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E76), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between McCook, Nebr., on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E77), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Tennessee on and east of a line from the Kentucky-Tennessee State line along U.S. Highway 45-E to the junction of U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E78), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES,

INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other, Marshall, Minn., and points in Minnesota (except points in Lincoln, Lyon, Redwood, Cottonwood, Jackson, Nobles, Murray, Pipestone, and Rock Counties). The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E79), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee on and east of a line from the Mississippi-Tennessee State line along Tennessee Highway 22 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 22, thence along Tennessee Highway 22 to the junction of U.S. Highway 79, thence along U.S. Highway 79 to the junction of Tennessee Highway 22, thence along Tennessee Highway 22 to the junction of Tennessee Highway 89, thence along Tennessee Highway 89 to the Kentucky-Tennessee State line on the one hand, and, on the other, points in Rock, Nobles, Jackson, Cottonwood, Redwood, Lyon, Murray, Pipestone, and Lincoln Counties, Minn. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E80), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Iowa on and south of U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E81), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Tennessee (except points in Shelby, Tipton, Haywood, and Fayette Counties). The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E82), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Wyoming on and south of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of U.S. Highway 26, thence along U.S. Highway 789, thence along Nebraska Highway 789 to the junction of U.S. Highway 287, thence along U.S. Highway 287 to the junction of U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E83), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming on and south of Interstate Highway 80, on the one hand, and, on the other, points in South Dakota on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E84), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Wyoming on and south of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E85), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Lower Peninsula of Michigan (except points in Presque Isle, Cheboygan, and Emmett Counties) on the one hand, and, on the other, points in Wyoming on and north of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E86), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in the Upper Peninsula of Michigan on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E87), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in South Dakota, on and west of the Missouri River. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E88), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in South Dakota on and west of the Missouri River. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40 and Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E89), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Household goods,* as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Oklahoma on, east, and south of a line from the Kansas-Oklahoma State line along U.S. Highway 75 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E91), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, Keokuk, Iowa. The purpose of this filing is to eliminate the gateways of points in Greene County, Mo., and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E92), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, Davenport, Iowa. The purpose of this filing is to eliminate the gateway of points in Greene County, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-24227 Filed 10-16-74;8:45 am]

[Notice No. 82]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 11, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 504 (Sub-No. 102), filed August 29, 1974. Applicant: HARPER MOTOR LINES, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) between Chicago and Peoria, Ill., and points in Ohio, on the one hand, and, on the other, points in South Carolina, Atlanta, Ga., and Sanford, Fayetteville, and Laurinburg, N.C. Applicant states that the purpose of (1) above is to eliminate a Columbia, S.C., gateway, and, in the case of traffic moving between Chicago, and Peoria, Ill., and points in Ohio, on the one hand, and, on the other, applicant's existing service points in Georgia, seeks to establish Atlanta, Ga., as an alternate point of joinder to Johnsontown and Savannah, Ga. (2) Between Baltimore, Md., on the one hand, and, on the other, Sanford, Fayetteville, New Bern, and Wilmington, N.C.; points in South Carolina; and Athens, Atlanta, Elberton, Hartwell, and Toccoa, Ga. Applicant states that the purpose of (2) above is to eliminate gateway points in South Carolina within 30 miles of Laurinburg, N.C., in order that applicant may operate directly between the requested points. (3) From Chicago and Peoria, Ill.; Baltimore, Md.; New York, N.Y.; the District of Columbia; and points in Ohio, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, to points in Forsyth, Guilford, Davidson, Randolph, Chatham, Alamance, Orange, Durham, Granville, Vance, Warren, Franklin, Nash, Edgecombe, Wilson, Wake, Johnston, Greene, Lenoir, Wayne, Samson, Cumberland, Hoke, Richmond, Scottland, Robeson, Anson, Union, Mecklenburg, Cabarrus, Stanly, Montgomery, Davie, Moore, Halifax, Yadkin, Aberdeen, Rockingham, Harnett, Stokes, Surry, Duplin, Lee, Person, Pender, Bladen, Columbus, and Caswell Counties, N.C. Applicant states that the purpose of (3) above is to eliminate the gateways of Columbia, S.C.; points in South Carolina within 30 miles of Laurinburg, N.C.; Laurinburg, N.C.; and Sanford, N.C., on Chicago and Peoria, Ill., and Ohio traffic; and to eliminate a Sanford, N.C., gateway on Eastern Seaboard traffic.

(4) From New York City, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to Sanford, Fayetteville, New Bern, and Wilmington, N.C.; points in South Carolina; and Athens, Atlanta, Elberton, Hartwell, and Toccoa, Ga. Applicant states that the purpose of (4) above is to eliminate the gateways of Sanford, N.C., and points in North Carolina and South Carolina within 30 miles of Laurinburg, N.C., and to establish gateways at Athens, Atlanta, Elberton, Hartwell, and Toccoa, Ga.; and Fayetteville, New Bern, and Wilmington, N.C.; and (5) between points in South Carolina, on the one hand, and, on the other, Laurinburg, Fayetteville, Sanford, Lumberton, New Bern, and Wilmington, N.C., and Elberton, Hartwell, Savannah, and Toccoa, Ga. Applicant states that the purpose of (5) above is to eliminate the gateway of points in

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

South Carolina within 30 miles of Laurinburg, N.C., and to establish alternate gateways at Elberton, Hartwell, Savannah, and Toccoa, Ga.

NOTE.—Applicant intends to tack the authority sought in parts (1) and (2) above with all regular route authority held in Georgia and North Carolina at the Georgia and North Carolina points named therein in order to provide through service between Chicago and Peoria, Ill.; points in Ohio; and Baltimore, Md., on the one hand, and, on the other, all points authorized to be served in Georgia and North Carolina. Applicant intends to tack the authority sought in part (4) above, with all regular route authority held in Georgia and North Carolina at the Georgia and North Carolina points named therein in order to provide through service from New York City, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia to all points authorized to be served in Georgia and North Carolina. Applicant intends to tack the authority sought in (5) above with all regular route authority held in Georgia and North Carolina at the Georgia and North Carolina points named therein in order to provide through service between points in South Carolina, on the one hand, and, on the other, points authorized to be served in Georgia and North Carolina. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 989 (Sub-No. 25), filed September 16, 1974. Applicant: IDEAL TRUCK LINES, INC., 912 North State, Norton, Kans. 67654. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the plant and warehouse facilities of Walker Manufacturing Company, at or near Seward, Nebr., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 1641 (Sub-No. 103), filed September 9, 1974. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run, and soybean hulls*, dry, in bags or bulk, from the plantsite of Farmland Industries, Inc., located at or near Sergeant Bluff, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, or Omaha, Nebr.

No. MC 2202 (Sub-No. 467), filed September 16, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant and warehouse sites of Western Electric Company, Inc., located at or near the junction of New York Highway 422 and Maple Street, Elma Township (Erie County), N.Y., as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 2229 (Sub-No. 186), filed September 9, 1974. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Douglas Anderson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, Tenn., and Baton Rouge, La., (a) From Memphis, Tenn., over U.S. Highway 51 to junction of U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route: (b) From Memphis, Tenn., over Interstate Highway 55 to junction of Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge, La., and return over the same route, and (2) between Jackson, Miss., and New Orleans, La., (a) From Jackson, Miss., over Interstate Highway 55 and U.S. Highway 51 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La., and return over the same route, in (1) through (2) inclusive, as alternate routes for operating convenience only, in connection with carrier's authorized regular route operations serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 2229 (Sub-No. 187), filed September 6, 1974. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 47407, Dallas, Texas 75247. Applicant's representative: Gary L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Western Kraft Division, Willamette Industries, Inc., located at or near Campti (Natchitoches Parish), La., as an off-route point in connection with applicant's regular route operations as authorized in MC 2229 (Sub-No. 119).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Portland, Oreg.

No. MC 18088 (Sub-No. 55) (Amendment), filed December 3, 1973, published in the FEDERAL REGISTER issue of April 11, 1974, and republished, as amended this issue. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Pell City, Ala., and Corinth, Miss.: (a) From Pell City over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45 to Corinth Miss., and return over the same route; serving intermediate points in Mississippi, and serving the off-route points of Birmingham, Ala., the plantsites and warehouses of Winfield Cotton Mills at or near Winfield, Ala., and the plantsites and warehouses of Fayette Cotton Mills at or near Fayette, Ala.; and (b) from Pell City over U.S. Highway 231 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to junction U.S. Highway 72 at or near Tuscumbia, Ala., thence over U.S. Highway 72 to Corinth, Miss., and return over the same route, serving intermediate points in Mississippi, and Alcorn, Tishomingo, Tippah, Panola, Prentiss, Lafayette, Union, Itawamba, Pontotoc, Lee, Chickasaw, Monroe, Clay, Lowndes, Noxubee, Winston, Okitbbeha, and Webster Counties, Miss., and Coosa and Clay Counties, Ala. as off-route points; (2) Between the junctions of U.S. Highway 278 and 78 at or near Guin, Ala., and Corinth, Miss.: From the junction of U.S. Highways 278 and 78 at or near Guin, Ala., over U.S. Highway 278 to the junction of U.S. Highway 45 and 45W at or near Nettleton, Miss., thence over U.S. Highway 45 to Corinth, Miss., and return over the same route as an alternate route for operating convenience only.

(3) Between Pell City, Ala., and Columbus, Miss.: From Pell City over U.S. Highway 231 to Harpersville, Ala., thence over Alabama Highway 25 to Centreville, Ala., thence over U.S. Highway 82 to Columbus, Miss., serving Vincent, Ala., as an intermediate point for purpose of joinder only and serving points in Monroe, Chickasaw, Lowndes, Clay, Webster, Oktibbeha, Choctaw, Winston, Noxubee, Kemper, Lauderdale, Newton, and Neshoba Counties, Miss., and the plantsite and warehouse facilities of Aliceville Cotton Mills at or near Aliceville, Ala., as off-route points, and return over the

same route; (4) Between Pell City, Ala., and Meridan, Miss.: From Pell City over U.S. Highway 231 to Rockford, Ala., thence over Alabama Highway 22 to Selma, Ala., thence over U.S. Highway 80 to Meridian, Miss., serving all intermediate points in Alabama, and serving those off-route points south of U.S. Highway 80 in Mississippi (except those excluded by restriction below); restricted in (1) through (4) above against: (a) service to, from, or between points in Mississippi located on or within 2 miles of either U.S. Highway 80 or U.S. Highway 90.

(b) Service between points in Mississippi located on or within 2 miles of U.S. Highway 80 between Clinton, Miss., and Meridian, Miss., including Clinton and Meridian and points within their respective commercial zones; on or within 2 miles of U.S. Highway 49 between Jackson, Miss., and Hattiesburg, Miss., and their respective commercial zones; on or within 2 miles of U.S. Highway 11 between Hattiesburg, Miss., and Meridian, Miss., including Hattiesburg and Meridian, and their respective commercial zones; on or within 2 miles of U.S. Highway 98 between Hattiesburg, Miss., and the Alabama-Mississippi State line, including Hattiesburg, Miss., and its commercial zone; on or within 2 miles of U.S. Highway 45 between Meridian, Miss., and the Alabama-Mississippi State line, including Meridian and its commercial zone; and points in Wayne, Greene, Perry, George, Stone, Harrison, and Jackson Counties, Miss., on the one hand, and, on the other, Atlanta, Ga., and points within 15 miles of Atlanta, Ga., Birmingham, Ala., and its commercial zone; and points in Alabama located on and south of U.S. Highway 80 (except service will be provided at points on U.S. Highway 80 between Selma, Ala., and the Alabama-Mississippi State line, including Selma and its commercial zone); and (c) service between that part of Alabama on and north of a line beginning at Birmingham (except Birmingham and its commercial zone) and extending along U.S. Highway 11 and/or Interstate Highways 20 and 59 to Tuscaloosa, thence along U.S. Highway 82 to the Alabama-Mississippi State line, and on and west of U.S. Highway 31 and/or Interstate Highway 65 between Birmingham and the Alabama-Tennessee State line (except Birmingham and its commercial zone), on the one hand, and, on the other, the area in Mississippi described in this application (except service will be rendered to and from the plantsites, warehouses and storage facilities of the Fayette Cotton Mills located at or near Fayette, Ala., and the Winfield Cotton Mills located at or near Winfield, Ala., as requested in Part (1)(a)).

NOTE.—The purpose of this republication is to amend applicant's request for authority and clarify the restricted territory. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., and Jackson, Miss.

No. MC 20356 (Sub-No. 14), filed September 20, 1974. Applicant: BADGER FREIGHTWAYS, INC., 2720 North 19th Street, Sheboygan, Wis. 53081. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Wausau, Wis., and Oshkosh, Wis.: From Wausau over Wisconsin Highway 29 to junction U.S. Highway 45, thence over U.S. Highway 45 to Oshkosh, Wis., and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, serving no intermediate points, but serving the terminal points for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 22254 (Sub-No. 78), filed September 18, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 12801 West Freeway, P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: John C. Bradley, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, uncrated, from points in Northumberland County, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 22311 (Sub-No. 6), filed September 9, 1974. Applicant: WEST SHORE TRANSPORT, INC., 215 Marble Street, Hammond, Ind. 46320. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of Roll Coater, Inc., at or near Kingsbury, Ind., to points in Illinois, Wisconsin, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29555 (Sub-No. 76), filed September 16, 1974. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Ottumwa, Iowa, and the junction of U.S. Highways 34 and 275, serving the junction of U.S. Highways 34 and 275 for purposes of joinder only: From Ottumwa, Iowa, over U.S. Highway 34 to junction U.S. Highway 275; (2) Between Ottumwa, Iowa, and Council Bluffs, Iowa: From Ottumwa, Iowa, over U.S. Highway 34 to junction of Interstate Highway 29, thence over Interstate Highway 29 to Council Bluffs, Iowa, serving the junction of U.S. Highway 34 and Interstate Highway 29 for purposes of joinder only; (3) Between Oskaloosa, Iowa, and the junction of U.S. Highways 6 and 63: From Oskaloosa, Iowa, over U.S. Highway 63 to junction U.S. Highway 6, serving the junction of U.S. Highways 63 and 6 for purposes of joinder only; (4) Between Oskaloosa, Iowa, and Des Moines, Iowa: From Oskaloosa, Iowa, over Iowa Highway 163 to Des Moines, serving Des Moines, Iowa, for the purpose of joinder only; (5) Between Oskaloosa, Iowa and junction of Interstate Highway 80 and U.S. Highway 63: From Oskaloosa, Iowa, over U.S. Highway 63 to junction Interstate Highway 80, serving the junction of U.S. Highway 63 and Interstate Highway 80 for purposes of joinder only; and (6) Between Oskaloosa, Iowa, and the junction of Iowa Highway 92 and U.S. Highway 275: From Okaloosa, Iowa, over Iowa Highway 92 to junction U.S. Highway 275, serving the junction of Iowa Highway 92 and U.S. Highway 275 for the purposes of joinder only, in (1) through (6) inclusive, as alternate routes for operating convenience only in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul, Minn., Des Moines, Iowa, or Omaha, Nebr.

No. MC 29613 (Sub-No. 7), filed July 8, 1974. Applicant: JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue East, Elizabeth, N.J. 07201. Applicant's representative: Robert W. Hagemann (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and Commodities requiring special equipment), between the Township of Southampton, N.J., on the one hand, and, on the other, points in Somerset, Hunterdon, Middlesex, Monmouth, Mercer, and Ocean Counties, N.J., (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Township of Southampton, N.J., on the one hand, and, on the other, points in the part of New Jersey on and south of a line beginning at the New Jersey-New York State Boundary line at Jersey City, N.J., and extending along U.S. Highway 1 to its intersection with U.S. Highway 9, thence along U.S. Highway 9 to its intersection with New Jersey Highway 70, thence along New Jersey

Highway 70 through Camden, N.J., to the New Jersey-Pennsylvania State Boundary line (except Point Pleasant, Bay Head and Lakewood, N.J., and points in Monmouth County, N.J., on and east of U.S. Highway 9); and (3) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Township of Southampton, N.J., and Camden, N.J., on the one hand, and on the other, points in that part of Burlington County, N.J., on and north of New Jersey Highway 70.

NOTE.—Applicant proposes to tack all or any combination of (1), (2), and (3) above with one another to provide the following service: Part I combined with Part II, (A) tack at Southampton, N.J., to provide service between Somerset, Hunterdon, Middlesex, Monmouth, Mercer, and Ocean Counties, N.J., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the New Jersey-New York State Boundary line and extending along U.S. Highway 1 to intersection U.S. Highway 9, thence along U.S. Highway 9 to intersection U.S. Highway 70, thence along New Jersey Highway 70 through Camden, N.J., to the New Jersey-Pennsylvania State Boundary line (except Pt. Pleasant, Bay Head, and Lakewood, N.J., and points in Monmouth County, N.J.), and (B) tack at points in Ocean County, N.J., to provide service between points in Southampton Township, N.J.; Part I combined with Part III, tack at Southampton, N.J., to provide service between points in Somerset, Hunterdon, Middlesex, Monmouth, Mercer, and Ocean Counties, N.J., on the one hand, and, on the other, points in Burlington County on and north of New Jersey Highway 70; Part II combined with Part III, tack at Southampton, N.J., to provide service between points in New Jersey on and south of a line beginning at the New Jersey-New York State Boundary line and extending along U.S. Highway 1 to intersection U.S. Highway 9, thence along U.S. Highway 9 to intersection with New Jersey Highway 70, through Camden, N.J., to the New Jersey-Pennsylvania State Boundary line (except Pt. Pleasant, Bay Head, and Lakewood, N.J., and points in Monmouth County, N.J.), on the one hand, and, on the other, points in Burlington County, N.J., on and north of New Jersey Highway 70. Common control was approved in MC-F-9045. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 29886 (Sub-No. 316), filed September 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and *bodies, cabs and parts* of and *accessories* for such vehicles, from Allentown, Pa., to points in the United States (except Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 465), filed September 23, 1974. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles Pieroni, 4000 West Sample Street, South Bend, Ind. 46627. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and *bodies, cabs and parts* of and *accessories* for such vehicles, from the plant site of International Harvester Company, in San Leandro, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 497) (Correction), filed March 11, 1974, published in the FEDERAL REGISTER, issue of April 25, 1974, and republished as corrected, this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles*, as are dealt in by retail discount stores (except foodstuffs and commodities in bulk), (1) from New York City, N.Y., to Riverview, Mich.; Detroit, Mich.; Hazel Park, Mich.; Livonia, Mich.; Evansville, Ind.; Indianapolis, Ind.; Gary, Ind.; St. Louis, Mo.; Dayton, Ohio; Saginaw, Mich.; South Bend, Mich.; East Detroit, Mich.; Tulsa, Okla.; Houston, Tex.; Canton, Ohio; Battle Creek, Mich.; Baton Rouge, La.; Jackson, Mich.; Springfield, Mo.; W. Lafayette, Ind.; Michigan City, Ind.; Benton Harbor, Mich.; Columbus, Ind.; Quincy, Ill.; Marion, Ind.; Adrian, Mich.; Paducah, Ky.; Holland, Mich.; Bradley, Ill.; St. Louis, Mo.; Ferndale, Mich.; and Roseville, Mich.; restricted to shipments originating at or destined to the facilities of Mangel Stores Corporation; and (2) from New York City, N.Y., to Indianapolis, Bloomington, and Kokomo, Ind.; Waterloo, Iowa; St. Matthews and Louisville, Ky.; Minneapolis, Minn.; Cincinnati and Akron, Ohio; and Nashville, Knoxville, and Memphis, Tenn., restricted to shipments originating at or destined to the facilities of Allied Stores Marketing Corporation.

NOTE.—The purpose of this republication is to add (2) above, omitted in the previous publication. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York City, N.Y., or Washington, D.C.

No. MC 31389 (Sub-No. 187), filed September 20, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, P.O. Box 213, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Mendota and Dixon, Ill., serving no intermediate points, as an alternate route for operating convenience only: From Mendota over U.S. Highway 51 to junction U.S. Highway 52, thence over U.S. Highway 52 to Dixon, and return over the same route. (2) Between Davenport and Clinton, Iowa, serving no intermediate points, as an alternate route for operating convenience only: From Davenport, over U.S. Highway 67 to Clinton, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 35807 (Sub-No. 50), filed September 19, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and nonnegotiable securities, bonds, and other valuables*, between Huntington, W. Va., on the one hand, and, on the other, points in Boyd County, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Huntington, W. Va., or Washington, D.C.

No. MC 36587 (Sub-No. 5), filed September 9, 1974. Applicant: HARRY J. PATTON AND CARLOS E. BREWER, doing business as PATTON TRUCKING CO., a Partnership, R.F.D. #1, Homer, Ill. 61849. Applicant's representative: Nolan C. Craver, Jr., 210 North Broadway, Urbana, Ill. 61801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural chemicals*, in containers, from Omaha, Nebr., to points in Illinois; (2) *building brick*, from Cayuga, Montezuma, and Brazil, Ind., to points in Champaign County, Ill.; (3) *building brick*, from points in Missouri, to points in Illinois; and (4) *sand and gravel*, in bags and bulk, from points in Missouri, to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 43421 (Sub-No. 52) (Correction), filed August 19, 1974, and published in the FEDERAL REGISTER, issue of September 26, 1974, and republished as corrected this issue. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4019 Ninth Street, P.O. Box 1237, Rock Island, Ill. 61201. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular

routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Quincy, Ill., and St. Louis, Mo.: From Quincy over Illinois Highway 57 to Junction Illinois Highway 96, thence over Illinois Highway 96 to Junction U.S. Highway 54, thence over U.S. Highway 54 to Junction Missouri Highway 79, thence over Missouri Highway 79 to Junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—The purpose of this republication is to redescribe the territorial scope of the application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 48956 (Sub-No. 11), filed September 23, 1974. Applicant: JAMES FLEMING TRUCKING, INC., 761 East Street, Suffield, Conn. 06078. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and pet (animal) food*, from Camden, N.J. (except those points in the Camden, N.J., Commercial Zone located in Pennsylvania), to Suffield, Conn., under a continuing contract or contracts with Campbell Soup Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 51146 (Sub-No. 397), filed September 12, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories, and materials and supplies* used in the manufacture and distribution of metal containers, container ends, and container accessories (except commodities in bulk or those which because of size or weight require the use of special equipment), from the plantsite and storage facilities of Continental Can Company, located at West Chicago and Itasca, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Kentucky, New York, Pennsylvania, West Virginia, Virginia, North Carolina, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, Georgia, New Jersey, Minnesota, Kansas, Missouri, and Tennessee.

NOTE.—Common control was approved in MC-F-10280, MC-F-12208 and MC-F-11307. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 398), filed September 13, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products* (except commodities in bulk), from the plant and warehouse facilities of Placon Corporation, located at Madison, Wis., to points in the United States, including Hawaii; but excluding Alaska; and (2) *materials and supplies*, used in the manufacture and distribution of plastic products (except commodities in bulk), from points in the United States, including Hawaii, but excluding Alaska, to the plant and warehouse facilities of Placon Corporation, located at Madison, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52525 (Sub-No. 10), filed September 19, 1974. Applicant: K. V. YOUNG AND D. A. GOEPEL, a Partnership, doing business as IOWA VAN & STORAGE COMPANY, 541 S. Iowa Avenue, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in piggyback trailers, having a prior or subsequent movement by rail between Ottumwa, Iowa, on the one hand, and, on the other, points in Appanoose, Davis, Henry, Jefferson, Keokuk, Lucas, Mahaska, Marion, Monroe, Van Buren, and Wapello Counties, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 52657 (Sub-No. 722), filed September 16, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in secondary movements in truckaway service, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 53965 (Sub-No. 100) (Correction), filed July 15, 1974, and published in the FEDERAL REGISTER issue of August 29, 1974, and republished as corrected this issue. Applicant: GRAVES TRUCK LINE, INC., 2130 S. Ohio Blvd., Salina, Kans. 67401. Applicant's representative: Robert A. Miller, 2505 City National Bank Tower, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, Between Oklahoma City, Okla., and Lawton, Okla.: From Oklahoma City over U.S. Highway 62 to junction H. E. Bailey Turnpike, thence over H. E. Bailey Turnpike to junction U.S. Highways 281 and 277; thence over U.S. Highway 277 to Lawton, Okla., and return over the same route, serving no intermediate points, and serving Fort Sill as an off-route point.

NOTE.—The purpose of this republication is to delete the conversion note. If a hearing is deemed necessary, applicant requests it be held at Lawton or Oklahoma City, Okla.

No. MC 59583 (Sub-No. 144), filed September 17, 1974. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment): Serving the plantsite and warehouse facilities of J. M. Huber Corporation, at or near Etowah, Tenn., as off-route points in connection with applicant's authorized regular route operations, between Chattanooga and Knoxville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 59583 (Sub-No. 145), filed September 17, 1974. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment, serving the plantsite of Western Electric Company, at East Aurora, N.Y., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—Common control was approved in MC-F-6347. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 61484 (Sub-No. 18), filed September 12, 1974. Applicant: BUSH MOTOR FREIGHT, INC., P.O. Box 551, Lenoir, N.C. 28645. Applicant's representative: Drew L. Carraway, 618 Perpetual Bldg., 1111 E. Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Morganton, Brookford, Rhodhiss, Boone, and Charlotte, N.C., and

points in North Carolina located on a line drawn along U.S. Highway 221 from Boone to Blowing Rock, N.C., thence over U.S. Highway 321 to Hickory, N.C., thence over U.S. Highway 70 to Conover, N.C., thence over U.S. Highway 321 to Newton, N.C., and thence over North Carolina Highway 16 to Charlotte, N.C., on the one hand, and, on the other, points in Virginia (except from Richmond, Roanoke, and Norfolk, Va.), Maryland (except from Baltimore), Pennsylvania (except from Philadelphia), Delaware, New Jersey, the District of Columbia, and points in New York within the New York, N.Y., Commercial Zone, as defined by the Commission (except from New York City).

NOTE.—Applicant is presently required to perform operations between its regular routes on the one hand, and, on the other, points in Pennsylvania, Maryland, Delaware, New Jersey, Virginia, New York Commercial Zone, and the District of Columbia (with certain cities excepted southbound), via Lenoir, N.C., the radial base or gateway point. Applicant states that the authority requested herein is a detailed description of the points that applicant is authorized to serve on its regular routes and would permit the transportation of traffic between those regular route points on the one hand, and, on the other, the eastern states, without being required to observe the existing radial base or gateway point of Lenoir, N.C. Common control was approved in MC-F-11018. If a hearing is deemed necessary, applicant requests it be held at either Charlotte or Hickory, N.C.

No. MC 66650 (Sub-No. 10), filed September 20, 1974. Applicant: STUART M. SMITH, INC., 3511 E. North Avenue, Baltimore, Md. 21213. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, non-frozen, from the facilities of Tasty Kake, Inc., Division of Tasty Baking Company, Philadelphia, Pa., to East Hartford and Norwalk, Conn.; Boston, Mass.; Richmond and Norfolk, Va.; (2) *peanut butter*, from the facilities of Producers Peanut Butter Company, located at Suffolk, Va., to the facilities of Tasty Kake, Inc., Division of Tasty Baking Company, Philadelphia, Pa.; and (3) *empty cartons* for bakery products from the facilities of Virginia Folding Box Company, Richmond, Va., to the facilities of Tasty Kake, Inc., Division of Tasty Baking Company, Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 69833 (Sub-No. 110), filed September 19, 1974. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Morristown, Ind., as an off-route point in connection with its authorized regular route operations, to and from Shelbyville and Greenfield, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Columbus, Ohio.

No. MC 73165 (Sub-No. 353), filed September 20, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in Caldwell County, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 85621 (Sub-No. 9), filed September 18, 1974. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, Ala. 35954. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics (except commodities in bulk), and *clothing patterns*, (1) from Attalla, Ala., to points in Colbert, Cullman, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Limestone, Marion, Morgan, and Walker Counties, Ala.; and (2) from Birmingham, Ala., to points in Tuscaloosa County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 95876 (Sub-No. 158), filed September 23, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, lath, and stakes*, from the plantsite of Cole Forest Products, Inc., located near Grand Rapids, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 103191 (Sub-No. 46) (Amendment), filed August 14, 1974, published in the FEDERAL REGISTER issue of September 12, 1974, and republished as amended, this issue. Applicant: THE GEO. T. RHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, in bulk, between Charleston, S.C., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic having a prior or subsequent movement by water; and (2) *empty bulk cargo containers*, between points named in (1) above, and only in connection with traffic moving under (1) above.

NOTE.—The purposes of this republication are (A) to indicate the correct name of applicant; and (B) add part (2) above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 106398 (Sub-No. 716), filed September 19, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal buildings, and related parts and equipment*, from Caryville, Tenn., and Houston, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment*, used in the manufacture of metal buildings, from points in the United States (except Alaska and Hawaii), to Caryville, Tenn., and Houston, Tex.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 106398 (Sub-No. 717), filed September 19, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used in the manufacture, sales, and distribution of metal buildings and metal building parts and sections, from points in Alabama, Arkansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to Birmingham, Ala., and Laurinburg, N.C.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 718), filed September 19, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Materials, equipment, and supplies*, used in the manufacture, sales, and distribution of metal buildings and metal building

parts and sections, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to Galesburg, Ill.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 192), filed September 3, 1974. Applicant SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Environmental equipment*, including *incinerators, drying ovens, separators, scrubbers, and parts and accessories* thereof, from the plantsite of A & A Associates, Inc., at South Gate, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 106904 (Sub-No. 19), filed September 20, 1974. Applicant: TOPEKA MOTOR FREIGHT, INC., 617 Waughtown Street, P.O. 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Jeffery Energy Center at Pottawatomie County, Kans., as an off-route point in connection with applicant's authorized regular route operations between Topeka, Kans., and Manhattan, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans., or Washington, D.C.

No. MC 107002 (Sub-No. 458), filed September 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plasticizers*, in bulk, in tank vehicles, from Brownsville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107012 (Sub-No. 208), filed September 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Duct systems*, from the plantsite of Semco Manufacturing, Inc., at or near Roanoke, Va., to points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 209), filed September 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air coolers*, from Phoenix, Ariz., to points in Idaho, Oklahoma, Kansas, Nebraska, Wyoming, and Washington.

NOTE.—Applicant states that he intends to tack the requested authority with the authority held in No. MC 107012 (Sub-No. 111) at points in Nebraska in order to provide a through service from Phoenix, Ariz., to points in the United States (except Alaska and Hawaii). Common control may be involved. Dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 107295 (Sub-No. 738), filed September 18, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing goods, fixtures, and accessories and bathing modules*, from Monroe, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Ohio).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 739), filed September 18, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products and materials and supplies* used in the installation thereof, from Peoria, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 740), filed September 18, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Overhead doors, parts and accessories*, from Dallas, Tex., to points in Pennsylvania, Indiana, New York, Tennessee, Missouri, Iowa, Illinois, and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 741), filed September 25, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels*, from Grand Rapids, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 742), filed September 25, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated or non-insulated panels*, from Pontiac, Mich., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 107304 (Sub-No. 10), filed September 3, 1974. Applicant: TRANSWAY, INC., 2411 Edenborn Avenue, Metairie, La. 70001. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New Orleans, La., and points within its commercial zone, on the one hand, and, on the other, points on a line and within an area bounded by a line beginning on the Gulf of Mexico at Grand Isle, La., and proceeding northerly over Louisiana Highway 1 to Baton Rouge, La., thence northerly over U.S. Highway 61 to Natchez, Miss., thence

easterly over U.S. Highway 84 to Waynesboro, Miss., thence southeasterly over U.S. Highway 45 to Mobile, Ala., thence southeasterly over Interstate Highway 10 to Pensacola, Fla., thence westerly following the Gulf of Mexico to the point of beginning, restricted against the transportation of shipments which weigh more than 200 pounds in the aggregate from one consignor to one consignee at any one location on any given day, and further restricted against the transportation of any single package or article which exceeds 108 inches in length and girth combined.

NOTE.—Common control was approved in MC-F-3158. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 954), filed September 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from the plantsite, warehouses, and storage facilities of, or used by, J. H. Filbert, Inc., located at Baltimore, Md., and points in Anne Arundel, Baltimore, Howard, and Prince Georges Counties, Md., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, West Virginia, and Wisconsin.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 956), filed September 23, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and storage facilities utilized by Ore-Ida Foods, Inc., at Ontario, Oreg., and Burley, Boise, Nampa, Buckingham, and Weiser, Idaho, to points in Florida, Alabama, Tennessee, Mississippi, Georgia, Louisiana, North Carolina, South Carolina, Virginia, and West Virginia.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107515 (Sub-No. 957), filed September 23, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk), from the plantsite and warehouse facilities of Ore-Ida Foods, Inc., at or near Greenville, Hart, Holland, and Lake Odessa, Mich., to Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and the District of Columbia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108207 (Sub-No. 408), filed September 23, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical compounds, constituting in vitro diagnostic reagents, and products* for human use, and *related advertising and promotional materials*, in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in California, Oklahoma, Louisiana, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wash-

No. MC 108460 (Sub-No. 50), filed September 12, 1974. Applicant: PETROLEUM CARRIERS COMPANY, a Corporation, 5104 West 14th Street, P.O. Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run, and soybean hulls*, dry, in bags or bulk, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.; Omaha, Nebr.; or Sioux City, Iowa.

No. MC 108835 (Sub-No. 28), filed May 17, 1974. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Plymouth (Minneapolis), Minn. 55427. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Display fireworks* (Class B Explosives), between Yankton, S. Dak., and all points applicant is presently authorized to serve under its authority in MC 108835 and subs thereunder in Iowa, Minnesota, points in South Dakota on and east of U.S. Highway 281; points in Illinois located in the Davenport, Iowa-Rock Island, and Moline, Ill., Commercial Zone; Superior, Wis.; St. Joseph and Kansas City, Mo., and Lincoln, Wahoo, and Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109533 (Sub-No. 64), filed September 13, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, P.O. Box 1216, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L. Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Lexington, Va., and the District of Columbia; From Lexington, Va., over U.S. Highway 11 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 64 at or near Staunton, Va., thence over Interstate Highway 64 to junction U.S. Highway 29 at or near Charlottesville, Va., thence over U.S. Highway 29 to junction Interstate Highway 66 at or near Gainesville, Va., thence over Interstate Highway 66 to the District of Columbia, as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109708 (Sub-No. 59), filed September 17, 1974. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., P.O. Box 966, Okeechobee, Fla., 33472. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock and vinegar*, in bulk, in tank vehicles, from Kent City, Mich., to Timberville and Winchester, Va., and Martinsburg, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 110420 (Sub-No. 728), filed September 16, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of soybeans, and materials, supplies, and ingredients* used in the processing thereof, in bulk, in tank or hopper-type vehicles, between the plant and/or warehouse facilities of Krause Milling Company located at or near Logansport, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 729), filed September 16, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's

representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia and liquid fertilizer), in bulk, in tank vehicles, from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii, and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 1111), filed September 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from LeMoyne, Ala., to points in Illinois, Indiana, Michigan, Ohio, and West Virginia; and (2) *liquid chemicals*, in bulk, in tank vehicles, from the ports of entry on the International Boundary line between the United States and Canada located on the St. Lawrence River, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, restricted to traffic having a prior movement in foreign commerce originating at Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1112), filed September 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia and liquid fertilizer), in bulk, from the plantsite of Monsanto Company located at or near Muscatine, Iowa, to points in the United States (except Alaska, Hawaii, and points in the St. Louis, Mo., East St. Louis, Ill., Commercial Zone).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111729 (Sub-No. 465), filed September 5, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ophthalmic goods*, between Hobard, Ind., on the one hand, and, on the other, Battle Creek, Benton Harbor, Buchanan, Cassopolis, Kalamazoo, Niles, St. Joseph, and Three Rivers, Mich.; Calumet City, Dolton, Lansing, Mendelein, South Chicago, and South Holland, Ill.; (2) *government documents, bid sheets and proposals*, (a) between Bethlehem, Pa., on the one hand, and, on the other, Oakland, Salisbury, Hagerstown, Cumberland, and Westminster, Md.; and (b) between Bethelem and Philadelphia, Pa., on traffic having a prior or subsequent movement by air; (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (except motion picture film used primarily for commercial theatre and television exhibition), between St. Louis, Mo., on the one hand, and, on the other, points in Iowa; and (4) *business papers, records, audit and accounting media of all kinds*, (a) between points in St. Louis County, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Oklahoma, and Tennessee; (b) between Hobart, Ind., on the one hand, and, on the other, Battle Creek, Benton Harbor, Buchanan, Cassopolis, Kalamazoo, Niles, St. Joseph, and Three Rivers, Mich.; Calumet City, Dolton, Lansing, Mendelein, South Chicago, and South Holland, Ill.; (c) between Bethlehem, Pa., on the one hand, and, on the other, Oakland, Salisbury, Hagerstown, Cumberland, and Westminster, Md.; and (d) between Bethlehem and Philadelphia, Pa., on traffic having a prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112617 (Sub-No. 320), filed September 23, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and petroleum products*, in bulk, in tank vehicles, from Hawesville and Hopkinsville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Kentucky; (2) *chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in California; and (3) *bituminous materials*, in bulk, in tank vehicles, from Louisville, Ky., to points in Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 112713 (Sub-No. 172), filed September 17, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) Between Kings Mountain, N.C., and Nashville, Tenn., serving no intermediate points: From Kings Mountain, over U.S. Highway 74 to junction U.S. Highway 74 and Interstate Highway 40, thence over Interstate Highway 40 (U.S. Highway 70) to Nashville, and return over the same route, as an alternate route for operating convenience only. (B) Between Winston-Salem, N.C., and Nashville, Tenn, serving no Intermediate points: From Winston-Salem over Interstate Highway 40 (U.S. Highway 70) to Nashville, Tenn., and return over the same route, as an alternate route for operating convenience only, restricted against the transportation of traffic originating at or destined to, points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 112822 (Sub-No. 348), filed September 16, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Valley City, Ill., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 112822 (Sub-No. 349), filed September 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from Gulfport, Miss., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 112822 (Sub-No. 350), filed September 20, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, floor coverings and carpet padding*, and *materials, supplies, and equipment* used in the installation thereof, from Pawhuska, Okla., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, Wisconsin, and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 113678 (Sub-No. 563), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Breaded and battered frozen products*, and *unbreaded frozen mushrooms* (except commodities in bulk), from Tiffin, Ohio, to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, and Washington, restricted to traffic originating at the plantsite of Fry Foods, Inc., at Tiffin, Ohio, and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 564), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities of Shurtenda Foods, Inc., at Cedartown, Ga., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113678 (Sub-No. 565), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Litchfield, Ky., to points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), and points in Florida, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Indianapolis, Ind., or Denver, Colo.

No. MC 113678 (Sub-No. 566), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals* (except in bulk), from the plant site of Monsanto Co., at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 568), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in that part of Michigan on and west of a line beginning at Mackinaw City, Mich., and extending along Interstate Highway 75 to Clare, Mich., thence along U.S. Highway 27 to the Michigan-Indiana State Boundary line; to points in Colorado, Missouri, Nebraska, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 567), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, foods and food materials, meat, meat products, and meat by-products, fish, including shell fish, and agricultural commodities* (not including manufactured products thereof), as defined in Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with other commodities, from Mobile, Ala., and points in Mobile County, Ala., to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 569), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from points in Portage County, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Denver, Colo.

No. MC 113678 (Sub-No. 570), filed September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from the plantsites and warehouse facilities utilized by Capitol City Products Co., Division of Stokely Van Camp, Inc., located at or near Columbus, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and District of Columbia, restricted to traffic originating at the named origin points. If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio, or Denver, Colo.

No. MC 113908 (Sub-No. 325), filed September 17, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar, vinegar stock, and vinegar stock concentrate*, in bulk, from Montgomery, Ala., to Bowling Green and Fremont, Ohio, and (2) *fertilizer and de-icer*, in bags, cartons, drums, and in bulk, from Viroqua, Wis., to points in Illinois, Iowa, Michigan, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114045 (Sub-No. 403), filed September 20, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and toilet preparation*, from Hillside, N.J., to Dallas, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114273 (Sub-No. 219), filed September 20, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa

52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials*, from Omaha, Nebr., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite of Phillips Manufacturing Company at Omaha, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 220), filed September 20, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sealing tape*, NOI, *package gummed paper* other than cloth lined, and *aluminum foil* backed with paper weighing over 30 pounds, from Troy, Ohio, to points in Indiana, Illinois, Missouri, Kansas, Nebraska, Colorado, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114284 (Sub-No. 63), filed September 20, 1974. Applicant: FOX-SMYTHE TRANSPORTATION CO., a Corporation, P.O. Box 82307, Stockyards Station, Oklahoma City, Okla. 73108. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat 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 plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Colorado, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, and Illinois, restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or on consolidated record with other similar applications.

No. MC 116073 (Sub-No. 308), filed September 22, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of DeRose Industries, Inc., at or near Owatonna, Minn., to points in Iowa, North Dakota, South Dakota, Wisconsin, and Nebraska; and (2) (a) *trailers*, designed to be drawn by passenger automobiles, in initial movements; and (b) *buildings*, complete or in sections, transported on wheeled undercarriages, from the plantsite of Marshfield Homes, at or near Chillicothe, Mo., to points in Iowa, Illinois, Arkansas, Kansas, Nebraska, Oklahoma, Tennessee, and Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Kansas City, Mo.

No. MC 117940 (Sub-No. 148), filed September 3, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, equipment, and accessories* used in the manufacture, assembly and outfitting of boats (except commodities in bulk), from points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Massachusetts Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin, to points in Blue Earth, Chisago, Clay, and Kanabec Counties, Minn.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117940 (Sub-No. 151), filed September 20, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation under Section 203(b)(6) of the Act when transported in mixed loads with bananas, from Charleston, S.C., and New Orleans, La., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic having an immediate prior move by water.

NOTE.—Applicant holds contract carrier authority in MC 114789 sub 1, and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Minneapolis, Minn.

No. MC 118989 (Sub-No. 118), filed September 16, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, caps, covers, and closures*, from Cincinnati, Ohio, to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119434 (Sub-No. 5), filed September 20, 1974. Applicant: JOYCE TRUCKING COMPANY, a Corporation, 1621 Shields Avenue, Chicago Heights, Ill. 60411. 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: *Automobile parts*, from the plantsite and warehouse facilities of the Ford Motor Company at Chicago Heights, Ill., to O'Hare International Airport and Midway Airport at Chicago, Ill., restricted to shipments having a subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 321), filed September 16, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery and food business houses (except in bulk), from Galesburg, Ill., to points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub-No. 220), filed September 19, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, in cartons, from points in Henry County, Va., to points in Texas; and (2) *materials and supplies* used in the manufacture of furniture, from points in Texas, to points in Henry County, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Martinsville, Va., or Washington, D.C.

No. MC 119792 (Sub-No. 44), filed September 16, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., a corporation, 3215 S. Hamilton Avenue, Chicago, Ill. 60608. Applicant's representative: Carl L. Steiner, 39 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural*

commodities exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed shipments with bananas, from Charleston, S.C., to points in Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Carolina, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119988 (Sub-No. 71), filed September 19, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from the plantsite and warehouse facilities of Phillips Petroleum Company located at or near Kansas City, Kans., to points in Texas, Arkansas, Louisiana, Oklahoma, Mississippi, New Mexico, and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 123407 (Sub-No. 205), filed September 20, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Charleston, W. Va., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Michigan (upper Peninsula), Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124511 (Sub-No. 26), filed August 29, 1974. Applicant: JOHN F. OLIVER, E. Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay*, from Oran, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 124887 (Sub-No. 9), filed September 19, 1974. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals, wood chips, pallets, pallet parts, sawdust, shavings, bark, and wooden waste material*, between points in Alabama, Florida, and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tallahassee or Jacksonville, Fla.

No. MC 129171 (Sub-No. 13), filed September 17, 1974. Applicant: ARTHUR SHELLEY, INC., R.D. #2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising matter*, from Reading, Pa., to Phoenix, Ariz., and points in Washington, Oregon, California, Utah, and Colorado.

NOTE.—Applicant holds contract carrier authority in MC 126381 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129455 (Sub-No. 8), filed September 19, 1974. Applicant: CARRETTA TRUCKING, INC., P.O. Box 887, Maywood, N.J. 07607. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric, flourescent, and incandescent lamp bulbs*, from Mullins, S.C., to points in Alabama, Arizona, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, and Wisconsin, under a continuing contract, or contracts with Marvel Lamp Company, at Mullins, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 133478 (Sub-No. 14), filed August 27, 1974. Applicant: HEARIN TRANSPORTATION, INC., 8565 SW. Beaverton-Hillsdale Highway, Portland, Oreg. 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 SW. Alder, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefinished paneling and wood and plywood materials*, from the plantsite of D.G. Shelter Products located at or near Jacksonville, Fla., to points in North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma; and (2) *building materials and mill machinery*, between the plantsites of D.G. Shelter Products located at or near Jacksonville, Fla.; Marion, Va.; and Harrisburg and Beaverton, Oreg., under a continuing contract or contracts with E.G. Shelter Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 133816 (Sub-No. 7), filed September 16, 1974. Applicant: K & K WHOLESALE CO., a Corporation, P.O. Box 222, Lowell, Oreg. 97452. Applicant's representative: Howard E. Speer, 835 E. Park Street, Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum, gypsum board, sheetrock, and products and materials* used in the installation and application of the above commodities, from points in Clark County, Nev., to points in Oregon; (2) *building stone*, from points in Nevada and California, to points in Clarke and Cowlitz Counties, Wash., and Oregon; and (3) *hardboard and particle board*, from points in Oregon, to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Eugene or Portland, Oregon.

No. MC 134060 (Sub-No. 12) (Correction), filed August 9, 1974, and published in FEDERAL REGISTER, issue of September 12, 1974, and republished as corrected this issue. Applicant: DAVINDER FREIGHTWAYS, LTD., Duncan Financial Centre, Duncan, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products and particleboard*, between ports of entry on the International Boundary Line between the United States and Canada at or near Blaine, Lynden, and Sumas, Wash., on the one hand, and, on the other, points in Oregon and Washington.

NOTE.—The purpose of this republication is to add the commodity particleboard omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134408 (Sub-No. 4), filed August 29, 1974. Applicant: SARCHFIELD TRANSFER, LTD., Box 84, Simonds Road, Hartland, New Brunswick, Canada. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, (1) from ports of entry on the International Boundary line between the United States and Canada at or near Houlton, Calais, Vanceboro, and Madawaska, Maine, to points in North Carolina, South Carolina, Georgia, Florida, West Virginia, and Ohio; and (2) from the port of entry on the International Boundary line between the United States and Canada at or near Madewaska, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 134501 (Sub-No. 13), filed September 20, 1974. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Air ducts, fittings, sound attenuators, materials, and components,* uncrated (except those which because of size or weight require the use of special equipment), from the plantsite of Semco Manufacturing, Inc., located at or near Salisbury, Mo., and Roanoke, Va., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 139497, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., Kansas City, Mo., or Washington, D.C.

No. MC 134755 (Sub-No. 46), filed September 20, 1974. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Tires, tubes, block rubber, and rubber repair materials;* (a) from the plantsite and storage facilities of The Seiberling Tire and Rubber Co., at or near Akron, Ohio, to Texarkana, Ark., and Carrolton, Republic, Springfield, and Willow Springs, Mo.; (b) from Gadsden, Ala., Mayfield, Ky., Charlotte and Fayetteville, N.C., and Memphis, Tenn., to Republic and Willow Springs, Mo.; (c) from Des Moines, Iowa, to Carrolton and Republic, Mo.; (d) from Republic, Mo., to Texarkana, Ark., Madill, Okla., and Temple, Tex.; (e) from McAlester, Okla., to Joplin, Republic, and Willow Springs, Mo.; (f) from Madill, Okla., to Republic, Mo.; (g) from Oklahoma City, Okla., to Joplin and Republic, Mo.; and (h) from Paris and Waco, Tex., to Willow Springs, Mo.; and (2) *automotive batteries,* from Corydon, Iowa, to Republic and Willow Springs, Mo.

NOTE.—Applicant has pending motor contract carrier authority in MC 138398 (Sub-No. 5, 8, and 9), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Springfield, Mo.

No. MC 136528 (Sub-No. 1), filed September 13, 1974. Applicant: GREAT NORTHEASTERN, INC., Blue Ball, Pa. 17506. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foundry supplies,* in bags, from points in Wisconsin, Illinois, and Ohio, to the plant site of Lancaster Foundry Supply Co., Inc., in East Lampeter Township, Lancaster County, Pa., under a continuing contract with Lancaster Foundry Supply Co., Inc. of Lancaster, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 138104 (Sub-No. 15), filed September 3, 1974. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Fifth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hides,* between points in Arizona, California, Colorado, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 138398 (Sub-No. 9), filed August 29, 1974. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Earthenware,* (a) from York, Aspers, and Canonsburg, Pa.; East Liverpool and Wellsville, Ohio; Chester and Clarksburg, W.Va.; and Dundee, Monmouth, and Morton, Ill., to Albany, Mo.; and (b) from Canonsburg, Pa., and Chester, W. Va., to Hannibal, Sweet Springs, Sedalia, and Kansas City, Mo.; (2) *coil and sheet steel,* (a) from Warren and Yorkville, Ohio; Bakerstown and Pittsburgh, Pa.; Weirton, W. Va.; Portage and Gary, Ind.; and Chicago and Joliet, Ill., to Albany, Mo.; and (b) from Gary, Ind., and Chicago and Joliet, Ill., to Hannibal, Sweet Springs, Sedalia, and Kansas City, Mo.; and (3) *glassware,* from Columbus and Lancaster, Ohio, to Albany, Hannibal, Sweet Springs, Sedalia, and Kansas City, Mo., restricted in parts (1), (2), and (3), to transportation under a continuing contract or contracts with Rival Manufacturing Company, at Kansas City, Mo.

NOTE.—Applicant holds common carrier authority in MC 134755 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 138523 (Sub-No. 4), filed September 17, 1974. Applicant: JIMMIE HENSLEY AND JIMMIE D. HENSLEY, doing business as HENSLEY TRUCKING CO., Route 1, Denver, Tenn. 37054. Applicant's representative: Frank L. Hollis, P.O. Box 218, Camden, Tenn. 38320. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Crossties, lumber, and switch-ties,* from points in Tennessee, to points in Alabama, Kentucky, Illinois, Missouri, Indiana, Tennessee, and Arkansas, under contract with Koppers Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 139017 (Sub-No. 1) (Correction), filed August 22, 1974, published in the FEDERAL REGISTER, issue of September 19, 1974, and republished as corrected, this issue. Applicant: HEAD ENTERPRISES, INC., Route 2, P.O. Box 88, Adairsville, Ga. 30103. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Limestone,* ground, in bulk, from the plantsite of Thompson-Wienman & Company, at Gantts Quarry, Ala., and Cartersville, Ga., to points in Mayes County, Okla.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding as MC 139017 (Sub-No. 1), in lieu of MC 139920 (Sub-No. 1), as previously published. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139235 (Sub-No. 2) (Correction), filed August 22, 1974, published in the FEDERAL REGISTER issue, September 19, 1974, and republished as corrected, this issue. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORPORATION, Westside Industrial Park, P.O. Box 1195, Johnson City, Tenn. 37601. Applicant's representative: Robert L. Baker, 168 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, commodities in bulk, classes A and B explosives and used household goods as defined by the Commission), between Greeneville, Tenn., on the one hand, and, on the other, points in Washington, Green, Sullivan, and Carter Counties, Tenn., restricted to the transportation of shipments having an immediate prior or subsequent movement by rail.

NOTE.—The purpose of this republication is to add the above restriction which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at Johnson City, Tenn., or Washington, D.C.

No. MC 139392 (Sub-No. 2), filed September 19, 1974. Applicant: LAMBERT TRANSFER CO., INC., Ragland Road, Beckley, W. Va. 25801. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage,* having a prior or subsequent movement in containers, and restricted to pickup and delivery service in connection with packing, crating, and containerization, or the unpacking, uncrating, and decontainerization of such traffic, between Beckley, W. Va., on the one hand, and, on the other, points in Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Pleasants, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Tucker, Tyler, Upshur, Wayne, Webster, Wirt, Wood, and Wyoming Counties, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Columbus, Ohio, or Washington, D.C.

No. MC 139554 (Sub-No. 1), filed July 29, 1974. Applicant: ROC TRANSPORT, LTD., 15 Jane Street, Newcastle, New Brunswick, Canada. Applicant's

representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Planer mill shaving, sawdust, bark, slabwood, wood trimmings, wood residues and wood by-products*, from points in Maine, to ports of entry on the International boundary line between the United States and Canada located at Houlton, Maine, and Fort Fairfield, Maine, under a continuing contract with Airscrew-Weyroc Canada, Limited.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland or Bangor, Maine.

No. MC 139587 (Sub-No. 4), filed September 13, 1974. Applicant: BROWN REFRIGERATED EXPRESS, INC., 21st and Sidney, P.O. Box 603, Fort Scott, Kans. 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat-packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wichita, Kans., to points in Arizona, Arkansas, California, Colorado, Louisiana, Missouri, Montana, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 134142 Sub-2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 139674 (Sub-No. 3), filed July 16, 1974. Applicant: JAMES H. STEGER, doing business as STEGER BUS LINES, 4150 Aldebaran Way, Mobile, Ala. 36609. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval Air Station employees and workers*, between Mobile, Spanish Fort, Robertsdale, Point Clear, and Fairhope, Ala., on the one hand, and, on the other, Forrest Sherman Naval Air Station, Mainside, Saufley Naval Air Station, Whiting Naval Air Station, and Ellyson Naval Air Station, located in Escambia County, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mobile or Montgomery, Ala.

No. MC 139826 (Sub-No. 2), filed July 1, 1974. Applicant: COLUMBINE TRANSPORTATION, INC., 4155 Laurel Road, Brunswick, Ohio 44212. Applicant's representative: Thomas Bolon, 150 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Ceritificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts Maryland, Michigan, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139879 (Sub-No. 2), filed September 19, 1974. Applicant: FURNELL & WEBB CO., a Corporation, 2280 Hampden Avenue, St. Paul, Minn. 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55042. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial solvents*, from St. Paul, Minn., to points in Wisconsin, under contract with Worum Chemical Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 139892 (Sub-No. 1), filed September 16, 1974. Applicant: M. E. TRANSFER & STORAGE, INC., 200 West Broadway, P.O. Box 1095, Moses Lake, Wash. 98837. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between points in Grant, Adams, and Lincoln Counties, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 139940 (Sub-No. 1), filed August 29, 1974. Applicant: RAY POLLOCK AND ROBERT POLLOCK, doing business as POLLOCK EQUIPMENT CO., a Partnership, Vail, Iowa 51465. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies, junk motors and other scrap metals*, ferrous and non-ferrous scrap metals, from points in Iowa and those in Nebraska on and east of U.S. Highway 81, to points in Illinois, Minnesota, Kansas, and Missouri, restricted to a transportation service to be performed under a continuing contract or contracts with Pollock Equipment Co. of Vail, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 139994 (Sub-No. 2), filed July 25, 1974. Applicant: JIM AND BOB STENCEL, doing business as STENCEL TRUCKING, P.O. Box 352, Minnesota Lake, Minn. 56068. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the construction and building of custom homes and garages and parts, floor coverings, appliances, *and accessories*, installed at the time of construction, therefor (except commodities in bulk, in tank vehicles), from Minnesota Lake, Minn., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (2) *Refused, rejected, or returned shipments* of the commodities named in (1) above, from the above-named destination states, to Minnesota Lake, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 140016 (Sub-No. 2), filed September 19, 1974. Applicant: TRANSPORTATION SERVICES, INC., 1285 Glendale Road, Sparks, Nev. 89431. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities*, exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act in mixed loads, in temperature controlled equipment, from points in the Los Angeles Harbor Commercial Zone, California, to Sparks and Reno, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Carson City or Reno, Nev.

No. MC 140027 (Sub-No. 1), filed September 9, 1974. Applicant: TRI-STATE TRUCKING SERVICE, INC., 423 SE. Washington St., Portland, Oreg. 97214. Applicant's representative: Bella H. Hoffman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, from Chicago, Ill.; Brooklyn, New York City, and Hammondsport, N.Y.; and points on Long Island, N.Y., to Portland, Oreg., under a continuing contract or contracts with Spear Beverage Company and Al C. Giusti Wine Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 140052, filed August 20, 1974. Applicant: MARIAN KOWAL, doing business as MURRAYS HORSE VAN SERVICE, Box 63, Airdrie, Alberta, Canada. Applicant's representative: Marian Kowal (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses, and feed, stable equipment, and supplies* used in the care of race horses, *personal effects* of trainers and attendants, and *livestock tack*, in the same vehicle with horses, between ports of entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont., on the one hand, and, on the other, Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., or Phoenix, Ariz.

No. MC 140143, filed August 9, 1974. Applicant: JOE A. GIBSON, Newkirk, Okla. 74647. Applicant's representative: Tom L. Schwinn, Box 549, Wellington, Kans. 67152. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain, salt, urea, molasses feed ingredients*, including, but not limited to *alfalfa meal and pellets, cottonseed cake and meal, linseed cake and meal, soybean cake and meal, and fertilizer*, commercial (except in liquid, in bag and bulk), between the plant site and storage facilities of McDaniel Grain Company at Geuda Springs (Sumner County), Kans., on the one hand, and, on the other, points in Oklahoma, Texas, and Louisiana, under a continuing contract or contracts with McDaniel Grain Company of Geuda Springs, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Topeka, Kans., or Oklahoma City or Tulsa, Okla.

No. MC 140148 (Sub-No. 1), filed September 20, 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), from Chicago, Ill., and Portage and Burns Harbor, Ind., to points in Lake, Cook, Kane, Will, and DuPage Counties, Ill., restricted to shipments having a prior or subsequent movement by water in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140199, filed September 3, 1974. Applicant: LAKELAWN EXPRESS, INC., P.O. Box 164, Salina Station, Syracuse, N.Y. 13208. Applicant's representative: Herbert M. Carter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in containers, and *related advertising materials* for same when moving in mixed loads with malt beverages, from Raddison, Town of Lysander (Onondaga County), N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Raddison, Town of Lysander (Onondaga) County, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be heard on consolidated record with Eastern States Transportation, Inc., Jackson & Johnson, Inc., D'Agata National Trucking Co.; and Reisch Trucking & Transportation Co., Inc., at either Syracuse, N.Y., or Washington, D.C.

No. MC 140216 (Sub-No. 2), filed September 19, 1974. Applicant: JOHN E. WAY, JR., 205 East King Street, Lancaster, Pa. 17602. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed paper and partially printed paper*, bound and unbound, and *printing orders, instructions, and materials*, between Lancaster, Pa., on the one hand, and, on the other, points in the New York Commercial Zone, restricted to expedited pickups and expedited deliveries by messenger-drivers of minimum gross weight straight trucks.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 196) (Correction), filed July 26, 1974, published in the FEDERAL REGISTER issue of September 12, 1974, and republished as corrected this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers* in the same vehicle with passengers: (1) Between New York, N.Y., and the Newark-Jersey City Interchange of the New Jersey Turnpike (Interchange 15): From New York, N.Y., over Interstate Highway 95 to the junction of the New Jersey Turnpike (also Interstate Highway 95), thence over the New Jersey Turnpike, both the eastern and western leg of the New Jersey Turnpike, to the Newark-Jersey City Interchange (Interchange 15), and return over the same route, serving all intermediate points; (2) Between the junction of Interchange Highway 95 and Interstate Highway 80 (Interchange 68 of I-80) and the junction of Interstate Highway 80 and New Jersey Highway 17 (Interchange 64 of I-80): From the junction of Interstate Highway 95 and Interstate Highway 80, thence over Interstate Highway 80 to the junction of New Jersey Highway 17 and return over the same route, serving all intermediate points; Restriction: No passengers shall be transported between points on the routes authorized above, on the one hand, and, on the other, points in the State of New Jersey on the routes described and applicant's present routes in New Jersey and/or points intermediate between the New Jersey-New York State Line and Albany, N.Y.

(3) Between Hempstead, N.Y., and New York, N.Y.: From Hempstead, N.Y., over New York Highway 24 to New York, N.Y., and return over the same route, serving all intermediate points; (4) Between New York, N.Y., and Roosevelt Field in Garden City, N.Y: From New York, N.Y., over New York Highway 25 to the junction of Glen Cove Road, thence over Glen Cove Road to its junction with Stewart Avenue, thence over Stewart Avenue to Roosevelt Field and return over the same route, serving no intermediate points; and (5) Between Hempstead, N.Y., and Roosevelt Field in Garden City, N.Y.: From Hempstead, N.Y., over Clinton Street and Clinton Road to the junction of Stewart Avenue, thence over Stewart Avenue to Roosevelt Field and return over the same route, serving no intermediate points. Restriction: The authority to and from Roosevelt Field will be restricted to the transportation of passengers in Special Operations to or from Schools, Colleges, Universities, and other Educational Institutions with service to be operated only at school vacation breaks, weekends and other periods involving heavy movement of students between their homes and schools.

NOTE.—Common control may be involved. The purpose of this republication is to change the wording in route descriptions 4 and 5 to serving no intermediate points in lieu of serving all intermediate points. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 1940 (Sub-No. 42), filed September 9, 1974. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 1200 Eye Street, NW., Washington, D.C. 20005. Applicant's representative: James E. Wilson and Lawrence E. Lindeman, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between junction of 41st Street and 8th Avenue in New York City and junction of 178th Street and Broadway in New York City: From junction of 41st Street and 8th Avenue in New York City over access routes to the Lincoln Tunnel, thence through the Lincoln Tunnel to junction Interstate Highway 495, thence over Interstate Highway 495 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to

junction Interstate Highway 95, thence over Interstate Highway 95 to and across the George Washington Bridge to the junction of 178th Street and Broadway, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—Applicant has filed this application pursuant to the Commission's Superhighway Deviation Rules in CFR 1042.1. Common control was approved in MC-F-10160 and MC-F-10161. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 33705 (Sub-No. 5), filed September 12, 1974. Applicant: KELSO-OCEAN BEACH STAGE, P.O. Box 246, Kelso, Wash. 98626. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Pacific, Wahkiakum, and Cowlitz Counties, Wash., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Longview, Wash., or Portland, Oreg.

No. MC 138828 (Sub-No. 6), filed September 16, 1974. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a Corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the premises of American Book Stratford Press, Inc. at Saddle Brook, N.J., and the George Washington Bridge Bus Terminal of the Port Authority of New York and New Jersey at New York, N.Y., under a continuing contract or contracts with American Book Stratford Press, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140133, filed August 28, 1974. Applicant: CHESAPEAKE LIMOUSINE SERVICE, INC., 242 West 29th Street, Baltimore, Md. 21211. Applicant's representative: William C. Stifler, III, 929 North Howard Street, Baltimore, Md. 21201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, with not more than nine passengers in any one vehicle, including the driver, in charter operations, from Baltimore, Md., to points in New Jersey, Pennsylvania, New York, Delaware, West Virginia, Virginia, and the District of Columbia, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

BROKER APPLICATION

No. MC 130266, filed August 30, 1974. Applicant: PERSONNEL COMMUNICATIONS, INC., 8 Cloverleaf Road, Leominster, Mass. 01453. Applicant's representative: Richard E. Mikels, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Leominster, Mass., to sell or offer to sell the transportation of *groups of passengers and their baggage* in special and charter operations, by motor coach carriers, between Leominster, Mass., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-24228 Filed 10-16-74;8:45 am]

[Notice No. 141]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 8, 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 11722 (Sub-No. 40TA), filed October 1, 1974. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts thereof*, except which because of size or weight of less than 100 pounds per unit, requires special handling or the use of special equipment, between points in Washington, Oregon, and Idaho, for 180 days. Supporting shippers: Continental Can Company, Inc., 10200 N. Lombard, Portland, Oreg. 97203; Utah-Idaho Sugar Company, P.O. Box 970, Moses Lake, Wash.; and Utah-Idaho Sugar Company, P.O. Box 752, Toppenish, Wash. 98948. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 19157 (Sub-No. 19TA), filed October 2, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste material* (except in bulk, in tank vehicles), from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Virginia, Vermont, West Virginia, Ohio, Pennsylvania, Rhode Island, South Carolina, Wisconsin, and the District of Columbia, to burial facility near Morehead, Ky., and (2) *Empty radioactive material shipping containers*, from the destination points described in (1) above, to points in the origin territory specified in (1) above, for 180 days. Supporting shippers: (1) Atcor, Inc., 5 Westchester Plaza, Elmsford, N.Y. 10523, and (2) Hittman Nuclear & Development Corp., 9190 Red Branch Road, Columbia, Md. 21045. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 25798 (Sub-No. 265TA), filed September 30, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities utilized by Michigan Lloyd J. Harris Pie Co., at or near Saugatuck and Holland, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Michigan Lloyd J. Harris Pie Company, 350 Culver Street, Saugatuck, Mich. 49453. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW., 87th Avenue, Miami, Fla. 33166.

No. MC 26396 (Sub-No. 125TA), filed September 27, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jeanne Charlesworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Albany, Millersburg, Bend, and Dillard, Oreg., to points in North Dakota, South Dakota, Minnesota, and Nebraska, for 180 days. Supporting shipper: Willamette Industries, Inc., P.O. Box 907, Albany, Oreg. 97321. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 31809 (Sub-No. 12TA), filed October 2, 1974. Applicant: CLAY'S TRANSFER CO., INC., P.O. Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plant site of Evans Products Company at or near Chesapeake, Va., to points in Delaware, Maryland, Pennsylvania, New Jersey, and the District of Columbia, for 180 days. Supporting shipper: Evans Products Company, 201 Dexter St. West, Chesapeake, Va. 23324. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 47038 (Sub-No. 20TA), filed September 26, 1974. Applicant: GRAHAM SHIP BY TRUCK COMPANY, 1428 W. 9th Street, Kansas City, Mo. 64101. Applicant's representative: Floyd E. Gehrt, 400 Croix, P.O. Box 5186, Topeka, Kans. 66605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except livestocks, high explosives, HHG (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, other than those requiring refrigeration, and those injurious or contaminating to other lading, serving the construction site and plant of The Jeffery 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, Engineer Production Manager, KPL Building, Topeka, Kans. 66612. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107295 (Sub-No. 745 TA), filed September 30, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, from points in Allen County, Ohio, to points in Pennsylvania, Virginia, West Virginia, New York, Maryland, Indiana, Kentucky, North Carolina, South Carolina, Connecticut, Rhode Island, Maine, Massachusetts, New Hampshire, New Jersey, Michigan, and Illinois, for 180 days. Supporting shipper: Michael Ziebell, Traffic Manager, Duwe Precast Concrete Products, Inc., P.O. Box 1277, Oshkosh, Wis. 54901. Sent protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 114632 (Sub-No. 78 TA), filed September 30, 1974. Applicant: APPLE LINES, INC., 212 SW. Second Street, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Ohio, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr., Herschel L. Dennison, Gen. Traffic Mgr. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 117686 (Sub-No. 152TA), filed September 27, 1974. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, 5000 So. Lewis Blvd., Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, N. Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Oklahoma, Tennessee, and Texas, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., H. L. Dennison, General Traffic Manager, P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 118142 (Sub-No. 82TA), filed September 30, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at and destined to the named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 123383 (Sub-No. 72TA), filed September 26, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl siding, and materials and supplies* used in the manufacture and distribution of vinyl siding, between the plant site of GAF Corporation at Gloucester and Camden, N.J., on the one hand, and, on the other, points in Louisiana and points in the United States located on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, except points in Rhode Island, Connecticut, Massachusetts, Delaware, Maryland, New Jersey, points in New York south of U.S. Highway 6, and the District of Columbia, for 180 days. Supporting shipper: GAF Corporation, 1361 Alps Road, Wayne, N.J. 07470. 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 127042 (Sub-No. 151 TA), filed October 1, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 41108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to Amarillo, Tex.; points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 12855 (Sub-No. 5TA), filed September 30, 1974. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md., to Rochester, N.Y., and *return empty containers and pallets* in reverse direction, for 180 days. Supporting shipper: Rochester Beer & Beverage Corp., 1215 Mt. Read Blvd., Rochester, N.Y. 14609. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miamia, Fla. 33166.

No. MC 129063 (Sub-No. 7TA), filed September 25, 1974. Applicant: JIMMY T. WOOD, P.O. Box 248, Ripley, Tenn. 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, between the facility of General Shale Products Corporation at or near Cordova, Tenn., on the one hand, and, on the other, points in Mississippi, Arkansas, Kentucky, and Missouri, for 180 days. Supporting shipper: General Shale Products Corporation, P.O. Box 3547, CRS, Johnson City, Tenn. 37601. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 134454 (Sub-No. 6TA), filed September 20, 1974. Applicant: PRICE DELIVERY SERVICE, INC., P.O. Box 825, 367 W. Second Street, Dayton, Ohio 45401. Applicant's representative: Ralph A. Bowers (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete pressure pipe and fittings thereto*, under a continuing contract or contracts with Price Brothers Company, from plant site of Price Brothers Company in Dutchess County, N.Y., to the Louisville, Ky., Commercial Zone, for 180 days. Supporting shipper: Price Brothers Company, 367 West Second Street, Dayton, Ohio 45401. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 135082 (Sub-No. 12TA), filed September 25, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* (except in bulk), from points in Cochise County, Ariz., to points in New Mexico, for 180 days. Supporting shipper: McKesson Chemical Company, P.O. Box 14799, Phoenix, Ariz. 85031. Send Protests to: District Supervisor John H. Kirkemo, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Building, Albuquerque, N. Mex. 87101.

No. MC 138000 (Sub-No. 13TA), filed October 3, 1974. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt Beverages*, from Peoria, Ill., and its commercial zone and Houston County, Ga., to Harrisonburg and Winchester, Va., and from Peoria, Ill., and its commercial zone, to Martinsburg, W. Va., for 180 days. Supporting shipper: A. K. Wingert & Winston Wallace, Jr., doing business as W & W Sales, 712 North Street, Winchester, Va. 22601. Send protests to: W. C. Hersmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue, NW., Room 317, Washington, D.C. 20423.

No. MC 138104 (Sub-No. 17TA), filed September 27, 1974. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, from points in Saline and Pulaski Counties, Ark., to points in Ellis County, Tex., for 180 days. Supporting shipper: Texas Industries, Inc., P.O. Box 400, Arlington, Tex. 76010. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 140111TA, filed September 25, 1974. Applicant: APPLE HOUSE, INC., 3726 Birney Avenue, Scranton, Pa. 18505. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza crust*, in vehicles equipped with mechanical refrigeration, from Carbondale, Pa., to Atlanta, Ga., and Tampa, Fla., when moving with truckload shipments to Orlando Fla., for 150 days. Supporting shipper: Pizza Crust Co. of Penna., Inc., Scranton-Carbondale Highway, Childs, Pa. 18407. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 140158 (Sub-No. 1TA), filed September 27, 1974. Applicant: DONALD J. SMITH, 2315 South Covell, Sioux Falls, S. Dak. 57105. Applicant's representative: M. Mark Menard, 2813 South Western, Sioux Falls, S. Dak. 57105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyors, Elevators, Screening Machines, Parts and Accessories thereof*, From Kolman Division, Athey Products Corporation, Sioux Falls, S. Dak., to Fairbanks, Alas., for 180 days. Supporting shipper: Kolman Division, Athey Products Corporation, Sioux Falls, S. Dak., Leon Stoud, Traffic Supervisor. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, S. Dak. 57501.

No. MC 140184 (Sub-No. 1TA), filed September 20, 1974. Applicant: CITY WIDE DELIVERY SERVICE, INC., 1610 West Michigan Street, Duluth, Minn. 55806. Applicant's representative: Edwin M. Wilson, Base Procurement, AFS, Bldg. S-304, Duluth EAP, Minn. 55814. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commissary supplies*, from Commissary Warehouse, Duluth IAP, Minn., to Antigo AFS and Osceola AFS, Wis., for 180 days. Supporting shipper: Department of the Air Force, Base Procurement Office, 4787 ABGp (LGP), USAF, Duluth, IAP, Minn. 55814. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 140252TA, filed September 30, 1974. Applicant: M.K.M. ASSOCIATED TRUCKING CORP., 117 Dutch Road, East Brunswick, N.J. 08816. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from the plantsites of National Can Corp., Edison and Piscataway, N.J.; Long Island City and Maspeth,

N.Y.; and Hamburg, Pa., to Sparrows Point, Md., and Wilmington, Del., for 180 days. Supporting shipper: National Can Corporation, North Atlantic District Traffic Office, P.O. Box 7, Piscataway, N.J. 08854. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 198TA) (Correction), filed September 9, 1974, published in the FEDERAL REGISTER, issue of September 25, 1974, and republished as corrected this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: A. P. Carr, 1400 West Third Street, Cleveland, Ohio 44113.

NOTE.—The purpose of this republication is to show the applicant's correct sub number as No. MC 1515 (Sub-No. 198TA), in lieu of No. MC 1515 (Sub-No. 180TA), which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-24230 Filed 10-16-74;8:45 am]

[Notice No. 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 11, 1974.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before November 18, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 681) (Cancels Deviation No. 460), GREYHOUND LINES, INC. (Eastern Division), P.O. Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed October 4, 1974. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 57 to Marion, Ill., with the following access routes: (1) From Harvey, Ill., over 147th Street (also known as Sibley Blvd.), to junction Interstate Highway 57, (2) From Harvey, Ill., over U.S. Highway 6 to junction Interstate Highway 57, (3) From junction Interstate Highway 94 and Interstate Highway 80, east of Thornton, Ill., over Interstate Highway 80 to junction Interstate Highway 57, (4) From Chicago Heights, Ill., over U.S. Highway 30 to junction Interstate Highway 57, (5) From Peotone, Ill., over unnumbered highway to junction Interstate Highway 57, (6) From Manteno, Ill., over unnumbered highway to junction Interstate Highway 57, (7) From Kankakee, Ill., over U.S. Highway 54 to junction Interstate Highway 57 north of Bradley, Ill., (8) From Kankakee, Ill., over U.S. Highway 45 to junction Interstate Highway 57 two miles south of Kankakee, Ill., (9) From Gilman, Ill., over U.S. Highway 24 to junction Interstate Highway 57, (10) From Onarga, Ill., over Illinois Highway 54 to junction Interstate Highway 57, (11) From Paxton, Ill., over Illinois Highway 9 to junction Interstate state Highway 57 west of Rantoul, Ill., over U.S. Highway 136 to junction Interstate Highway 57 west of Rantoul, Ill., (13) From the junction of U.S. Highway 45 and Interstate Highway 74 north of Urbana, Ill., over Interstate Highway 74 to the interchange of Interstate Highways 74 and 57 northwest of Champaign, Ill.

(14) From Champaign, Ill., over Neil Street to junction Interstate Highway 74 north of Champaign, Ill., thence over Interstate Highway 74 to junction Interstate Highway 57, (15) From Champaign, Ill., over U.S. Highway 150 to junction access road, thence over access road to junction Interstate Highway 74 north of Champaign, Ill., thence over Interstate Highway 74 to junction Interstate Highway 57, (16) From Urbana, Ill., over Lincoln Avenue to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 57, (17) From Champaign, Ill., over access road to Interstate Highway 57 west of Champaign, Ill., (18) From Tuscola, Ill., over U.S. Highway 36 to junction Interstate Highway 57, (19) From Mattoon, Ill., over Illinois Highway 16 to junction Interstate Highway 57, (20) from Mattoon, Ill., over U.S. Highway 45 to junction Interstate Highway 57 south of Mattoon, Ill., (21) from Effingham, Ill., over U.S. Highway 45 to junction Interstate Highway 57 north of Effingham, Ill., (22) from Effingham, Ill., over access road to junction Interstate Highway 57 west of Effingham, Ill., (23) From the junction of unnumbered highway and Illinois Highway 37 two miles south of Watson, Ill., over unnumbered highway to junction Interstate Highway 57, (24) From Farina, Ill., over Illinois Highway 185 to junction Interstate Highway 57, (25) From Salem, Ill., over U.S. Highway 50 to junction Interstate Highway 57, (26) From Mt. Vernon, Ill., over U.S. Highway 460 to junction Interstate Highway 57.

(27) From Benton, Ill., over Illinois Highway 14 to junction Interstate Highway 57, (28) From West Frankfort, Ill., over Illinois Highway 149 to junction Interstate Highway 57, (29) From Johnston City, Ill., over unnumbered highway to junction Interstate Highway 57, (30) From Herrin, Ill., over Illinois Highway 148 to junction unnumbered highway, thence over unnumbered highway to junction Interstate Highway 57, and (31) From Marion, Ill., over Illinois Highway 13 to junction Interstate Highway 57, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Chicago, Ill., over city streets to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to Marion, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-24233 Filed 10-16-74;8:45 am]

[Notice No. 33]

OCTOBER 11, 1974.

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation—Rules Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 79113 (Deviation No. 1), WILLARD GRAESE TRANSPORT SERVICE, INC., Route 1, Mondovi, Wis. 54755, filed September 23, 1974. Carrier's representative: Richard Piepgras, P.O. Box 80012, St. Paul, Minn. 55108. Carrier proposes to operate as a *common carrier*, by

motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 10 and 61 near Hastings, Minn., over U.S. Highway 61 to Winona, Minn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junctions U.S. Highways 10 and 61 near Hastings, Minn., over U.S. Highway 10 to Mondovi, Wis., thence over Wisconsin Highway 37 to junction Wisconsin Highway 88, thence over Wisconsin Highway 88 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Bluff Siding, Wis., thence across the Mississippi River to Winona, Minn., and return over the same route.

No. MC 106943 (Deviation No. 38), EASTERN EXPRESS, INC., 1450 Wabash Ave., Terre Haute, Ind. 47808, filed October 2, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Goodland, Kans., over Kansas Highway 27 to junction U.S. Highway 36 near Wheeler, Kans., thence over U.S. Highway 36 to Denver, Colo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Goodland, Kans., over U.S. Highway 24 to Limon, Colo., thence over U.S. Highway 40 to Denver, Colo., and return over the same route.

No. MC 109538 (Deviation No. 8), CHIPPEWA MOTOR FREIGHT, INC., P.O. Box 269, Eau Claire, Wis. 54701, filed September 11, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From St. Paul, Minn., over city streets to Minnesota Highway 56, thence over Minnesota Highway 56 to junction U.S. Highway 52, thence over U.S. Highway 52 to Rochester, Minn., thence over U.S. Highway 63 to Waterloo, Iowa, thence over U.S. Highway 218 to Cedar Rapids, Iowa, thence over Interstate Highway 380 to Iowa City, Iowa, thence over Interstate Highway 80 to Davenport, Iowa, thence over city streets to Moline, Ill., (2) From St. Paul, Minn., over city streets to Interstate Highway 35W, thence over Interstate Highway 35W to junction Interstate Highway 35, thence over Interstate Highway 35 to Owatonna, Minn., thence over U.S. Highway 218 to Cedar Rapids, Iowa, thence over Interstate Highway 380 to Iowa City, Iowa, thence over Interstate Highway 80 to Davenport, Iowa, thence over city streets to Moline, Ill., and (3) From St. Paul, Minn., over city streets to Minnesota Highway 56, thence over Minnesota Highway 56 to junction U.S. Highway 52, thence over U.S. Highway 52 to Dubuque, Iowa, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Paul, Minn., over U.S. Highway 12 to Eau Claire, Wis., thence over U.S. Highway 53 to La Cosse, Wis., thence over U.S. Highway 61 to Davenport, Iowa, thence over city streets to Moline, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-24232 Filed 10-16-74;8:45 am]

[Notice No. 83]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 11, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice: The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

Interstate Commerce Commission, No. MC 137030 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed May 2, 1974. Applicants: JOHN HEYWOOD THOMPSON, JR., and PATRICK EDNALL THOMPSON, 108 Clearview Drive, Atlanta, Texas 75551. Applicants' representative: Gerald A. Braswell, 512 Candlewood Road, Ft. Worth, Texas 76013. By application filed May 2, 1974, applicants seek a Postal Certificate of Public Convenience and Necessity to transport *Mail* in the following territory: (1) Between Houston, Tex., and New Orleans, La., from Houston, Tex., over Interstate Highway 10 to Lake Charles, La., thence over Interstate Highway 10 and/or U.S. Highway 90 to Lafayette, La., thence over Interstate Highway 10 to Baton Rouge, La., thence over U.S. Highway 61 and/or Interstate Highway 10 to New Orleans, La., and return over the same route, serving the intermediate points of Beaumont and Orange, Tex., and Welsh, Jennings, and Crowley, La.; and (2) Between Lafayette, La., and New Orleans, La., from Lafayette, La., over U.S. Highway 90 to Gibson, La., thence over Louisiana Highway 20 to Thibodaux, La., thence over Louisiana Highway 24 to Houma, La., thence over U.S. Highway 90 to New Orleans, La., and return over the same route serving the intermediate points of New Iberia, Franklin, Morgan City, and Raceland, La. Appended to the application are copies of two postal contracts held by applicants which were in effect on July 1, 1971, the critical "grandfather" date: Route Nos. 70011 and 77012 (formerly Route No. 70013) relating to service between Houston, Tex., and New Orleans, La., and Lafayette and New Orleans, La. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application on or before November 18, 1974. A copy of each such pleading should be served upon applicants' representative.

No. MC 41706 (Sub-No. 18) (Republication), filed September 13, 1973, and published in the FEDERAL REGISTER issue of November 23, 1973, and republished this issue. Applicant: TOSE, INC., 64 West Fourth Street, Bridgeport, Pa. 19405. Applicant's Representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. A Supplemental Order of the Commission, Operating Rights Board, dated September 3, 1974, and served September 30, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, of *General commodities* (with the usual exceptions), over regular routes between various points in New Jersey and New York, as more specifically set forth in the Appendix to the Order of the Commission, Operating Rights Board, dated June 10, 1974, and served July 16, 1974, subject to the restriction that the authority granted therein shall not be severable, by sale or otherwise, from the irregular-route rights set forth in Certificate No. MC 41706 (Sub-No. 10); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the radial restriction imposed upon Route Nos. 23 through 39, 42 through 45, and the off-route points in connection thereto, has been removed on traffic moving between points in New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in

interest may file an appropriate petition for intervention of other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59098 (Sub-No. 7) (Republication), filed December 21, 1973, and published in the FEDERAL REGISTER issue of February 7, 1974, and republished this issue. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. 07660. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08940. An Order of the Commission, Operating Rights Board, dated September 12, 1974, and served October 7, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *floor covering and equipment, materials, and supplies* used in the installation of floor coverings (except commodities in bulk), from Ridgefield Park, N.J., to points in Suffolk County, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the real purpose of the application is to enable applicant to provide a through service from Ridgefield Park, N.J., to Suffolk County, N.Y. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111231 (Sub-No. 181) (Corrected republication), filed April 17, 1973, and published in the FEDERAL REGISTER issues of June 14, 1973, and October 2, 1974, and republished in part, as corrected this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. An Initial Decision of the Commission, Administrative Law Judge Francis A. Welch, served July 16, 1974, became the Order of the Commission by notice dated August 15, 1974, and served August 27, 1974, and finds, as pertinent, that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of (2) *Plastic pipe and fittings*, from Siloam Springs, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

NOTE.—The purpose of this corrected republication is to add the destination states of Missouri, Nebraska, New Mexico, and North Carolina.

No. MC 134631 (Sub-No. 1) (Republication), filed January 11, 1974, and published in the FEDERAL REGISTER, issue of February 22, 1974, and republished this issue. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Road, Charlotte, N.C. 28211. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. An Order of the Commission, Operating Rights Board, dated September 12, 1974, and served October 3, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 767, from the steel mill facilities of Nucor Corporation, near Norfolk, Nebr., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, (2) of *steel joists* from St. Joe, Ind., to points in Ohio, Pennsylvania, New York, Michigan, Illinois, Indiana, Kentucky, West Virginia, and Wisconsin, and (3) of such *materials, supplies, and equipment* as are dealt in or utilized in the manufacture of commodities described in (1) above (except commodities in bulk), from points in Ohio, Pennsylvania, New York, Michigan, Illinois, Indiana, Kentucky, West Virginia, and Wisconsin, to St. Joe, Ind., with all the service authorized in (1), (2), and (3) above, under a continuing contract or contracts with Nucor Corporation, of Charlotte, N.C., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to amend the territorial and commodity descriptions. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or precise manner in which it has been so prejudiced.

No. MC 139214 (Sub-No. 2) (Republication), filed November 26, 1973, and published in the FEDERAL REGISTER issue of January 10, 1974, and republished this issue. Applicant: ALBERT BIEBER, Box 307, McLaughlin, S. Dak. 57642. Applicant's representative: Albert Bieber (same address as applicant). An Order of the Commission, Operating Rights Board, dated September 12, 1974, and served October 4, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *pre-cut parts, assembled components, materials, and supplies*, utilized in the construction of dwellings, from the facilities of Standing Rock Housing Corp., at or near McLaughlin, S. Dak., to points in Sioux and Burleigh Counties, N. Dak., under a continuing contract or contracts with Standing Rock Housing Corp., of McLaughlin, S. Dak., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to change the requested authority from common carrier to contract carrier operations, and to modify the territorial and commodity descriptions. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116763 (Sub-No. 86) (Notice of filing of petition for modification of certificate), filed September 27, 1974. Petitioner: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Petitioner's representative: H. M. Richters (same address as petitioner). Petitioner presently holds a motor *common carrier* certificate in No. MC 116763 (Sub-No. 86), issued November 23, 1966, authorizing transportation, over irregular routes, of *Metal containers*, from Homerville, Ga., to points in Florida, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the certificate to read: "*Metal and plastic containers*, from Homerville, Ga., to points in Florida, with no transportation for compensation on return except as otherwise authorized." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 18, 1974.

No. MC 130133 (Notice of filing of petition to amend brokerage license),

filed September 27, 1974. Petitioner: BETTY'S TOURS, INC., 425 Mission St., San Francisco, Calif. 94105. Petitioner's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Petitioner holds a *brokerage license* in No. MC 130133, issued November 13, 1972, to engage in operation, in interstate or foreign commerce, at San Francisco, Oakland, and San Jose, Calif., to sell or offer to sell the transportation of *passengers and their baggage*, in round-trip, special and charter operations, by motor vehicle, beginning and ending at points in California, and extending to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. By the instant petition, petitioner seeks to engage in operations as a broker at Concord, Fremont, Fresno, Hayward, Los Angeles, Palo Alto, Redwood City, Sacramento, San Diego, San Mateo, Santa Rosa, Stockton, Vallejo, Santa Ana, Corona, Riverside, San Bernardino, and Long Beach, Calif., as well as San Francisco, Oakland, and San Jose, Calif. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 18, 1974.

No. MC 134419 (Notice of filing of petition for modification of permit), filed September 30, 1974. Petitioner: T.L.T. COMPANY, INC., 4792 Fifth Avenue Ext., Youngstown, Ohio 44505. Petitioner's representative: Paul F. Beery, Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Petitioner presently holds a motor *contract carrier* permit in No. MC 134419, issued October 12, 1971, authorizing transportation, as pertinent, over irregular routes, of *Electric transformers and transformer parts, materials, equipment, and supplies* used in the production, distribution, or sale of electric transformers (except commodities in bulk), between Warren, Ohio, High Springs, Fla., and Belzoni, Miss., on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, and Virginia, under a continuing contract, or contracts, with Standard Transformer Co., a division of American Gauge and Machine Co. By the instant petition, petitioner seeks to amend the permit to read: *"Electric transformers and transformer parts, materials, equipment, and supplies* used in the production, distribution, or sale of electric transformers (except commodities in bulk), between Warren, Ohio, High Springs, Fla., and Belzoni, Miss., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under a continuing contract or contracts with Standard Transformer Co., a Division of American Gauge and Machine Co." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 18, 1974.

No. MC 138154 (Sub-No. 1) (Notice of filing of petition for modification, clarification, and amendment of certificate), filed September 27, 1974. Petitioner: TIDEWATER DISTRIBUTION SERVICES, INC., 47 6th Street, East Brunswick, N.J. 08816. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate in No. MC 138154 (Sub-No. 1), issued September 20, 1974, authorizing transportation, as pertinent, over irregular routes, of (1) *General commodities*, except those of unusual value, Classes A and B explosives, livestock, furniture, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Middlesex County, N.J., on the one hand, and, on the other, New York, N.Y.; (2) *general commodities*, except those of unusual value, Classes A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; (3) *Lamps*, electric, gas or oil, and *supplies, materials, and equipment* used in the manufacture thereof, between Trenton and Bloomfield, N.J., and points in Ewing Township (Mercer County), N.J., on the one hand, and, on the other, points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J.; (4) *radio receiving sets, radio receiving sets and talking machines combined, television receiving sets, television receiving sets and talking machines or radio sets combined, and talking machines, and component or replacement parts* therefor, and *materials, equipment, and supplies* used in the manufacture of the aforementioned commodities, between points in Edison Township (Middlesex County) N.J., on the one hand, and, on the other, points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J.; (5) *elevators and electric stairways, and parts* thereof, and *materials, equipment, and supplies* incidental to the manufacture, installation, and maintenance of the aforementioned commodities but not including articles or commodities which, because of their size, shape, or weight, require the use of special equipment, between Jersey City and points in Randolph Township (Morris County), N.J., on the one hand, and, on the other, points in Camden, Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J.; (6) *electric lamps and supplies, materials, and equipment* used in the manufacture of electric lamps, between Kearny, N.J., on the one hand, and, on the other, points in Bergen, Hudson, Essex, Mercer, Middlesex, Morris, Passaic, and Union Counties, N.J.

(7) *Electric lamps*, (a) from Ewing Township, Mercer County, N.J., to the site of Westinghouse Corporation's warehouse, Philadelphia, Pa., with no transportation for compensation or return except as otherwise authorized, and (b) from the site of the Westinghouse Corporation's warehouse, Philadelphia, Pa., to points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J., and (8) *returned shipments* of electric lamps, from points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J., to the site of the Westinghouse Corporation's warehouse, Philadelphia, Pa. By the instant petition, petitioner seeks (1) that the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., Commercial Zone as established by the Commission, or (2) in the alternative, amend its territorial description in (1) and (2) above to read: "between New York, N.Y., Commercial Zone as defined in Commercial Zones and terminal areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the 'exempt' zone), and those points in New Jersey, within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y." instead of New York, N.Y. The commodity descriptions and other territorial descriptions will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before November 18, 1974.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1,240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 4405 (Sub-No. 516), filed September 26, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., P.O. Box 361, Lansing, Ill. 60438. 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 regular routes, transporting: *Classes A and B explosives*, between Knoxville (Knox County), Tenn., and Memphis, Tenn., over U.S. Highway I-40.

NOTE.—Common control may be involved. Applicant seeks to convert irregular route authority in part to regular route authority in MC-4405 Sub No. 391. This is a matter directly related to the Section 5 proceeding in MC-F-12320 published in the FEDERAL REGISTER issue of October 10, 1974. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 99369 (Sub-No. 2), filed October 1, 1974. Applicant: BYRNES L. I. MOTOR CARGO, INC., 136 Allen Boulevard, Farmingdale, N.Y. 11735. Applicant's representative: Robert R. Redmon, 5530 Wisconsin Avenue, Suite 1145, Chevy Chase, Md. 20015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (1) between points in the Counties of Nassau and Suffolk, N.Y.; and (2) between New York City, on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE.—Applicant states that the requested authority can be joined at New York City, to provide through service to and from points in New Jersey within 15 miles of Columbus Circle, New York City. Applicant seeks to purchase certain of the operating rights of All Island Delivery Service, Inc., and the companion application of Byrnes to convert its present Certificate of Registration to Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 Proceeding in MC-F-12327 published in the FEDERAL REGISTER issue of October 10, 1974. If a hearing is deemed necessary, the application requests it be held at Washington, D.C.

No. MC-F-12211 (Supplemental) (STEVENS VAN LINES, INC.—Control and merger—HAMMEL MOVING & STORAGE, INC.), published in the May 8, 1974, issue of the FEDERAL REGISTER, on pages 16391 and 16392. Under the proposed transaction vendee proposes to tack vendor's authority with vendee's present authority at a point in Michigan (gateway) to perform through service in the transportation of household goods between points in Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Massachusetts, Mississippi, New Hampshire, North Carolina, Oklahoma, and Rhode Island, on the one hand, and, on the other, points in Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Michigan, Maryland, Minnesota, Missouri, Nebraska, Ohio, New York, New Jersey, North Dakota, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC-F-12285. Second correction (DUFF TRUCK LINE, INC.—Control and merger—RUMPF TRUCK LINE, INC.), published in the August 14, and September 18, 1974, issues of the FEDERAL REGISTER. Prior notice published September 18, 1974, route number (5) should have read; "(5) between junction U.S. Highway 223 and Michigan Highway 151 and junction U.S. Highway 25 and Michigan Highway 151, serving all intermediate points."

No. MC-F-12291. (Correction) (NICK STRIMBU, INC.—Purchase—STATEWIDE CARTAGE CO.), published in the August 28, 1974, issue of the FEDERAL REGISTER, on page 31374. Prior notice should have read NICK STRIMBU, INC.—*Control*—STATEWIDE CARTAGE CO., in lieu of the above.

No. MC-F-12314. (Correction) (THE O. K. TRUCKING CO.—Control and merger—ECKLAR-MOORE EXPRESS, INC.), published in the October 2, 1974, issue of the FEDERAL REGISTER, at page 35634. Prior notice should include vendee is authorized to operate in West Virginia, Illinois, and Wisconsin.

No. MC-F-12319. (CLARENCE L. WERNER, doing business as WERNER ENTERPRISES—Purchase—KINNISON TRUCK LINES, INC.), published in the October 9, 1974, issue of the FEDERAL REGISTER. Application filed October 2, 1974, for temporary authority under section 210a(b).

No. MC-F-12323. Authority sought for control by CENTRAL COAST TRUCK SERVICE, INC., P.O. Box AD, Watsonville, CA 95076, of GARIBALDI NATIONAL TRANSPORTERS COMPANY, INC., 3500 Fruitland Ave., Maywood, CA 90270, and for acquisition by JOHN H. SPEAR, 603 Cliff Dr., Aptos, CA 95003, ROLAND R. SCHMIDT, 344 Kingsbury Dr., Aptos, CA 95003, and JOHN P. MONTEIRO, 2000 Cox Rd., Aptos, CA 95003, of control of GARIBALDI NATIONAL TRANSPORTERS COMPANY, INC., through the acquisition by CENTRAL COAST TRUCK SERVICE, INC. Applicants' attorney: Michael P. Groom, 777 N. First St., Suite 500, San Jose, CA 95112. Operating rights sought to be controlled: *Plastic or fibreglass figures and displays*, as a *contract carrier* over irregular routes, from Venice, Calif., to points in the United States (except California, Alaska, and Hawaii); *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing-houses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Tolleson, Ariz., to points in California, with restrictions. CENTRAL COAST TRUCK SERVICE, INC., is authorized to operate as a *contract carrier* in Arizona, and California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12324. Authority sought for purchase by GARIBALDI NATIONAL TRANSPORTERS COMPANY, INC., 3500 Fruitland Ave., Maywood, CA 90270, of the operating rights of CENTRAL COAST TRUCK SERVICE, INC., P.O. Box AD, Watsonville, CA 95076, and for acquisition by DAVID GARIBALDI, JR., JIMMIE GARIBALDI, AND JOE E. WEAVER, all of Maywood, CA 92070, of control of such rights through the purchase. Applicants' attorney: Michael P. Groom, 777 North First St., Suite 500, San Jose, CA 95112. Operating rights sought to be transferred: *Foodstuffs, soaps, bleaches, washing and cleaning compounds, detergents, and fresh fruits and vegetables* when being transported in the same vehicle and at the same time with any of the commodities named above, as a *contract carrier* over irregular routes, from points in California, to points in Arizona, with restriction. Vendee is a *contract carrier* in all of the States in the United States (except California, Alaska, and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12326. Amendment (COTTER ENTERPRISES, INC.—Control—SHANAHAN TRANSFER & STORAGE COMPANY), published in the October 9, 1974, issue of the FEDERAL REGISTER. By amendment filed October 7, 1974, WILLIAM C. BORD and FRED G. BORD, join in as party applicants.

No. MC-F-12328. Authority sought for purchase by PACE MOTOR LINES, INC., P.O. Box 87, Bridgeport, CT 06601, of a portion of the operating rights of EMPIRE CARRIERS CORPORATION, Alfred A. Rosenberg, Trustee, 16 Court St., (Room 2403), Brooklyn, NY 11241, and for acquisition by PATRICK R. PACELLI, 133 Far Horizon Dr., Monroe, CT 06468, WILLIAM PACELLI, 36 Hillston Rd., Trubull, CT 06111, and ROBERT PACELLI, 87 Chamberlain Rd., Huntington, CT 06484, of control of such rights through the purchase. Applicants' attorneys: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, and Alfred A. Rosenberg, 16 Court St. (Room 2403), (Brooklyn, NY 11241). Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points and places in New Jersey within 25 miles of New York, N.Y. Vendee is authorized to operate as a *common carrier* in Connecticut and New York. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12329. Authority sought for purchase by NOVO PACKAGE DELIVERY, INC., 4900 Webster St., Bladensburg, MD 20710, of a portion of the operating rights of HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, C. Clark Hodgson, Jr., Trustee, 20th and Indiana Ave., Philadelphia, PA 19132, and for acquisition by NOVO CORPORATION, 31 W. 53rd St., New York, NY 10019, of control of such rights

through the purchase. Applicants' attorney: James W. Patterson, 2107 The Fidelity Bldg., Philadelphia, PA 19109. Operating rights sought to be transferred: *Such merchandise, equipment and supplies* as are sold, used or distributed by a manufacturer of cosmetics, as a *common carrier* over irregular routes, from the plant site and storage facilities of Avon Products, Inc., at Newark, Del., to points in Delaware, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Perry, Schuylkill, and York Counties, Pa., and points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., with restriction. Vendee holds no authority from this Commission. However, it is affiliated with (1) BOSS-LINCO LINES, INC., Suite 450, Genesee Bldg., 1 W. Genesee St., Buffalo, NY 14240, (2) FLEET CARRIER CORPORATION, 586 S. Blvd., East Pontiac, MI 48053, and (3) UNITED MOTOR FREIGHT, INC., P.O. Box 147, Pontiac, MI 48056, which are authorized to operate as common carriers in (1) Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; (2) all of the States in the United States; and (3) Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12330. Authority sought for purchase by DIETZ MOTOR LINES, INC., P.O. Drawer 1427, Hickory, NC 28601, of a portion of the operating rights of POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401, and for acquisition by MILFORD LEE DIETZ, also of Hickory, NC 28601, of control of such rights through the purchase. Applicants attorneys: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. Operating rights sought to be transferred: *New furniture*, as described in Appendix II to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, as a *common carrier* over irregular routes, from Frisco City, Ala., to points in the United States (except Alabama, Alaska, and Hawaii); *new furniture*, from Montgomery, Ala., to Martinsville, Va. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12331. Authority sought for purchase by AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146, of a portion of the operating rights of MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Rd., York, PA 17405, and for acquisition by EDWARD CONTO, also of Monroeville, PA 15146, JACK M. GEORGE, 2627 Johnston Rd., Columbus, OH 43220, and JAMES N. GEORGE, 402 Harrison Ave., San Antonio, TX 78209, of control of such rights through the purchase. Applicants' attorneys: A. Charles Tell, Suite 1600, 100 E. Broad St., Columbus, OH 43215, and S. Harrison Kahn, 733 Investment Bldg., Washington, DC 20005. Operating rights sought to be transferred: Commodities which because of size or weight require the use of special equipment, as a common carrier over irregular routes, from points within 10 airline miles of York, Pa., to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, points in that part of Virginia on and north of U.S. Highway 60, and on and east of U.S. Highway 11, points in that part of West Virginia on and north of U.S. Highway 50, and the District of Columbia), with restriction. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-12332. Authority sought for purchase by GREAT COASTAL EXPRESS, INCORPORATED, 501 So. 14th St., Richmond, VA 23219, of the operating rights of SHIPPERS EXPRESS, INC., 31 Nutmeg Valley Rd., Wolcott, CT 06716, and for acquisition by C. E. ESTES, also of Richmond, VA 23219, of control of such rights through the purchase. Applicants' attorney: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 57726 (Sub-No. 4), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, New York, New Jersey, North Carolina, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 4491 (Sub-No. 14), is a matter directly related.

NOTICE

Robert W. Blanchette, Richard C. Bond and John H. McArthur, trustees of the property of Penn Central Transportation Company, debtor, 6 Penn Center Plaza, Philadelphia, Pennsylvania 19104, represented by Mr. Robert H. Bierma, General Attorney, Penn Central Transportation Company, Room 532 Union Station, 516 W. Jackson Blvd., Chicago, Illinois 60606, hereby gives notice that on September 25, 1974, it filed an application, assigned Finance Docket No. 27752 with the Interstate Commerce Commission at Washington, D.C., under section 5(2) of the Interstate Commerce Act for authority to operate over the lines of the Norfolk and Western Railway Company between milepost 153.34 and milepost 157.40 at Marion, Indiana, pursuant to a contract granting such trackage rights which will be limited to bridge movements only. The charge for such operation will be $2.50 per train mile subject to escalation. The operations sought to be performed will be the bridge movement of applicant's trains over the lines of the Norfolk and Western Railway Company at Marion, Indiana, a distance of 4.1 miles. In the opinion of the applicant, the authority sought will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Trans-Action Associates, Incorporated hereby gives notice that on the 5th day of September 1974, it filed with the Interstate Commerce Commission at Washington, D.C. an application assigned Finance Docket 27728 under section 5(2) of the Interstate Commerce Act for authority to own and control more than one regulated common carrier.

Any person who wishes to submit any representations in this matter should advise the Commission, with an original and six copies; and send a copy to: Samuel W. Witwer, Jr., Suite 1620, 141 West Jackson Boulevard, Chicago, Illinois 60604.

Trans-Action Associates, Incorporated which has its principal office at 2317 West Jefferson, Joliet, Illinois 60435, seeks authority to own and control the Louisiana Midland Railway Company and the Prairie Trunk Railway Company. Each carrier will continue to be operated independently. There is no operating or competitive relationship between the two carriers and there are no shippers with facilities on both lines. The Louisiana Midland Railway is a common carrier subject to Part I of the Act; the Prairie Trunk Railway is not a common carrier subject to the Act, but proposes to be, and has applications for operating authority and securities issuance now pending before the Commission as Finance Dockets 27506-07.

Louisiana Midland Railway owns and operates a line of railroad beginning near Milepost 0.0 (KMpost 0.0) at Packton, Winn Parish, Louisiana, and extending in an easterly direction to Milepost 68.02 (KMpost 109.4) at Ferriday (Concordia Jct.), Concordia Parish, Louisiana, a distance of approximately 68.02 miles; together with trackage rights over Missouri Pacific Lines between Concordia Jct., and Vidalia, Concordia Parish,

Louisiana, a distance of approximately 8 miles; and serving stations at Zion, Georgetown, Zenoria, Little Creek, Searcy, Trout, Goodpine, Jena, Rhinehart, Archie, Jonesville, Wildsville, and Frogmore, Louisiana.

Prairie Trunk Railway is seeking authority to own and operate a line of railroad presently operated by the B & O Railroad beginning near Milepost 74.0 (KMpost 119.1) at Flora, Clay County, Illinois, and extending in a southerly direction to Milepost 0.0. at (Old) Shawneetown, Gallatin County, Illinois, a distance of approximately 73.97 miles (119.0 KM), serving Rinard, Cisne, Geff, Fairfield, Hubbard, Barnhill, Mill Shoals, Whites Siding, Springer, Enfield, Sacramento, Norris City, Roland, Omaha, Wells, Ridgway, Bartley, Junction, Duncan, New Shawneetown, and (Old) Shawneetown.

Since this application involves only the manner in which the above named lines of railroad are owned and controlled as going enterprises, and does not involve either the cessation or extension of previously existing rail facilities applicant alleges no environmental impact if the authority sought is granted.

The proceedings may be handled without public hearings unless protests are received which contain information indicating a need for such hearings. In accordance with the Commission's Regulations (49 CFR 1100.25) in Ex Parte No. 55 (Sub-No. 4) *Implementation NAP (L) Environmental Policy Act, 1969,* 340 ICC 431 (1972) any protest may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), Part (B)(1)-(5), 340 ICC 431, 461. Any protests submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

Chicago and North Western Transportation Company, represented by Mr. Stuart F. Gassner, General Attorney, 400 West Madison Street, Chicago, Illinois 60606, hereby gives notice that on the 23rd day of September 1974, it filed with the Interstate Commerce Commission at Washington, D.C., an application, assigned Finance Docket No. 27748, seeking approval of an agreement with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company for trackage rights over a line of the Milwaukee beginning at milepost 11.43 at Wisconsin Rapids and extending to milepost 48.85 at Necedah, Wisconsin. This line is located in Wood and Juneau Counties, Wisconsin, and involves a distance of approximately 37.42 miles. On the same day the Chicago and North Western Transportation Company filed an application assigned Finance Docket No. 27749, seeking a certificate of public convenience and necessity permitting the construction of a line of railroad, a distance of 4,544 feet, at Necedah, Juneau County, Wisconsin.

In the opinion of Applicant, the Commission's action requested for approval of the trackage rights and construction of connecting tracks is not a major Federal action, will not have any significant impact and will not adversely affect the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969,* 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such affect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)-(5), 340 ICC 431, 461. The proceeding, assigned Finance Docket No. 27748, will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-24231 Filed 10-16-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 11, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55110 (amendment), filed September 13, 1974. Applicant: BOB'S DELIVERY SERVICE, INC., 150 S. Ninth Avenue, City of Industry, Calif. 91744. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities,* between: (1) All points and places within the Los Angeles Basin Territory as described in Note A; (2) All points and places within the San Diego Territory as described in Note B; (3) All points and places intermediate between the Los Angeles Basin Territory via State Highway 1 to Capistrano Beach, thence Interstate Highway 5 and the San Diego Territory including all points laterally within 5 air miles of this route and the off-route point of Camp Pendleton; (4) All points and places described in paragraph (1), on the one hand, and all points and places described in paragraphs (2) and (3), on the other hand; (5) All points and places in paragraph (2), on the one hand, and all points and places described in paragraph (3), on the other hand. Service to, from, or betwen points located laterally from the above highways may be performed via any or all available roads, highways or streets. Service between points within the Los Angeles Basin Territory and San Diego Territory may be performed via any and all available streets and highways. Service between points in the Los Angeles Basin Territory, on the one hand, and San Diego Territory, on the other hand, may be performed via U.S. Highway 395 as an alternate route for traversing purposes only and without service to any points located on and along said highway. Applicant shall not transport any shipments of; (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) Logs.

Note A: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate

boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE B.—San Diego Territory includes that area embraced by the following an imaginary line starting at a point approximately 4 miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. No. 55197, filed September 24, 1974. Applicant: JOHN S. LOPES, JR., doing business as LOPES TRUCKING SERVICE, 2127 S. Carpenter Road, Modesto, Calif. 95351. Applicant's representative: E. H. Griffiths, 1182 Market Street No. 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places on or within fifteen miles of the points on the following routes: (1) State Highway 99 between Woodland and Bakersfield, inclusive; (2) U.S. Highway 50, Interstate Highway 580 and 5 between San Francisco and Sacramento, inclusive; (3) Interstate 5 between Dunnigan and its intersection with State Highway 46 near Lost Hills, inclusive; and (4) State Highway 152 between its intersection with State Highway 99 and Gilroy, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4-B; (2) Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (5) Cement; (6) Logs; (7) Commodities of unusual or extraordinary value; (8) Fresh fruits and vegetables; (9) Hides; and (10) Feathermeal. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55204, filed September 25, 1974. Applicant: BUSY BEE FREIGHT LINES, INC., P.O. Box 460, Modesto, Calif. 95353. Applicant's representative: William D. Taylor, Handler, Baker, & Greene, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Part I: (1) Between all points and places in the San Francisco Territory as described in Part II; (2) Between all points and places on or within 10 lateral miles of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (d) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection with State Highway 198, inclusive; (e) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (f) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (g) State Highway 99 between Sacramento and Tulare, inclusive; (h) State Highway 152 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (i) State Highway 33 between its intersection with State Highway 152 at the Dos Palos Wye and its intersection with Interstate Highway 5, via Firebaugh, inclusive; (j) State Highway 180 between its intersection with State Highway 33 and its intersection with State Highway 99, inclusive; (k) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99, inclusive:

(l) U.S. Highway 101 between its intersection with Tully Road at San Jose and Salinas; (m) State Highway 17 between its intersection with Los Gatos-San Jose Road at Los Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive; (n) State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, inclusive; (o) State Highway 156 West from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive; (p) State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive; (q) State Highway 152 between its intersection with U.S. Highway 101 at Gilroy and its intersection with State Highway 1 at Watsonville, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

Part II: San Francisco territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean, thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southerly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos

Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California.

Northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that pursuant to the authority herein granted carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; and (9) Commodities of unusual or extraordinary value. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-24234 Filed 10-16-74;8:45 am]

federal register

THURSDAY, OCTOBER 17, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 202
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GUARANTEED STUDENT LOAN PROGRAM

Proposed Requirements and Standards

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 177]

GUARANTEED STUDENT LOAN PROGRAM

Notice of Proposed Rule Making

Pursuant to the authority contained in Part B, Title IV (20 U.S.C. 1071 through 1087-1) of the Higher Education Act of 1965 as amended, notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 177 of Title 45 of the Code of Federal Regulations as indicated below in order to improve the administration of the Guaranteed Student Loan Program (GSLP), as well as to implement the specific provisions of 20 U.S.C. 1087-1(a).

A. *Overview.* 1. The proposed regulations set forth amendments to existing regulations and add two new subparts. The definitions in § 177.1 of "eligible institution" and "vocational school" have been modified and new definitions of "student" and "matriculate" have been added. Section 177.46, *Disbursement and repayment of loans,* has been modified to provide separate treatment for disbursements of loans made by educational institutions and disbursements of loans made by other lenders and in addition, paragraph (d) thereof, *Commencement of repayment,* has been modified to specify what constitutes withdrawal from school for a correspondence student.

2. A new Subpart F is proposed which establishes requirements and standards that educational institutions must comply with in order to participate in GSLP.

3. A new Subpart G is proposed which sets forth the procedures to be followed by the Office of Education in limiting, suspending or terminating the eligibility of educational institutions which are participating in the GSLP or the eligibility of lenders which are participating in the federally insured phase of the program.

A more detailed discussion of the major provisions of the proposed regulations is set forth below:

B. *Changes to current regulations.* 1. The definition of "eligible institution" (§ 177.1(e)) has been revised to indicate that if the Commissioner determines that only parts of an institution are eligible, only students enrolled in such parts of the institution may receive loans under GSLP. This clarification is needed because, in some cases, students attending ineligible parts of an educational institution have been improperly certified as being eligible for such loans.

2. The definition of "vocational school" (§ 177.1(g)) has been revised to require that flight schools maintain current and valid certification by the Federal Aviation Administration and approval by the Veterans Administration. This will assure that all such schools will meet Federal safety standards and provides further protection to flight school students. Vocational schools, whose eligibility was determined on the basis of standards prescribed by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility, must become accredited within three years after the Commissioner has designated a nationally recognized accrediting agency for the applicable category of schools in order to remain eligible for the GSLP. Previous practices permitted such schools up to five years to obtain accreditation following recognition of the accrediting agency. Experience with the accreditation process has indicated that three years is sufficient for an institution to meet the standards established by the accrediting body. This definition has been further revised to require that, in the case of a program offered by correspondence, the institution requires each student who borrows under the GSLP to undertake no less than an average of 12 hours of preparation per week over any four week period. This "12 hour" concept was previously incorporated into regulations as part of the definition of a "half-time student".

3. A new definition of "student" (§ 177.1(i)) is proposed which consolidates various statutory requirements, previous regulatory requirements and new provisions into a single definition. This should eliminate some of the confusion that now exists in determining which students qualify as potential borrowers. The new definition also permits a student, who does not hold a high school diploma or its equivalent, to obtain a guaranteed student loan to attend an institution of higher education, but only if the institution does not admit more than a small proportion of such students. This is consistent with 20 U.S.C. 1085(b), which defines an institution of higher education as one which "admits as regular students" only persons having a high school diploma or its equivalent. However, an institution which is required to admit any student whose age is generally beyond that of a high school student, whether or not he has obtained a high school diploma, may not meet the statutory definition of "institution of higher education".

4. A new definition "matriculate" (§ 177.1(r)) is proposed which establishes, for purposes of GSLP, when a student is considered to be fully enrolled and registered and in attendance at an eligible institution.

5. Section 177.46(c) has been revised. New paragraph (c) covers disbursements by lenders which are not educational institutions and requires that the lender, except as approved by the Commissioner, not disburse a loan earlier than 30 days prior to the date on which the institution requires the student to pay tuition and required fees. This will eliminate the practice of lenders disbursing the loan proceeds earlier than is reasonable and thus result in a savings to the Federal Government of funds spent for interest benefits and special allowances which are paid from the date of disbursement. In cases where the borrower authorizes the lender, in writing, to disburse the loan to an educational institution, the lender may do so, but must notify the borrower in writing when the loan is disbursed. This should insure that students are aware of their loan obligations. In such cases, the educational institution must then make multiple disbursements to the student pursuant to paragraph (c-1). Paragraph (c) further requires the school to return the loan promptly to the lender in cases where the student does not matriculate at the institution.

6. New paragraph (c-1) covers disbursements by educational institutions. The proposed regulations specifies that the Commissioner will not honor a default claim for a school or college lender for a student who fails to matriculate at the institution during the academic period for which the loan was made. While such a lender may still disburse funds to a student prior to the actual period of attendance in order to cover such costs as transportation to school, this provision means that it does so at its own risk. This is designed to decrease the number of default claims. This provision also specifies that disbursements applicable to a required resident training portion of a correspondence course may not be made until such time as the student commences resident training. There appears to be no rational basis to permit disbursement of loan proceeds for this phase of study until such time as it begins, which is usually several months after the date of initial disbursement. The proposed regulation also requires school lenders to make disbursements in multiple installments, with the frequency of such payments being dependent upon the type of institution and the number and duration of academic periods in the academic year. The purpose of this requirement is to assure that funds will be available to the student throughout the academic year. The proposed regulation would also permit the Commissioner to require an institutional lender to utilize a special promissory note which provides that the student's obligation with regard to the loan amount is governed by the percentage of completion of the academic period for which the loan was made. While it is not contemplated that such a note form will be required on any widespread basis, its effect will be to minimize default claims from school lenders having a high drop-out rate.

7. Revised § 177.46(d) clarifies, in the case of correspondence students, what constitutes withdrawal from school for purposes of repayment of loans made under the GSLP. In essence, when a student fails to submit a lesson for a period of 60 days or when he has failed to complete his program within 60 days following the normal completion date for his program, he shall be considered withdrawn from school, with provision for a single reinstatement if a student indicates in writing a desire to continue his program.

C. *Proposed subpart F—Requirements and standards for participating educational institutions.* 1. Section 177.61 requires educational institutions to execute

agreements with the Commissioner binding the institution to comply with applicable law and regulations. Institutions currently participating in the program would have 90 days from the effective date of these regulations to submit such an agreement in order to continue their participation in GSLP.

2. Section 177.62 establishes requirements for administrative and fiscal procedures, for the maintenance and retention of records, and for reporting and sets forth the Commissioner's audit authority. Educational institutions will be required to maintain certain records with regard to students who borrow under the program and to notify lenders and the Office of Education when there has been a change in the borrower's enrollment status. This will result in more timely notification to lenders so that repayment arrangements can be instituted before too long a time period elapses following graduation or withdrawal.

3. Section 177.63 requires each educational institution to establish a fair and equitable refund policy for students who borrow under the program, identifies the criteria that the Commissioner will use in reviewing an institution's refund policy, and sets forth conditions under which refunds must be made. The lack of equitable refund policies or the failure to administer them on a timely or proper basis is viewed as one of the major causes of defaults. For this reason, the Commissioner deems it appropriate that all post-secondary institutions implement such policies with respect to students who borrow under GSLP to help meet their educational expenses. This section also requires that provision be made for refunds for students in the event the school is sold or otherwise discontinues participation in GSLP.

4. Section 177.64 requires each educational institution to make a good faith effort to provide information to each prospective student about the institution and its programs. This requirement promotes student consumer protection inasmuch as the lack of relevant information of this nature has sometimes resulted in students being misled as to what to expect from a particular educational institution.

5. Section 177.65 requires certain schools to make a determination, based on an appropriate examination or other criteria, that the prospective student has the ability to benefit from the instruction to be provided. While colleges have long required entrance examinations, many other schools have not, with the result that students have occasionally been admitted who are not able to benefit from the training offered. The purpose of this regulation is to assure that only qualified students are accepted for enrollment.

6. Section 177.66 identifies additional criteria that the Commissioner may utilize in evaluating an educational institution's participation in GSLP and provides that, prior to initiating any action on such evaluation, the Commissioner will inform the institution of his findings and provide it a reasonable time during which it may voluntarily seek to correct or respond to the alleged conditions. It should be emphasized that the existence of such condition or conditions will not necessarily result in action being taken by the Commissioner. In some cases, these conditions may be easily remedied and the institution will be encouraged to develop a plan by which it will seek to do so. If this does not produce satisfactory results, the Commissioner may then institute formal proceedings to impose conditions upon the institution's participation in GSLP.

D. *Proposed subpart G—Procedures for limiting, suspending or terminating school and lender participation.* 1. This subpart would establish administrative procedures for the limitation, suspension and termination of the eligibility of an educational institution for participating in the GSLP, or of a lender participating in the Federal Insured Student Loan Program, for failure to comply with applicable law, regulations, agreements or limitations. These provisions do not apply to lenders participating under programs administered by State or private guarantee agencies. However, the Commissioner encourages such agencies to develop similar practices where appropriate.

2. Section 177.72 defines the terms "limitation," "suspension," "termination" and "designated OE official," who is assigned various responsibilities for carrying out the procedures of this subpart.

3. Section 177.73 identifies the possible sanctions which may be imposed on institutions or lenders, including limitations on institutional or lender participation, and required reimbursements or refunds by the institution or lender to the Office of Education or to other designated recipients.

4. Section 177.74 specifies that the limitation, suspension or termination of an institution or lender shall not affect responsibilities established under its participation, or impair any benefits or claims to which it might have become entitled, prior to the initiation of any action arising from the described procedures, except that in situations where payments may be required to be made to the Office of Education, such payments may be offset against amounts owed to the lender or institution.

5. Section 177.75 establishes an informal compliance procedure whereby the Office of Education will provide the institution or lender a reasonable opportunity to correct violations which have been identified before invoking the formal procedures for limitation, suspension or termination. However, where the delay of such formal proceedings could have an adverse effect on the GSLP, both the informal and formal procedures could take place concurrently.

6. Section 177.76 establishes the scope and duration of the Office of Education's authority to suspend an institution's or lender's participation in the program. This provision describes the procedures to be followed by the Office of Education and the institution or lender. It further provides for a circumscribed emergency procedure for cases in which the Commissioner determines that immediate action is necessary to prevent an unreasonable risk of substantial loss of funds either to the Federal Government or to the students involved.

7. Section 177.77 describes the scope and duration for limitation or termination of an institution's or lender's participation in the program and establishes the procedures which will be followed by the Office of Education and the institution or lender during such process. Hearing responsibilities are assigned to an Administrative Law Judge under the Administrative Procedure Act, in order to assure that an impartial person, with expertise in such processes, will hear the evidence and render a decision on the merits of the case within applicable laws and regulations.

This section further establishes that the decision of the Administrative Law Judge shall be final except where an appeal is made to the Commissioner, in which case the Commissioner's decision will be final. This section also permits prior proceedings, which may have been initiated against an institution or lender, to be taken into consideration as a means of expediting a resolution of the case.

8. Section 177.78 specifies the action to be taken by the Commissioner where he denies the request of either an institution or lender to enter into an agreement to participate in the program and the procedures available to the applicant to respond to such a denial. This section also provides for a similar procedure where an institution or lender, which has previously received an adverse decision affecting its eligibility, applies for and is denied reinstatement of its eligibility.

E. *Submission of comments and public hearings on proposed regulations.* 1. All interested persons are invited to submit written data, views or arguments concerning the proposed rule to the Associate Commissioner, Office of Guaranteed Student Loans, U.S. Office of Education, Washington, D.C. 20202. Hand delivered comments may be delivered to Room 4051, Region Office Building #3, Seventh and D Streets, SW, Washington, D.C. Such responses to this notice will be available for public inspection on Mondays through Fridays between 8 a.m. and 4:30 p.m. All relevant material received on or before December 2, 1974, will be considered.

2. All interested persons are also hereby given notice of opportunity to *orally* present data, views or arguments with respect to the proposed rule at public hearings to be held in the following places on the dates below and commencing at 10 a.m. on each of the days specified.

a. Washington, D.C.
Auditorium—HEW North Building
330 Independence Avenue, S.W.
Washington, D.C.

Public hearings will be held on November 13, 14 and 15.

b. Chicago, Illinois
Century Room—19th Floor
LaSalle Hotel
10 North LaSalle Street
Chicago, Illinois

Public hearings will be held on November 18 and 19.

c. San Francisco, California
Main Lounge—University Center
University of San Francisco
2130 Fulton Street
San Francisco, California

Public hearings will be held on November 20 and 21.

3. Any person desiring to orally present his views at any of the scheduled hearings should so inform the appropriate representative listed below no later than seven (7) days prior to commencement of the particular hearing at which the person wishes to be heard. Reasonable limitations upon the length of time allocated to any person may be imposed and persons must file with the appropriate representative listed below ten copies of all prepared statements.

David C. Bayer
Office of Guaranteed Student Loans
U.S. Office of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202
(202) 245-2350

Mrs. Mary Jane Calais
Regional Commissioner of Education
Office of Education
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Rudy Mappus
Office of Guaranteed Student Loans
U.S. Office of Education
50 Fulton Street
San Francisco, California 94102
(415) 556-1630

(Catalog of Federal Domestic Assistance No. 13,460 Guaranteed Student Loan Program)

Dated: September 24, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 8, 1974.

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

1. Section 177.1 is amended by revising paragraphs (e) and (g) thereof and adding paragraphs (l) and (r) thereto, to read as follows:

§ 177.1 Definitions.

* * * * *

(e) "Eligible institution" or "institution" means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part. In cases where the Commissioner does not determine the entire institution to be eligible, this term includes only those individual units or programs within an institution which have been determined by the Commissioner to meet all requirements for institutional eligibility pursuant to paragraphs (f) or (g) of this section.

* * * * *

(g) "Vocational school" means a business or trade school, technical institution or other technical or vocational school in any State which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have demonstrated the ability to benefit from the training offered by such institution pursuant to the provisions of § 177.65; (2) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education which (i) is designed to provide occupational skills more advanced than those generally provided at the high school level and to prepare individuals for gainful employment in recognized occupations, (ii) provides no less than 300 clock hours of classroom instruction or its equivalent or, in the case of a program offered by correspondence, requires not less than an average of 12 hours of preparation per week over any 4 week period and completion in not less than 6 months, and (iii) in the case of a flight school program, maintains current and valid certification by the Federal Aviation Administration and approval by the Veterans Administration; (3) has been in existence for 2 years or has been specially determined by the Commissioner pursuant to regulation to be an institution meeting the other requirements of this paragraph and to be eligible to participate in programs under this part; and (4) (i) is accredited by a nationally recognized accrediting agency or association recognized by the Commissioner for this purpose, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner for this purpose, or (iii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit institutions of the particular category encompassing such institution, is approved by a State approval agency recognized by the Commissioner for this purpose, or (iv) if the Commissioner determines that there is no nationally recognized accrediting agency or association or State approval agency qualified to accredit or approve institutions of the patricular category encompassing such institution, is approved by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility, pursuant to standards of content, scope, and quality prescribed by that committee for this purpose. An institution which has been approved pursuant to clause (iv) above must, in order to remain an eligible institution, become accredited within three years after the Commissioner has designated a nationally recognized accrediting or State approval agency for the particular category of institutions which encompasses such institution. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State approval agencies which he has determined to be reliable authority as to the quality of education or training afforded.

* * * * *

(l) "Student" means a person who (1) is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands (except that a student attending an institution outside the States must be a national of the United States); (2) has a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate or, in the case of a vocational school student, attends neither elementary nor secondary school, is beyond the age of compulsory school attendance in the jurisdiction where he lives, and has demonstrated the ability to benefit from the training offered by such vocational school pursuant to the provisions of § 177.65; (3) is enrolled at an eligible institution and in good standing (as determined by the institution) or has been accepted for enrollment at an eligible institution; (4) plans to carry or is carrying, during the period for which the loan is intended, at least one-half the normal full-time workload as determined by the institution; (5) if enrolled in a program of study by correspondence, plans to engage or is engaging in an average of at least 12 hours of preparation per week over any 4 week period during which he is so enrolled; and (6) if enrolled in a flight school program at a vocational school or institution of higher education, plans to pursue or is pursuing a full-time program leading to commercial flight ratings, has completed ground school training or is taking it concurrently with flight training, holds a private pilot's certificate (or has sufficient flight hours to qualify for such certificate), and holds at least a Class-II medical certificate. This term also includes a person who does not have a certificate required by paragraph (l) (2) of this section, but otherwise meets the requirements of this paragraph and has been admitted by an institution of higher education which admits a small proportion of such persons.

* * * * *

(r) "Matriculate" means that a student has completed all the requisite steps in the enrollment and registration process and the attendance period has commenced.

(20 U.S.C. 1077(a)(1), 1078(b)(1)(I), 1082(a)(1), 1085(a), (c), and 1087-1(b))

2. Section 177.46 is amended by revising paragraphs (c) and (d), and by

adding paragraph (c-1) to read as follows:

§ 177.46 Disbursement and repayment of loans.

* * * * *

(c) *Disbursement by a lender which is not an educational institution.* (1) A lender which is not an educational institution may not make a disbursement of any loan proceeds earlier than is reasonably necessary to meet the purposes for which the loan is being made and in no case, except as approved by the Commissioner, earlier than 30 days prior to the date on which the institution requires the student to pay tuition or required fees. If a loan is disbursed in installments, the proceeds disbursed for use during a given semester, quarter or term should not be greater than the amount required by the student for that academic period.

(2) If the borrower authorizes the lender, in writing, to disburse the proceeds of the loans to an educational institution, the lender may do so, but must notify the borrower in writing, when any part of the loan has been disbursed. In such cases, the institution shall disburse the funds to the student as indicated in paragraph (c-1) (2) of this section. In cases where the student does not matriculate in the institution for an academic period for which he has received a loan under this part, the institution must promptly notify the lender and return the proceeds of the loan to the lender. In cases where the student withdraws from the institution prior to the expiration of the academic period for which the loan was made, the institution must promptly notify the lender and must return to the lender any portion of the loan proceeds remaining after the school has retained any earned tuition and required fees, as determined pursuant to § 177.63, which may be attributed to the loan after giving consideration to other forms of Federal student financial assistance.

(c-1) *Disbursement by an educational institution.* (1) An eligible institution acting as a lender or making disbursements pursuant to paragraph (c) (2) of this section may not make a disbursement of any loan proceeds to a student earlier than is reasonably necessary to meet the purposes for which the loan is being made. The Commissioner will not honor a default claim based upon a disbursement, on a loan made by an institution, to a student who failed to matriculate at that institution during the academic period for which the loan was made. A disbursement for the purpose of a required resident training portion of a correspondence course shall not be made until such time as the student commences resident training.

(2) Unless otherwise approved or required by the Commissioner, an eligible institution shall make disbursements in multiple installments, as set forth in paragraphs (c-1) (i), (ii) and (iii) of this section. Moreover, the proceeds disbursed for use during a given semester, quarter or term shall not be greater than the amount required by the student for that academic period and the amount of any one disbursement shall not exceed the sum of the other disbursements on a single loan.

(i) With regard to a loan disbursed by an institution of higher education to a student for the full academic year, the frequency of installments shall coincide with the frequency of sessions which form an academic year (e.g., two installment disbursements for those institutions utilizing a two semester system). However, disbursement of a loan made to a student for a portion of the academic year need not be made for less than a single semester, quarter or trimester.

(ii) With regard to a loan disbursed by a vocational school (other than for study by correspondence), installments shall be made not less frequently than every four months.

(iii) With regard to a loan disbursed for correspondence study, installments shall be made not less frequently than every six months.

(3) The Commissioner may, pursuant to Subpart G of this part, require an institution that is a lender to utilize a special promissory note which provides that the student's obligation with regard to the loan amount is dependent upon the student's continued enrollment during the academic period for which the loan was made and is proportionate to the percentage of such period which he has completed.

(d) *Commencement of repayment.* The note evidencing a loan shall provide for repayment of the principal amount together with interest thereon, in equal periodic installments (except for a final adjustment payment) beginning not earlier than 9 months nor later than 1 year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by that institution: *Provided, however,* That in the case of a correspondence student, the repayment period shall begin not earlier than 9 months nor later than 1 year after (1) the student's completion of his program, (2) the expiration of a 60 day period during which the student submits no assignments, or (3) the expiration of a 60 day period following the normal time established by the school for the completion of the program and communicated to the student pursuant to § 177.63(c), which ever comes first. The submission of one or more assignments more than 60 days after the previous submission shall not restore the in-school status of a correspondence student with respect to his loan: *Provided, however,* That the institution may permit one such restoration if the student acknowledges in writing that he wishes to continue his course of study and that he fully understands his responsibilities to submit lessons on a timely basis.

(20 U.S.C. 1077(a), 1079(a), 1082(a)(1) and 1087-1(a)(2))

* * * * *

3. Part 177 is amended by adding new Subparts F and G thereto, to read as follows:

Subpart F—Requirements and Standards for Participating Educational Institutions

Sec.
177.61 Agreements between eligible institutions and the Commissioner.
177.62 Procedures, records and reports.
177.63 Refunds.
177.64 Provision of information to a prospective student.
177.65 Admissions criteria for a vocational or trade program.
177.66 Additional standards for evaluating an eligible institution.

AUTHORITY: 20 U.S.C. 1082(a)(1), 1085 (b), (c), 1087-1(a).

Subpart F—Requirements and Standards for Participating Educational Institutions

§ 177.61 Agreements between eligible institutions and the Commissioner.

(a) (1) Any eligible institution seeking to participate, in any manner, in any program covered under this part shall submit to the Commissioner for his approval, on a form provided by him, an agreement signed by an appropriate official acknowledging the institution's obligation to comply with all applicable laws and all applicable regulations set forth in this part.

(2) If a participating institution undergoes a change of controlling ownership or form of control, its agreement shall automatically expire at the time of such change. In such instance, continued participation by the institution in loan programs under this part shall require a new agreement with the Commissioner and continuation of the institution's status as an eligible institution under this part.

(3) Institutions outside the States shall be required to comply with the provisions of this part only to the extent determined by the Commissioner on a case by case basis.

(b) An institution designated as an "eligible institution" on the effective date of this regulation shall have a period of 90 days to submit the agreement described in paragraph (a) of this section in order to assure continuous participation in programs covered under this part. An institution which has not submitted such agreement by the end of this 90 day period will be subject to having its eligibility suspended or terminated pursuant to Subpart G of this part.

(20 U.S.C. 1082(a)(i), 1087-1(a))

§ 177.62 Procedures, records and reports.

(a) Each participating institution shall establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of any funds received from students who have obtained loans under this part, to assure that the rights of students established under this part are protected, to protect the United States from unreasonable risk of loss due to defaults, and to comply specifically with all applicable requirements set forth in this part.

(b) Each participating institution shall maintain records regarding the admission (to the extent required by § 177.65), academic standing, periods of attendance, courses taken, determination of need for subsidized loans, receipt and

disbursement of loan proceeds, receipt of tuition and fees, refunds, and placement (if the institution provides placement service) for each student who receives a loan under this part and shall retain such records for not less than 5 years (unless otherwise directed by the Commissioner) following the date the student graduates, withdraws, or fails to matriculate for an academic period for which he has received a loan under this part. Copies of reports submitted by the institution pursuant to this section and other forms utilized by the institution relating to loans made under this part shall also be retained for not less than 5 years following their completion, unless otherwise directed by the Commissioner.

(c) Each participating institution shall submit such reports to the Commissioner or to lenders at such times and in such manner as the Commissioner may prescribe concerning the changes in enrollment status of its students who are borrowers. Such reports shall include timely completion of the Student Status Confirmation Report (OE Form 1072) and the notification to lenders, on forms provided by the Commissioner for that purpose, of any change in the status of a student borrower to less than half-time enrollment.

(d) The Commissioner or his designee may audit or examine the institution with respect to such matters pertaining to the institution's participation in programs covered under this part as he deems appropriate. Each participating institution shall afford access to records required by paragraphs (a) and (b) of this section and by § 177.66(d) at any reasonable time to the Commissioner or his designee as needed in order to verify compliance with the regulations in this part.

(e) In the event of the closure, termination, suspension or change of ownership of a participating institution, the institution or its successors must make provision for the retention of the records provided for in paragraph (b) of this section and for the access to such records by the Commissioner as provided for in paragraph (d) of this section.

§ 177.63 Refunds.

(a) Each participating institution shall establish a fair and equitable refund policy, under which it shall make a refund of unearned tuition and required fees to a student who receives a loan under this part and who does not complete the period of study for which the loan was advanced. The institution shall make such policy known in writing to the student prior to his initial acceptance for enrollment at the institution and prior to each academic year in which he enrolls thereafter.

(b) In determining whether a refund policy is fair and equitable, the Commissioner will consider the following factors:

(1) Whether the refund policy takes into consideration the period for which tuition and other required fees were paid;

(2) Whether the refund policy takes into consideration the length of time the student was enrolled at the institution;

(3) Whether the refund policy takes into consideration the kind and amount of instruction, equipment and other services provided over the periods described in Paragraphs (b) (1) and (2) of this section;

(4) Whether the refund policy produces refunds in reasonable and equitable amounts when the considerations described in Paragraphs (b) (2) and (3) of this section are compared with that described in Paragraph (b) (1) of this section: *Provider, however,* That an institution may retain a reasonable enrollment or registration fee not to exceed $50 for the period for which tuition and other required fees were paid;

(5) Whether the refund policy of the institution is mandated by State law; and

(6) Whether, in the case of an accredited institution, the Commissioner has approved the refund policy requirements of the pertinent accrediting body.

(c) Each participating institution must make a refund in accordance with its established refund policy, directly to the student (unless the student has authorized the institution in writing to pay the refund to the lender). Such refund must be made within 30 days of the date the student ceases to be enrolled at the institution. The date on which a student ceases to be enrolled shall, for the purposes of this paragraph, be deemed to be the date on which he notifies the institution of his withdrawal: *Provided, however,* That in the case of vocational schools the date shall be deemed to be the date of last class attendance: *And provided further,* That in the case of a correspondence student the date shall be deemed to be 30 days after the student fails to submit a required lesson unless the student, within such 30 day period, notifies the school in writing that he is not withdrawing. For this purpose, each correspondence school must establish a schedule of the number of lessons in the course and the intervals at which lessons are to be submitted (and the period of time within which any required resident training must be completed). Such a schedule must conform to the requirements set forth in § 177.1(g) (2) and must be furnished to the student prior to his enrollment.

(d) In the event of the closure, termination, suspension, or change of ownership of a participating institution, the institution or its successors must make provision for compliance with the requirements of this section with regard to refunds which are due or may become due for students who obtained loans under this part for periods of attendance at the institution prior to such change in status.

§ 177.64 Provision of information to a prospective student.

Each participating institution shall make a good faith effort to present each prospective student, prior to the time the prospective student obligates himself to pay tuition or fees to the institution, with a complete and accurate statement (including printed materials) about the institution, its current academic or training programs, and its faculties and facilities, with particular emphasis on those programs in which the prospective student has expressed interest. In the case of an institution holding itself out as preparing students for a particular vocation or trade, such statement shall include information regarding the employment of its graduates in such vocation or trade.

§ 177.65 Admissions criteria for a vocational or trade program.

Each participating institution holding itself out as preparing students for a particular vocation or trade shall, prior to the time the prospective student obligates himself to pay tuition or fees to the institution, make a determination, based on an appropriate examination or other appropriate criteria, that such person has the ability to benefit from the instruction or training to be provided.

§ 177.66 Additional standards for evaluating an eligible institution.

If the Commissioner determines that any of the following conditions exist, he may, pursuant to the provisions of Subpart G of this part, require reasonable and appropriate measures to alleviate such conditions as a prerequisite to an institution's initial or continued participation in programs under this part: *Provided, however,* That prior to initiating such action, the Commissioner shall inform the institution of his findings and provide it a reasonable period, not less than 30 days, to respond to such findings or to submit a plan as to those measures it will voluntarily initiate to alleviate such conditions:

(a) More than 10 percent of loans made under this part to students at the institution which have reached the repayment period are in default;

(b) More than 20 percent of the students at the institution, who have received loans made under this part, withdrew from enrollment at such institution (1) during any academic term or (2) where an institution does not have a common academic term for the majority of its students, during any 4 month period: *Provided,* That only those students enrolled at the beginning of such academic term or 4 month period shall be counted for purposes of this provision;

(c) The dollar amount of tuition and fees received by the institution for any academic term from loans made under this part exceeds 60 percent of all tuition and fees received by the institution during that term or, in the case of an institution which does not have a common academic term for the majority of its students, the dollar amount of tuition and fees received from loans made under this part and attributable to students enrolled in the institution during any 2 month period exceeds 60 percent of all

tuition and fees received by the institution and attributable to students enrolled in such institution during that 2 month period; or

(d) The institution's financial condition is such that it is unable (1) to provide the educational services for which its students who have obtained loans under this part have enrolled; (2) to meet it obligations to refund unearned tuition and fees; or (3) to provide the administrative resources to comply with the requirements of this part. An institution's financial condition will be deemed not to satisfy these requirements (i) in the case of an institution utilizing accrual accounting, if the ratio of its current assets to current liabilities falls below 1:1 at the conclusion of its most recent fiscal year, or (ii) in the case of an institution utilizing fund accounting, if the fund is operating at a deficit at the conclusion of its most recent fiscal year. For purposes of making this determination, the institution will make available to the Commissioner, upon reasonable request, its latest financial statement prepared by a certified public accountant or the most reasonable equivalent thereof.

Subpart G—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs Under This Part

Sec.
177.71 Purpose and scope.
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AUTHORITY: 20 U.S.C. 1080(d), 1082(a), 1087-1(a).

Subpart G—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs under this Part

§ 177.71 Purpose and scope.

(a) This subpart establishes rules and procedures for the limitation, suspension or termination of the eligibility of an institution participating in programs under this part and of a lender participating in the Federal Insured Student Loan Program under this part for failure to comply with applicable laws, regulations, agreements or limitations.

(b) This subpart does not apply to administrative action by the Department of Health, Education, and Welfare based on any alleged violation of Title VI of the Civil Rights Act of 1964, which is governed by Parts 80 and 81 of this Title, or Title IX of the Education Amendments of 1972, which is governed by Part 86 of this Title.

§ 177.72 Definitions.

As used in this subpart:

(a) "Limitation" means the continuation of an institution's or a lender's eligibility, subject to compliance with special conditions or restrictions which have been set as a result of a failure to comply with applicable law, regulations or agreements or as a result of an institution coming within the terms of § 177.66 of Subpart F.

(b) "Suspension" means the removal of an institution's or a lender's eligibility (or portions thereof) for a specified period of time or until the occurrence of one or more specified conditions.

(c) "Termination" means the unqualified removal of an institution's or lender's eligibility (or portions thereof) for an indefinite period of time.

(d) "Designated OE Official" means an official of the Office of Education, other than the Commissioner, to whom the Commissioner has delegated the responsibilities indicated in this subpart.

§ 177.73 Possible sanctions.

(a) *Limitations.* A limitation on an institution's or a lender's participation established under this part may include any of the following:

(1) A limit on the number or total amount of loans which a lender may make under the Federal Insured Student Loan Program;

(2) A limit on the number or percentage of students enrolled in an institution who may receive loans under this part;

(3) A limit on the percentage of an institution's total receipts for tuition and fees which may be derived from loans under this part of a stated period of time;

(4) A requirement that an institution obtain a bond, in an appropriate amount, to provide assurance that it will be able to meet its financial obligations to students enrolled in such institution who have received loans under this part;

(5) A requirement that an institution, acting as a lender, utilize a special promissory note form as provided in § 177.46 (c-1)(3); and

(6) Such other requirements or conditions as a designated OE official, an Administrative Law Judge or the Commissioner may determine: (i) are reasonable and appropriate as a direct means of correcting a violation of applicable laws, regulations or agreements; (ii) have a high probability for successfully correcting such violation; and (iii) will promote the purposes of the programs provided for in this part.

(b) *Reimbursements and refunds.* As part of any decision resulting in a limitation, suspension, or termination under this subpart, a designated OE official, an Administrative Law Judge or the Commissioner may also require an institution or lender to take such other corrective action as is reasonable and appropriate to remedy a violation of applicable laws, regulations, agreements or limitations. Such corrective action may include payment, to the Office of Education or to recipients designated by the designated OE official, the Administrative Law Judge or the Commissioner, for;

(1) Ineligible interest benefits, special allowances, or other claims paid by the Commissioner;

(2) Discounts, premiums or excess interest paid in violation of § 177.6(e); or

(3) Refunds due to students under the regulations of this part.

§ 177.74 Effect on prior participation.

An action under this subpart resulting in the limitation, suspension or termination of an institution or lender shall not affect any of its responsibilities arising from participation in programs under this part prior to the date of such action. Nor shall such action impair any benefits or claims to which an institution or lender may be entitled based on its participation prior to such action, except that if such action results in a requirement that such institutions or lenders make payments to the Office of Education, then such payments may be used as offsets against such benefits or claims.

§ 177.75 Informal compliance procedure.

If a designated OE official receives a complaint, or has other information which he believes to be reliable, indicating that a violation of applicable laws, regulations, agreements or limitations has occurred or is occurring, the designated OE official shall call such matter to the attention of the institution or lender involved and shall give such institution or lender a reasonable opportunity to respond to the allegation and, if the alleged violation occurred, to show that it has been corrected or to submit an acceptable plan as to those measures which will be undertaken to correct the violation and to prevent its recurrence. The procedures provided in §§ 177.76 and 177.77 for limitation, suspension or termination need not be delayed during such informal compliance procedure if the designated OE official believes that such delay would have an adverse effect on programs covered under this part or believes that such informal compliance procedure will not result in a successful resolution of the alleged violation.

§ 177.76 Suspension.

(a) *Scope and duration.* A suspension may affect all aspects of an institution's or lender's participation in programs under this part or only a portion thereof. The duration of a suspension may be set to extend until the designated OE official has determined that the basis for the suspension has been removed and that a repetition of such violation appears unlikely: *Provided, however,* That the period of suspension shall not exceed 60 days, unless the institution or lender and the designated OE official agree to an extension or unless limitation or termination proceedings are initiated pursuant to § 177.77 within this period of time, in which case the period of suspension may be extended until the completion of such proceedings, including any appeal which may be made to the Commissioner.

(b) *Procedures.* (1) Except as provided in paragraph (c) of this section, suspensions shall only be made pursuant to notice and opportunity to show cause as provided in this paragraph.

(2) Suspension proceedings shall be initiated by a designated OE official mailing to the institution or lender in question a notice, by certified mail with return receipt requested:

(i) Informing the institution of the Office of Education's intent to suspend the institution's or lender's eligibility and of the basis for such action;

(ii) Specifying the proposed effective date of the suspension and the consequences of such action; and

(iii) Informing the institution or lender of its rights, if exercised within a stated period of time, to submit written material and to request an informal meeting to show cause why such action should not be taken, prior to the time the suspension becomes effective. The notice shall also provide information about the nature of the meeting and such other information about the matter as the designated OE official may determine appropriate. The notice shall also invite voluntary efforts to correct the violation which led to the initiation of these proceedings.

(3) The proposed effective date for suspension provided for in paragraph (b)(2) of this section shall not be less than 15 days after the notice of intent has been sent. The period of time within which the institution or lender may submit written material or request a meeting to show cause shall not be less than 10 days after such notice has been sent. If such a meeting is requested, the designated OE official shall set a time and place for it, which time shall not be less than 5 days nor more than 30 days after the request is received by him. If a meeting is requested, but it cannot be held prior to the proposed effective date of suspension, the date shall be postponed until the completion of such meeting.

(4) The designated OE official shall consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting provided for in paragraph (b)(3) of this section and any showing that the institution or lender has adequately corrected the violation which led to the initiation of suspension proceedings. If, after considering such material, the designated OE official concludes that the institution or lender has failed to show cause why its eligibility should not be suspended, he may suspend eligibility in whole or part and subject to such terms and conditions as he shall specify. Notice of such suspension shall be promptly transmitted to the institution or lender and shall become effective upon the date of transmittal.

(c) *Emergency action.* The Commissioner may withhold the issuance of further commitments of insurance to a participating lender or with respect to loans for students attending a participating institution, without prior notice and opportunity to show cause as provided for in paragraph (b) of this section, if he determines that such immediate action is necessary in order to prevent an unreasonable risk of a substantial loss of funds either to the Federal Government or the students involved in further disbursements under this part were permitted and that such risk is sufficiently serious to outweigh the importance of following the procedures set forth in paragraph (b) of this section. Such emergency action shall be initiated by sending the institution or lender a notice, by certified mail and return receipt requested, informing the institution or lender of the suspension and the grounds therefor. Such emergency action shall not exceed 7 days in length unless suspension proceedings are initiated pursuant to paragraph (b) of this section or limitation or termination proceedings are initiated pursuant to § 177.77 within such seven day period, in which case the Commissioner may continue to withhold commitments of insurance until the conclusion of such proceedings, including any appeal which may be made to the Commissioner. If limitation or termination proceedings are initiated, the Commissioner shall provide the institution or lender, if it so requests, an opportunity to show cause why the action should be rescinded pending the outcome of such proceedings.

§ 177.77 Limitation and termination.

(a) *Scope and duration.* A limitation or termination may extend to all aspects of an institution's or lender's participation in programs under this part or may be limited to portions thereof. The duration of a limitation may be set to extend for a definite period of time or until the designated OE official has determined that the basis for the limitation has been removed and that a repetition of such violation appears unlikely. An institution or lender which has been limited or terminated may subsequently seek reinstatement of its full eligibility to participate in programs under this part, pursuant to § 177.78(b).

(b) *Procedures.* (1) A limitation or termination may be initiated whether or not suspension proceedings have been initiated under § 177.76. Limitation or termination procedures shall be initiated by a designated OE official mailing to the institution or lender in question a notice, by certified mail with return receipt requested:

(i) Informing the institution or lender of the Office of Education's intent to limit or terminate the institution's or lender's eligibility, the nature of any proposed limitation and the basis of such action;

(ii) Specifying the proposed effective date for the limitation or termination and the consequences of such action; and

(iii) Informing the institution or lender of its rights, if exercised within a stated period of time, to submit written material and to request a hearing before the limitation or termination takes effect. The notice shall also provide information pertaining to this proceeding as the designated OE official may determine to be appropriate. The notice shall also invite voluntary efforts to correct the violation which led to the initiation of this action.

(2) Except as provided in paragraph (c) of this section, the proposed effective date of limitation or termination shall not be less than 21 days after the notice of intent has been sent. The period of time within which the institution or lender may submit written material or request a hearing shall not be less than 15 days after such notice has been sent. or lender cannot be held prior to the pro- If a hearing requested by the institution posed effective date of the limitation or termination, the date shall be extended until the completion of such proceedings.

(3) If the institution or lender does not request a hearing, the designated OE official may, after considering any written material submitted on a timely basis by the institution or lender, dismiss the matter or notify the institution or lender that it has been limited or terminated.

(4) If the institution or lender requests a hearing within the time permitted, such hearing shall be conducted as promptly as possible by an Administrative Law Judge pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. sections 554-557). Proposed findings of fact, conclusions of law, and briefs shall be submitted to the presiding officer within 15 days of the conclusion of the hearing.

(5) The Administrative Law Judge shall issue an initial decision consisting of findings of fact and conclusions of law. The initial decision of the Administrative Law Judge shall become final 10 days after being issued, unless within such 10 days the institution or lender or the designated OE official who initiated these proceedings notifies the Commissioner that it or he wishes to appeal the decision, in whole or in part. If any such party makes such an appeal, it must submit, within 20 days of the initial decision of the Administrative Law Judge, any further written material it wishes to be considered by the Commissioner, including exceptions to the decision of the Administrative Law Judge, proposed findings and conclusions, and supporting reasons. The opposing party will have 15 days to submit a response. Parties making any submission to the Commissioner must simultaneously transmit copies of such submission to all other parties which participated in the hearing. Any decision by the Administrative Law Judge limiting or terminating the institution or lender shall be stayed pending the appeal, unless the Commissioner determines that such stay would produce a serious and adverse effect on the program involved. The Commissioner may, in his discretion, provide an opportunity for an oral presentation by the institution or lender and by members of the Office of Education staff. The Commissioner shall issue a decision on the appeal, including a statement of reasons for his decision, no later than 20 days following receipt of all written materials from the parties involved. Such decision may affirm, reverse or modify the initial decision of the Administrative Law Judge: *Provided, however,* That findings of fact made by the Administrative Law Judge shall not be set aside unless found to be clearly unsupported by the evidence. The decision of the Commissioner shall be final.

(c) *Effect of prior proceedings.* If any proceedings have been previously initiated under this subpart against an institution or lender at the time limitation or termination proceedings are initiated, such proceedings need not duplicate the previous proceedings. Any matters resolved under the previous proceedings shall be considered final and any hearings undertaken in the subsequent limitation or termination proceedings shall be limited to new evidence or new issues: *Provided, however,* That the Administrative Law Judge, or the Commissioner in the case of an appeal, may, in his discretion, agree to reconsider matters previously resolved. Moreover, the time schedules set forth in paragraphs (2), (4) and (5) of paragraph (b) of this section may be shortened to reflect the previous proceedings in such manner as the Administrative Law Judge or the Commissioner may deem appropriate.

§ 177.78 Denial of initial application or reinstatement.

(a) *Initial application.* If an institution requests an agreement under § 177.61(a) of this part or a lender requests an agreement under § 177.42(a) of this part, the Commissioner shall respond to such submission within 30 days and, if he has decided not to approve such request, shall state reasons for his decision. An institution or lender which has been denied an agreement shall be given an opportunity to meet with a designated OE official to show cause why such agreement should not be denied. However, the Commissioner need not give reasons for a denial or grant an opportunity to show cause if such a request is submitted within 6 months of a previous denial. If a request is submitted by an institution at which the conditions set forth in § 177.66(d) exist, the Commissioner may add to such agreement such terms as are necessary to alleviate those conditions: *Provided, however,* That such institution may request that the procedures set forth in § 177.77(b) (4) and (5) be exhausted before such agreement becomes effective. Such institution may, without waiving its rights under the preceding sentence, participate in programs under this part subject to such terms pending the outcome of such procedure.

(b) *Reinstatement.* An institution or lender against which a final adverse decision has been issued under this subpart, may at any time request reinstatement of its eligibility (or portion thereof) and may submit to the designated OE official such material as it wishes, or as the designated OE official requests, to demonstrate that the basis for such decision has been remedied and is unlikely to recur. The designated OE official shall respond to such request within 30 days and, if he denies the request, shall provide reasons for such denial. An institution or lender whose request has been denied shall be given an opportunity to show cause why such request should not be denied. However, the designated OE official need not consider a request to remove a limitation or termination or grant an opportunity to show cause if such a request is submitted within 6 months of a previous denial. The reinstatement of an institution or lender which has been terminated may be subject to reasonable and appropriate conditions or limitations relating to the grounds for such termination. *Provided, however,* That such institution or lender may request that the procedures set forth in § 177.77(b) (4) and (5) be exhausted before such reinstatement becomes effective. Such institution or lender may, without waiving its rights under the preceding sentence, participate in programs under this part subject to such conditions or limitations pending the outcome of such procedures.

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PART III

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN THE MINNEAPOLIS-ST. PAUL, MINNESOTA AND OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1060, 1061, 1068, 1069, 1076]

[Docket Nos. AO-178-A33 etc.]

MILK IN THE MINNEAPOLIS-ST. PAUL, MINNESOTA AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1060	Minnesota-North Dakota	AO-360-A10.
1061	S.E. Minnesota-Northern Iowa	AO-367-A9.
1068	Minneapolis-St. Paul, Minn	AO-178-A33.
1069	Duluth-Superior	AO-153-A22.
1076	Eastern South Dakota	AO-260-A21.

Notice is hereby given of a public hearing to be held at the Thunderbird Motel, Interstate No. 494 and 24th Avenue, South (2201 78th Street), Minneapolis, Minnesota, beginning at 1 p.m., local time, on November 11, 1974, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the above-listed marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals to combine the above-listed marketing areas under one order raise the issue of whether the provisions set forth in the proposals would tend to effectuate the declared policy of the Act if they are applied to the entire marketing area as proposed, and, if not, what modifications of the provisions would be appropriate.

The issues raised by these proposals include whether the declared policy of the Act would tend to be effectuated by:

(a) Merger of one or more of the above marketing areas, or any combination thereof, including also the redefinition of marketing areas for separate or combined orders which include part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) Adoption of any of the proposed provisions, or appropriate modification thereof, for any separate order or any combination of such orders including a review of the appropriate pricing and pooling provisions of the orders whether separate or in any combination.

The proposed merger of orders also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the respective orders.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

PROPOSED BY MID-AMERICA DAIRYMEN, INC.—PROPOSAL NO. 1

Merge the Minneapolis-St. Paul, Minnesota, Southeastern Minnesota-Northern Iowa, and Minnesota-North Dakota orders into a single order to be known as the "Upper Midwest Marketing Area" in accordance with the following provisions:

GENERAL PROVISIONS

§ 1068.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1068.2 Upper Midwest marketing area.

"Upper Midwest marketing area" (referred to in this part as the "marketing area") means all the territory within the boundaries of the counties listed below, including all territory that is now, or in the future, occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishment if any part of such territory is within the designated geographical limits of the marketing area:

MINNESOTA COUNTIES

Aitkin	Meeker
Anoka	Mille Lacs
Becker	Morrison
Beltrami	Mower
Benton	Nicollet
Big Stone	Norman
Blue Earth	Olmsted
Brown	Otter Tail
Carver	Pennington
Cass	Pine
Chippewa	Polk
Chisago	Pope
Clay	Ramsey
Clearwater	Red Lake
Cottonwood	Redwood
Crow Wing	Renville
Dakota	Rice
Dodge	Roseau
Douglas	Scott
Faribault	Sherburne
Fillmore	Sibley
Freeborn	Stearns
Goodhue	Steele
Grant	Stevens
Hennepin	Swift
Hubbard	Todd
Isanti	Traverse
Kanabec	Wabasha
Kandiyohi	Wadena
Kittson	Waseca
Lac Qui Parle	Washington
Lake of the Woods	Watonwan
Le Sueur	Wilkin
Lyon	Winona
Mahnomen	Wright
Marshall Martin	Yellow Medicine
McLeod	

WISCONSIN COUNTIES

Barron	Pierce
Buffalo	Polk
Burnett	Price
Chippewa	Rusk
Clark	Sawyer
Dunn	St. Croix
Eau Claire	Taylor
Jackson	Trempealeau
Pepin	Washburn

IOWA COUNTIES

Howard	Winnebago
Kossuth	Winneshiek
Mitchell (except city of Osage)	Worth

NORTH DAKOTA COUNTIES

Barnes	Pembina
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Grand Forks	Sargent
Griggs	Steele
La Moure	Traill
Nelson	Walsh

SOUTH DAKOTA COUNTIES

Grant	Roberts
Marshall	

§ 1068.3 Route disposition.

"Route disposition" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any fluid milk product classified as Class I milk to a wholesale or retail stop, including any govermentally operated instituiton, but excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 1068.4 Plant.

"Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products (including filled milk). Under this definition any separate portion of a premises or facilities qualified under § 1068.7(b) used to receive, process, or otherwise handle milk shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products (including filled milk) in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 1068.5 [Reserved]

§ 1068.6 [Reserved]

§ 1068.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant from which there is disposed of during the month not less than the following percentages of the total Grade A fluid milk products received during the month at such plant, including producer milk diverted under § 1068.13(a)(3), but excluding receipts of packaged fluid milk products from other pool distributing plants and receipts from unregulated supply plants and other order plants which are assigned pursuant to § 1068.44(a)(8) (i) and (iii) and the corresponding step of § 1068.44(b):

(1) Fifteen percent of such receipts is disposed of from such plant as route disposition in the marketing area, or in

the form of packaged fluid milk products to other pool distributing plants. Such disposition is to be exclusive of filled milk and packaged fluid milk products received from other pool distributing plants;

(2) Forty percent of such receipts in any of the months of July through December are disposed of from such plant during the month as Class I milk (except filled milk) either inside or outside the marketing area, or 30 percent of such receipts in any of the months of January through June; and

(3) All distributing plants operated by a handler may be considered as one plant for the purpose of meeting the applicable percentage requirements of this paragraph if the handler submits a written request to the market administrator prior to the first day of the month for which such consideration is requested.

(b) A plant other than a pool plant pursuant to paragraph (a) of this section that meets the applicable performance requirements pursuant to paragraph (b)(1), (2) or (3) of this section subject to paragraph (b)(4) of this section:

(1) A plant from which 15 percent or more of the total Grade A milk received at the plant from dairy farmers during the month, including milk delivered to the plant from dairy farms for the account of a cooperative association and milk diverted from the plant, is delivered during the month as fluid milk products, except filled milk, to plants described in paragraph (b)(1)(i), (ii) and (iii) of this section: *Provided*, That if a plant qualifies as a pool plant in the three successive months September, October and November by meeting the 15 percent delivery requirement, the applicable minimum percentage for continuing pool plant status in the following months of December through March shall be 5 percent each month:

(i) A pool plant(s) qualified pursuant to paragraph (a) of this section;

(ii) Any other plant(s) located within the marketing area from which Grade A route disposition is made during the month within the marketing area; or

(iii) A governmentally owned or operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities;

(2) A plant that has been a pool plant each month September through March pursuant to paragraph (b)(1) of this section shall be a pool plant for each of the following months of April through August, unless withdrawn pursuant to paragraph (c) of this section;

(3) Two or more plants operated by a handler may qualify for pooling as a unit beginning in September each year by meeting the applicable percentage requirements of this paragraph in the same manner as a single plant, if the handler submits a written request to the market administrator prior to the first day of September requesting that such plants qualify as a unit for the period September through August of the following year. In such request the handler shall list the plants in the sequence in which the plants shall qualify for pool plant status to the extent that deliveries from such plants or deliveries pursuant to paragraph (b)(4) of this section to plants described in paragraph (b)(1) (i), (ii) and (iii) of this section meet the required percentages: *Provided*, That fluid milk products shipped from a plant that does not qualify as a plant within the unit shall not be counted in the deliveries that qualify the unit for pooling. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant fails subsequently to qualify for pooling or the handler submits a written request to the market administrator prior to the first day of the month that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in subsequent months to a unit that qualifies in September; and

(4) Milk delivered by a handler pursuant to § 1068.9(c) directly from farms of producers to plants described in paragraph (a) of this section may be considered, for the purposes of meeting the percentage requirements of this paragraph (if so requested in writing by the cooperative association), as having been received first at a plant of such cooperative association.

(c) A plant qualified as a pool plant pursuant to paragraph (b)(2) of this section may be withdrawn from pool plant status in any of the months of April through August if the handler files a written request with the market administrator received or postmarked before the first day of the month for which nonpool plant status is requested, and the plant does not qualify by meeting the minimum 15 percent standard for deliveries to specified plants as described in paragraph (b)(1) of this section. Such nonpool plant status shall continue in subsequent months through August except for any month the plant otherwise qualifies as a pool plant.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant withdrawn pursuant to paragraph (c) of this section; or

(3) A plant qualified as a pool plant pursuant to paragraph (a) or (b) of this section if the conditions of paragraph (d)(3) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1068.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition than is disposed of from such plant in the Upper Midwest marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition.

(ii) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 1068.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units or filled milk are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a Grade A fluid milk product or filled milk is shipped during the month to a pool plant.

§ 1068.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) Any cooperative association with respect to milk of its members diverted for its account pursuant to § 1068.13;

(c) Any cooperative association qualifying as a handler pursuant to paragraph (a) of this section shall be, for the purposes of making payments pursuant to § 1068.71, the handler also with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of an other handler(s);

(d) Any person in his capacity as the operator of a partially regulated distributing plant. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities;

(e) A producer-handler;

(f) Any person in his capacity as the operator of an other order plant from which during the month there is route disposition in the marketing area or fluid milk products are shipped to a pool plant; or

(g) Any person in his capacity as the operator of an unregulated supply plant.

§ 1068.10 Producer-handler.

(a) "Producer-handler" means any person who meets all of the following conditions:

(1) Operates a dairy farm and a distribution plant at which Grade A milk

of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(2) Receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of milk (3.5 percent milk equivalent of butterfat) during the month by transfer from pool plants of other handlers;

(3) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products;

(4) Has route disposition consisting only of skim milk and butterfat obtained from his own farm production except that received pursuant to the exception set forth in paragraph (a)(2) of this section; and

(5) The maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, or distribution of such milk are the personal enterprise, and the personal risk, of such person.

(b) Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to this section and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk that affect such qualifications as a producer-handler. Such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which verification is made.

§ 1068.11 [Reserved]

§ 1068.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant as producer milk directly from the farm or diverted pursuant to § 1068.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1068.44(a)(8)(iii) and the corresponding step of § 1068.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1068.13 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk of a producer that is:

(a) Received at a pool plant directly from a producer; or

(b) Diverted by the operator of a pool plant or by a cooperative association handler pursuant to § 1068.9(b) from a pool plant to a nonpool plant other than a producer-handler plant, subject to the following conditions:

(1) Milk of a producer shall not be eligible for diversion under this section unless, during the month, at least one day's production of the producer is delivered to a pool plant;

(2) Diverted milk shall be accounted for as received by the diverting handler and priced at the location of the nonpool plant to which diverted;

(3) A cooperative association handler pursuant to § 1068.9(b) may divert for its account a total quantity of milk not to exceed 25 percent in each month September through November, and 35 percent in any other month, of milk received at pool plants from member producers, milk of producers diverted for the account of the cooperative association pursuant to § 1068.9(b), and the milk of any other producers caused to be delivered for the account of such cooperative association to pool plants;

(4) The operator of a pool plant (other than a cooperative association) may divert for his account a total quantity of milk not to exceed 30 percent in each month September through November, and 40 percent in any other month, of milk received at such pool plant from producers (including milk diverted by the plant operator pursuant to this paragraph (b)(4) of this section), but excluding the milk of any producer that is the member of a cooperative association that is diverting pursuant to paragraph (b)(3) of this section and the milk of any other producer whose milk is caused to be delivered for the account of a cooperative association to the pool plant or is diverted by the cooperative association; and

(5) Any milk diverted in excess of the limits prescribed pursuant to paragraph (b)(3) and (4) of this section shall not be producer milk and, if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler shall be producer milk.

§ 1068.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1068.40(b)(1) from any source other than producers, handlers described in § 1068.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1068.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1068.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1068.40(b)(1)) for which the handler fails to establish a disposition.

§ 1068.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1068.40(b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1068.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1068.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1068.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing

milk or its products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

§ 1068.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1068.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1068.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1068.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1068.31 Payroll reports.

(a) On or before the last day of each month, each handler described in § 1068.9 (a), (b), and (c) shall report to the market administrator his producer payroll for the preceding month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1068.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1068.32 Other reports.

In addition to the reports required pursuant to §§ 1068.30 and 1068.31, the following shall be reported to the market administrator:

(a) Each handler specified in § 1068.9 (g) who operates an unregulated supply plant shall report as required in § 1068.30, except that the receipts of skim milk and butterfat in Grade A milk shall be reported in lieu of those in producer milk.

(b) Each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1068.40 Classes of utilization.

Except as provided in § 1068.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1068.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk) are processed and from which (other than milk products and filled milw) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1068.15; and

(6) In shrinkage assigned pursuant to § 1068.41(a) to the receipts specified in § 1064.41(a)(2) and in shrinkage specified in § 1068.41(b) and (c).

§ 1068.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1068.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant

to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1068.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1068.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1068.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1068.44(a)(12) and the corresponding step of § 1068.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1068.44(a)(7) or the corresponding step of § 1068.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1068.44(a)(11) or (12) or the corresponding steps of § 1068.44(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1068.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1068.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated

thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such noonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transfereeplant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1068.43 General classification rules.

In determining the classification of producer milk pursuant to § 1068.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1068.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1068.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1068.40, 1068.41, and 1068.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1068.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) For classification purposes, pursuant to §§ 1068.40 through 1068.45, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

§ 1068.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1068.9(a) for each of his pool plants separately and of each handler described in § 1068.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1068.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a) (7) (vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1068.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1068.40(b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1068.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a) (5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1068.40(b) (1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal

milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1068.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in fluid milk products and products specified in § 1068.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraphs (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1068.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the hander that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computation pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted,

and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in recipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1068.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1068.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1068.44(a)(12) and the corresponding step of § 1068.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1068.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

CLASS PRICES

§ 1068.50 Class prices.

Subject to the provisions of § 1068.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.18.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1068.52 Plant location adjustments for handlers.

(a) For producer milk received at a pool plant or diverted to a nonpool plant located outside the base zone and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1068.50(a) shall be reduced by an amount indicated below:

	Amount of deduction (cents)
Plant Location (miles from nearer of basing points):	
Base zone	0
35 but less than 45	6

For distances of 45 miles or more, an additional 1.5 cents for each 10 miles or fraction thereof beyond 45 miles.

(b) Transfers of fluid milk products between pool plants shall be assigned Class I disposition at the receiving plant, in excess of the sum of receipts at such plant from producers (including receipts from a handler described in § 1068.9(c)) and the pounds assigned as Class I milk from other order plants and unregulated supply plants. Such assignment is to be made first to shipping plants priced at the same price, next to plants having a higher price, and then in sequence to plants having a lower price beginning with the plant at which the highest price would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

(d) The base zone shall include:

(1) In the State of Iowa, the following counties:

Howard	Winnebago
Kossuth	Winneshiek
Mitchell (except city of Osage)	Worth

and in the State of Minnesota, the following counties:

Blue Earth	Mower
Brown	Nicollet
Cottonwood	Olmsted
Dodge	Redwood
Faribault	Rice
Fillmore	Steele
Freeborn	Wabasha
Goodhue	Waseca
Le Sueur	Watonwan
Lyon	Winona
Martin	

(2) All territory within 35 miles of the following basing points:

(i) The courthouse in Rochester, Minnesota;

(ii) The Minnesota Transfer Viaduct at University Avenue in St. Paul, Minnesota; and

(iii) The courthouse in Fargo, North Dakota.

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1068.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1068.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1068.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1068.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1068.44(a)(14) and the corresponding step of § 1068.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1068.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the

Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1068.44(a)(9) and the corresponding step of § 1068.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(7) (i) through (iv) and the corresponding step of § 1068.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(7) (v) and (vi) and the corresponding step of § 1068.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I Pursuant to § 1068.44(a)(11) and the corresponding step of § 1068.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1068.40 (b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1068.61 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight of milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1068.60 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to § 1068.71 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1068.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting account by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1068.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1068.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 15th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1068.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1068.71, 1068.76, and 1068.77 and out of which he shall make all payments due handlers pursuant to §§ 1068.72 and 1068.77: *Provided,* That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1068.71 Payments to the producer-settlement fund.

(a) On or before the 18th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section: *Provided,* That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association or caused to be delivered to such handler from the farms of producers for the account of such cooperative association shall not relieve the transferee-handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 1068.70 through 1068.75, §§ 1068.77 and 1068.78, and §§ 1068.85 and 1068.86:

(1) The total value of milk of the handler for such month as determined pursuant to § 1068.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1068.75, of such handler's receipts of producer milk; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1068.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each other according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1068.72 Payments from the producer-settlement fund.

On or before the 19th day after the end of each month, the market administrator shall pay, subject to the proviso of § 1068.70, to each handler the amount, if any, by which the amount computed pursuant to § 1068.71(a)(2) exceeds the amount computed pursuant to § 1068.71(a)(1).

§ 1068.73 Payments to producers and to cooperative associations.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) On or before the 11th day after the end of the month in which the skim milk or butterfat was received, to a cooperative association which is a handler, for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association or caused by it to be delivered to such handler from producers' farms, at not less than the class prices, as adjusted by the butterfat differential specified in § 1068.74, that are applicable at the location of the receiving handler's pool plant, less the amount of payment made pursuant to paragraph (c) of this section.

(b) On or before the 21st day after the end of the month during which the milk was received, to each producer for milk not caused to be delivered to such handler by a cooperative association which is a handler, as follows: *Provided,* That such payment shall be made, upon request, to a cooperative association which is not a handler, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant

to this proviso shall be made on or before the 20th day after the end of such month:

(1) At not less than the uniform price computed pursuant to § 1068.61, as adjusted pursuant to §§ 1068.74 and 1068.75, and less the amount of payment made pursuant to paragraph (c) of this section.

(c) Handlers (other than cooperative associations) shall make partial payments to producers and cooperative associations pursuant to paragraph (c) (1) and (2) of this section: *Provided*, That in the event any producer discontinues shipping to such handler during the month, such partial payment shall not be made and full payment for all milk received from such producer during such month shall be made pursuant to paragraphs (a) and (b) of this section.

(1) On or before the 25th day of each month, each handler shall make payment, except as set forth in paragraph (c) (2) of this section, to each producer, at not less than the applicable uniform price computed pursuant to § 1068.61 for the preceding month, for the milk of such producer received by such handler during the first 15 days of the current month;

(2) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, at not less than such uniform price for the preceding month, for all such milk received by such handler during the first 15 days of the current month; and

(3) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is a handler, at not less than the Class I price for the current month pursuant to § 1068.50 for all skim and butterfat received from a pool plant(s) operated by such cooperative association, or caused by such association to be delivered from the producer's farms to such handler, during the first 15 days of the current month.

(4) All payments made pursuant to this paragraph shall be subject to the butterfat differential specified in § 1068.74 and location adjustments specified in § 1068.75 applicable at the location of the plant of the handler making the payment.

(d) In making payment to individual producers as required by this section, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment to the producer is required pursuant to this section;

(4) The rate used in making the payment if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1068.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1068.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1068.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments pursuant to § 1068.73 (b) and (c) for milk received at a pool plant located 35 miles or more from the nearest basing point, each handler shall deduct from the applicable price payable to such producers an amount in accordance with the location of the plant based on the rates set forth in § 1068.52; and

(b) For the purpose of computations pursuant to §§ 1068.71 and 1068.72, the uniform price shall be adjusted at the rates set forth in § 1068.52 applicable at the location of the nonpool plant from which the milk was received, except that the uniform price shall not be less than the Class III price.

§ 1068.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1068.30(b) and 1068.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a) (3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1068.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b) (1) (i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1068.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1068.60 for such handler shall include, in lieu of the value of other source milk specified in § 1068.60(f) less the value of such other source milk specified in § 1068.71(a)(2)(ii), a value of milk determined pursuant to § 1068.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1068.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1068.30 (b) and 1068.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1068.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1068.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1068.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1068.77 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 1068.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payments to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1068.73, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1068.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1068.71, 1068.76, and 1068.77(a), for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased three-fourths of 1 percent for each month and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1068.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1068.44(a) (7) and (11) and the corresponding steps of § 1068.44(b), except such other source milk that is excluded from the computations pursuant to § 1068.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1068.76(a)(2).

§ 1068.86 Deduction for marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1068.73, shall make a deduction of 6 cents per hundredweight, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 18th day after the end of such month. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

PROPOSED BY THE NATIONAL FARMERS ORGANIZATION—PROPOSAL NO. 2

Merge the Minneapolis-St. Paul, Minnesota, Southeastern Minnesota-Northern Iowa, Duluth-Superior, Minnesota-North Dakota, and Eastern South Dakota orders into a single order to be known as the "West North Central marketing area" in accordance with the current terms of Order 1068 as modified by the following provisions:

§ 1068.2 West North Central marketing area.

"West North Central marketing area" (referred to in this part as the "marketing area") means all territory within the boundaries listed below including all territory that is now, or in the future, occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

(a) In the State of Minnesota, all territory except the counties of Lake and Cook.

(b) In the State of Wisconsin, the counties of:

Ashland	Eau Claire
Barron	Pepin
Bayfield	Pierce
Buffalo	Polk
Burnett	Sawyer
Chippewa	St. Croix
Douglas	Trempealeau
Dunn	Washburn.

(c) In the State of North Dakota, the counties of:

Barnes	Pembina
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Grand Forks	Sargent
Griggs	Steele
La Moure	Traill
Nelson	Walsh.

(d) In the State of South Dakota, the counties of:

Aurora	Davison
Beadle	Day
Bon Homme	Deuel
Brookings	Douglas
Brown	Edmunds
Clark	Grant
Clay	Hamlin
Codington	Hanson

Hutchinson	Sanborn
Jerauld	Spink
Kingsbury	Turner
Lake	Union (except Jefferson Township and city of North Sioux City and the unorganized territory adjacent thereto)
Lincoln	Walworth
Marshall	Yankton.
McCook	
McPherson	
Miner	
Minnehaha	
Moody	
Roberts	

(e) In the State of Iowa, the counties of:

Howard	Winnebago
Kossuth	Winneshiek
Lyon	Worth.
Mitchell (except the city of Osage)	

§ 1068.7 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, but not any plant withdrawn pursuant to paragraph (c) of this section, or any plant exempt pursuant to paragraph (d) of this section.

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk (except filled milk) during the month either by the operator of such plant or by another person is route disposition within the marketing area: *Provided*, That the total quantity of Class I milk (except filled milk) disposed of from such plant during the month either inside or outside the marketing area, is equal to 30 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 50 percent or more of such total receipts in any of the months of July through December.

(b) Any plant from which during any month 20 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plants located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of September, October, November and December 20 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant for those individual months within the following period of January through August if 5 percent of such plant's receipts of skim milk and butterfat as described above is delivered as provided in this paragraph during such individual month: *And provided further*, That any deliveries of milk by a cooperative association directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

(c) Upon written request by the handler to the market administrator, received or postmarked on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month. Any such plant withdrawn from automatic pool plant status may not regain such status prior to the next September 1 and then only by meeting the requirements set forth in the first proviso of paragraph (b) of this section in the same manner as a plant qualifying for pool plant status for the first time.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant withdrawn pursuant to paragraph (c) of this section; or

(3) A plant qualified as a pool plant pursuant to paragraph (a) or (b) of this section if the conditions of paragraph (d)(3) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1068.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition than is disposed of from such plant in the West North Central marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition.

(ii) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 1068.13 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk of a producer which is:

(a) Received at a pool plant directly from a producer; or

(b) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) Such milk shall be priced at the location of the nonpool plant to which diverted;

(2) In any month that less than 2 days' production of a producer is delivered to pool plants, the quantity of the milk of the producer diverted during the month that exceeds that delivered to pool plants shall not be producer milk;

(3) Notwithstanding the provisions of paragraph (b)(2) of this section, during any month a cooperative association handler may divert for its account the milk of any producer member who delivers as much as 2 days' production of his milk to pool plants: *Provided*, That the total quantity of such producer milk diverted by such handler in excess of the quantity of milk received from member producers at pool plants during the month shall not be producer milk;

(4) Notwithstanding the provisions of paragraph (b)(2) of this section, during any month the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer, other than a member of a cooperative association, who delivers as much as 2 days' production of milk to pool plants: *Provided*, That the total quantity of producer milk diverted by such handler in excess of the milk received at such plant during the month from producers who are not members of a cooperative association shall not be producer milk; and

(5) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to paragraph (b)(3) and (4) of this section. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

CLASS PRICES

§ 1068.50 Class prices.

Subject to the provisions of § 1068.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.26.

(b) *Class II price*. The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price*. The Class III price shall be the basic formula price for the month.

§ 1068.52 Plant location adjustments for handlers.

(a) The following zones are defined for the purpose of determining location adjustments:

ZONE 1

MINNESOTA COUNTIES

Anoka	Mille Lacs
Benton	Pine
Carlton County and city of Duluth	Ramsey
Carver	Renville
Chisago	Scott
Dakota	Sherburne
Hennepin	Sibley
Isanti	Stearns
Kanabec	Washington
Kandiyohi	Wright
McLeod	Martin
Blue Earth	Houston
Brown	Mower
Cottonwood	Nicollet
Dodge	Olmsted
Faribault	Redwood
Fillmore	Rice
Freeborn	Steele
Goodhue	Wabasha
Le Sueur	Waseca
Meeker	Watonwan
	Winona

IOWA COUNTIES

Howard	Winnebago
Kossuth	Winneshiek
Mitchell (except city of Osage)	Worth

WISCONSIN COUNTIES

Pierce	Bayfield
St. Croix	Washburn
Chippewa	Burnett
Eau Claire	Polk
Pepin	Barron
Sawyer	Dunn
Douglas	Buffalo
Ashland	Trempealeau.

ZONE 2

MINNESOTA COUNTIES

St. Louis	Aitkin
Koochiching	Crow Wing
Itasca	Morrison
Cass	Todd

ZONE 3

MINNESOTA COUNTIES

Pope	Lincoln
Swift	Murray
Chippewa	Pipestone
Lac qui Parle	Nobles
Yellow Medicine	Jackson
Lyon	

SOUTH DAKOTA COUNTIES

Deuel	Brookings

ZONE 4

MINNESOTA COUNTIES

Becker	Marshall
Beltrami	Norman
Big Stone	Otter Tail
Clay	Pennington
Clearwater	Polk
Douglas	Red Lake
Grant	Roseau
Hubbard	Stevens
Kittson	Traverse
Lake of the Woods	Wadena
Mahnomen	Wilkin

NORTH DAKOTA COUNTIES

Barnes	Pembina
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Grand Forks	Sargent
Griggs	Steele
La Moure	Traill
Nelson	Walsh

SOUTH DAKOTA COUNTIES

Marshall	Grant
Roberts	

ZONE 5

SOUTH DAKOTA COUNTIES

Aurora	Jerauld
Beadle	Kingsbury
Bon Homme	Lake
Brown	Lincoln
Clark	McCook
Clay	McPherson
Codington	Miner
Davison	Minnehaha
Day	Moody
Douglas	Sanborn
Edmunds	Spink
Hamlin	Turner
Hanson	Walworth
Hutchinson	Yankton

Union County (except Jefferson Township and the city of North Sioux City and the unorganized territory adjacent thereto)

MINNESOTA COUNTIES

Rock

IOWA COUNTIES

Lyon

(b) For milk received from producers at a pool plant located in Zone 2, 3, 4, or 5, and classified as Class I milk, the price specified in § 1068.50(a) shall be adjusted by the following amount:

(1) Zone 2—plus 2 cents.

(2) Zone 3—plus 12 cents.

(3) Zone 4—plus 4 cents.

(4) Zone 5—plus 24 cents.

(c) For producer milk received at a pool plant (or diverted to a nonpool plant) located outside the marketing area and disposed of as Class I milk or assigned location adjustment credit pursuant to this section, the Class I price shall be the price at the nearest pricing zone pursuant to paragraphs (a) and (b) of this section, subject to a reduction of 2.0 cents for each 10 road miles distance or fraction thereof such plant is from the nearest point in the perimeter of the marketing area: *Provided*, That for plants located outside the marketing area and within the State of Wisconsin such adjusted Class I price shall not exceed the Class I price effective at the respective location under the provisions of Order 30 (Chicago Regional) less 10 cents. For the purpose of calculating such adjustments, all distances shall be shortest hard-surfaced highways and/or all-weather roads, as determined by the market administrator.

(d) The Class I price applicable to other source milk shall be adjusted as set forth in paragraph (c) of this section, but shall not be less than the Class III price.

§ 1068.61 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight of milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1068.60 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to § 1068.71 for the preceding month;

(b) Subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1068.75;

(c) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1068.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1068.60(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1068.75 Plant location adjustments for producers and on nonpool milk.

The uniform price for producer milk received at a pool plant or delivered to a nonpool plant shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1068.52.

PROPOSED BY LAND O'LAKES, INC.—PROPOSAL NO. 3

Merge the Minneapolis-St. Paul, Minnesota, Southeastern Minnesota-Northern Iowa, Duluth-Superior, and Minnesota-North Dakota orders into a single order to be known as the "Upper Midwest marketing area" in accordance with the current terms of Order 1068 as modified by the following provisions:

§ 1068.2 Upper Midwest marketing area.

"Upper Midwest marketing area" (referred to in this part as the "marketing area") means all the territory within the boundaries listed below, including all territory that is now, or in the future, occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishment if any part of such territory is within the designated geographical limits of the marketing area:

(a) In the State of Iowa, the counties of:

Howard	Winnebago
Kossuth	Winneshiek
Mitchell (except city of Osage)	Worth

(b) In the State of Minnesota, all territory except the counties of Cook, Lake, and Rock.

(c) In the State of North Dakota, the counties of:

Barnes	Pembina
Cass	Ramsey
Cavalier	Ramson
Dickey	Richland
Grand Forks	Sargent
Griggs	Steele
La Moure	Traill
Nelson	Walsh

(d) In the State of South Dakota, the counties of:

Grant	Roberts
Marshall	

(e) In the State of Wisconsin, the counties of:

Barron	Polk
Buffalo	Price
Burnett	Rusk
Clark	St. Croix
Dunn	Sawyer
Eau Claire	Taylor
Jackson	Trempealeau
Pepin	Washburn
Pierce	

§ 1068.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means a plant specified in paragraph (a), (b), or (c) of this section. For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1068.13(b) by the operator of a pool plant:

(a) A plant in which milk is processed or packaged and from which there is:

(1) Route disposition in the marketing area equal to 15 percent or more of such plant's total disposition of Class I milk

(except filled milk) during the month; and

(2) Total route disposition equal to 30 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area; or

(3) Qualified as a pool plant in each of the immediately preceding three months on the basis of the performance standards described in paragraph (a) (1) and (2) of this section.

(b) A plant other than a pool plant pursuant to paragraph (a) of this section that meets the applicable performance requirements pursuant to paragraph (b) (1) or (2) of this section subject to paragraph (b) (3) of this section:

(1) A plant from which 25 percent or more of the total Grade A milk received at the plant from dairy farmers during the month, including milk delivered to the plant from dairy farmers for the account of a cooperative association, and milk diverted from the plant, is delivered during the month as fluid milk products, except filled milk, to plants described in paragraph (b) (1) (i) and (ii) of this section: *Provided,* That if a plant qualifies as a pool plant in the three successive months September, October and November by meeting the 25 percent delivery requirements, the applicable minimum percentage for continuing pool plant status in the following months of December through March shall be 10 percent each month: *And provided further,* That if a plant qualifies as a pool plant in the seven successive months of September through March, the applicable minimum percentage for continuing pool plant status in the following months of April through August shall be five percent each month:

(i) A pool plant(s) qualified pursuant to paragraph (a) of this section; and

(ii) A governmentally owned or operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

(2) Two or more plants operated by a handler or one or more cooperatives may qualify for pooling as a unit beginning in September each year by meeting the applicable percentage requirements of paragraph (b) in the same manner as a single plant, if the handler or cooperative(s) submit(s) a written request to the market administrator prior to the first day of September requesting that such plants qualify as a unit for the period September through August of the following year. In such request the handler or cooperative(s) shall list the plants in the sequence in which the plants shall qualify for pool plant status to the extent that deliveries from such plants or deliveries pursuant to paragraph ((b) (3) of this section to plants described in paragraph (b) (1) (i) and (ii) of this section meet the required percentages: *Provided,* That fluid milk products shipped from a plant that does not qualify as a plant within the unit shall not be counted in the deliveries that qualify the unit for pooling. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant fails subsequently to qualify for pooling or the handler submits a written request to the market administrator prior to the first day of the month that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in subsequent months to a unit that qualifies in September.

(3) Milk delivered by a handler pursuant to § 1068.9(c) directly from farms of producers to plants described in paragraph (a) of this section may be considered, for purposes of meeting the percentage requirements of this paragraph (if so requested in writing by the cooperative association), as having been received first at a plant of such cooperative association.

(c) Any plant which the market administrator determines was prevented from qualifying as a pool plant under paragraph (a) or (b) of this section by a strike, fire, riot, insurrection, breakdown of trucking equipment, hazardous road conditions, natural calamity or other misfortune and for which the operator provides evidence satisfactory to the market administrator that the misfortune was beyond his control, and that the plant would have have qualified in the absence of such misfortune.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified as a pool plant pursuant to paragraph (a) or (b) of this section if the conditions of paragraph (d) (2) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1068.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act, either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition, than is disposed of from such plant in the Upper Midwest marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition.

(ii) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from the provisions of this part.

§ 1068.10 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a), (b) and (c) of this section:

(a) Receipts of fluid milk products at his plant are solely milk of his own production, fluid milk products from pool plants of other handlers, and packaged fluid milk products from other order plants, and receipts of nonfluid milk products are used only to fortify fluid milk products;

(b) Route disposition in the marketing area does not exceed an average of 7,000 pounds per day during the month; and

(c) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1068.50 Class prices.

Subject to provisions of § 1068.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) Class I price. The Class I price shall be the basic formula price for the second preceding month plus $1.25.

(b) Class II price. The Class II price shall be the basic formula price for the month plus 10 cents.

(c) Class III price. The Class III price shall be the basic formula price for the month.

§ 1068.52 Plant location adjustments for handlers.

(a) For producer milk received at a pool plant or diverted to a nonpool plant located outside the base zone and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1068.50(a) shall be adjusted 1.5 cents for each 10 road miles or fraction thereof that such plant is located from the nearer of the following basing points:

(1) The courthouse in Rochester, Minnesota;

(2) The Minnesota Transfer Viaduct at University Avenue in St. Paul, Minnesota; and

(3) The courthouse in Fargo, North Dakota.

(b) For the purposes of calculating such adjustments:

(1) All distances shall be by shortest hard-surfaced highways and/or all-weather-roads, as determined by the market administrator;

(2) The adjustment pursuant to this section shall be added to the Class I price if the plant is located in North or South Dakota and shall be subtracted from such price if the plant is located elsewhere; and

(3) Transfers of fluid milk products between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 100 percent of the Class I disposition plus packaged Class II disposition at the transferee plant exceeds the sum of receipts at such plant from producers (including receipts from a handler described in § 1068.9(c)) and the pounds assigned as Class I milk to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to shipping plants

priced at the same price, next to plants having a higher price, and then in sequence to plants having a lower price, beginning with the plant at which the highest price would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

(d) The base zone shall include:

(1) In the State of Iowa, the following counties:

Howard	Winnebago
Kossuth	Winneshiek
Mitchell (except city of Osage)	Worth

(2) In the State of Minnesota, the following counties:

Blue Earth	Nicollet
Brown	Norman
Clay	Olmsted
Cottonwood	Pennington
Dodge	Polk
Faribault	Red Lake
Fillmore	Redwood
Freeborn	Rice
Goodhue	Steele
Le Sueur	Wabasha
Lyon	Waseca
Marshall	Watonwan
Martin	Winona
Mower	

(3) In the State of North Dakota, the following counties:

Cass	Traill
Grand Forks	

(4) All territory within 35 miles of the basing points listed in paragraph (a) of this section.

§ 1068.61 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Estimate the net pool obligation of all handlers subject to this part, adjusted to a 3.5 percent butterfat basis;

(b) Add an estimate of the total value of producer location adjustments;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following:

(1) An estimate of the total hundredweight of producer milk; and

(2) An estimate of the total hundredweight of other source milk for which a value is computed pursuant to § 1068.70 (d); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1068.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly the uniform price and the butterfat differential for the month on or before the fifth day after the end of the month.

§ 1068.71 Payments to the producer-settlement fund.

(a) On or before the 20th day of each month, each handler (other than a cooperative association) shall make partial payment to the market administrator for milk received from producers and skim milk and butterfat received from cooperatives during the first 15 days of the current month as follows:

(1) At not less than the applicable uniform price for the preceding month for milk received from producers for whose milk a cooperative association is not the handler, less proper deductions and charges authorized in writing by such producers from whom he received milk; and

(2) At not less than the applicable Class I price for the current month for all skim milk and butterfat received from a pool plant(s) operated by a cooperative association or caused by a cooperative association acting as a handler described in § 1068.9(c) to be delivered from producers' farms to such receiving handler.

(b) On or before the 11th day after the end of the month, each handler (other than a cooperative association) shall pay to the market administrator for milk received from producers and skim milk and butterfat received from cooperatives during the month an amount computed as follows:

(1) The total value of producer milk of the handler for the month as determined pursuant to § 1068.60;

(2) Less proper deductions and charges authorized in writing by producers from whom milk is received, except that the total deductions and charges made under this section for each month for each producer shall not be greater than the total value of the milk received from such producer during the month;

(3) Plus the value of skim milk and butterfat received from a pool plant(s) operated by a cooperative association at 18 cents per hundredweight more than the class prices that are applicable at the location of the receiving handler's plant;

(4) Plus the value of skim milk and butterfat caused by a cooperative association acting as a handler described in § 1068.9(c) to be delivered from producers' farms to such receiving handler at ten cents more than the class prices that are applicable at the location of the receiving handler's plant;

(5) Plus the value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1068.60(f); and

(6) Less payments made pursuant to paragraph (a) of this section for such month.

(c) On or before the 14th day after the end of the month, each cooperative association that is a handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (c)(1) of this section exceeds the amount specified in paragraph (c)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1068.60;

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1068.75, of such handler's receipts of producer milk; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1068.60(f).

(d) On or before the 25th day after the end of the month, each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (d)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1068.72 Payments from the producer-settlement fund.

(a) On or before the 23rd day of each month, the market administrator shall make payment, subject to paragraphs (i) and (j) of this section, at not less than the Class I price for the current month to each cooperative association which is a handler for all skim milk and butterfat delivered during the first 15 days of the current month from a pool plant(s) operated by such cooperative association to a pool plant of another handler, or caused by such cooperative association acting as a handler described in § 1068.9(c) to be delivered during the first 15 days of the current month from producers' farms to the pool plant of another handler.

(b) On or before the 23rd day of each month, the market administrator shall make payment, subject to paragraphs (i) and (j) of this section, at not less than the uniform price for the preceding month, less proper deductions and charges made by the handler receiving the milk, to each cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, for all such milk received by handlers (other than a cooperative association) during the first 15 days of the current month.

(c) On or before the 24th day of each month, the market administrator shall

make payment, subject to paragraphs (i) and (j) of this section, at not less than the uniform price for the preceding month, less proper deductions and charges made by the handler receiving the milk, to each producer for whose milk a cooperative association is not the handler and is not authorized in writing by him to collect payment, for milk received by handlers (other than a cooperative association) during the first 15 days of the current month from such producer.

(d) On or before the 14th day after the end of the month, the market administrator shall pay to each cooperative association which is a handler an amount computed as follows:

(1) The value of skim milk and butterfat delivered during the month from a pool plant(s) operated by such cooperative association to a pool plant of another handler at 18 cents per hundredweight more than the class prices that are applicable at the location of the receiving handler's plant;

(2) Plus the value of skim milk and butterfat caused by such cooperative association acting as a handler described in § 1068.9(c) to be delivered from producers' farms to a pool plant of another handler at 10 cents per hundredweight more than the class prices that are applicable at the location of the receiving handler's plant;

(3) Less the amount of payment made to such cooperative association pursuant to paragraph (a) of this section;

(4) Plus the amount, if any, by which the amount specified in paragraph (d)(4)(ii) of this section exceeds the amount specified in paragraph (d)(4)(i) if this section:

(i) The total value of milk of such cooperative handler for such month as determined pursuant to § 1068.60;

(ii) The sum of:

(a) The value at the uniform price, as adjusted pursuant to § 1068.75, of such cooperative handler's receipts of producer milk; and

(b) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to 1068.60(f).

(e) On or before the 14th day after the end of the month, the market administrator shall make payment, subject to paragraphs (i) and (j) of this section, at the uniform price for the month, less the amount of payment made pursuant to paragraph (b) of this section and less proper deductions and charges made by the handler receiving the milk, to each cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, for all such milk received by handlers (other than a cooperative association) during the month from such producers.

(f) On or before the 16th day after the end of the month, the market administrator shall make payment, subject to paragraphs (i) and (j) of this section, to each producer, for whose milk a cooperative association is not the handler and is not authorized in writing by him to collect payment, at the uniform price for milk received during the month from such producer by handlers, less:

(1) Payments made pursuant to paragraph (c) of this section; and

(2) Authorized deductions and charges made by handlers with respect to such milk.

(g) All payments made pursuant to this section shall be subject to the butterfat differential specified in § 1068.74.

(h) All payments made pursuant to paragraphs (b), (c), (e), and (f) of this section shall be subject to the location adjustment specified in § 1068.75 applicable at the location of the plant at which the milk was received.

(i) Payments by the market administrator to producers and cooperatives for milk received by a handler included in § 1068.61(a) who does not make full payment pursuant to § 1068.71 shall be reduced uniformally per hundredweight by the amount due from such handler. The market administrator shall complete the payments to such producers and cooperatives on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

(j) Payments by the market administrator to producers and cooperatives for milk received by a handler not included in § 1068.61(a) shall be the lesser of the amount due such producers and cooperatives computed pursuant to paragraphs (d), (e) and (f) of this section or the amount of payment received from such handler pursuant to § 1068.71.

§ 1068.73 [Removed]

§ 1068.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.105 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1068.85 Assessment for order administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1068.9(c) and a cooperative association as the operator of the pool plant with respect to milk transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1068.9(c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1068.44 (a) (7) and (11) and the corresponding step of § 1068.44(b), except such other source milk that is excluded from the computations pursuant to § 1068.60 (d) and (f); and

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area that exceeds the skim milk and butterfat subtracted pursuant to § 1068.76(a)(2).

PROPOSED BY TWIN PORTS DAIRY COOPERATIVE—PROPOSAL NO. 4

Expand the marketing area of the Duluth-Superior order adding the Minnesota counties of Aitkin, Cook, Itasca, Koochiching, Lake, and St. Louis; and the Wisconsin counties of Burnett, Sawyer, and Washburn.

PROPOSED BY LAKESIDE DAIRY COMPANY, CULHANE DAIRY AND DE VRIES DAIRY—PROPOSAL NO. 5

Establish the Class I differential for Order 1076 to be identical with the Class I differential ultimately established for Orders 1068 and 1061 or the combination resulting from any merger of those orders.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE—PROPOSAL NO. 6

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from Market Administrator, Paul L. Buchanan, 4550 West 77th Street, Room 360, Minneapolis, Minnesota 55435, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may there be inspected.

Signed at Washington, D.C., on October 11, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-24137 Filed 10-16-74;8:45 am]

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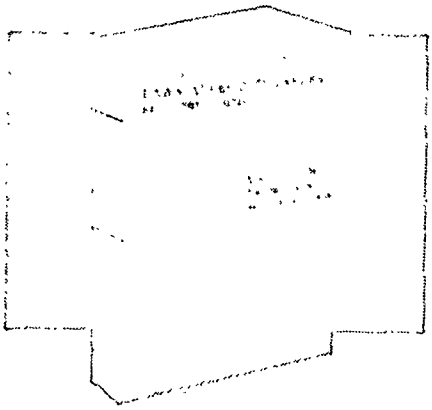
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