federal register

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Pages 43195–43274

HIGHLIGHTS OF THIS ISSUE

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

RAILROAD SAFETY—DOT/FRA issues accident/incident classification and reporting requirements; effective 1–1–75 43222

VETERANS EDUCATION—VA clarifies certain provisions and liberalizes filing requirements; effective 12–5–74 43219

BANKS AND BANKING—FHLBB authorizes members to issue 7.75 percent 6-year certificate accounts; effective 12–23–74 43195

NEW ANIMAL DRUGS—HEW/FDA approves safe and effective use of phenylbutazone injection for treatment of horses; effective 12–11–74 43217

FOREIGN ENERGY PRODUCTS—FEA adopts rule regarding import license fees for crude oil and natural gas; effective 9–27–74 43218

FINANCIAL STATEMENTS—SEC adopts disclosure requirements for interest capitalization 43197

ALIEN LABORERS—Justice/INS proposes increased importation bond liability; comments by 1–10–75 43228

NATURAL GAS—FPC sets national rates for sales and assignments to interstate commerce on or after 1–1–73 43199

MEETINGS—

National Endowment for the Humanities:
Education Panel, 1–7 and 1–8–75 43249
Fellowships Panel, 12–20 and 12–21–74 43249
Interior/BLM: Shoshone District Advisory Board, 12–19–74 43234
Alaskan Natural Gas Transportation Systems, 1–6 through 1–10–75 43232
HEW/FDA: Implants of the Panel on Review of Cardiovascular Devices, 2–3–75 43240
Commission of Fine Arts, 12–19–74 43245
DOD: Advisory Group on Electron Devices, 1–23 and 1–24–75 43232
USDA/ERS: National Cotton Marketing Study Committee, 1–6–75 43237
Labor/OSHA: Standards Advisory Committee on Marine Terminal Facilities, 1–14 through 1–16–75 43251
National Foundation on the Arts and the Humanities: Museum Advisory Panel, 1–6 and 1–7–75 43249

CORRECTED MEETING—

DOD: Advisory Group on Electron Devices, 1–8–75 43232

December 11, 1974—Pages 43195–43274

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contents

list of cfr parts affected

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

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

5 CFR
213 43195

7 CFR
PROPOSED RULES:
971 43229

8 CFR
PROPOSED RULES:
103 43228

10 CFR
2 43195

12 CFR
526 43195

14 CFR
39 (3 documents) 43196, 43197
71 43197
PROPOSED RULES:
71 43230

17 CFR
210 43197

18 CFR
2 43199
154 43199

21 CFR
121 43217
135b 43217
440 43218
1312 43218
PROPOSED RULES:
1308 43228

25 CFR
PROPOSED RULES:
221 43228

32A CFR
OI 1 43218

38 CFR
21 43219

43 CFR
PUBLIC LAND ORDERS:
5452 43222
PROPOSED RULES:
3500 43229
3520 43229

47 CFR
PROPOSED RULES:
31 43230
89 43230

49 CFR
225 43222

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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

3 CFR

PROCLAMATIONS:

4337 42335
4338 42671

5 CFR

213 ..... 41719, 41823, 41824, 42337, 43055, 43195

7 CFR

102 41824
106 41824
301 41719
401 41719
402 41726
403 41726
404 41726
406 41726
408 41726
409 41726
410 41727
413 41726
711 41727
722 42673
725 41825
873 41826
950 42899
907 42337
910 ..... 41727, 42673
912 42673
967 41829
1060 42673
1065 41728
1408 41732
1464 41830
1823 ..... 41829, 41830
1873 ..... 41735, 41831

PROPOSED RULES:

26 42226
928 41728
959 43090
971 43229
1046 41986
1063 41987
1098 41987
1121 43000
1126 43000
1127 43000
1129 43000
1130 43000
1231 42696

8 CFR

103 43055
108 41832
242 43055
245 41832
299 41832

PROPOSED RULES:

103 43228

9 CFR

73 41963
78 41963
317 42338
381 ..... 42338, 42900

9 CFR—Continued

PROPOSED RULES:

92 42375

10 CFR

2 43195
211 42246
212 ..... 42246, 42368

12 CFR

1 41832
23 41735
204 ..... 41964, 43056
213 41964
217 43056
329 42339
526 ..... 42694, 43195
544 42340
545 ..... 42340, 42694
563 42695

PROPOSED RULES:

545 42382
561 42382
563 42382

14 CFR

21 41964
39 ..... 41738, 41740, 41965, 42341, 42674, 42678, 43196, 43197
71 ..... 41838, 41966, 42341, 42342, 42900, 42901, 43056, 43197
95 42342
97 ..... 41740, 42901
103 42677
121 42677
123 42677
135 42677
202 41966
244 41966
288 42344

PROPOSED RULES:

39 43090
71 ..... 41751, 41855, 41994, 42376, 42696, 42697, 42920, 43091, 43230
207 ..... 41751, 41752, 41856
208 ..... 41751, 41752, 41856
212 ..... 41751, 41752, 41856
214 ..... 41751, 41752, 41856
217 ..... 41751, 41752, 41856
241 ..... 41751, 41752, 41856
249 ..... 41751, 41752, 41856
372a 41751, 41856, 41995
378 ..... 41751, 41856
378a 41751, 41856
389 ..... 41751, 41856

15 CFR

50 41741
377 41966
923 42696

16 CFR

13 ..... 41838, 41967–41973, 42345, 42347, 42902
1500 42902

17 CFR

200 41705
210 43197
250 42678

PROPOSED RULES:

210 41856
240 41856

18 CFR

2 ..... 41706, 42350, 43199
32 42903
154 43199
803 41973

PROPOSED RULES:

2 43093
154 43093
157 43093

20 CFR

410 41976

21 CFR

2 41706
18 42351
121 ..... 43057, 43217
135 41840
135b 43217
135e 41840
440 43218
1312 43218

PROPOSED RULES:

1 42375
122 42738
1308 ..... 42918, 43228

23 CFR

420 42354
771 41805
790 41814
795 41819

24 CFR

275 ..... 41840, 41841
1914 ..... 41708, 42911–42915, 43079
1915 ..... 42679–42681, 43080

PROPOSED RULES:

1275 43180
1278 42754

25 CFR

112 41707

PROPOSED RULES:

221 43228

26 CFR

PROPOSED RULES:

601 43087

28 CFR

0 41977

29 CFR

522 41841
673 42354
1910 ..... 41841, 41848

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*
41705–41821	Dec. 2
41823–41962	3
41963–42334	4
42335–42669	5
42671–42898	6
42899–43054	9
43055–43194	10
43195–43274	11

reminders

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

Rules Going Into Effect Today

TREASURY DEPARTMENT/CUSTOMS SERVICE—Vessels in foreign and domestic trades; documents filed upon the entry and clearance of vessels. 39718; 11–11–74

HEW/OE—Community Action Program grantee personnel management; training requirements for special impact program grantees..... 39722; 11–11–74

Next Week's Public Hearings

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—
Higher education; strengthening developing institutions; to be held in Washington, D.C. on 12–19–74. 40506; 11–18–74

Food and Drug Administration
Safety of iodine and iodine salts; to be held in Bethesda, Md. on 12–16–74..... 40966; 11–22–74

INTERIOR DEPARTMENT

Reclamation Bureau—
Granite Reef Aqueduct Transmission System; environmental statement; to be held in Lake Havasu City, Arizona on 12–19–74..... 40518; 11–18–74

Next Week's Meetings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Raisin Advisory Board; to be held in Fresno, Cal. (open) 12–19–74. 41755; 12–2–74

ATOMIC ENERGY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on River Bend Station, Units 1 and 2; to be held in Washington, D.C. (open with restrictions) 12–17–74.... 41759; 12–2–74

LABOR DEPARTMENT

Federal Contract Compliance Office—
City of Detroit Board of Education; to be held at Detroit, Mich. (open with restrictions) 12–17–74..... 38946; 11–4–74

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Papayas grown in Hawaii; limitations of handling; comments by 12–17–74..... 41748; 12–2–74

Rural Electrification Administration—
Rural Electric and Telephone Division; environmental protection; comments by 12–18–74..... 40505; 11–18–74

CIVIL AERONAUTICS BOARD

One-stop-inclusive tour charters; comments by 12–20–74..... 41751; 12–2–74

ENVIRONMENTAL PROTECTION AGENCY

Heavy-duty gasoline-powered vehicle retrofit regulation; comments by 12–16–74..... 40306; 11–15–74

Navigable waters of State of Arizona; water quality standards; comments by 12–16–74..... 36866; 10–15–74

New Jersey organic material regulation; comments by 12–16–74..... 40308; 11–15–74

Noise emission standards for medium and heavy trucks; comments by 12–16–74..... 38338; 10–30–74

Pennsylvania implementation plan; comments by 12–16–74..... 40310; 11–15–74

Pollutant Discharge Elimination System; processing of permits; comments by 12–17–74..... 37215; 10–18–74

FEDERAL COMMUNICATIONS COMMISSION

Domestic public land mobile radio service; power limitations of transmitters; comments by 12–20–74..... 40590; 11–19–74

FEDERAL TRADE COMMISSION

Undelivered mail order merchandise and services; guide and trade practice rules; comments by 12–18–74. 40515; 11–18–74

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—
Higher education; strengthening developing institutions; comments by 12–19–74..... 40506; 11–18–74

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Insurance Administration—
Administrative procedure for correcting technical mapping deficiencies; National Flood Insurance Program; comments by 12–16–74.... 40513; 11–18–74

INTERIOR DEPARTMENT

Fish and Wildlife Service—
Permanent marking for identification; migratory bird permits; comments by 12–17–74.... 37199; 10–18–74

Office of the Secretary—
Contract Appeals board; optional accelerated procedures; discovery—depositions; interrogatories; comments by 12–20–74..... 40781; 11–20–74

SECURITIES AND EXCHANGE COMMISSION

Research and development costs; comments by 12–20–74..... 41856; 12–3–74

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—
Airworthiness standard for Lockheed Aircraft Service Co. digital flight data recorder; comments by 12–20–74..... 40305; 11–15–74

Temporary restricted areas near Camp Lejeune, N.C., in connection with military training exercise AGATE PUNCH; comments by 12–20–74. 40784; 11–20–74

National Highway Traffic Safety Administration—
Highway safety program standards; bicyclist safety; comments by 12–16–74..... 36864; 10–15–74

TREASURY DEPARTMENT

Customs Service—
Air commerce; entry and clearance of aircraft in the Virgin Islands; comments by 12–20–74..... 40772; 11–20–74

Internal Revenue Service—
Individual income taxes from the United States and Guam; coordination; comments by 12–20–74. 40773; 11–20–74

Weekly List of Public Laws

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

H.R. 12628..... Pub. Law 93–508
Vietnam Era Veterans' Readjustment Assistance Act of 1974
(Passed over Presidential veto, Dec. 3, 1974; 88 Stat. 1578)

H.R. 16757..... Pub. Law 93–511
Emergency Petroleum Allocation Act of 1973, extension until Aug. 31, 1975
(Dec. 5, 1974; 88 Stat. 1608)

H.R. 17434..... Pub. Law 93–509
National Wildlife Refuge System Administration Act Amendments of 1974
(Dec. 3, 1974; 88 Stat. 1603)

S. 1064..... Pub. Law 93–512
Judicial disqualification, broadening and clarification of grounds for
(Dec. 5, 1974; 88 Stat. 1609)

S. 1227..... Pub. Law 93–507
Limitations in proceedings carriers
(Nov. 30, 1974; 88 Stat. 1577)

S. 1479..... Pub. Law 93–506
Notice of filing of common carrier applications
(Nov. 30, 1974; 88 Stat. 1577)

S. 2299..... Pub. Law 93–510
Joint Funding Simplification Act of 1974
(Dec. 5, 1974; 88 Stat. 1604)

S. 2457..... Pub. Law 93–505
Communications Act of 1934, amendment
(Nov. 30, 1974; 88 Stat. 1576)

The following bill was vetoed by the President:

H.R. 6191, to amend the Tariff Schedules of the United States to provide that certain forms of zinc be admitted free of duty; Weekly Compilation of Presidential Documents, Vol. 10, No. 48

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3106 is amended to show the change in the title and organizational location from Strategic Arms Assessment Analyst, Office of the Deputy Director of Defense Research and Engineering (Strategic and Space Systems), to Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

Effective on December 11, 1974, § 213.3106(a)(6) is amended as set out below.

§ 213.3106 **Department of Defense.**

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

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

* * * * *

(5 U.S.C. 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.74–28847 Filed 12–10–74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 2—RULE OF PRACTICE

Denial of Application Procedure

Under the Commission's regulations in 10 CFR 2.108 the Director of Regulation may deny an application if the applicant fails to respond to a request by the regulatory staff for additional information. Notice of such a denial is required to be published in the FEDERAL REGISTER when a notice of receipt of the application has previously been published. The notice must provide that within thirty days, the applicant may demand a hearing and any person whose interest may be affected may file a petition for leave to intervene. Where the notice of hearing has not yet been published, the procedure set forth in the present § 2.108 appears satisfactory. However, in instances where a notice of hearing has already been published, there does not appear to be any need for a separate notice in the FEDERAL REGISTER as provided by § 2.108(b). A more appropriate procedure under these circumstances would be for the presiding officer to determine whether an application should be denied for failure to respond to a request for information upon a motion made by the regulatory staff to deny the application on this ground. Accordingly, the Commission is amending § 2.108 to provide for such a procedure.

Since the amendments which follow relate to rules of agency procedure and practice, notice of proposed rulemaking and public procedure thereon are not required by section 553 of Title 5 of the United States Code. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10 of the Code of Federal Regulations, Part 2, are published as a document subject to codification.

In 10 CFR Part 2, paragraph (b) of § 2.108 is revised and a new paragraph (c) is added to read as follows:

§ 2.108 **Denial of application for failure to supply information.**

* * * * *

(b) The Director of Regulation will cause to be published in the FEDERAL REGISTER a notice of denial when notice of receipt of the application has previously been published, but no notice of hearing has yet been published. The notice of denial will provide that, within thirty (30) days after the date of publication in the FEDERAL REGISTER (1) the applicant may demand a hearing, and (2) any person whose interest may be affected by the proceeding may file a petition for leave to intervene.

(c) When both a notice of receipt of the application and a notice of hearing have been published, the presiding officer, upon a motion made by the Regulatory Staff pursuant to § 2.730, will rule whether an application should be denied by the Director of Regulation pursuant to paragraph (a).

Exective date. The foregoing amendments become effective on January 10, 1975.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Md., this 4th day of December 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–28794 Filed 12–10–74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74–1271]

PART 526—LIMITATIONS ON RATE OF RETURN

Certificate Accounts of Less Than $100,000

DECEMBER 6, 1974.

The Federal Home Loan Bank Board considers it advisable to amend § 526.5 of the Regulations for the Federal Home Loan Bank System (12 CFR 526.5) in order to authorize institutions which are members of the Federal Home Loan Bank System to issue certificate accounts of $1,000 or more having a fixed or minimum term or qualifying period of not less than six years and paying an annual rate of return not in excess of 7.75 percent.

Accordingly, the Federal Home Loan Bank Board hereby amends § 526.5 of the regulations for the Federal Home Loan Bank System by adding a new paragraph (a)(5) thereto to read as set forth below, effective December 23, 1974.

Since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

§ 526.5 **Maximum rates of return payable on certificate accounts of less than $100,000.**

(a) *Maximum rates.* Except as otherwise provided in this section or in § 526.5–1:

* * * * *

(5) *Maximum rate of 7.75 percent.* A member institution may pay a return at a rate not in excess of 7.75 percent per annum on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 6 years.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Pub. L. 91–151, sec. 2(b), 83 Stat. 371, sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425b, 1437). Reorg.

Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GREENVILLE L. MILLARD, Jr.
Assistant Secretary.

[FR Doc.74–28888 Filed 12–10–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–GL–20, Amdt. 39–2040]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Model 501–D13 Series Engines

There has been a recent failure of a second stage turbine wheel in a Detroit Diesel Allison Model 501–D13D engine which resulted in penetration of the engine case and damage to surrounding structure. Investigation has shown that low cycle fatigue failure can originate in the hub spline area before reaching the specified life limit of 11,000 hours, on those wheels which have not been spun at 17,300 rpm for 5 minutes prior to installation in an engine. Since the condition described herein may exist or develop in other engines of the same type design, an Airworthiness Directive is being issued requiring inspection of all second stage turbine wheels which exceed 9000 cycles in service since new or 7000 cycles since last overhaul inspection, which were not spun to 17,300 rpm.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

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

Applies to Detroit Diesel Allison Model 501–D13 series engines which incorporate P/N 6829072 second stage turbine wheels in the following serial number ranges, except for the specific serial numbers listed:

Serial numbers KK2875 to and including KK4006.

Serial Numbers KK11801 to and including KK20064.

Excepted Serial Numbers:

KK2876	KK2893	KK2911	KK2928
KK2877	KK2894	KK2912	KK2929
KK2878	KK2895	KK2913	KK2930
KK2879	KK2896	KK2914	KK2931
KK2880	KK2897	KK2915	KK2932
KK2881	KK2898	KK2916	KK2933
KK2882	KK2899	KK2917	KK2934
KK2883	KK2900	KK2918	KK2935
KK2884	KK2901	KK2919	KK2936
KK2885	KK2903	KK2920	KK2937
KK2886	KK2904	KK2921	KK2939
KK2887	KK2905	KK2922	KK2940
KK2888	KK2906	KK2923	KK2941
KK2889	KK2907	KK2924	KK2943
KK2890	KK2908	KK2925	KK2944
KK2891	KK2909	KK2926	KK2945
KK2892	KK2910	KK2927	KK2947
KK2948	KK3064	KK3340	KK3842
KK2949	KK3070	KK3349	KK3855
KK2951	KK3075	KK3361	KK3867
KK2953	KK3076	KK3364	KK3879
KK2954	KK3080	KK3365	KK3883
KK2955	KK3085	KK3375	KK3900
KK2956	KK3086	KK3377	KK3906
KK2957	KK3095	KK3379	KK3926
KK2958	KK3101	KK3380	KK3937
KK2959	KK3106	KK3382	KK3953
KK2961	KK3108	KK3387	KK3955
KK2964	KK3112	KK3397	KK3963
KK2968	KK3119	KK3404	KK11803
KK2970	KK3128	KK3409	KK14207
KK2971	KK3132	KK3414	KK14414
KK2972	KK3133	KK3415	KK14421
KK2973	KK3150	KK3429	KK14455
KK2974	KK3160	KK3441	KK15467
KK2990	KK3161	KK3451	KK15474
KK2991	KK3172	KK3484	KK19976
KK2992	KK3189	KK3487	KK19998
KK2993	KK3195	KK3490	KK20008
KK2995	KK3196	KK3493	KK20017
KK2996	KK3197	KK3495	KK20018
KK2997	KK3202	KK3500	KK20030
KK2998	KK3203	KK3519	KK20034
KK2999	KK3210	KK3521	KK20044
KK3000	KK3212	KK3522	KK20050
KK3001	KK3226	KK3526	KK20053
KK3002	KK3230	KK3528	KK20055
KK3004	KK3235	KK3540	KK20062
KK3006	KK3244	KK3547	KK15716
KK3008	KK3245	KK3549	KK15718
KK3009	KK3251	KK3551	KK15739
KK3010	KK3252	KK3556	KK15753
KK3011	KK3254	KK3558	KK16585
KK3012	KK3255	KK3564	KK16913
KK3013	KK3259	KK3576	KK16935
KK3015	KK3261	KK3577	KK16949
KK3016	KK3266	KK3579	KK16968
KK3017	KK3282	KK3589	KK16984
KK3018	KK3302	KK3598	KK18971
KK3019	KK3303	KK3599	KK18981
KK3032	KK3307	KK3600	KK19004
KK3042	KK3312	KK3602	KK19967
KK3054	KK3328	KK3778	KK19971
KK3056	KK3337	KK3821	

NOTE: At time of overhaul, some wheels have R1, R2, R3, R4 or R5 added as a suffix to the wheel serial number. The suffix should be disregarded in determining the applicability of this airworthiness directive.

Compliance required as indicated:

(a) Within the next 100 cycles, fluorescent penetrant inspect the internal splines in the hub of wheels which have 10,000 cycles or more since new or since last overhaul inspection on the effective date of this Airworthiness Directive.

(b) Within the next 200 cycles or prior to exceeding 10,100 cycles, whichever comes first, fluorescent penetrant inspect the internal splines in the hub of wheels which have from 9500 to 10,000 cycles since new or since last overhaul inspection on the effective date of this Airworthiness Directive.

(c) Within the next 700 cycles or prior to exceeding 9700 cycles, whichever comes first, fluorescent penetrant inspect the internal splines in the hub of wheels which have from 8300 to 9500 cycles since new or since last overhaul inspection on the effective date of this Airworthiness Directive.

(d) Prior to exceeding 9000 cycles, fluorescent penetrant inspect the internal splines in the hub of wheels which have less than 8300 cycles since new on the effective date of this Airworthiness Directive.

(e) Within the next 1000 cycles or prior to exceeding 9000 cycles, whichever comes first, fluorescent penetrant inspect the internal splines in the hub of wheels which have 6000 to 8300 cycles since last overhaul inspection on the effective date of this Airworthiness Directive.

(f) Prior to exceeding 7000 cycles, fluorescent penetrant inspect the internal splines in the hub of wheels which have less than 6000 cycles since last overhaul inspection on the effective date of this Airworthiness Directive.

(g) Wheels which have been inspected in accordance with a thru f above and found to be free of cracks may be returned to service for an additional 7000 cycles, provided no wheels exceed 11,000 hours total time in service.

(h) For the purposes of this airworthiness directive, a cycle is defined as one takeoff.

(i) Detroit Diesel Allison Commercial Service Letter 501–D13 CSL–232 pertains to this subject.

This amendment is effective December 16, 1974.

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

Issued in Des Plaines, Ill., on December 2, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74–28661 Filed 12–10–74;8:45 am]

[Airworthiness Docket No. 74–WE–49–AD, Amdt. 39–2042]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed L–1011–385–1 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on November 20, 1974, and made effective immediately as to all known United States operators of Lockheed L–1011–385–1 airplanes. The directive requires adoption of an emergency operating procedure and an operating limitation in the operator's airplane operations manual or its equivalent.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Lockheed L–1011–385–1 airplanes by individual telegrams dated November 20, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

LOCKHEED-CALIFORNIA. Applies to L–1011–385–1 Series airplanes, certificated in all categories

Compliance required as indicated.

To provide protection in the event of unknown incipient failure condition in the housing of the fire pull handle module assembly, P/N 1520324, accomplish the following:

Within 72 hours of receipt of this AD, adopt the following changes to the operator's operation manual, or its equivalent.

(1) Change the Emergency Operating Procedures section to read, in pertinent part: 'Engine Fire or Severe Damage.' Reschedule reference step "Fuel Tank Valve—Check Closed" to be accomplished as the first referenced item prior to, "If warning persists after 30 seconds, discharge second bottle."

NOTE: The manufacturer is issuing a revision to the FAA-sponsored airplane flight manual which covers the same subject.

(2) Incorporate and comply with the following operating limitation: "Any APU operation in flight shall be with the APU autofire shutdown system armed and operative", until Lockheed Service Bulletin 093-26-010, Part 2E, has been accomplished for the APU fire pull handle, P/N 1520324.

This amendment is effective December 16, 1974, and was effective November 20, 1974, for all recipients of the telegram dated November 20, 1974, which contained this amendment.

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

Issued in Los Angeles, Calif., on November 27, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-28662 Filed 12-10-74;8:45 am]

[Docket No. 74-NE-49; Amdt. 39-2041]

PART 39—AIRWORTHINESS DIRECTIVES

Consolidated Aeronautics Inc. Colonial Model C-1, C-2, and Lake Model LA-4, LA-4A, LA-4P, LA-4-200 Series Airplanes

There have been failures of the arms of the rudder bellcrank assembly on Lake Model LA-4-200 airplanes that could result in loss of rudder control. Since this condition is likely to develop in other airplanes of the same type design, an Airworthiness Directive is being issued to require an inspection of the rudder bellcrank assembly for evidence of bending and/or cracking of the arms and replacement, if necessary, on Colonial model C-1, C-2, and Lake model LA-4, LA-4A, LA-4P and LA-4-200 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

CONSOLIDATED AERONAUTICS. APPLIES to Colonial Model C-1, C-2 and Lake Model LA-4, LA-4A, LA-4P and LA-4-200 airplanes through serial number 599 certificated in all categories

Compliance required as indicated.

To prevent loss of rudder control as a result of the failure of the arms of the rudder bellcrank assembly, P/N's 2-7109-1, 2-7103-91 and 1-7103-1, accomplish the following:

(a) Within 10 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time in service from the date of the last inspection except as provided in Paragraph (b) or until replaced in accordance with Paragraph (C): Visually inspect the rudder bellcrank assembly, P/N's 2-7109-1, 2-7103-91 and 1-7103-1, in accordance with Lake Aircraft, Division of Consolidated Aeronautics, Inc. Service Letter L-50, or later FAA approved revision.

(b) When rudder bellcrank assembly, P/N 2-7109-1 has arm P/N's 2-7109-23 and 2-7109-24 installed or has arms of .080 inches or greater thickness installed, the inspection specified in paragraph (a) may be discontinued.

(c) Replace rudder bellcrank assemblies having cracked or deformed arms before further flight with a new rudder bellcrank assembly P/N 2-7109-1 having arms of .080 inches or greater thickness, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

(d) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lake 4 Sales Corporation, PO. Box 399, Tomball, Texas 77375. These documents may also be examined at the Office of Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803 and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

This amendment becomes effective December 27, 1974.

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

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

Issued in Burlington, Mass., on December 2, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-28800 Filed 12-10-74;8:45 am]

[Airspace Docket No. 74-NW-22]

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

Alteration of Transition Area

On October 21, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 37396) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho, Transition Area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections have been received, and the proposed amendment is hereby adopted subject to the following change:

Delete "* * * on the east by a line parallel to and 11 miles west of Burley 344° radial * * *" and substitute therefor "* * * on the east by a line parallel to and 11 miles east of Burley 344° radial * * *."

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., January 30, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Seattle, Wash., on November 29, 1974.

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

BURLEY, IDAHO

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121° radial extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292° radial, extending from the VORTAC to 19 miles west of the VORTAC; within that airspace bounded on the southwest by a line parallel to and 9.5 miles southwest of the Burley VORTAC 323° radial, on the northwest by an arc of a 53-mile radius circle centered on Burley VORTAC, on the north by a line parallel to and 10 miles north of V-500, on the east by a line parallel to and 11 miles east of Burley 344° radial; and within 2.5 miles southeast and 6 miles northwest of the 036° bearing from Burley Municipal Airport, extending 9.5 miles northeast of the Burley Airport; that airspace extending upward from 1200 feet above the surface within 8 miles south of the Burley VORTAC 072° radial extending from the VORTAC 19 miles east; within 14 miles southeast of the 223° radial extending from the VORTAC to the north edge of V-484 that airspace southwest of Burley bounded on the north by V-4, * * *

The balance of the description remains as published.

[FR Doc.74-28801 Filed 12-10-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5540, 34-11100, AS-163]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Companies Other Than Public Utilities; Capitalization of Interest

The Commission has noted with concern an increase in the number of nonutility companies changing their accounting method to a policy of capitalizing interest cost. On June 21 a proposed Accounting Series Release was issued for comment (Securities Act Release No. 5505 (39 FR 24379)) proposing a statement of accounting policy on this issue and an amendment to Regulation S-X (17 CFR Part 210) requiring additional disclosure of capitalized interest costs. After consideration of the comments received, the Commission has determined to issue the following statement of policy and to adopt certain amendments to Regulation S-X as set forth below. In addition, the comments

indicated the need for certain interpretive guidelines and these are included as an appendix to this release.

A. *Commentary.* The conventional accounting model applicable to companies other than public utilities has not traditionally treated the cost of capital as part of the cost of an asset and except for two specific industries, no authoritative statement on this subject presently exists. Interest cost on debt is generally treated as a period expense of the period during which debt capital is used, while the cost of equity capital is reflected neither in asset cost nor in the income statement.

This approach has been adopted for a number of reasons. First, it is impossible to follow cash once it has been invested in a firm. Even when a loan is made for a designated purpose and secured by a lien on specific assets, it can be argued that capital made available for one purpose frees other capital for other purposes, and it is therefore unrealistic to allocate the cost of any particular financing to any particular asset. Thus, any allocation of capital cost to particular assets is based on allocation decisions which are inherently arbitrary.

Second, the cost of capital is extremely difficult to measure. While interest rates may be associated with borrowings, any debt normally rests in part on the existence of an equity base which provides borrowing capacity. Suppliers of debt capital almost inevitably look to a borrower's overall economic position in making credit granting decisions. In addition, restrictive covenants and other terms such as compensating balance requirements may make the stated interest rate an unrealistic measure of capital. The cost of common equity capital is even more difficult to measure since it represents the cost of sharing an uncertain future earnings stream rather than a contractual out-of-pocket payment.

Third, it has been felt that interest costs were generally costs of a continuing nature, usually fixed by contract, and that deferral of certain of these costs might leave an erroneous impression as to the level of interest expense (and the cash outlay for interest) that might be expected in the future. Interest would not halt, for example, when an asset constructed with the use of capital funds was completed and placed in service.

For these reasons, interest cost has generally been reflected as an expense of the period during which capital was used rather than associated with the assets acquired by the use of the capital, even though it can be argued that interest cost is a cost which should be allocated to assets like other costs and that expensing interest as accrued is not consistent with the matching model in general use. Two exceptions to this general rule exist in the authoritative accounting literature. These are set forth in the Industry Audit Guide issued by the American Institute of Certified Public Accountants for "Savings and Loan Associations" and the AICPA Industry Accounting Guide "Accounting for Retail Land Sales." In addition, electric, gas, water and telephone utilities have traditionally capitalized an allowance for funds used in construction, including both interest and return on equity components on the basis of rate-making considerations.

The Commission has recently noted an increasing number of cases where interest has been capitalized by registrants other than electric, gas, water and telephone utilities and the exceptions noted above. This has created a source of incomparability between financial statements of companies following different practices in this respect.

While the Commission recognizes that arguments can be made for each of the accounting practices in this area, it does not seem desirable to have an alternative practice grow up through selective adoption by individual companies without careful consideration of such a change by the Financial Accounting Standards Board, including the development of systematic criteria as to when, if ever, capitalization of interest is desirable.

Accordingly, the Commission concludes that companies other than electric, gas, water and telephone utilities and those companies covered by the two exceptions in the authoritative literature described above which had not, as of June 21, 1974, publicly disclosed an accounting policy of capitalizing interest costs shall not follow such a policy in financial statements filed with the Commission covering fiscal periods ending after June 21, 1974. At such time as the Financial Accounting Standards Board develops standards for accounting for interest cost, the Commission expects to reconsider this conclusion. Until such time, companies which have publicly disclosed such a policy may continue to apply it on a consistent basis but not extend it to new types of assets. Return on equity invested shall not be capitalized by companies other than electric, gas, water and telephone utilities.

In addition, the Commission has amended Regulation S–X to require that all companies which capitalize interest costs make disclosure in the face of the income statement of the amount capitalized in each year an income statement is presented and, in addition, that companies other than electric, gas, water and telephone utilities disclose the effect on net income of this accounting policy as compared to a policy of charging interest to expense as accrued. This disclosure requirement includes companies in the two industries mentioned above where there is an authoritative support for interest capitalization, since companies in those industries are not capitalizing interest in reliance upon a concept that recovery is virtually assured through the rate-making process which is the basis for capitalization by electric, gas, water and telephone utilities. Accordingly, interest capitalization in those industries results from an accounting variation rather than a variation in the economic characteristics of the assets involved, and disclosure of the impact of the accounting practice which is peculiar to these industries is appropriate to facilitate comparisons with other industries.

It is recognized that disclosure as required herein of the effect on net income of capitalizing interest as compared to a policy of charging to expense as accrued is of primary interest to those users of financial statements who wish to undertake a detailed analysis of corporate activities and may not be required in financial disclosure oriented solely to the needs of the average investor.

B. *Commission action.* The Commission hereby amends Part 210 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new paragraph (r) to § 210.3–16 as follows:

§ 210.3–16 General notes to financial statements. (See Release No. AS–4).

* * * * *

(r) *Interest capitalized.* (1) the amount of interest cost capitalized in each period for which an income statement is presented shall be shown within the income statement. Companies other than electric, gas, water and telephone utilities which follow a policy of capitalizing interest cost (see Release No. AS–163) shall make the following additional disclosures required by subparagraphs (2) and (3) of this paragraph.

(2) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined.

(3) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

* * * * *

The above amendment is adopted to authority conferred on the Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j and 77s) thereof; and the Securities Exchange Act of 1934, particularly Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78*l*, 78m, 78o(d) and 78w) thereof.

This amendment shall be applicable to all financial statements filed on or after January 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 14, 1974.

APPENDIX

INTERPRETIVE COMMENTS AND GUIDELINES

1. *Calculation of income effect.* The original proposal made by the Commission would have required disclosure of the amount of interest capitalized in any balance sheets presented. In response to comments that questioned the need for such data this proposal was not adopted. In calculating the effect of interest capitalization on net income, however, it will be necessary to compute the amount of amortization of capitalized interest which was charged against income in each year so that the net effect of an alternative accounting practice may be calculated. The effect of an alternative policy on tax expense should also be considered in calculating the net income effect. Disclosure of the elements of the computed net income effect, while not required, may be desirable in some cases in order to clarify the presentation.

2. *Meaning of "Publicly Disclosed".* The release forbids companies other than electric,

gas, water and telephone utilities and companies covered by the two industry exceptions in authoritative accounting literature to follow a policy of capitalizing interest if such a policy had not been publicly disclosed prior to June 21, 1974. Numerous questions were raised in letters of comments as to the meaning of "publicly disclosed." The Commission believes that any public disclosure of such a policy in any format will meet this requirement. Formal financial statement disclosure would not be necessary. If, for example, disclosure was made in a supplemental document disseminated to analysts on request, the test of public disclosure would be met. If a company making an initial filing with the Commission after June 20, 1974 had adopted such a policy prior to June 21, 1974 and discloses the policy in its initial filing, it will be considered to meet this requirement.

On the other hand, the mere filing of statements following such an accounting method with the Commission without disclosure that the method was being used would not constitute "public disclosure." Since Accounting Principles Board Opinion No. 22 required disclosure of accounting policies and emphasized that such disclosure should "encompass those accounting principles and methods that involve * * * a selection from existing acceptable alternatives * * * (or) * * * methods peculiar to the industry in which the reporting entity operates," it would seem likely that any company which had capitalized a material amount of interest would have disclosed this accounting policy. If a company has capitalized interest and not made disclosure of this accounting policy, but intends to continue this policy, it should supply full details to the staff for their consideration, including an explanation of why disclosure was not made in previous filings with the Commission.

3. *Meaning of "New Types of Assets".* The release prohibits companies who have a publicly disclosed policy of interest capitalization from applying such a policy to "new types of assets." Comments requested a clarification of this phrase. The Commission believes that the phrase should not be interpreted too narrowly in order to maintain the present level of comparability. For example, if a company had a policy of capitalizing interest on shopping centers, it would not be prohibited from capitalizing interest on residential properties if it expanded its lines of business. On the other hand, if it were presently in two lines of busihess and capitalized interest in only one, it would not be permitted to expand its interest capitalization policy to the second line.

4. *Income statement presentation of capitalized interest Cost.* A number of comments on the proposed release asked for an illustration of the type of presentation contemplated by the Commission when it required disclosure of interest cost capitalized "within the income statement." The following example provides such an illustration:

	1973	1974
Sales	$10,000	$15,000
Cost of sales	5,000	7,000
Selling, general and administrative expense	2,000	3,000
Interest cost accrued	1,500	2,000
Less interest capitalized	(600)	(800)
	7,900	11,200
Income before income tax expense	2,100	3,800
Income tax expense	1,000	1,825
Net income	1,100	1,975

[FR Doc.74-28808 Filed 12-10-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-389-B; Opinon No. 699-H]

PART 2—GENERAL POLICY AND INTERPRETATION

PART 154—RATE SCHEDULES AND TARIFFS

Opinion and Order on Rehearing Affirming and Modifying in Part Opinion No. 699 and Granting and Denying in Part Petitions for Rehearing

DECEMBER 4, 1974.

On June 21, 1974, the Commission issued its Opinion No. 699[1] determining and establishing a just and reasonable national rate structure for post-December 31, 1972 sales of natural gas in interstate commerce.[2] Opinion No. 699-B, ____ F.P.C. ____ (September 9, 1974), reinstituted with modifications the emergency sales provisions (18 CFR 157.29) and the limited-term certification authority (18 CFR 2.70(b)(3)) which were terminated by Opinion No. 699.

Thirty-seven petitions for rehearing, reconsideration, and/or clarification of Opinion No. 699 were filed by natural gas producers, interstate pipelines, gas distributors, state agencies, a United States Senator, trade associations, and one industrial concern.[3] Twenty-three parties and groups of parties requested and presented oral argument before the Commission on August 22 and 23, 1974.[4]

Many of the petitions for rehearing simply reiterated contentions that were expressed in comments filed during the proceeding. We have, however, considered all arguments advanced by the applications, including those which were fully answered or otherwise disposed of in Opinion No. 699, and have made a number of modifications to the rate structure promulgated in Opinion No. 699.[5]

[1] ____ F.P.C. ____ (1974). Rehearing of Opinion No. 699 for purposes of further consideration was granted by the Commission's order of August 2, 1974. ____ F.P.C. ____, amended, ____ F.P.C. ____ (August 12, 1974).

[2] Opinion No. 699-A, ____ F.P.C. ____ (August 2, 1974), modified the text of Opinion No. 699 and section 2.56(h)(1) of the regulations promulgated therein to provide (1) that sales formerly made under 18 C.F.R. 2.68, 2.70, 157.22, or 157.29, would be eligible for the prescribed national rate if a permanent sale of such gas was initiated on or after January 1, 1973, thereby eliminating the requirement that such sales be made pursuant to a contract executed on or after that date, and that (2) a renewal contract executed on or after January 1, 1973, qualified the continuing sale of such gas for the national rate regardless of the date of expiration of the former contract. See infra at 39-44.

[3] A list of those persons filing such petitions is attached as Appendix A below.

[4] Persons presenting oral argument are listed in Appendix B.

[5] There are also a number of matters which have been clarified in response to questions pertaining to the rate structure and its application to natural gas producers, especially small producers.

I. THE USE OF RULEMAKING TO ESTABLISH JUST AND REASONABLE NATIONAL RATES

Two parties to this proceeding, the American Public Gas Association (APGA) and United States Senator James G. Abourezk, assert in their applications for rehearing that the Commission may not lawfully establish just and reasonable rates by the utilization of any procedures less strict than the formal adjudicatory procedures prescribed by the Administrative Procedure Act.[6] These assertions are contrary to established judical precedent[7] and are, accordingly, rejected.

APGA's contention that the Fifth Amendment to the Constitution requires the Commission to follow formal rulemaking proceedings in a ratemaking proceeding such as the subject one is erroneous and contrary to established precedent. There is no constitutional right to the formal procedures requested by APGA nor to any "particular form of procedure" which a party may desire. "National Labor Relations Board v. Mackay Radio & Telegraph Co.," 304 U.S. 333, 351 (1938). "The requirements imposed by that [Fifth Amendment] guaranty [of due process] are not technical, nor is any particular form of procedure necessary." "Inland Empire District Council v. Millis," 325 U.S. 697, 710 (1945); "Morgan v. United States," 298 U.S. 468, 478, 481 (1936). Thus, since the Administrative Procedure Act "created safeguards even narrower than the constitutional ones,"[8] we must determine if the procedures followed herein comply with the requirements of the Natural Gas Act and the Administrative Procedure Act. If the constraints of the statutes are satisfied, then the constitutional inquiry is ended.

Boh the United States Courts of Appeals for the District of Columbia Circuit and the Tenth Circuit have unequivocally held that the Federal Power Commission is not bound to observe the formal rulemaking procedures of sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 556, 557) in establishing rates under the Natural Gas Act. "American Public Gas Association, et al. v. FPC," 498 F.2d 718 (D.C. Cir. May 23, 1974); "Mobil Oil Corp. v. FPC," 483 F.2d 1238, 1250-1251 (1973); "Phillips Petroleum Company v. FPC," 475 F.2d 842, 851-852 (10th Cir. 1973). There is no doubt that the two courts have disagreed over the theoretical issue whether the minimal requirements of Section 553 of the Administrative Procedure Act will suffice in

[6] 60 Stat. 241-242 (1946); 5 U.S.C. 556, 557 (1970).

[7] United States v. Florida East Coast Ry., et al., 410 U.S. 224 (1973); United States v. Allegheny-Ludlum Steel Corp., 406 U.S. 742 (1972); American Public Gas Association, et al. v. FPC, 498 F.2d 718 (D.C. Cir. May 23, 1974); Mobile Oil Corp. v. FPC, 483 F.2d 1238 (D.C. Cir. 1973); Phillips Petroleum Co. v. FPC, 475 F.2d 842 (10th Cir. 1973), cert. denied, 414 U.S. 1146 (January 14, 1974).

[8] United States v. Morton Salt Company, 338 U.S. 632, 644 (1950).

a Commission ratemaking proceeding. That issue is not present in this proceeding, and APGA's assertion of "a split in the Circuits on this point" is misplaced.

In "Mobil v. FPC," supra, there was no notice, no opportunity to submit data or comments with respect to the subject of rates, and the D.C. Circuit stated that "it appears probable that the FPC did not even comply with the minimal requirements of section 553." 483 F.2d 1238 at 1251 n. 39. The procedures in this case provided for the submission of two sets of initial and reply comments including such sworn testimony and data as the individual parties desired to bring to the Commission's attention, a public conference on the disputed issues of reserve additions and drilling footages, and oral argument upon Opinion Nos. 699 and 699-A. Thus, APGA cannot assert in good faith that it has been denied a "mechanism whereby adverse parties can test, criticize, and illuminate the flaws in the evidentiary basis being advanced regarding a particular point," 483 F.2d 1238 at 1263.[9]

The "Mobil" case does not require the use of the formal rulemaking procedures under 5 U.S.C. 556, 557 in this case as APGA so zealously asserts in its petition for rehearing.[10] Those procedures are required only where the underlying substantive statute compels that rules be made "on the record after opportunity for an agency hearing." 5 U.S.C. 553(c) (1970). The Supreme Court has held the absence of this language, while not absolutely controlling, is a strong indication that Congress did not intend that the formal procedures of sections 556 and 557 were to be mandated. "United States v. Florida East Coast Ry.," 410 U.S. 224 (1973); "United States v. Allegheny-Ludlum Steel Corp.," 406 U.S. 742 (1972).[11]

The "substantial evidence" requirement of the Natural Gas Act does not mandate that the formal procedures of sections 556 and 557 be followed in a ratemaking proceeding. The Court concluded in Mobil that "such complete adjudicatory procedures are not required." 483 F.2d 1238 at 1262.

Finally, the Commission's rules of practice and procedure provide no support for APGA's position. Section 1.20 (g) (18 CFR 1.20(g)) merely provides for the "Presentation by the parties" when the Commission determines a formal hearing is required and initiates the same pursuant to § 1.20(a) (18 CFR 1.20(a)). Section 1.20(m) provides for procedures in rulemaking proceedings. 18 CFR 1.20(m). Thus, it is clear that § 1.20 provides for the informal proceedings under 5 U.S.C. § 553, the procedures followed in this proceeding, and the formal proceedings under 5 U.S.C. 556, 557, without specifically requiring which of these procedures will be mandated in any given case.

In addition to the legal precedent supporting the establishment of national rates for sales of natural gas in interstate commerce in a rulemaking proceeding, there exists compelling public policy reasons for the utilization of such procedures in establishing rates on a national basis. That reason is the delay and uncertainty of the allowable rate levels, on the part of producers, pipelines, distributors, and the ultimate consumer, that accompanied the setting of rates on an area basis under traditional adjudicatory procedures. This delay and uncertainty reduces the commitment of capital to exploration and development efforts, compels the establishment of rates upon outdated records, and deprives consumers of incremental supplies of gas as a result of unrealistically low rates geared to out-moded historical costs. Clearly these results are not in the public interest and should be reduced to the extent possible under the Natural Gas Act consistent with providing all parties to the proceeding before the Commission a fair opportunity to present their views and cases to the Commission.

One need look no further than the recent Supreme Court decision in "Mobil Oil Corp., et al. v. FPC," [12] which after 13 years finally concluded the proceedings to establish rates for the Southern Louisiana Area, to observe the delay and uncertainty that have accompanied the traditional adjudicatory method of setting area rates. This proceeding was commenced by the Commission on May 10, 1961,[13] and the Commission's opinion issued on September 25, 1968,[14] with rehearing denied on May 9, 1969.[15] The Court of Appeals for the Fifth Circuit affirmed the Commission's decision, but held that evidence on the supply of and demand for natural gas which had come into being after the Commission's decision required that the Commission have the power to reopen the case if it found a necessity for such action.[16] Upon receipt of the Fifth Circuit's mandate, the Commission consolidated the proceedings in Docket AR61-2 with the second round proceedings in Docket No. AR69-1, and provided for further hearings.[17] Following these hearings and a number of settlement conferences, the proposed settlement which became one of the major underpinnings of Opinion No. 598 was presented to the Commission on March 15, 1971. Briefs were filed with the Commission, and on July 16, 1971, Opinion No. 598 was issued.[18] This opinion completely revised the rates and refunds required by Opinion No. 546 and prescribed new rates and incentive refund work off and contingent escalation provisions. The Fifth Circuit affirmed the opinion in full on April 16, 1973,[19] and it was, in turn, finally affirmed by the Supreme Court on June 10, 1974.

To those who believe that the Southern Louisiana proceedings are simply an aberration caused by a unique set of circumstances, it is helpful to review the record of the other area rate proceedings. These proceedings also demonstrate an inordinate amount of delay where adjudicatory procedures were followed, and a much more rapid resolution of those proceedings in which rulemaking procedures were adopted.

The first Permian Basin proceeding commenced on December 23, 1960,[20] with the Commission's decision being rendered on August 5, 1965,[21] and affirmed by the Supreme Court in 1968.[22]

The second Permian proceeding was initiated on June 17, 1970,[23] and concluded by Opinion No. 662.[24] The petitions for review of this decision were withdrawn under Court orders of August 21 and 30, 1974.[25]

The Hugoton-Anadarko proceeding[26] was commenced on November 27, 1963, along with the Texas Gulf Coast proceeding.[27] Joint hearings were held on common issues and the cases severed for further hearings directed to issues related to the specific area. On September 18, 1970, the Commission approved a settlement in the Hugoton-Anadarko proceed-

[9] We note while APGA has consistently opposed the use of reserve additions as reported by the American Gas Association that no representative of APGA attended the public conference held in this proceeding. Nor did APGA avail itself of the opportunity to submit any testimony or data contradicting positions taken by adverse parties, but chose to rely solely upon statements of its counsel.

[10] 483 F.2d 1238 at 1250-51.

[11] These decisions and the Phillips, Mobil, and APGA decisions, supra n. 7 clearly show the error in Senator Abourezk's contention that we have "violated the congressional intent underlying the Natural Gas Act."

[12] 42 U.S.L.W. 4842 (U.S. June 10, 1974).

[13] Area Rate Proceeding, et al. (Southern Louisiana Area), Docket No. AR61-2, 25 F.P.C. 942 (1961).

[14] 40 F.P.C. 530 (1968), amended, 41 F.P.C. 301 (1969).

[15] 41 F.P.C. 616, 617 (1969).

[16] Austral Oil Co., et al. v. FPC, 428 F.2d 407, reh. denied, 444 F. 2d 125, cert denied sub nom. Municipal Distribution Group v. FPC, 400 U.S. 950 (1970).

[17] Area Rate Proceeding (Offshore Southern Louisiana, Federal Domain And Disputed Areas), 41 F.P.C. 378 (1969). This proceeding was expanded to include a review of all Southern Louisiana rates by order of December 15, 1969. 42 F.P.C. 1110 (1969). The proceedings were consolidated by order of December 24, 1970. 44 F.P.C. 1638.

[18] 46 F.P.C. 86, reh. denied, 46 F.P.C. 633 (1971).

[19] Placid Oil Co., et al. v. FPC, 483 F. 2d 880 (5th Cir. 1973).

[20] Area Rate Proceeding, et al., 24 F.P.C. 1121 (1960).

[21] 34 F.P.C. 159, reh. denied, 34 F.P.C. 1068 (1965).

[22] Permian Basin Area Rate Cases, 390 U.S. 747 (1968).

[23] Area Rate Proceeding (Permian Basin Area II), 43 F.P.C. 899 (1970). The record in the Southern Louisiana proceedings were incorporated as part of the record of this proceeding in an effort to expedite a final resolution of the case. 43 F.P.C. at 901.

[24] 50 F.P.C. 390 (August 7, 1973), reh. denied, 50 F.P.C. 932 (September 28, 1973).

[25] Chevron Oil Co., Western Division, et al. (9th Cir., Nos. 73-2861, et al., filed September 28, 1973).

[26] Area Rate Proceeding, et al. (Hugoton-Anadarko Area), 30 F.P.C. 1354 (1963).

[27] Area Rate Proceeding, et al. (Texas Gulf Coast Area), 30 F.P.C. 1354 (1963).

ing,[28] which was affirmed on July 31, 1972.[29]

The Commission finally rendered its decision in the Texas Gulf Coast proceeding on May 6, 1971.[30] This decision was reversed by the D.C. Circuit on August 24, 1973,[31] and that decision was vacated and remanded by the Supreme Court on June 17, 1974.[32]

The Other Southwest proceeding was commenced on February 28, 1967;[33] the Commission's decision was issued on October 29, 1971, and affirmed by the Fifth Circuit on June 8, 1973. Certiorari was denied by the Supreme Court on June 17, 1974.[34]

With the commencement on October 16, 1969,[35] of proceedings for the Appalachian and Illinois Basin area, the Commission initiated its use of rulemaking to establish area rates. This proceeding was concluded on October 2, 1970, with the issuance of Order No. 411,[36] which was not appealed.

Initial rates for post June 17, 1970, sales made in the Rocky Mountain area were established by Order No. 435, which was issued on July 15, 1971.[37] This order was affirmed on May 23, 1974.[38] Opinion No. 658 established just and reasonable rates for Rocky Mountain gas sold under contracts dated prior to October 1, 1968, and made the Order No. 435 rates applicable to contracts dated between October 1, 1968, and June 17, 1970.[39] The petitions for review of Opinion No. 658 were withdrawn by the petitioners on February 22, 1974.

The present gas shortage and the need for vastly expanded exploration and development programs to meet future demand dictates that the establishment of rates for "wellhead sales" [40] of natural gas in interstate commerce not be unduly delayed and that administrative procedures such as rulemaking be utilized to prevent the prescribed rates from becoming stale before they are effective. Moreover, the continually increasing competition from the unregulated intrastate market demands that the interstate market have the ability to respond as may be necessary to respond as may be necessary to assure the maintenance of adequate natural gas service to the customers of the interstate pipelines.[41]

This procedural flexibility is available to this Commission through the rulemaking procedures that have been followed in the instant case. The Commission in slightly over one year from the commencement of the proceeding was able to prescribe a single uniform national rate that will enable interstate pipelines to more effectively compete with intrastate purchasers for new supplies of natural gas. Had this case been conducted pursuant to the traditional adjudication procedures, it is most likely that a final decision in this proceeding would not yet have been rendered, and the now superseded area rates, which had proven inadequate, would still govern interstate sales of natural gas. Thus, we are of the opinion that the expeditious resolution of this case has improved the regulatory climate and increased the attractiveness of the interstate market for natural gas producers, especially in light of the modifications adopted in this opinion.

II. Rate Design

A. *Cost factors.* The cost findings in Opinion No. 699 have been vociferously attacked by a number of parties to this proceeding as being too low [42] or too high.[43] For the reasons hereinafter set forth, we believe that the Commission should implement traditional area rate costing methodology adopted in Permian I [44] and utilized since that time with the continuing approval of the Courts.[45] As a basis for prescribing just and reasonable rates, we adopt herein (1) a discounted cash flow (DCF) costing format to assure within reasonable limits that the rates found under the Permian methodology will produce a 15 percent rate of return over the life of the investment, and (2) drilling costs (both successful well and dry hole) trended by the use of least squares regression analysis to derive a range of reasonable costs.

We find that supplementary cost analysis necessary to assure that the rate allowed for new gas supplies adequately reflects the true cost of those supplies. We believe that the Permian methodology adjusted by applying a DCF analysis to produce a true yield of 15 percent over the life of the investment and further tested by the use of trended drilling costs will establish a more reliable foundation for a predictive just and reasonable rate than will the exclusive use of the Permian methodology standing alone. If the basis for prescribing just and reasonable rates is a more reliable evidentiary foundation so that producers may reasonably anticipate a 15 percent return on their investment, the rates established herein should meet our objective of encouraging increased future drilling efforts and the discovery of incremental gas supplies to avert ever deepening natural gas shortages. Without endorsing the arguments for or against DCF costing that have been made by the participants to this proceeding, we find that the DCF analysis [46] is necessary to make reasonably certain that the end result of a 15 percent return will be attained without the attrition inherent in the traditional Permian methodology and that the Permian

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[28] 44 F.P.C. 761, reh. denied, 44 F.P.C. 1434 (1970).

[29] California v. FPC, 466 F.2d 974 (9th Cir. 1972).

[30] 45 F.P.C. 674, reh. denied, 46 F.P.C. 827 (1971).

[31] Public Service Commission for the State of New York, et al. v. FPC, 387 F.2d 1043 (1973).

[32] Shell Oil Co. v. Public Service Commission of the State of New York, 42 U.S.L.W. 3686 (U.S. June 17, 1974).

[33] 37 F.P.C. 400 (1967).

[34] Area Rate Proceeding, et al. (Other Southwest Area), 46 F.P.C. 900 reh. denied, 47 F.P.C. 99 affirmed sub nom., Shell Oil Co., et al. v. FPC, 484 F.2d 469 (5th Cir. 1973), cert. denied, sub nom., Mobil Oil Corp. v. FPC, 42 U.S.L.W. 3688 (June 17, 1974).

[35] Area Rates For The Appalachian And Illinois Basin Areas, 34 Fed. Reg. 17341 (1969).

[36] 44 F.P.C. 1112, amended, Order No. 411–A, 44 F.P.C. 1334, reh. denied, Order No. 411–B, 44 F.P.C. 1487 (1970).

[37] Initial Rates For Future Sales Of Natural Gas For All Areas, 46 F.P.C. 68, reh. denied, 46 F.P.C. 620 (1971). These proceedings had commenced with a notice of rulemaking in Docket No. R–389 on June 17, 1970. 35 FR 10152; see also, 35 FR 11683 (1970).

[38] American Public Gas Association, et al. v. FPC, 498 F.2d 718 (D.C. Cir. May 23, 1974).

[39] Area Rates For The Rocky Mountain Area, 49 F.P.C. 924, reh. denied, 49 F.P.C. 1279 (1973), appeal dismissed sub nom. Exxon Corporation v. FPC (D.C. Cir. No. 73–1854, dismissed February 22, 1974). This proceeding had commenced July 15, 1971, with a notice of rulemaking, 46 F.P.C. 43, and the Commission's power to proceed under 5 U.S.C. § 553 (1970) was affirmed in Phillips Petroleum Co. v. FPC, 475 F.2d 842 (1973), cert. denied, 414 U.S. 1146 (January 14, 1974).

[40] A "wellhead sale" is the sale of natural gas by a natural gas producer (including a pipeline affiliate) to another producer or an interstate pipeline. Pipeline production is also eligible for the rate established for "wellhead sales" pursuant to sections 2.56a and 2.66.

[41] While we have often stated our views that regulation of "wellhead sales" made in interstate commerce should be terminated as to new sales of natural gas subject to review by the FPC to prevent abuses should they occur, it is necessary to note that the Natural Gas Act requires that sales of natural gas for resale in interstate commerce must be made at rates that are "just and reasonable." FPC v. Texaco, Inc., 42 U.S.L.W. 4867 (U.S. June 10, 1974). Under such constraints, it has not been demonstrated by substantial evidence that instrastate prices are just and reasonable.

[42] Indicated Producer Respondents (Producers), all producer respondents filing individual comments, Columbia Gas System Companies and other interstate pipeline companies, the Interstate Natural Gas Association of America (INGAA), Associated Gas Distributors (AGD), United Distribution Companies (UDC), Southern California Gas Company, and General Motors Corporation. Other parties filed specific comments regarding costs for the Appalachian-Illinois Basin Area.

[43] The American Public Gas Association (APGA) and Senator James G. Abourezk.

[44] Permian Basin Area Rate Proceeding, 34 F.P.C. 159, (1965), affirmed, Permian Basin Area Rate Cases, 390 U.S. 747 (1968).

[45] Area Rate Proceeding (Permian Basin Area II), 50 F.P.C. 390, reh. denied, 50 F.P.C. 932 (1973), appeal dismissed sub nom. Chevron Oil Co., Western Division, et al. v. FPC, Nos. 73–2861, et al., 9th Cir., motions to withdraw appeals granted August 21 and 30, 1974; Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86 (1971), affirmed sub nom. Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974); Area Rate Proceeding, et al. (Texas Gulf Coast Area), 45 F.P.C. 671 (1971), reversed, Public Service Commission of the State of New York v. FPC, 487 F.2d 1043 (D.C. Cir. 1973), cert. granted, vacated and remanded, Shell Oil Co. v. Public Service Commission of the State of New York, 42 U.S.L.W. 3686 (U.S. June 17, 1974).

[46] The basic DCF formats are set out in Appendix H to Opinion No. 699, ____ F.P.C.

methodology adjusted by the DCF analysis and supplemented by trended cost data is the most reliable basis for forecasting a reasonable rate structure.

Unlike a pipeline or an electric utility that may go into the bond market to raise money for the financing of major new projects, the typical natural gas producer depends upon internally generated funds and equity capital.[47] Because of the heavy reliance upon internally generated funds and equity capital, the producer is faced with the need to earn a return sufficient to maintain the attractiveness of its natural gas operations as compared to other alternative investments. If the natural gas producer does not earn a return on its natural gas operations which is equivalent to the return it can earn on alternative investments, it will invest its profits in those more attractive investments rather than in expanded natural gas operations. The DCF methodology is designed to evaluate the price required to yield a given rate of return over the life of the project. It recognizes the fact that there is a time value which can be placed upon capital and that cash flow must be at a level necessary to produce the anticipated return.

The DCF methodology reflects the cost of capital by allowing a return on all invested funds. The Permian costing format requires that dry hole and exploration expenditures be expensed and recovered through production. The Permian formula is explicable only by an assumption that the dry hole allowance in the price of existing production in each year is in the aggregate sufficient to pay for or "expense" the total dry hole costs for that year. This assumption may or may not have ever been correct for a given producer. However, such an assumption today is contrary to the public interest in two related respects. First, it provides a disincentive to existing producers to increase investment in exploration and development and to incur the concomitant dry hole expense. The perpetuation of such disincentives would frustrate the fundamental national goal of achieving a greater degree of energy self-sufficiency. Second, the assumption and, consequently, the methodology is discriminatory to new market entrants who have no flowing gas against which to "expense" the dry hole costs. Today, the price of each Mcf of new gas must fully reflect the cost of finding and producing that gas and we find that the Permian formula does not adequately achieve that goal. If the recovery of such funds is to be permitted only over the depletable life of the project, then a return must be allowed on these costs just as it is allowed for successful wells.

Several participants[48] urge that we correct the deficiency of no return on dry holes by adopting their proposed full cost accounting format. This full cost accounting methodolgy includes the dry hole costs as part of the net investment base upon which a return is computed under the Permian costing methodology, and would yield a rate level ranging from approximately 49 cents per Mcf to slightly over 56 cents per Mcf.[49] We decline to adopt their concepts of full cost accounting since it is our opinion that the DCF analysis correctly applies the principles of a return on dry hole costs and is a more reliable methodology for testing the validity of the prescribed just and reasonable rates. We will, therefore, adopt the DCF approach in testing the validity of the rates prescribed in this opinion rather than the suggested full cost accounting methodology.

While there may be certain informational gaps in the record as to the timing of pre-production expenditures and production of the gas discovered, we believe that the record as a whole permits us to make reasonable assumptions as to the timing of expenditures. We conclude that the timing pattern utilized in Case II of Appendix H to Opinion No. 699[50] is the most reasonable assumption that may be made on the basis of this record. This pattern shows that the weighted average lead time from the expenditure of funds to the commencement of production is approximately 1.6 years which compares favorably with our conclusion in Opinion No. 699 that the average lead time was approximately 1.5 years.[51]

In utilizing the DCF analysis, we will retain the basic derivation of the various cost components adopted in Opinion No. 699 and other cases. We shall also continue to rely upon the statistical data sources utilized in the past cases for such sources are "well recognized and authoritative." Moreover, the comments of APGA and Senator Abourezk to the effect that we may not rely upon statistical data gathered and published by natural gas industry sources are truly misplaced in this proceeding for that issue has been resolved in favor of the Commission by the Courts. "Permian Basin Area Rate Case," supra; "Placid Oil Co., et al. v. FPC," 483 F.2d 880 (5th Cir. 1973), affirmed, "Mobil Oil Corp. v. FPC," supra. Their comments regarding the net liquid credit have been considered. Again, taken in context, the value we assigned to the net liquid credit is reasonable in light of our utilization of drilling cost data for 1972 and an average productivity based upon the years 1966 through 1972, inclusive, as the basis for the cost computations and rate determinations.

Rather than review each individual component of the detailed cost analysis set forth in Opinion No. 699, we shall concentrate upon the major variables such as drilling costs, productivity, rate of return, and the modifications required by the adoption of DCF costing to demonstrate the reasonableness of the costs and rates determined in this opinion.

With respect to the costs determined in this opinion, a range has been adopted which utilizes untrended 1972 cost figures as the low end of the range and trended drilling costs for the high end of the range. This range in conjunction with our cost findings based on Permian methodology tested by DCF analysis will provide a reasonably reliable estimation of the cost of new gas supplies, and it recognizes the fact that the drilling cost data available to the Commission is data for a past period which may not be truly representative of future costs.

1. *Drilling costs.* Both the Producers and UDC allege that the Commission erred in failing to trend drilling costs to allow for inflation since the 1972 drilling costs were reported by the Joint Association Survey (JAS). There is no error in the Commission's decision to use 1972 JAS drilling costs without trending to determine the low side of the cost range adopted herein. Such costs, in an era of rising costs provide a base line, but only a base line, upon which to determine rates. We have determined that the upper end of the cost range used to determine rates should be based upon drilling costs as trended by the application of regression analysis.

Trended drilling costs for 1973 were developed from a least squares analysis of actual per foot drilling costs for successful wells and dry holes for 1963 through 1972. This technique indicates that trended successful well cost per foot will be $29.83 and that trended dry hole cost per foot will be $16.69.

These trended costs will be used to develop the high side of a reasonable cost range because they are more likely to be representative of future periods than are drilling costs for a past year, even the most recent year.

2. *Productivity*—a. *Reserve Additions.* Again, the Producers and UDC are the major parties objecting to our productivity computations.[52] These parties allege that we have committed error by using average productivity for the most recent seven-year period (1966–1972) to determine costs. Both the Producers and UDC support productivity findings in the range of 350 to 400 Mcf per foot drilled on the assumption that productivity levels for the most recent three or four years demonstrate a definite downward trend which is not accounted for in the productivity findings of Opinion No. 699. Quite the contrary is true for the most recent seven-year period. It was adopted as the basis upon which to compute productivity because we conclude that this period would be most representative of future drilling efforts in light of recent productivity trends.

Past area rate cases computed productivity factors upon the average for the longest time series available; that is, for the period 1946 to the most current year for which reserve additions

[47] The typical producer maintains approximately 76 percent of its capital structure as common equity with long-term debt accounting for 23 percent of the total capital and preferred stock accounting for under one percent. *See infra* at 33.

[48] Pennzoil Company, et al., The Rodman Corporation, Tenneco Oil Company, and Texasgulf, Inc.

[49] See the exhibits presented in oral arguments by The Rodman Corporation, et al., for the derivation of these costs.

[50] ____ F.P.C. ____.

[51] ____ F.P.C. ____, Opinion No. 699 at 71–72.

[52] A number of parties made specific objections to our inclusion of the Appalachian-Illinois Basin Area within the scope of the national rate and recommended the establishment of a separate rate based upon that area's unique characteristics. See infra at 65–66.

and drilling footages were available. This policy was not completely unrealistic prior to 1968 when reserve additions first dropped to an extremely low level which has continued through 1973.[53] In part, the extremely low productivities since 1969 are due to net negative revisions being reported by the American Gas Association for those years. However, even after the exclusion of all revisions—negative or positive—the date still show a marked drop in reserve additions and productivity levels starting in 1968.[54]

It is to this decline that the Commission's attention must be directed for there are a number of questions regarding the decline which must be answered. Will the extremely low level of new additions experienced from 1968 through 1973 continue into the future? Are the productivity levels reported for 1968 through 1973 indicative of future productivity levels?[55] Are there factors which may improve the level of new reserve additions and productivity in the future?

The expansion of gas-well drilling activity which began in 1972 and carried through the first six months of 1974 should increase the volume of new reserve additions in the near future. The reserve additions data for 1966 through 1972 show a significant drop for new field discoveries for the period 1968 through 1972 with extensions showing a decline for 1968 through 1973 over 1966 and 1967. New reservoir discoveries in old fields demonstrate a very erratic pattern for the entire period (1966–1973) with no discernable trend. Revisions show a precipitous drop after 1968 which accelerated in 1973. For 1966 to 1968, net revisions increased from a positive 3 Tcf[56] per year to a positive 4 Tcf per year. For 1969, net revisions were a negative 1.4 Tcf per year and this increased to a negative 1.9 Tcf for 1972. In 1973, net revisions increased to a negative 5.3 Tcf per year, nearly a threefold increase. For present purposes, it is the trends in new field discoveries and new reservoir discoveries in old fields that are of the main interest.[57]

For the period 1968 through 1972, new field discoveries averaged approximately 1.4 Tcf per year compared to 2.8 Tcf per year for 1966 and 1967. This level increased to 2.0 Tcf in 1973 indicating that the expanded drilling programs were beginning to have an effect upon reserve additions. With the increased leasing of acreage in the offshore Federal domain starting in late 1972, it can be expected that the level of new field discoveries should increase significantly over the levels recorded for 1968 through 1972 in the 1973–1974 period. Thus, the use of the most recent three to four year period prior to 1973 would probably understate the level of new field discoveries for the near future.

The trend for new reservoir discoveries in old fields is no trend at all. The reported new volumes for this class of discoveries declined from 1966 through 1969 only to increase for two years before entering another declining mode. Given the trend for 1966 through 1973, it can be expected that the volumes attributable to this class of discoveries should again increase in 1974 or 1975. Here, the average for the eight year period (approximately 2.9 Tcf per year) should approximate or be somewhat less than the level that will be experienced in the near future.

Extensions demonstrate a discrete drop from a level of approximately 8 Tcf per year prior to 1968 to a level of approximately 5.3 Tcf after that year. Since 1973 extensions (5.3 Tcf) were substantially equivalent to the average for the previous five years, it would be easy to conclude that this level should continue for the near future. We would agree were it not for the increase in drilling activity since 1972. A careful analysis of the data on extensions results in the conclusion that this level may not be truly representative of future extensions. As new field discoveries increase the level of extensions will probably increase. New field discoveries increased in 1973 so it is probable that the level of extensions will increase in 1974 or 1975 unless new field discoveries again decline. Given the nature of the relationship between extensions and new fields and reservoirs, the present level of reported extensions is probably understated for the future and some allowance should be made for growth in this classification.

Revisions present the most difficult problem because it is extremely difficult to determine the relationship between revisions and drilling. Indeed, the AGA definition of revisions indicates to a certain extent that revisions are dependent upon production data in computing the magnitude of the revisions.

> The drilling of additional wells in a reservoir not only delineates the productive area but also provides additional basic geological and engineering data. Estimates of porosity, interstitial water, pay thickness and other reservoir factors may be revised by new data. Analysis of the producing history of a reservoir, including production of oil, gas and water, and pressure performance results in more accurate concepts concerning the producing mechanism, recovery efficiency and the performance of the reservoir. The composite of this new and improved information will yield more precise estimates of the ultimate recoveries and remaining reserves and result in revisions to previous estimates. Changes in reserve estimates brought about [by] the application of cycling and other recovery techniques are included in the revision to reserves. Also, changes in reserves resulting from a reduction in the estimate of the proved area are included in revisions.

Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1973, Volume 28, June 1974, published jointly by the American Gas Association, the American Petroleum Institute, and the Canadian Petroleum Association. Thus, we must determine the extent to which revisions are the result of drilling and which are the result of additional production experience, as well as the date of discovery of the reservoirs to which revisions are attributable.[58]

Because the AGA reserve reports do not classify revisions by the year in which the reservoir was discovered, it is impossible to determine which revisions should be included in the total reserve additions for computing productivity because of the age of the underlying reservoir. It appears probable that at least a substantial portion of the large negative revisions which have been reported in recent years relate to older reservoirs which are being updated to account for production. The National Gas Reserves Study noted that in many of the Texas Gulf Coast fields "the A.G.A. seemingly was either still based on volumetric calculations or production curves which had not been updated."[59] Moreover the AGA reported with respect to 1973 reserve additions the following information on negative revisions:

> Negative revisions of prior estimates were reported for both Texas and Louisiana. These downward adjustments are based primarily on data obtained from continuing production experience. These data indicate a greater loss of pressure with production than had been anticipated.[60]

These sources indicate to us that the substantial negative revisions of recent years should be partially discounted as non-recurring adjustments that will not be repeated in future years.

Having determined that the significant negative revisions of recent years will probably not be repeated in the future because of the probable nature of the revisions, we must determine whether net revisions will continue to be negative or positive and the most reasonable volumes which will be attributable to this class of reserve additions. The reported data for 1966 through 1973 are not very helpful. For 1968 through 1973, positive revisions increased from 4.3 Tcf in 1966 to 6.2 Tcf in 1968 and then declining to 1.4 Tcf in 1973. During this same period, negative revisions increased from 1.3 Tcf in 1966 to 6.8 Tcf in 1973, with the most significant increase coming in 1973 when negative revisions increased 3.4 Tcf over the levels reported the two previous years. See Table II.

It is significant in evaluating revisions that there have been two abrupt changes

[53] See Table I. This table covers only the years 1966 through 1973 since reserve additions were not broken out into revisions, extensions, new field discoveries, and new reservoir discoveries in old fields prior to that year.

[54] Table I.

[55] The productivity factor for 1973 is based upon preliminary drilling footage statistics and is subject to the possibility of modification when the final statistics are reported.

[56] Tcf stands for trillion cubic feet.

[57] See Table I.

[58] The effect of revisions for the eight-year period (1966–1973) is shown in Table I to this opinion.

[59] FPC National Gas Survey, National Gas Reserves Study at 16, May 1973.

[60] American Gas Association News Release, March 28, 1974.

in the pattern of reported revisions. The first occurred in 1969 when positive revisions dropped from an average of 5.4 Tcf per year for the previous three years to a level of 1.4 Tcf. See Table II. The second change was the dramatic increase of negative revisions in 1973 over the prior years—this increase was in the order of 3.7 Tcf when compared to the three prior years. See Table II. Given these abrupt changes, it is probable that positive revisions will again increase and that the level of negative revisions will decrease. We are, however, unable to quantify the potential changes in the level of future revisions.

In summary, we conclude that reserve additions for the most recent years are understated due to negative revisions relating to the updating of reserve estimates for older reservoirs to reflect "continuing production experience," and a lower than normal level of new field and new reservoir discoveries resulting from decreased leasing in the offshore Federal domain in the late 1960's. The increased Federal leasing in 1973 and 1974 along with a decline in negative revisions will increase total reserve additions and result in improved productivity in the next several years.

Before leaving the subject of reserve additions and productivity, there is one final matter which deserves a reply. The Producers' contend that the Commission erred in its "statement * * * that the Producers did not submit any mathematical analysis of anticipated future productivity * * * is contrary to the record." [61] We note that Mr. Roe's own description of his study indicates that the study is limited to exploratory drilling, and does not include the effect of developmental drilling. Since Mr. Roe omitted an indispensable component in predicting future productivity, his study is not a credible mathematical model upon which the Commission may rely. Mr. Roe states:

> It should be carefully noted that this method has application only to the portion of annual reserve additions attributable to newly discovered fields and certain newly discovered reservoirs.[62]

Thus, it appears that Mr. Roe has concentrated his focus upon only part of the total picture. The qualifying statements in Mr. Roe's comments of May 7, 1974,[63] do not cure the deficiencies in Mr. Roe's presentation.[64] An analysis so limited cannot serve as the basis for computing anticipated future productivity and the establishment of just and reasonable national rates.

b. *Drilling footages.* The rather dramatic increase in gas well drilling footage for 1973 [65] is also in part responsible for the decline in productivity for that year. The data for the first six months of 1974 indicates that 1974 footage may increase approximately 24.3 percent above 1973 levels [66] for a total of over 44,000,000 feet.

This increase in drilling footage will lower productivity unless reserve additions also increase. Since our evaluation of the various components of total reserve additions indicates that they should increase sufficiently to offset the increased drilling footage, there should be no material drop in productivity levels in the near future. Some particular producing areas may experience small productivity declines, but others should show increases as expanded drilling efforts begin to disclose new fields and reservoirs.

Year:	*Footage drilled*
1973	15,936,742
1974	19,805,833

VIII Quarterly Review of Drilling Satistics for the United States, Second Quarter, 1974, No. 2, American Petroleum Institute (August 1974).

3. *Rate of return and the rate base.* The issues of the appropriate rate of return on the productive investment and the components to be included in the rate base are interrelated and will be considered together in this opinion on rehearing. Most of the contentions of the Producers and others challenging the rate of return allowed and the exclusion of dry hole costs from the rate base were fully answered in Opinion No. 699 [67] and need not be repeated here.

a. *The rate of return.* The Producers specifically, and others generally, allege that the 15 percent rate of return allowed by Opinion No. 699 is inadequate. It is urged that the rate is inadequate because of rising capital costs, inflation, and the natural gas shortage, and that rates of return of 15 to 18 percent after taxes on a discounted cash flow basis are required. The Producers also urge that they will not be permitted to earn the full 15 percent return allowed by the Commission. These contentions are erroneous as they fail to consider the fact that the rate allowed for nonassociated gas is also allowed for associated and dissolved gas and for expiring contracts where a new contract is executed [68] thereby increasing the total return to natural gas producers selling gas in interstate commerce. Moreover, these contentions ignore the escalations provided by this opinion which further increase the return to the producer.[69] When all of these factors are evaluated, it cannot be said that the total return allowed by the Commission is not within a permissible "zone of reasonableness." [70]

We note that all of these factors are components of a total rate design and that it is impossible to single out any one component of the rate design as being unreasonable without considering the relationship of that component to the total. "Mobil Oil Corp. v. FPC," 42 U.S.L.W. 4842 (U.S June 10, 1974). When the rate of return allowed by Opinion No. 699 and this opinion are so considered, it cannot be said in good faith that the return allowed is insufficient or that the order "is unjust and unreasonable in its consequences." "FPC v. Hope Natural Gas Co.," 320 U.S. 591, 602 (1944); see also, "Permian Basin Area Rate Cases," 390 U.S. 747, 767 (1968); "Mobil Oil Corp. v. FPC," supra, slip opinion at 19-23.

Before proceeding to an analysis of the appropriateness of a 15 percent rate of return, we are faced with the Producers' contention that they "are confronted with data not contained in the record." This data which comprised Appendix E of Opinion No. 699 set forth a study of the rates of return earned by various industrial groups in recent years. Such data is available to the public from widely recognized financial sources which this Commission may consider when it establishes rates. Thus, we find the Producers' contention pertaining to the extra-record nature of this data is meritless and it is rejected.

In general, the Producers' and UDC's main objections to the rate of return findings in Opinion No. 699 are the Commission's alleged failure to consider the evidence presented by the Producers' witnesses, Dr. Ezra Solomon and Kenneth E. Hill. This evidence was considered and evaluated by the Commission, but not adopted, and accorded the healthy skepticism that all evidence introduced by any party in a proceeding before the Commission receives before a decision is made. The FPC's function is to carefully weigh all evidence on all issues especially critical issues such as rate of return in order to protect the public interest. The Commission is, therefore, not required to treat as conclusive or controlling the evidence of any party. Such is the case of

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[61] Application For Rehearing of Indicated Producer Respondents, at 22 n. 22.

[62] Response Of Indicated Producer Respondents To Notice Of Proposed Rulemaking And Order Prescribing Procedures, Appendix D at 2, May 16, 1973.

[63] Joint Comments Of Indicated Producer Respondents, Appendix I at 9–10.

[64] We note that Mr. Roe's analysis reaches conclusions similar to those reached by United Distribution Companies witness Ogden. See Comments Of United Distribution Companies In Response To Notice Issued March 21, 1974 (Separate Appendix Prepared By William J. Ogden), May 7, 1974. Mr. Ogden bases his studies upon productivity trends of the most recent years on the assumption that productivity will continue to decline in the future.

Mr. Ogden's comments attached to UDC's petition for rehearing which suggest that drilling costs must be adjusted in order to conform to the productivity level selected by the Commission have no basis in the evidence of this proceeding and are rejected.

[65] The increase of 1973 footage over 1972 footage is approximately 33.1 percent based upon priliminary footage data for 1973.

[66] Preliminary data for the first six months of 1973 and 1974.

[67] ____ F.P.C. ____, ____, Opinion No. 699 at 59–70.

[68] The contracts which are eligible for this rate are described infra at 40–44.

[69] The producers are further protected from the attrition of their return by the Biennial review provisions prescribed in this opinion. See 50–54 infra.

[70] FPC v. Natural Gas Pipeline Co., 315 U.S. 575, 585 (1942).

the evidence presented with respect to the rate of return in this case.

A fifteen percent rate of return is not unduly low in light of current financial conditions. While it is true that interest rates on short-term borrowing and long-term debt have increased significantly in the 1973–74 period it is not unreasonable to assume that these rates will decline over time. We can to a certain extent discount these recent increases in evaluating the return allowed on long-term capital investments. The return on this investment must be a return that will attract capital for long-term investment. Because of the nature of the investments, there are different motivations which lead an investor to choose one over the other and it is impossible to equate the return on one with the return on the other. The best analysis that can be made is a comparison of the two. The long-term investment in gas exploration ventures which entail a certain degree of risk will necessarily have to provide a greater return than a short-term security that entails almost no risk. The dispute in this case is the difference that is required to make the long-term venture attractive to investors.

While historic levels of return for natural gas producers have been below the levels required to finance the necessary exploration programs, it has not been demonstrated by substantial evidence in the record of this proceeding that the allowed rate of return is inadequate. What has been demonstrated is the fact that the rates which had been determined in the prior area rate proceedings are too low and too far out of date. Had the Commission promptly determined, and then adequately reviewed rates in these earlier proceedings, as we provide in this decision, it is most probable that the revenues to the natural gas producers would have been adequate to expand exploration and production activities.

Having concluded that a base rate of return of 15 percent provides a sufficient incentive to attract capital to natural gas exploration and production ventures, it is necessary to consider the impact of allowing the rate provided for non-associated gas for associated and dissolved gas and for gas formerly sold under expiring contracts where a new contract has been executed. Associated and dissolved gas represents a lower cost product than non-associated gas since it is primarily a by-product of crude oil production. As such its costs are very likely to be considerably less than the cost of new non-associated gas supplies where the gas must bear the entire investment. Allowing the same price for this lower cost product as is allowed for the higher cost non-associated gas increases the overall rate of return on gas related activities while providing an additional incenitve for increased oil exploration. The potential magnitude of this allowance may be ascertained when associated and dissolved gas additions have averaged approximately 1.8 Tcf per year for 1966–1972.[71]

[71] Opinion No. 699 at 114, Table 4.

Renewal contracts qualifying for the national rate[72] provide additional revenues and additional return to natural gas producers selling natural gas in interstate commerce. There are, of course, cases where the cost of continuing to produce additional quantities of gas may be greater than the price allowed by the expired contract or the higher national rate; however, the special relief provisions established in this proceeding[73] and under § 2.76[74] furnish avenues of relief. In many cases, however, reservoirs continue to produce substantial quantities of gas after the original contract has expired at a cost which is significantly less than the estimated cost of new non-associated gas supplies. Again, the result is incremental return which is an addition to the base rate of return allowed for new gas supplies.

Finally, we note an error in Opinion No. 699 pertaining to the capital structure of a group of petroleum companies. The table in Opinion No. 699 was:

[72] The renewal contracts which qualify for the national rate are set forth at 40–44 infra.

[73] 18 C.F.R. § 2.56a(g).

[74] 18 C.F.R. § 2.76; Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R–458, 49 F.P.C. 992, as amended, 49 F.P.C. 1325 (1973).

Capital structure—1972 [1]

	Million dollars	Capital ratios	Costs	Weighted component
		Percent	*Percent*	*Percent*
Long-term debt	21,858	23.35	6.25	1.46
Preferred stock	404	.43	6.00	.26
Common equity	71,352	76.22	17.42	13.28
Total	93,614	100.00		15.00

[1] Financial analysis of a group of petroleum companies; a Chase Manhattan Bank study.

The table should have read:

Capital structure—1972

	Million dollars	Capital ratios	Costs	Weighed component
		Percent	*Percent*	*Percent*
Long-term debt	21,858	23.35	6.25	1.46
Preferred stock	404	.43	6.00	.03
Common equity	71,352	76.22	17.73	13.51
Total	93,614	100.00		15.00

If the cost of long-term debt and preferred stock is increased to 9 percent, the return on common equity becomes 16.87 percent.

b. *The rate base.* The main rate base issue is whether the Commission should adopt the principles of "full cost accounting"[75] thereby allowing a return on the dry hole or "unsuccessful well" costs.[76] As previously mentioned,[77] we believe that it is better to adopt a DCF costing formula rather than graft the full cost accounting or return on dry hole cost concepts onto the Permian formula.

4. *Summary of costs and rate determination.* The costs derived from the DCF studies range from 47.82 cents per Mcf for the low end of the range to 51.46 cents per Mcf for the high end of the range.[78]

The low end of the range is based upon untrended 1972 drilling costs found in Opinion No. 699 at Appendix C, Schedule No. 1, Sheet 1 of 9, adjusted to reflect a 15 percent return on investment under a DCF analysis. See Appendix C to this opinion.[79]

The high end of the range is based upon trended drilling costs of $29.83 per foot for successful wells and $16.69 per foot for dry holes. The productivity is 485 Mcf per foot based upon our findings in Opinion No. 699 and the discussion of reserve additions and drilling footages supra at 17–27.

Based upon the foregoing cost range, we conclude that the rate determined in Opinion No. 699 should be increased from 42¢ per Mcf with escalations of 1.0 cents per Mcf per annum. We find that a reasonable rate may be prescribed ranging from 48 to 52 cents per Mcf and establish a just and reasonable rate of 50 cents per Mcf. This rate is sufficient to allow the recovery of all costs plus a DCF return of 15 percent when all factors are considered.

5. *Federal Income Taxes.* The Producers, the Pennzoil Group, The Rodman Corporation, Tenneco Oil Company, and Texasgulf, Inc., all allege that error was committed in the Commission's decision

[75] The parties urging the adoption of a return on dry hole costs include the Producers, the Pennzoil Group, Tenneco Oil Company, The Rodman Corporation, Texasgulf, Inc., UDC, and General Motors.

[76] ____ F.P.C. ____, Opinion No. 699 at 64 n. 85.

[77] Supra at 13–18.

[78] An annual escalation of 1.0 cents per Mcf is allowed for in both cases consistent with the escalation provided in Opinion No. 699.

[79] These costs were used in Case III of Appendix H to Opinion No. 699 to compute a DCF return of 12.65%.

not to include a Federal Income Tax allowance in the national rate established in this proceeding.

We believe that the decision to reserve this issue for individual company proceedings is correct. As we stated in Opinion No. 699,[80] the complex nature of the Federal tax laws negate any simple calculation of a Federal tax liability and require consideration of the producer's tax returns in order to consider the timing relationships between investment expenditures, the expensing of intangible drilling costs,[81] and jurisdictional sales.[82]

Those parties questioning our treatment of the income tax issue cite the City of Chicago decision [83] as requiring the Commission to adopt their procedures for the computation of a tax liability. We do not so read that decision for the quoted language is only a part of the Court's reasoning in rejecting the petitioner's argument that the application of area rates to pipeline production without adjustment for individual pipeline tax liabilities violated the "actual taxes paid principles.[84] There is no reasoning in that discussion which compels the Commission to adopt the income tax computations set forth by participants to this proceeding just as the Court found no requirement that the Commission consider individual pipeline tax liabilities in pricing pipeline owned production.

6. *Gathering allowances.* In Opinion No. 699 (93–94), we provided for gathering allowances in the Hugoton-Anadarko, Permian Basin, and Rocky Mountain Areas. The Producers urge that we have erred in providing these gathering allowances by (i) reducing the gathering allowance for the Permian Basin from the 1.5 cents per Mcf provided in Opinion No. 662 (50 F.P.C. 462 (1973)) to 1.0 cents per Mcf and (ii) failing to recognize the gathering allowances provided in the Appalachian-Illinois Basin, Other Southwest, Southern Louisiana, and Texas Gulf Coast Areas. The Producers further urge that the 1.0 cents per Mcf gathering allowance prescribed for the "Other Fields" of the Hugoton-Anadarko Area and the Rocky Mountain Area be increased to 1.5 cents per Mcf as provided in Permian II. We agree that the first two points raised by the Producers dictate corrective action; however, there is no data or evidence in this record which dictate an increase in the previously determined gathering allowances for the "other Fields" of the Hugoton-Anadarko Area and the Rocky Mountain Area.

The reduction in the gathering allowance for the Permian Basin from 1.5 cents per Mcf to 1.0 cents per Mcf was an inadvertent error and § 2.56(h) (4) will be revised accordingly.

Unlike the gathering allowances for the Hugoton-Anadarko, Permian Basin, and Rocky Mountain Areas which were stated separately, the gathering allowances for the Other Southwest, Southern Louisiana, and Texas Gulf Coast Areas were made a part of the base rates. Furthermore, a deduction equal to the applicable gathering allowance was provided for if the gas was delivered to the purchaser closer to the wellhead than a central point in the field, the tailgate of a processing plant, an offshore platform, or a point on the purchaser's pipeline in the Other Southwest,[85] Southern Louisiana,[86] and Texas Gulf Coast [87] Areas. Thus, in these areas we will prescribe gathering allowances to be added to the base national rate only if deliveries are made no closer to the wellhead than the points described above. The amount of the gathering allowance provided for these areas will be the amount prescribed in the applicable area rate opinion.

The gathering allowance for the Appalachian-Illinois Basin Area was included in the base area rates and made applicable to all sales.[88] The same treatment for gathering in the Appalachian-Illinois Basin Areas will be provided in this proceeding.

The producers also allege that the gathering allowances for the "Other Fields" of the Hugoton-Anadarko Area and the Rocky Mountain Area should be increased from 1.0 cents per Mcf to 1.5 cents per Mcf because of "increasing costs, necessity for additional compression on older systems and inflation itself." We have exhaustively reviewed the record of this proceeding for evidence which would support such a claim, and we find none. In such cases, the mere allegations of counsel are not sufficient to support the increase and the claim is accordingly rejected.

7. *Btu adjustment.* The Producers and United Gas Pipe Line Company (United) have questioned the procedures for computing the Btu adjustment that were promulgated in Opinion No. 699.

United objects to the computation of the Btu adjustment after the applicable severance or production tax has been added to the base national rate because it must now reimburse 100 percent of any such taxes rather than 87.5 percent as required by this Commission's orders for the Other Southwest, Southern Louisiana, and Texas Gulf Coast Areas and because the producers have no incentive to object to new increases in such taxes.

We believe that United's position should be rejected. There is no rational reason why natural gas producers who elect to sell their gas in interstate commerce pursuant to Opinion No. 699, as amended by this Opinion, should be penalized because a state legislature determines that the best interest of the state dictates an increase in that state's production or severance tax. In past opinions, natural gas producers were allowed to pass on a fraction of the increased taxes, generally 87.5 percent, and bear the remainder. While there may be a sustainable basis for such a practice in the past, we are unable to conclude that natural gas producers should not be permitted to pass on the total amount of such increases. The Btu adjustment authorized in this proceeding is consistent with the past practices of this commission which indicate that the base rate is to be adjusted for production or severance taxes before the selling price is adjusted for Btu content.

Both United and the Producers seek clarification of the basis upon which the Btu adjustment is to be made. United requests the Commission to clarify whether "the Btu will be measured on a 'saturated' or 'dry' basis depending upon the terms of each individual contract." The Producers argue that the heating content (Btu) "of the gas should be adjusted for the water vapor content in the gas as it is delivered." In "Texaco, Inc.," 33 F.P.C. 1228 (1965), the Commission determined that Btu adjustments should be made on a saturated basis. 33 F.P.C. 1228 at 1236–1237. This is the basis which was utilized in the area rate proceedings, and it is the basis that will be adopted in this proceeding. Section 2.56 (h) (2) will be modified accordingly to reflect Ordering Paragraph (D) of Opinion No. 464. 33 F.P.C. 1228 at 1238.

B. *Scope of the Order.* A number of parties have questioned the scope of the order in this proceeding with respect to the eligibility requirements for the three classes of natural gas sales which the Commission has determined qualify for the rate prescribed by this decision. In Opinion No. 699–A,[89] the language of Opinion No. 699 [90] and Section 2.56(h) (1) was amended to provide the following eligibility requirements for those qualifying classes of gas supplies other than gas supplies which qualify under a "wells commenced" standard:

> (2) sales 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 18 CFR 2.68, 2.70, 157.22, or 157.29, or (3) sales made pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which [have] expired by their own terms.

Most of the questions concerning the scope of Opinion 699 pertain to the interrelationship between Opinion 699 and Opinion 639.[91] Other questions relate to sales commenced under the optional procedure pursuant to 18 C.F.R. 2.75(n)

[80] ____ F.P.C. ____, slip opinion at 73–76.

[81] Int. Rev. Code of 1954, § 263(c); Treas. Regs § 1.612–4.

[82] Such an investigation would be concerned solely with expenses, deductions, and revenues associated with and incurred or generated in connection with jurisdictional sales. ____ F.P.C. ____, Opinion No. 699 at 74.

[83] City of Chicago v. FPC, 458 F. 2d 731 at 756 (1971), cert. denied, 405 U.S. 1074 (1972).

[84] See 458 F. 2d 731 at 754–757.

[85] 46 F.P.C. 900, 919, 924 (1971).

[86] 46 F.P.C. 86, 132, 143 (1971).

[87] 45 F.P.C. 674, 704, 719 (1971).

[88] 44 F.P.C. 1112, 1122–1123 (1970). This allowance applies to all sales whether or not the gas is gathered.

[89] ____ F.P.C. ____ (August 2, 1974).

[90] ____ F.P.C. ____, ____, Opinion No. 699 at 1.

[91] 48 F.P.C. 1299 (1972).

where the optional certificate is not accepted or issued and to which wells commenced on or after January 1, 1973, qualify for the national rate. Pipeline production and newly discovered reservoirs are discussed infra at 46–50.

1. *Renewal contracts.* By Opinion No. 639, supra n. 91, the Commission announced its policy of eliminating vintaging by contract date through the vehicle of allowing the renewal contract to receive the new gas rate upon expiration of the term of the previous contract pursuant to the provisions of the prior contract. The Commission has applied this policy in several situations as to the timing of the renewal contract and the expiration of the prior contract as the Producers point out.

Opinion 699 allowed the national rate only to those situations where the prior contract expired on or after January 1, 1973, and the renewal contract was executed on or after that same date. Opinion No. 699–A, supra, amended this language to include all renewal contracts executed on or after January 1, 1973, regardless of the date of expiration of the term of the primary contract.

The amended language of Opinion No. 699–A meets one of the two situations advanced by the Producers as not being covered by Opinion No. 699.[92] However, the other situation where a contract is entered into prior to the cutoff date and prior to the expiration of the term of the contract does not fall within the language of Opinion No. 699. We believe that renewal contracts falling within this classification should be allowed the national rate after the expiration of the term of the previous contract and not before that date. Mobil Oil Corp. (Operator), et al., 49 F.P.C. 239 (1973).

In making such modifications, we shall continue to require that the renewal contract be executed on or after January 1, 1973, or, in the alternative, that the term of the primary contract has expired on or after that date, whether or not the renewal contract was executed before that date.[93] While such requirements may not extend the national rate to all sales that come within the literal terms of Opinion No. 639, they are reasonable limitations upon the scope of the national rate.

Superior Oil Company's suggestion that the national rate be allowed for sales of natural gas where the term of the prior contract has expired and the seller and purchaser has been unable to agree upon a renewal contract must be rejected. The principles of vintaging expressed in Opinion No. 639 as adopted in Opinion No. 699 presumes that purchaser and seller of gas which is the subject of an expired contract will execute a renewal contract that is beneficial to both.

The automatic allowance of the national rate upon expiration of the formerly effective contract would release the seller from any obligation to bargain in good faith with the purchaser for a new contract, and such a situation we believe to be contrary to the public interest.[94] In many cases, the purchasing pipeline may desire a quid pro quo from the selling producer in the form of additional acreage dedication, exploration and development activity on the previously dedicated acreage, or other similar activities that could result in the dedication of additional new gas supplies to the interstate market. Such concessions by the seller will certainly not be made if the price is allowed to increase to the national rate automatically without the requirement of a renewal contract. Since such concessions are in the public interest because of the need for additional gas supplies which can be dedicated to interstate pipelines, it would be untenable to force the purchasing pipeline to pay the increased rate without the opportunity to obtain additional benefits for itself and its customers.

Finally, we find no merit to Superior's contention, made at the oral argument in this proceeding, that the requirement of a renewal contract violates section 4(b) of the Natural Gas Act.[95] No evidence was made a part of the record of this proceeding which would support such an argument, and, in the absence of such evidence, we are constrained to reject the argument. In so disposing of Superior's argument, we do not intend to imply that there may not be situations where the refusal of the purchaser to bargain in good faith for a renewal contract would not provide a basis for Commission action to remedy the situation.

On September 6, 1974, Austral Oil Company Incorporated (Austral) filed a motion for reconsideration of Opinion No. 699[96] and 699–A[97] and proposed that the promulgated regulations be amended to provide that deliveries which have been made for a period of twenty years or more under a contract for the life of the lease are entitled to the national rate.[98] Austral did not raise this issue before Opinion No. 699 was issued by filing comments and its motion presents no evidence which would make our consideration of the issue appropriate upon rehearing. According, Austral's motion is denied without prejudice to Austral submiting such comments on the issue as it desires to enter into the record of the proceeding instituted today to establish rates for the 1975–1976 biennium.[99]

2. *Optional procedure deliveries.* A number of parties have requested that we include sales commenced pursuant to § 2.75n[100] of the optional procedure[101] with sales formerly made pursuant to the provisions of the emergency sales and limited term certification procedures[102] as qualifying for the national rate. This position has merit, and we shall adopt it on the express condition that no certificate has been issued under the optional procedure for the subject sale.

The caveat which we adopt is necessary to assure the integrity of the national rate structure and the optional procedure as separate components of a total rate design. The caveat guarantees that a producer who may have been issued an optional certificate at a rate which is lower than the national rate will not later seek a new certificate at the national rate because it provides greater benefits than the rate under the optional certificate.

3. *Newly discovered reservoirs on committed acreage.* In Opinion No. 567,[103] the Commission determined that newly discovered reservoirs located on acreage previously dedicated to interstate commerce would be entitled to the price

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[92] These two situations were (a) where the term of the prior contract expired prior to January 1, 1973, and a new contract was executed on or after that date and (b) where the term of the prior contract expired on or after January 1, 1973, and a renewal contract was executed prior to that date. The Commission held that the new gas rate applied to such sales in Southern Union Production Company, 50 F.P.C. 217 (1973), and Mobil Oil Corporation (Operator), et al., 49 F.P.C. 239 (1973), respectively. In Mobile Oil Corporation (Operator), et al., 49 F.P.C. at 239, we held the new price would not become effective until the term of the prior contract expired.

[93] In Opinion No. 639, we spoke in terms of the prior contracts being those executed prior to October 8, 1969, and renewal contracts as those contracts which replace the pre-October 8, 1969, contracts. October 7, 1969, was the division date for vintaging purposes in the Appalachian and Illinois Basin areas. 49 F.P.C. 1299 at 1310. Thus, since we establish a new vintaging date of January 1, 1973, in this proceeding, it follows that this date should be utilized in a rational manner to determine which renewal contracts are eligible for the national rate.

[94] Likewise, there is an obligation upon the purchaser of such gas to bargain in good faith with the seller to formulate a renewal contract.

[95] Section 4(b) provides:

No natural gas company shall * * * (1) make or grant any undue preference or advantage * * * or subject any person to any undue prejudice or disadvantage, or (2) maintain any unreasonable difference in rates, * * * or any other respect, either as between localities or as between classes of service.

52 Stat. 821, 822 (1938); 15 U.S.C. 717c (6) (1970).

[96] ____ F.P.C.

[97] _____ F.P.C. _____.

[98] This filing was not made within 30 days of either Opinion No. 699 or 699–A as required by statute, and it must, therefore be treated as a motion for reconsideration rather than an application for rehearing. See Appalachian Power Company, Project No. 2317, Opinion No. 698–A at 2–5. ____ F.P.C. ____ (1974).

[99] See National Rates For Jurisdictional Sales Of Natural Gas Dedicated To Interstate Commerce On Or After January 1, 1973, For The Period January 1, 1975, To December 31, 1976, Docket No. RM75–14, "Order Instituting National Rate Proceeding," ____ F.P.C. ____ (December 4, 1974).

[100] 18 CFR § 2.75n.

[101] Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 F.P.C. 218, *amended* and reh. denied, 48 F.P.C. 477, reh. denied, 48 F.P.C. 1002 (1972), affirmed, John E. Moss, et al. v. FPC, Nos. 72–1837, D.C. Cir., August 15, 1974 (reversed as to pregranted abandonment, § 2.75e).

[102] 18 CFR 2.68, 2.70, 157.22, and 157.29.

[103] Hugoton-Anadarko Area Rate Proceeding (Committed Acreage), et al., Docket No. AR64–1 (Severed Issue), et al., 42 F.P.C. 726 reh. denied, 42 F.P.C. 1062 (1969), clarified, 43 F.P.C. 222 (1970).

which otherwise be applicable to a contract dated as of the date of discovery except for the fact that the subject acreage had been dedicated under a contract in an earlier vintaging period. The Producers contend that we clarify Opinion No. 699 "by providing that § 2.56 * * * be appropriately amended to provide for the application and interaction of the principles of Opinion 567 and that of the National Rate * * *." We believe that this contention is well taken and it will be adopted as a modification of § 2.56a (formerly § 2.56(h)).

We shall provide that reservoirs, discovered on or after January 1, 1973, as the result of a well commenced on or after January 1, 1973, on acreage dedicated to interstate commerce in such a manner that the sale would not otherwise come within the provisions of § 2.56a(a)(1), shall be entitled to the rate determined in this proceeding. In most situations, we believe that reservoirs discovered on or after January 1, 1973, on acreage committed under acreage dedications to interstate commerce prior to January 1, 1973, would come within the provisions of the first two classes of sales enumerated under § 2.56a(a)(1). There may, however, be cases where such would not be the case, and we will accordingly provide that these reservoirs will be entited to the rate prescribed herein.

The producer seeking the national rate for production from newly discovered reservoirs on committed acreage shall make the filings required by 18 CFR 2.56(f)(2). This subsection has been incorporated as part of the national rate structure in § 2.56a.

4. *Pipeline production.* By Opinion No. 568,[104] the Commission determined that natural gas produced from leases acquired after October 7, 1969, by a pipeline or a pipeline affiliate would be priced at the area rate applicable to gas of the vintage which corresponds to the date that the first well on the lease is completed.[105] We believe that the General Policy Statement relating to that decision should be amended by adding a new subsection (c) which will provide that natural gas which comes within one of the classes enumerated in new § 2.56a(a)(2) shall be entitled to the rate set forth in that section regardless of the date the lease was acquired by a pipeline or pipeline affiliate.

During oral argument, it was noted that the language of § 2.66(a) may pose a vintaging problem for new drilling efforts by pipelines on post-October 7, 1969 leases.[106] While the vintaging policy announced in Opinion No. 567 is not referred to in Section 2.66, it is referred to in the text of Opinion No. 568,[107] and we believe that it should be applied to leases owned by pipelines and pipeline affiliates. Thus, new reservoirs discovered on such leases will be entitled to the national rate applicable to wells commenced and new dedications to interstate commerce of the date of discovery.

In applying the uniform national rate to all qualifying production from leases owned by pipelines or pipeline affiliates, regardless of the date of acquisition of the lease, we are not unmindful of the fact that Opinion No. 568 reserves the rate treatment of pipeline production from leases acquired prior to October 8, 1969, to Phase II of the Pipeline Production Area Rate Proceeding,[108] and that Phase II was terminated by our order of June 14, 1972, reserving the appropriate rate treatment for such leases to company by company rate proceedings.[109]

In the order terminating Phase II, the Commission stated:

> We believe the search for consumer protection through proper incentives and proper price can best be achieved by consideration of individual pipeline production and cost patterns, and company by company determination of pricing for production of leases acquired prior to October 7, 1969.

47 F.P.C. 1523. At the time these principles were announced, the applicable area rate was dependent upon date of contract dedicating the production to the interstate market[110] rather than date of well commencement as established in this proceeding. The change to vintaging by a well commencement date rather than date of contract should be applied to pipelines and pipeline affiliates as well as producers. There is no difference between a well commenced on or after January 1, 1973, by a pipeline or pipeline affiliate on a lease acquired prior to October 7, 1969, and a similar well commenced on a leased acquired after that date just as there is no difference between a well commenced by a pipeline or pipeline affiliate and a similar well commenced by a producer. Since it is the time at which a well is drilled that ultimately results in the greater portion of the cost of the gas supply rather than the costs incurred at the time the lease was acquired, the artificial distinction of lease acquisition date promulgated in Opinion No. 568 should be eliminated from the national rate structure. The existing natural gas shortage requires the best efforts of all persons whether producer, pipeline, or pipeline affiliate to explore for and develop new supplies of gas to satisfy existing unfulfilled demands. These best efforts should not be hindered simply because of the date the lease was acquired,[111] and it is, therefore, in the public interest to allow the national rate for pipeline or pipeline affiliate production which qualifies under § 2.56a(a)(2)[112] regardless of the date on which the subject lease was acquired.

C. *The biennial review.* As a result of our further consideration of the biennial review procedures set forth in Opinion No. 699[113] and the comments with respect to that portion of the opinion filed petitions for rehearing, we have concluded that those portions of Opinion No. 699 must be modified to permit all gas which initially qualifies for the rate prescribed by Opinion No. 699 to be priced at the rate established for each succeeding period.

The biennial review procedures established by Opinion No. 699 will result in the promulgation of numerous vintages of gas each with a locked-in rate subject only to annual escalations. These pricing policies, if implemented, could discourage the dedication of new gas supplies to the interstate market and cause further increases in the curtailment of service by most of the major interstate pipelines.[114] Such results are clearly contrary to the Commission's responsibility under the Natural Gas Act to assure the maintenance of adequate supplies of natural gas at the lowest reasonable price.[115] The continued decline in discoveries of new gas supplies and increased curtailment by the pipelines will increase the costs paid by the consumer for the gas itself at the wellhead and for the transportation service performed by the pipeline. These increases will ultimately produce prices that are not just and reasonable, but excessive, and service which is totally inadequate.

We are of the opinion, however, that adjusting the rate established in Opinion No. 699 to the rate levels established in

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[104] Pipeline Production Area Rate Proceeding (Phase I), 42 F.P.C. 738, as amended, 42 F.P.C. 1089 (1972), affirmed, City of Chicago v. F.P.C., 147 U.S. App. D.C. 312, 458 F.2d 731 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972).

[105] 42 F.P.C. 738 at 754, 18 CFR 2.66(a).

[106] The specific language reads:

> * * * gas * * * will be priced * * * at the just and reasonable area rate applicable to gas of a vintage corresponding to the date of completion of the first well on the lease * * *.

18 CFR 2.66(a).

[107] 42 F.P.C. 738 at 752.

[108] 35 F.P.C. 497 (1966). *See* also Area Rate Proceeding, et al. (Hugoton-Anadarko Area), 31 F.P.C. 1595 (1964).

[109] 47 F.P.C. 1523 (1972).

[110] Newly discovered reservoirs located on previously committed acreage were subject to the price determined by date of discovery rather than date of contract. See N. 103, supra.

[111] Whether production dedicated to the interstate market prior to January 1, 1973, from pipeline or pipeline affiliate leases acquired on or before October 7, 1969, should receive the rate ultimately determined for pre-January 1, 1973, gas supplies is a matter to be resolved in Docket No. R-478.

[112] See infra 75-76, Ordering Paragraph (A). We believe that this clarification answers the questions posed by the New Mexico Commission since gas produced from post-December 31, 1972, wells will qualify for the national rate whether drilled by a pipeline or a producer.

[113] —— F.P.C. ——, Opinion No. 699 at 101-102.

[114] *See* Opinion No. 699, —— F.P.C. ——, slip opinion at 31-35.

[115] Mobil Oil Corp. v. F.P.C., 42 U.S.L.W. 4842 (U.S June 10, 1974) See Atlantic Refining Co., et al. v. Public Service Commission of New York, 360 U.S. 378 at 388 (1959), citing section 7(c) of the Natural Gas Act as enacted, 52 Stat. 825. "The 1942 amendments to section 7, 57 Stat. 83, were not intended to change this declaration of purposes." 360 U.S. 378, 388, n. 7.

succeeding biennial reviews will encourage the dedication of additional gas supplies to the interstate market at the lowest total cost to the consumer while protecting the financial integrity of the producer. Whether these adjustments will be upward or downward will, of course, depend upon whether costs and the other pertinent rate design factors increase or decrease.[116] It is precisely these variables that will be considered in the biennial reviews to determine rates for future periods, and these continuing reviews will allow the Commission to monitor changes in the economy which have a bearing upon the price of gas and the need for capital to finance the necessary exploration, development, and production activities. With the adjustment of all new (post-December 31, 1972) dedications of gas to the same rate, the burden of financing new gas supplies can be distributed between old and new customers and between historic and future demand.

The adjustment of all rates for post-December 31, 1972, dedications to the newly established rate will also over an extended period of time result in a uniform base price for gas sold in interstate commerce, which equates to the cost of replacing the unit of gas consumed. This uniform price will constitute a recognition of the fact that gas is a consumable, irreplaceable commodity and not a service which can be renewed by man.[117] Thus, there is no rational basis for setting differing price levels based upon date of discovery, lease acquisition, contract, or well commencement or completion over an extended period of time.[118] Our application of the principles enunciated in Opinion No. 639 in this proceeding permits the rate allowed for gas sold pursuant to older contracts to rise as those contracts terminate by their own terms adding to the revenues and, in turn, capital available to those entities which will explore for and develop new natural gas supplies for the interstate market.

As we previously noted, the magnitude of the drilling effort that will be required to elicit the supply of gas necessary to fulfill reasonable future demands[119] calls for massive capital commitments.[120] Much of the capital for exploration, development, and production comes from gas production revenues, and, therefore, we find it appropriate to adjust the rate determined in this proceeding to whatever level the biennial review demonstrates to be just and reasonable as one means of generating the necessary capital. Because we fully expect future rates to be higher, the adjustment of the rates established in this opinion to those higher levels which are above the costs found to be reasonable in this opinion will generate additional revenues above costs which can be reinvested to expand exploration and production activities.[121] Without such increases in the rate allowed for post-December 31, 1972, gas supplies, we do not believe that it will be possible for natural gas producers to generate the internal funds necessary to undertake the massive expansions of present exploration and development programs which we find to be essential if a level of annual reserve additions approximating 37 trillion cubic feet is to be remotely approached and sustained.[122]

D. *The impact on the consumer.* In prescribing a just and reasonable national base rate of 50 cents per Mcf, we have carefully considered the impact of this rate upon the cost paid by the consumer for natural gas. In order to evaluate the impact of this rate upon the price paid by the consumer, we have estimated the potential impact on the price charged the residential gas consumer in four widely dispersed metropolitan areas of the United States.

Assumptions must be made in order to estimate the potential impact of increased prices for new supplies of natural gas. In the following table, it is assumed that new gas supplies including supplies sold pursuant to renegotiated contracts will account for five (5) percent of the supplies delivered in the first year and will increase by an additional 5 percent of the total volumes delivered each following year. It is further assumed that the volumes delivered to these four markets will remain constant over the next five years. To the extent that increasing curtailments reduce the volumes of gas available at the prices paid during the calendar year 1973, the estimated increases shown in Part IV of the table will be somewhat greater. The prices shown in the table reflect the annual escalation of 1.0 cents per Mcf, a seven percent production tax, a Btu content of 1,030 Btu per cubic foot, and a gathering allowance of 1.0 cents per Mcf. The prices are computed as provided in Appendix D to Opinion No. 699, ____ F.P.C. ____ at _____. The prices do not reflect any adjustments that may result from the biennial review prescribed by this opinion.

[116] The evidence of record in this proceeding indicates that drilling and other costs have trended upward since the early 1960's and that productivity has risen and fallen during the same period. The increasing severe inflation in the economy all but guarantees that costs and, therefore, rates will not decrease in the near future. More importantly, this inflation will require a continuing review not only of the cost factors, but also the rate of return allowed as just and reasonable.

[117] See F.P.C. v. Hope Natural Gas Co., 320 U.S. 591 at 647 (1944) (Jackson, J., concurring); Placid Oil Co. v. F.P.C., 483 F.2d 880 (1973).

[118] For the immediate future, we believe the distinction drawn between gas which qualifies for the rate established in this proceeding and the rate which qualifies under Docket No. R-478 should be maintained to avoid potentially severe and harmful economic dislocations due to significantly increased rates. These dislocations will be slowly eliminated by the vintaging policies adopted in this opinion and Opinion No. 639. Area Rates for the Appalachian and Illinois Basin Areas, 48 F.P.C. 1299 at 1309–1310 (1972), affirmed sub nom., Shell Oil Co., et al. v. F.P.C., 491 F.2d 82 (5th Cir. 1974).

[119] ____ F.P.C. ____, Opinion No. 699 at 22–24.

[120] The total amount of capital required will be further increased by the continued rise in costs which may be expected for several years into the future.

[121] Rates will not be allowed to increase indefinitely without some discernible increase in the level of monies committed to exploration and development programs and the volumes of new gas supplies dedicated to interstate pipelines under long-term contracts.

[122] Whether such a level of physical findings can be achieved and sustained is a question that only experience can provide an answer for; however, it is certain that this level will never be attained unless the funds are available to finance exploration, drilling, developmental, and production activities. See Opinion No. 699 at 23.

Potential impact of 50 cent base rate, as adjusted, on residential bills in selected markets assuming 5 percent increments

Line No.	Classification	Residential market areas			
		Washington, D.C.	Boston, Mass.	Chicago, Ill.	Los Angeles, Calif.
1	I. Average cost of natural gas service for calendar 1973 in dollars per thousand cubic feet[1]	1.67	2.37	1.20	1.16
	II. Increase in the cost of natural gas assuming 5 percent increments of gas purchased at base rate, as adjusted[2]:				
2	a. 5 percent (1974) 56.38 cents	.0169	.0169	.0169	.0169
3	b. 10 percent (1975) 57.48 cents	.0349	.0349	.0349	.0349
4	c. 15 percent (1976) 58.59 cents	.0540	.0540	.0540	.0540
5	d. 20 percent (1977) 59.70 cents	.0742	.0742	.0742	.0742
6	e. 25 percent (1978) 60.81 cents	.0955	.0955	.0955	.0955
	III. Adjusted average cost of natural gas dollars per thousand cubic feet:				
7	a. 1974	1.6869	2.3869	1.2169	1.1769
8	b. 1975	1.7049	2.4049	1.2349	1.1949
9	c. 1976	1.7240	2.4240	1.2540	1.2140
10	d. 1977	1.7442	2.4442	1.2742	1.2342
11	e. 1978	1.7655	2.4655	1.2955	1.2555
	IV. Percent change as result of 50 cents price for each increment percent:				
12	a. 5 percent	1.01	.71	1.41	1.46
13	b. 10 percent	2.09	1.47	2.91	3.01
14	c. 15 percent	3.23	2.28	4.50	4.66
15	d. 20 percent	4.44	3.13	6.18	6.40
16	e. 25 percent	5.72	4.03	7.96	8.23

[1] AGA's Gas Facts for 1973.
[2] Volumes based upon Form 11 data for 12 mo ending December 1973 and assumes constant level of total volumes.

If new supplies at the national rate constitute a 10 percent increment of the total supplies delivered in the first year and an additional 10 percent increment each following year, the increase attributable to the wellhead price of gas paid by consumers in residential market areas would be 19.1 cents per Mcf by 1978. This would result, by 1978, in a total price per Mcf of $1.8610 in Washington, D.C., $2.5610 in Boston, Mass., $1.3910 in Chicago, Ill., and $1.3510 in Los Angeles, Calif. The percent changes in the prices paid by residential consumers in these same markets would be:

Year	Washington, D.C.	Boston, Mass.	Chicago, Ill.	Los Angeles, Calif.
1974	2.02	1.42	2.82	2.92
1978	11.44	8.06	15.92	16.46

Furthermore, 50 percent of the total volumes of gas being sold in interstate commerce will be priced at the national rate by 1978 if the annual increments are 10 percent.

Referring to the table and accompanying text, it appears that the increases in the average residential price will range between 0.71 percent and 1.46 percent in the first year and between 4.03 percent and 8.23 percent after five years if total volumes of gas priced at the national rate account for an annual increment of 5 percent of the total volumes delivered that year. If the annual increment is 10 percent then the increases will range from 1.42 percent to 2.92 percent for the first year and from 8.06 percent to 16.46 percent after five years. The increases will tend to be smaller, percentage-wise, as the distance from the major producing areas to the consumer market increases, but the dollar impact will be determined by the relative importance of new gas supplies in each market's total gas supply. In addition, of course, there will be an indirect impact upon consumers to the extent that increased gas prices paid by commercial and industrial customers are passed on in the form of higher prices for goods and services. As noted below, however, the increased availability of gas supplies at the national rate will, in many instances, enable commerical and industrial customers to continue their use of gas rather than converting to a higher cost alternative fuel. In these cases, the increased price for gas might well prove to be deflationary rather than inflationary.

In evaluating the overall public interest, we must consider the benefits to the consumer of an incremental supply of gas to provide reliable gas service compared to the consumer detriment if natural gas supply is reduced. The increased consumer cost attributable to higher wellhead gas prices is more than counterbalanced by the more probable assurance of continued service. It should be noted that even with the increased cost of gas to the consumer as a result of this decision the price paid for gas will remain less than the price of alternate fuels in these same markets. These customers will, of course, be confronted with even higher energy costs when demand is referred to other higher-priced alternate fuels because an adequate and reliable supply of gas is not available. We believe that it is in the best interest of the American consumer to pay the higher price for gas which is necessary to induce expanded exploration and production efforts than it is for that same consumer to pay even higher prices for other fuels, if substitutable. To the extent that incremental supplies of gas will be made available to consumers at less cost than alternate fuels, inflationary pressures will be diminished and we will more effectively allocate and utilize our energy resources.

Since more than 50 percent of the energy fueling our industrial economy is natural gas,[123] which in many applications cannot be efficiently displaced by other fuels, the augmentation of our natural gas supply will contribute to our productivity, will reduce unemployment, and will assist in maintaining a viable economy.[124]

Future supplies of gas required to replace the volumes being consumed today as well as increase the deliverable volumes to meet anticipated future demands will come from greater depths onshore and from both greater well depths and water depths offshore. These supplies will not be discovered and produced at yesterday's prices so it is important that we establish a price that will encourage the development of those higher cost supplies. The consumer must pay this price if he is to obtain the volumes of gas required to satisfy his demands for a reliable, non-polluting energy source.

In establishing a base rate of 50¢ per Mcf as the national rate and reinstating emergency and limited-term procedures in Opinion No. 699–B, we are carrying out our responsibility as a Commission to see that consumers receive adequate and reliable gas service at reasonable prices. In Hope [125] the Supreme Court expressed the essential doctrines stating that "the return to the equity owner should be commensurate with returns on investments in other enterprises having corresponding risks," [126] and that the Natural Gas Act was "to protect consumers against exploitation at the hands of natural gas companies." [127]

[123] Federal Power Commission, Natural Gas Survey, Volume I, Chapter 6, "Total Energy Supply and Demand," at pages 40 and 93 (Preliminary Draft).

[124] Employment Act of 1946, 60 Stat. 23 (1946), 15 U.S.C. § 1021 (1970).

[125] FPC v. Hope Natural Gas Co., 320 U.S. 591 (1944).

[126] 320 U.S. at 603.

[127] 320 U.S. at 610.

III. Deeper Drilling and Deeper Offshore Water Depths

The Producers and GHK Company and Gasanadarko, Ltd., object to the Commission's failure to provide an additional allowance for deeper drilling efforts and all drilling efforts in deeper offshore water depths. With one exception, these objections are fully answered in Opinion No. 699.[128]

There remains the question of how prospective drilling efforts which will explore depths greater than 15,000 feet below the surface and which will take place in water depths greater than 250 feet may be certificated so as to provide finance the drilling effort.[129] Such ventures may be certificated under the optional procedure.[130] This clarification will remove any uncertainty that may have been caused by the Continental order.

It is our intention to initiate the proceedings required to determine the appropriate allowances for drilling efforts to depths greater than 15,000 feet and all drilling efforts in water depths greater than 250 feet as part of the biennial review proceedings that have been initiated in Docket No. RM75–14, which is being issued concurrently with this opinion. This will avoid a proliferation of separate proceedings pertaining to similar issues.

IV. Contingent Escalations and Refund Credits

The Producers and others argue that the Commission has violated the Natural Gas Act by imposing a reparations order and destroyed the prior area rate opinions in ordering that reserves dedicated pursuant to Opinion No. 699 may not also qualify to discharge refund obligations or trigger contingent escalations. See Opinion No. 699 at 99–100, 104–105, and § 2.56(h)(ii) [now § 2.56a(i)]. The Producers argue that these incentive provisions were part of the flowing gas rate which is not under consideration in this proceeding and not part of the new gas rate.

These arguments misconstrue the rationale underlying the adoption of these incentive provisions. The refund credit and contingent escalation provisions were adopted in four area rate cases [131] as part of an overall rate structure designed to elicit new supplies of gas for

[128] The Producers' request for clarification of § 2.56(h)(6)(ii) is noted and § 2.56a(g)(2) [formerly 2.56(h)(6)(ii)] has been amended to reflect the language of Opinion No. 699 at 132–133.

[129] In Continental Oil Company, et al. Docket Nos. CI74–526, et al., ____ F.P.C. ____ (July 25, 1974), we held that prospective drilling efforts do not qualify for special relief under the various area rate opinions.

[130] 18 CFR 2.75; Optional Procedure For Certificating New Producer Sales Of Natural Gas, Docket No. 441, Order No. 455, 48 F.P.C. 218 (1972), as amended by Order No. 455–A, 48 F.P.C. 477 (1972), affirmed sub nom. John E. Moss, et al. v. FPC, Nos. 72–1837, et al. (D.C. Cir. August 15, 1974).

[131] See Opinion No. 699 at 99 n. 133, ____ F.P.C. ____.

the interstate market. As such they were components in a total rate design which included a determination of both a new gas rate and a flowing gas rate.[132] These rates were balanced with the incentive provisions to insure that new supplies of gas would be available to the consumer at the lowest reasonable price.

In this proceeding, we have established a uniform national rate for post-December 31, 1972 dedications to the interstate market which is designed to elicit new supplies of gas to the interstate market. This rate structure was not contemplated when the earlier area rate opinions were adopted,[133] and it is not reasonable to allow new dedications of gas to the interstate market to receive the price allowed by this decision and, at the same time, discharge refund obligations or trigger escalation provisions pursuant to other opinions of this Commission. We realize that it would be highly advantageous to many natural gas producers to sell new gas supplies at the national rate and have those same volumes discharge existing refunds or trigger contingent escalations, but we find nothing which would indicate that it is in the public interest to allow natural gas producers the benefit of the area rate opinions while avoiding the burdens of those opinions. The allowance of rates prescribed in this opinion plus either the contingent escalation or the refund credit for new gas supplies would constitute an apostasy of the Commission's area rate opinions which adopted the contingent escalations and refund credits as part of a rate structure which included the then prevailing area rates for flowing gas and new gas. See "Mobil Oil Corp. v. F.P.C.," 42 U.S.L.W. 4842 (U.S. June 10, 1974) (slip opinion at 11–13 and 34–39).

As we previously noted in this opinion and in Opinion No. 699, the refund credit and contingent escalation provisions of the area rate opinions with the exception of Permian II (Opinion No. 662) were coupled with ceiling rates and moratoria on the filing of rate increases above those ceilings. These factors clearly indicate that the refund credits and contingent escalations were intended to be applicable only to those gas supplies that were dedicated to interstate commerce at the ceiling rates prescribed in those opinions. That policy is still valid even though we have established new rates for post-December 31, 1972, dedications of gas to interstate commerce in this proceeding and have pending in Docket No. R–478 a review of the rates for pre-January 1, 1973, dedications.[134] Thus, we conclude that volumes of gas delivered in interstate commerce pursuant to the provisions of § 2.56a shall not also serve to discharge refund obligations or trigger contingent escalations.

The Producers request several clarifications as to the treatment of refund credits and contingent escalations taken prior to the issuance of Opinion No. 699 where the rate is subsequently increased pursuant to that opinion and the effect of filing the waiver after September 21, 1974. The regulations in § 2.56a(j) [formerly § 2.56(h)(11)] have been modified to reflect as the effective date of the required waiver the date of filing if the filing is made after September 21, 1974. The other clarification, we think, to be implicit in Opinion No. 699. however, we shall make it explicit. The national rate is obtained by waiving future refund credits and contingent escalations and the waiver required under § 2.56a(i) does not affect refund credits or contingent escalation dedications for volumes of gas delivered prior to the time that a rate increase filing and accompanying waiver under § 2.56a(i) become effective pursuant to § 2.56a(j).

V. Pipeline PGA Filings

United Gas Pipe Line Company (United), Panhandle Eastern Pipe Line Company (Panhandle), and Trunkline Gas Company (Trunkline) urge the Commission to allow pipeline companies having purchase gas adjustment (PGA) clauses to make special filings to recover the increased rates provided by Opinion No. 699.[135] We believe that such relief is provided by the statement of policy relating to PGA filings which permits pipelines to recover the increased costs associated with the national rate through the deferred account part of their purchase gas adjustment clauses.[136]

We have determined that jurisdictional pipelines should be permitted to make a one-time special PGA filing to track the rates prescribed in this opinion. Thus, we shall waive the requirements of § 154.38(d)(4)(ii) to permit the filing of this special PGA increase on or before March 3, 1975, to track all increases in purchase gas costs attributable to the national rate which are in effect pursuant to filings made by natural gas producers under § 2.56a(j) on or before January 31, 1975. No other increases in purchase gas cost shall be included in such filing. If a pipeline does not make this special PGA filing on or before March 3, 1975, such pipeline will be permitted to track the rates prescribed in this opinion solely through its regular semiannual PGA filings made after March 3, 1975.

VI. Rates for the Appalachian-Illinois Basin Area

Many parties[137] to this proceeding take issue with our application of the national rate to the Appalachian-Illinois Basin Area. In addition to their comments, several of these parties (IOGA, Ohio Oil and Gas Association, and the Columbia companies) submitted studies for the Appalachian area which show that costs are allegedly in the range of 65 to 78 cents per Mcf for that area.

We are not unmindful of the unique nature of the Appalachian area; however, we are of the opinion that a separate rate, whether as a guideline, interim, or permanent rate, for this area should not be promulgated in this proceeding. There is now pending a proceeding upon a petition for special relief from the national rate for producers in the Appalachian area.[138] This proceeding will develop additional information which may be useful in determining whether separate rates should be established for the Appalachian area in the future and the potential level of those separate rates. In order that natural gas producers in this area not be deprived of the flexibility and expeditious nature of the Commission's rulemaking procedures to establish natural gas producer rates, we shall provide that the record in Docket No. RI75–21 will be incorporated into the record of the proceeding in Docket No. RM75–14 which will establish rates for the 1975–76 biennium.[139]

The requests for modification of the national rate regulations promulgated by Opinion No. 699 to establish a separate rate for the Appalachian-Illinois Basin Area are hereby denied.

VII. Rocky Mountain Rates and El Paso Natural Gas Company

The Producers allege that we failed to implement our rate orders for the Rocky Mountain Area[140] and that corrective action should be taken by prescribing the rate finally determined in this proceeding

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[132] In all these cases, except Permian II, the rate structure also included a moratorium on the filing of rate increases above the established ceilings which expire on January 1, 1976, in the Texas Gulf Coast Area (18 CFR 154.109(a)), July 1, 1976, in the Other Southwest Area (18 CFR 154.109a(a)), and on January 1, 1976, for flowing gas and on January 1, 1977, for new gas in the Southern Louisiana Area (18 CFR 154.105(a)).

[133] Our decision in Permian II, 50 F.P.C. 390 (1973), was rendered after this proceeding had been initiated but prior to the time that the rate design set forth in Opinion No. 699 and this opinion was formulated. Since it was desirable to establish rates for the Permian Basin Area rather than defer any action until a decision was finally rendered in this proceeding, that area rate opinion followed our other recent area rate opinions in providing for refund credits and contingent escalations.

[134] Nationwide Rulemaking To Establish Just And Reasonable Rates For Natural Gas Produced From Wells Commenced Before January 1, 1973, 38 Fed. Reg. 14295 (1973), see "Notice Issuing Staff Rate Recommendation And Prescribing Procedures," 39 FR 34304 (September 12, 1974).

[135] See United Gas Pipe Line Company, 48 F.P.C. 413, 414 (1972).

[136] ____ F.P.C. ____ (November 1974).

[137] Independent Oil and Gas Association of West Virginia (IOGA), Ohio Oil and Gas Association, Columbia Gas System Companies, Equitable Gas Company, Public Service Commission of the State of New York, Oil and Gas Conservation Commission of the State of West Virginia, Kentucky Oil and Gas Association, and Consolidated Natural Gas Company.

[138] Independent Oil and Gas Association Of West Virginia, Docket No. RI75–21.

[139] See 18 CFR § 2.56a(m), and n. 99, supra.

[140] Initial Rates For Future Sales Of Natural Gas For All Areas, Docket Nos. R–389, R–389–A, Order No. 435, 46 F.P.C. 68 (1971) affirmed sub nom. American Public Gas Association, et al. v. FPC 498 F.2d (D.C. Cir., May 23, 1974); Area Rates For The Rocky Mountain Area, Docket No. R–425, Opinion No. 658, 49 F.P.C. 924 (1973).

as the just and reasonable rate for sales made under Order No. 435. We agree that corrective action should be taken but we do not agree with the extent of the remedy suggested by the Producers and El Paso.

Because Order No. 435 and Opinion No. 658 have resulted in a rather complex rate structure for the Rocky Mountain Area, a brief review of that rate structure is necessary. Order 435 promulgated initial rates at which permanent certificates would be issued without refund obligation for new sales of natural gas made under contracts dated after June 17, 1970.[141] Opinion No. 658 established the just and reasonable rate for sales made under contracts dated prior to October 1, 1968, from wells commenced prior to January 1, 1973. For new sales of natural gas made from wells commenced on or after January 1, 1973, on acreage dedicated under contracts dated prior to October 1, 1968, and for sales made under contracts dated between October 1, 1968, and June 17, 1970, Opinion No. 658 held that the Order 435 rates would apply to such sales until a final order was issued in this proceeding.[142] Thus, if we were to implement the Rocky Mountain orders as suggested by the Producers certain dedications to the interstate market prior to January 1, 1973 would qualify for the rates established in this proceeding while similar sales made in other areas would not qualify for these rates.

We find that rates for the Rocky Mountain Area for contracts dated on or after October 1, 1968, where the sales do not qualify for the national rate pursuant to § 2.56a(a)(2) [18 CFR 2.56a(a)(2)], shall be 35 cents per Mcf.[143] This rate is based upon our analysis of the cost studies incorporated in Order No. 435[144] and the rates, based upon national data, established in Permian II.[145] This rate is exclusive of all production, severance, or similar taxes, State or Federal, and subject to quality adjustments and gathering. All amounts collected in excess of these rates subject to refund shall be refunded to the purchaser for flow through to the ultimate parties who paid excessive rates for such gase.[146]

Table III indicates that the amount of refunds required by the promulgation of a 35 cents per Mcf rate is not significant. There is, of course, a pressing need for additional capital to finance exploration and development activities, but we believe that the public interest requires that just and reasonable rates for past periods be finally rendered for sales made in the Rocky Mountain Area. The rates for future periods for sales made in all areas will be determined in this proceeding, Docket No. R-478 and Docket No. RM75-____.

VIII. Small Producers

Several questions regarding the interrelationship of the national rate and just and reasonable rates for small producers including the effective date of the rates promulgated in Opinion No. 699 were raised.

The effective date of the rates promulgated by Opinion No. 699 is June 21, 1974.[147]

Pending the resolution of the applicable standards upon which the justness and reasonableness of small producer rates will be determined,[148] small producers are entitled to collect the national rate for qualifying sales on and after June 21, 1974, without a refund obligation.

There may be some confusion with respect to the language pertaining to expiring contracts at page 108 of Opinion No. 699. As with expiring contracts entered into by large producers, small producers must execute a renewal contract which qualifies pursuant to § 2.56(a)(2)(iii) before they are eligible to collect the rate prescribed in § 2.56a(a)(1) for such continued sales.

IX. Clarifications and Modifications

There are also a number of other matters which should be mentioned. These matters relate to certain technical modifications and amendments to the national rate regulations.

A. *Codification of national rate regulations.* Opinion No. 699 provided that the national rate regulations would be codified as paragraph (h) of § 2.56 of the Commission's statements of general policy and interpretations (18 CFR 2.56) entitled "Area Price Levels for Natural Gas Sales by Independent Producers." Upon further consideration of this codification, we believe that the national rate regulations should be codified as a separate section of the statements of general policy and interpretations to avoid confusion with the guideline and initial rate provisions of § 2.56.

Thus, we have deleted § 2.56(h) and codified the amended national rate regulations as § 2.56a. Section 2.56a(o) provides for amendment of all certificates which have been issued pursuant to § 2.56(h) to reflect the change in codification.

B. *Appendix D.* The Producers request that footnote 4 to Appendix D be altered to reflect the language of § 2.56(h)(7) [now § 2.56a(e)]. The second sentence of that footnote reads:

> Note that only natural gas produced in offshore areas actually delivered onshore by producer's facilities qualifies for this adjustment.

The sentence should read:

> Note that only natural gas produced in offshore areas which is actually delivered onshore at the sole cost of the producer qualifies for this adjustment.

C. *Effective date of Opinion No. 699.* Several parties have requested clarification as to the effective date of the rates prescribed in Opinion No. 699. The effective date of the national rate prescribed in § 2.56a (formerly § 2.56(h)) is June 21, 1974.

The rate which is prescribed by this opinion is being made effective June 21, 1974, to assure that the national rate will provide the rate of return determined to be just and reasonable in Opinion No. 699 and this opinion, pursuant to the Commission's authority upon rehearing "to abrogate or modify its order without further hearing."[149] Such an effective date is necessary to assure that those persons selling natural gas in interstate commerce will receive the rates which this Commission has ultimately found to be just and reasonable.

D. *Miscellaneous amendments.* A number of parties presented to the Commission on rehearing requests for clarifications of the promulgated national rate regulations. In many cases these clarifications have been incorporated in the amended national rate regulations without explicit discussion in this opinion. To the extent that the proposed clarifications are reflected in the amended regulations, these requests for modification of Opinion No. 699 and the regulations promulgated thereunder are granted. Those requests which are not reflected in the amended regulations promulgated by this opinion are hereby denied.

X. Conclusion

By Opinion No. 699 and this opinion, we establish a rate design for new gas[150] sold in interstate commerce. Each of the elements of the rate structure is interdependent upon all of the other elements and stands not by itself but as part of the whole. In summary, the total rate design herein found to be just and reasonable consists of the following integral elements:

1. A base rate of 50.0 cents per Mcf (with annual escalations of 1.0 cents per Mcf) subject to Btu adjustment plus reimbursement for production, severance, or similar taxes, and gathering allowances (including the onshore delivery of offshore gas at the cost of the producer) for qualifying sales;

2. Allowance of the national rate for sales formerly made pursuant to contracts which have expired by their own

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[141] Order No. 435, 46 F.P.C. 68, 84, 85 (1971).

[142] 49 F.P.C. 924 at 927.

[143] This rate shall also apply to qualifying sales prior to June 21, 1974.

[144] 46 F.P.C. 63 at 84.

[145] 50 F.P.C. 390 (1973).

[146] Because of our treatment of refund credit and contingent escalation provisions, supra at 60-63 we find that such provisions should not be included in the rate structure for the Rocky Mountain Area.

[147] Infra at 71.

[148] Small Producer Regulation, Docket No. R-393, "Notice of Proposed Rulemaking," 39 Fed. Reg. 33241 (September 1974).

[149] 52 Stat. 831 (1938), 15 U.S.C. 717r (1970); see also 52 Stat. 830 (1938), 15 U.S.C. 717o (1970); cf. Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (slip opinion at 23-25); Austral Oil Co. v. FPC, 428 F.2d 407, 444-445, on rehearing, 444 F.2d 125, 126-127 (5th Cir.), cert. denied sub nom. Municipal Distributors Group v. FPC, 400 U.S. 950 (1970).

[150] New gas is that gas which qualifies under one or more of the provisions of § 2.56a(a)(2).

terms where a qualifying renewal contract is submitted to the Commission for certification;

3. A biennial review to prescribe prospective just and reasonable rates for those sales which qualify for the national rate; and

4. Provisions for special relief from the national rate.

We have "adopted a total rate structure to motivate private producers to fully develop [the nation's natural gas] resources" [151] while assuring the consumer an adequate supply of gas at a reasonable rate. This "total rate structure" as promulgated in Opinion No. 699 and supplemented and modified by this opinion represents a solution "capable of equitably reconciling the diverse and conflicting interests" [152] which are presented on the record of this proceeding. It is true that certain portions of this rate structure favors some producers or some consumers more than other members of those classes of persons. There is always "some discrimination aris[ing] from the mere fact of [national], rather than individual producer, regulation," [153] but such discrimination is permissible if the overall balance of the order is not unjust and unreasonable. We are of the opinion that the "overall balance" of the rate structure established herein is just and reasonable.

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

(A) The Statements of General Policy and Interpretations of The Commission, Part 2 of Subchapter A of Chapter I of Title 18 of the Code of Federal Regulations, are hereby amended by deleting § 2.56(h) and adding a new § 2.56a as follows:

2.56a National Rate 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.

(a) *Base national rate.* (1) Notwithstanding any other provisions of the General Rules of the Federal Power Commission, or the Regulations Under the Natural Gas Act, sales of natural gas which qualify under the provisions of one or more of the classifications set forth in paragraph (a)(2) of this section may be made in interstate commerce at a rate not to exceed 50.0 cents per Mcf (at 14.73 psia), exclusive of all State or Federal production, severance or similar taxes, and subject to the adjustments provided in this Section.

(2) Sales of natural gas in interstate commerce for resale may be made at the rate prescribed in paragraph (a)(1) of this section provided the provisions of one or more of the following classifications apply to such sales:

(i) The sale is made from a well or wells commenced on or after January 1, 1973;

(ii) Sales made pursuant to contracts for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce prior to January 1, 1973, except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Federal Power Commission Order No. 491, et al.), or 18 CFR 2.75(n), where such sales are initiated on or after January 1, 1973, provided that no certificate for the subject sale has been issued under the optional procedure (18 CFR 2.75);

(iii) Sales made pursuant to contracts executed prior to or subsequent to the expiration of the term of the prior contract where the sales were formerly made pursuant to permanent certificates of unlimited duration under such prior contracts which expired of their own terms on or after January 1, 1973, or pursuant to contracts executed on or after January 1, 1973, where the prior contract expired by its own terms prior to January 1, 1973.

(3) The price prescribed by paragraph (a) of this section may be increased by an amount not to exceed 1.0 cents per Mcf per annum commencing on January 1, 1975, and the first day of every year thereafter for the term of the contract dedicating the subject gas for sale in interstate commerce pursuant to the terms of the sales contract until such time as the price prescribed in paragraph (a)(1) of this section shall be redetermined according to the provisions of paragraph (n) of this section.

(b) *Tax adjustments.* The applicable rate prescribed in paragraph (a) of this section shall be adjusted upward for all State or Federal production, severence, or similar taxes, effective the date deliveries are commenced, and shall be adjusted upward by 100 percent of any increase in such taxes subsequent to the date deliveries were commenced, and shall be adjusted downward by 100 percent of any decrease in such taxes subsequent to the date deliveries were commenced.

(c) *Quality adjustments.* For natural gas sold in interstate commerce for resale subject to the rate prescribed in paragraph (a) of this section, quality standard and the resulting adjustments to the base national rate shall be made as follows:

(1) *Btu adjustment.* For natural gas containing more than 1,000 Btu's per cubic foot, at 60° F. and 14.73 psia, upward adjustments shall be made on a proportional basis from a base of 1,000 Btu's per cubic foot; and for natural gas containing less than 1,000 Btu's per cubic foot, at 60° F. and 14.73 psia, downward adjustments shall be made on a proportional basis from a least of 1,000 Btu's per cubic foot.

(i) This adjustment shall be made after the rate prescribed in paragraph (a)(1) of this section is adjusted for taxes pursuant to paragraph (b) of this section.

(ii) The Btu content of the natural gas used in computing this rate adjustment shall be the number of British thermal units (Btu) produced by the combustion, at constant pressure, of the amount of the gas which would occupy a volume of 1.0 cubic feet at a temperature of 60° F. saturated with water vapor and under a pressure equivalent to that of 30.00 inches of mercury at 32° F. and under standard gravitational force (980.665 centimeters per second squared) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air when the water formed by combustion is condensed to the liquid state.

(2) *Other quality adjustments.* All quality standards and the resulting adjustments to the rate prescribed in paragraph (a)(1) of this section shall be made in accordance with the provisions of the particular gas sales contract except that all Btu adjustments shall be governed by paragraph (a)(1) of this section.

(d) *Gathering allowances.* The base national rate prescribed in paragraph (a) of this section, as adjusted for Btu content and applicable taxes, shall be adjusted for gathering activities as follows:

(1) *Appalachian-Illinois Basin areas.* The gathering allowance shall be 1.0 cents per Mcf for all sales of natural gas made from wells located in the Appalachian-Illinois Basin Areas.

(2) *Hugoton-Anadarko Area.* The gathering allowance shall be the amounts prescribed below where delivery of the gas is made after substantial off-lease gathering by the producer, whether at a plant tailgate or at a central point in the field.

(i) For gas produced in the Panhandle and Hugoton Fields, the allowance shall be 2.5 cents per Mcf.

(ii) For gas produced from fields or reservoirs other than the Panhandle or Hugoton Fields (the "Other Fields"), the allowance shall be 1.0 cents per Mcf.

(3) *Other Southwest Area.* The gathering allowance shall be the amounts prescribed below where the gas is delivered to the buyer at a central point in the field, the tailgate of a processing plant, a point on the buyer's pipeline, or an offshore platform on the buyer's pipeline.

(i) For gas produced in the Other Oklahoma Area, Texas Railroad District No. 9, and Northern Arkansas, the allowance shall be 1.5 cents per Mcf.

(ii) For gas produced in Texas Railroad District Nos. 5 and 6, Northern

[151] Placid Oil Co. v. FPC, 483 F.2d 880, 891 (1973), affirmed sub nom. Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (see slip opinion at 43).

[152] Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (slip opinion at 43) citing Permian Basin Area Rate Cases, 390 U.S. 747, 767 (1968).

[153] Mobil Oil Corp. v. FPC, slip opinion at 37.

Louisiana, and Southern Arkansas, the allowance shall be 1.0 cents per Mcf.

(iii) For gas produced in Mississippi and Alabama, the allowance shall be 1.25 cents per Mcf.

(4) *Permian Basin Area.* For gas produced in the Permian Basin Area, the applicable gathering allowance shall be 1.5 cents per Mcf where delivery is made after substantial off-lease gathering by the producer, whether at a plant tailgate or a central point in the field.

(5) *Rocky Mountain Area.* For gas produced in the Rocky Mountain Area, the applicable gathering allowance shall be 1.0 cents per Mcf where delivery is made to the buyer at a central point in the field, the tailgate of a processing plant, or a point on the buyer's pipeline.

(6) *Southern Louisiana Area.* For gas produced in the Southern Louisiana Area, the applicable gathering allowance shall be 0.5 cents per Mcf where the gas is delivered to the buyer at a central point in the field, the tailgate of a processing plant, a point on the buyer's pipeline, or an offshore platform on the buyer's pipeline.

(7) *Texas Gulf Coast Area.* For gas produced in the Texas Gulf Coast Area, the applicable gathering allowance shall be 0.4 cents per Mcf where the gas is delivered to the buyer at a central point in the field, the tailgate of a processing plant, a point on the buyer's pipeline, or an offshore platform on the buyer's pipeline.

(e) *Delivery of Offshore Gas by the Producer to an Onshore Area.* If natural gas produced offshore is delivered onshore, at the sole cost of producer, the uniform national rate shall be adjusted upward 1.0 cents per Mcf for such offshore gas.

(f) *Adjusted national rate.* The uniform national rate prescribed in paragraph (a) of this section as adjusted pursuant to paragraphs (b), (c), (d), and (e) of this section, is the adjusted national rate, and such rate is applicable only to those jurisdictional sales described in paragraph (a)(2) of this section made within the United States including the adjacent offshore Federal domain but excluding Alaska and Hawaii. No seller may demand or receive any rate or charge in excess of the rate prescribed by paragraph (a), of this section except for such adjustments described in paragraphs (b), (c), (d), and (e) of this section as may be applicable to the particular sale, unless the Commission after giving proper notice and providing an opportunity for the submission of comments shall modify the rate set forth in paragraph (a) of this section or grant a petition for special relief pursuant to paragraph (g) of this section.

(g) *Special relief.* Prior to the establishment of rates for the 1975–76 biennium pursuant to paragraph (n) of this section, any seller seeking to charge a rate in excess of the adjusted national rate described in paragraph (f) of this section or requesting a change in either the base national rate prescribed in paragraph (a)(1) of this section or the adjusted national rate described in paragraph (f) must file a petition seeking special relief for waiver or amendment of said paragraph pursuant to § 1.7(b) of this chapter (18 CFR 1.7(b) fully justifying the relief sought in light of this order. Such seller may not file for any rate increase which results in a rate in excess of the adjusted national rate described in paragraph (f) of this section unless and until the Commission grants such petition for special relief.

(1) *Federal Income Taxes.* For those cases where a producer seeks special relief on the grounds that a Federal income tax liability has been incurred with respect to the producer's total jurisdictional natural gas operations, the producer shall submit certified copies of the appropriate Federal income tax returns and supporting schedules required by Treas. Regs. §§ 1.611-2(g), 1.613–6 (26 CFR 1.611–2(g), 1.613–6) as part of the petition for special relief.

(2) *Drilling depths greater than 15,000 feet and water depths greater than 250 feet.* For sales of natural gas made from wells with a total depth greater than 15,000 feet (8,000 feet in the Appalachian and Illinois Basin Areas) and/or located in water depths greater than 250 feet, the seller may petition the Commission for relief from the rate established in paragraph (a)(1) of this section and such relief may be granted by the Commission upon a showing that total cost of producing such gas is in excess of the rate established in this decision.

(h) *Modification of area rate regulations.* To the extent that the Commission's Regulations Under the Natural Gas Act establishing area rates and conditions for sale of natural gas from the Southern Louisiana Area (18 CFR 154-105), Hugoton-Anadarko Area (18 CFR 154.106), Appalachian Basin Area (18 CFR 154.107), Illinois Basin Area (18 CFR 154.109), Other Southwest Area (18 CFR 154.109a), or Rocky Mountain Area (18 CFR 2.56(a), 154.109(b)), and the Permian Basin Area are inconsistent with the provisions set forth above the same are hereby modified to reflect the provisions set forth above. The provisions of the rate structures for these are modified only with respect to those sales which are certificated pursuant to the provisions of this section and in all other respects remain in full force and effect. Provisions pertaining to refund credits and contingent escalations are contained in paragraph (i) of this section.

(i) *Waiver of refund credits and contingent escalations.* Any natural gas certificated under the provisions of this section which a natural gas producer elects to have credited against his existing refund obligations in the Southern Louisiana, Texas Gulf Coast, Other Southwest Area, or the Permian Basin, or applied to the triggering volumes for the contingent escalations for those areas shall be priced at the rate prescribed in the applicable area rate opinion and not at the uniform national rate prescribed in this opinion. For purposes of this section, the applicable area rate opinions and Commission regulations are:

(1) Area Rate Proceeding (Texas Gulf Coast Area), et al., Opinion No. 595, 45 F.P.C. 675 (1971); 18 CFR 154.109.

(2) Area Rate Proceeding (Southern Louisiana Area), et al., Opinion No. 598, 46 F.P.C. 86 (1971); 18 CFR 154.195.

(3) Area Rate Proceeding (Other Southwest Area), et al., Opinion No. 607–A, 47 F.P.C. 99 (1972); 18 CFR 154.-109a.

(4) Area Rate Proceeding (Permian Basin Area II), Docket No. AR70–1 (Phase I), Opinion No. 662, 50 F.P.C. 390 (1973).

With respect to gas of a class described in paragraph (a)(2) of this section which is currently being sold in interstate commerce in discharge of a refund obligation or was dedicated to interstate commerce in partial satisfaction of the triggering volumes for the contingent escalations in the described areas, such gas may be sold at the rate prescribed in paragraph (a) of this section only if the seller files a written waiver of the right with respect to such gas to discharge such refund obligations or to trigger the contingent escalations concurrently with the contractually authorized rate increase filing. The seller shall further state the date on which the subject wells were commenced, the present provisions under which the gas is being sold in interstate commerce, the dollar amount of existing refund obligations previously discharged by the sale of such gas, and the volumes (at 14.73 psia) applied to trigger the contingent escalations.

(j) *Effective date of rate filings and waivers of refund credits or contingent escalations.* Any contractually authorized increased rate filing and/or written waiver of refund credits or contingent escalations made pursuant to the provisions of this order shall be effective as of June 21, 1974, if the filing is made on or before January 31, 1975, and as of the date of filing if the filing is made subsequent thereto. Such filings may include the 1.0 cents per Mcf annual escalation to be effective January 1, 1975.

(k) *Newly discovered reservoirs on previously committed acreage.* (1) In all areas, the rate for natural gas produced from a reservoir discovered on or after January 1, 1973, which is located upon acreage previously dedicated to interstate commerce under a contract dated prior to January 1, 1973, shall be determined by the date of discovery of such reservoir, in lieu of the contract date.

(2) Where a producer is entitled to an increase in the price of its gas based on the date of discovery of the reservoir from which gas-well gas sales (or residue gas derived therefrom) are being made, it may file a proposed price increase pursuant to section 4 of the Natural Gas Act, indicating to what gas the higher price will be applicable. With each filing the producer will include (i) copies of all documents filed with or issued by local or State regulatory agencies relating to the

discovery of the reservoir from which the gas is produced, and (ii) a statement by the buyer of the gas that the gas qualifies for the price sought, or why the buyer believes it does not. The producer shall also furnish any additional material in its possession or available to it which the Commission may request in writing. Documents or other data previously filed with this Commission, whether by the producer or another, may be incorporated by reference in any filing hereunder. Similar information shall be filed in any pending section 4 proceeding to which it is relevant. The Commission will follow the determination made by the appropriate State agency in determining the date of discovery of a reservoir. In the event the State agency changes its classification of a reservoir, the Commission shall follow such change as of the date of the new classification. Whenever the reclassification of a reservoir affects the applicable ceiling rate the producer and the buyer shall notify the Commission.

(l) *Pipeline production.* Natural gas production from leases owned by a pipeline or a pipeline affiliate may be priced at the rate prescribed in paragraph (a) of this section pursuant to the provisions of § 2.66(c) (18 CFR 2.66(c)).

(m) *Termination of rate ceiling.* The rate prescribed in paragraph (a)(1) of this section shall remain in effect until such time as rates are established pursuant to paragraph (n) of this section.

(n) *Review of national rate ceiling.* Prior to January 1, 1975, the Commission shall initiate such proceedings as shall be necessary to establish a just and reasonable rate to be effective from the date of establishment of rates by order of the Commission through December 31, 1976, for the sales described in paragraph (a)(2) of this section and for all wells commenced on or after January 1, 1975, and prior to January 1, 1977, all new dedications of natural gas to interstate commerce for the period January 1, 1975, through December 31, 1976, and all renewal contracts taking effect for the period January 1, 1975, through December 31, 1976.

(o) *Revision of § 2.56(h) (18 CFR 2.56 (h)).* By Opinion No. 699, the Commission promulgated a national rate structure as paragraph § 2.56(h) of this chapter (18 CFR 2.56(h)). By this Opinion No. 599–E, said § 2.56(h) is revised and designated as § 2.56a (18 CFR 2.56a). All certificates which may have been issued prior to this date pursuant to § 2.56 (h) are hereby amended to reflect the change in codification of the national rate structure.

(p) *Effective date.* The effective date of this § 2.56a is June 21, 1974.

(B) Section 2.56(f) of the Commission's general policy statements and interpretations, Part 2 of Subchapter A of Chapter I, Title 18, Code of Federal Regulations, is amended by adding a new subparagraph (3):

§ 2.56 Area price levels for natural gas sales by independent producers.

* * * * *

(f) * * *

(3) *Reservoirs discovered or dedicated to Interstate Commerce on or after January 1, 1973.* The rate for new reservoirs discovered or dedicated to interstate commerce on or after January 1, 1973, shall be determined by § 2.56a(a) if the proposed sale comes within one of the classes enumerated in § 2.56a(a)(1).

* * * * *

(C) Section 2.66 of the Commission's general policy statements and interpretations, Part 2 of Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new paragraph (c) as follows:

§ 2.66 Pricing of new gas produced by pipelines and pipeline affiliates.

* * * * *

(c) *National rate for pipeline or pipeline affiliate production.* Notwithstanding any other provision of this § 2.66, natural gas production from any lease owned by a pipeline company or a pipeline affiliate, regardless of the date of acquisition of the lease, shall be priced for ratemaking purposes at the rate prescribed in § 2.56a(a)(1) if such production qualifies under the provisions of one or more of the enumerated classes of sales set forth in § 2.56a(a)(2). The provisions of § 2.56(f) (18 CFR 2.56(f)) shall apply to natural gas production which qualifies for the national rate treatment pursuant to this paragraph (c).

(D) Notwithstanding the provisions of § 154.38(d)(4)(iv) of the Regulations under the Natural Gas Act (18 CFR 154.38(d)(4)(iv)), any jurisdictional pipeline company having a purchase gas adjustment clause in effect on June 21, 1974, and thereafter, pursuant to § 154.38(d)(4), may file on or before March 3, 1975, a special rate increase to track the rates prescribed in § 2.56a (18 CFR 2.56(a)) effective as of the date of the filing, provided such rates are in effect pursuant to filings made by natural gas producers pursuant to § 2.56a(j) on or before January 31, 1975.

(E) Section 154.109b of the Commission's regulations under the Natural Gas Act, Part 154 of Subchapter E of Chapter I, Title 18, Code of Federal Regulations, is hereby amended by adding a new paragraph (d):

§ 154.109b Area rates—Rocky Mountain Area.

* * * * *

(d) No rate or charge, made, demanded, or received under a rate schedule filed pursuant to this part for gas produced in the Rocky Mountain Area shall exceed 35.0 cents per Mcf measured at 14.73 psia and 60° F, subject to adjustment upward and downward Btu adjustment on a proportional basis from a base Btu content of 1,000 Btu's per cubic foot measured on a saturated basis, and exclusive of all State or Federal production, severance, or similar taxes, and sold under contracts dated on or after October 1, 1968, for wells commenced prior to January 1, 1973. This rate shall also be subject to a gathering allowance not to exceed 1.0 cents per Mcf where delivery is made to the buyer at a central point in the field, the tailgate of a processing plant, or a point on the buyer's pipeline.

By the Commission.[154]

[SEAL] MARY B. KIDD,
Acting Secretary.

[154] Commissioner Brooke, concurring, filed a separate statement appended hereto. Commissioner Springer, concurring in part and dissenting in part, filed a separate statement appended hereto. Commissioner Smith, concurring in part and dissenting in part, filed a separate statement appended hereto. Commissioner Moody, dissenting, filed a separate statement appended hereto. Dissenting and Concurring statements filed as part of original document.

TABLE I.—*Nonassociated gas reserve additions for the United States*[1] *(in millions of cubic feet at 14.73 lb/in.²a)*

[Excludes Alaskan data]

Year	Revisions (a)	Extensions (b)	New field (c)	New reservoir (d)	Total[2] (e)	Total excluding revisions (f)
1966	3,056,812	7,490,746	2,813,222	2,775,360	16,136,140	13,079,328
1967	3,712,892	8,625,273	2,819,635	2,126,298	17,284,098	13,571,206
1968	4,036,210	5,864,521	1,206,628	1,227,600	12,334,959	8,298,749
1969	(1,440,196)	4,788,627	1,663,266	1,863,021	6,874,718	8,314,914
1970	(290,034)	4,886,132	1,556,494	3,198,724	9,351,316	9,641,350
1971	(1,471,410)	5,625,841	1,176,939	3,234,033	8,565,403	10,036,813
1972	(1,911,097)	5,449,052	1,264,756	2,794,559	7,597,270	9,508,367
1973	(5,347,021)	5,305,857	1,968,520	1,789,574	3,734,930	9,063,951

[1] "Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1973," vol. 28, published jointly by the American Gas Association, American Petroleum Institute, and the Canadian Petroleum Institute (June 1974).

[2] These totals equal the summation of cols. (a) through (d). The parentheses ( ) in col. (a) denote negative amounts.

TABLE II.—*Revisions to Nonassociated natural gas reserves*

[Total United States, excluding Alaska, in billions of cubic feet at 14.73 lb/in²a 60° F]

	1966	1967	1968	1969	1970	1971	1972	1973
Positive revisions	4,323	5,713	6,234	1,368	2,208	2,000	1,426	1,422
Negative revisions	(1,267)	(2,001)	(2,200)	(2,812)	(2,500)	(3,471)	(3,337)	(6,763)
Net	3,056	3,712	4,034	1,444	(292)	(1,471)	(1,911)	(5,341)

( ) Indicates negative volumes.
Source: Comments of United Distribution Companies in response to notice issued Mar. 21, 1974, separate appendix prepared by William J. Ogden, table 6 (May 7, 1974).

TABLE III.—*Rocky Mountain Area*

[Rates subject to refund where base rate is in excess of 30 cents per thousand cubic feet]

Producer—P/L	Docket No.	Base rate (cents)	R/S No.	Supplement No.	Estimated annual amount suspended	Estimated annual volume (a)	Date rate ESR	Portion of rate in excess of 30 cents (b)	Portion of rate in excess of 35 cents (c)	Portion of rate in excess of 42 cents (d)	Monthly revenue from portion of rate in excess of 30 cents (e)	Monthly revenue from portion of rate in excess of 35 cents (f)	Monthly revenue from portion of rate in excess of 42 cents (g)
Montana-Wyoming:													
High Crest Northern.	RI74-79	40.0	1	4	$1,879,819	9,125,000	May 9, 1974	10.0	5.0		$76,042	$38,021	
Do	RI74-174	40.0	2	4	208,310	1,080,000	Aug. 22, 1974	10.0	5.0		9,000	4,500	
Amoco Col. Interstate.	RI74-66	41.02	582	3	12,748	700,000	Apr. 23, 1974	11.02	6.02	1.02	6,428	3,512	$595
Champlin Mountain Fuel.	RI74-233	40.0	125	2	112,380	600,000	Oct. 19, 1974	10.0	5.0				
Belco Mountain Fuel.	RI73-196	32.0	7	12	320	100,000	Apr. 23, 1974	2.0			167		
Do	RI74-190	33.0	7	11	8,112	600,000	Aug. 31, 1974	3.0			1,500		
San Juan:													
Aztec El Paso	RI74-144	52.16	35	11	41,371	120,791	July 2, 1974	22.16	17.16	10.16	2,231	1,727	1,023
Do	RI74-144	52.16	29	10	52,943	158,095	do	22.16	17.16	10.16	2,920	2,261	1,339
Do	RI74-144	52.16	28	8	16,502	48,182	do	22.16	17.16	10.16	890	689	408
Do	RI74-144	52.16	12	13	707	2,065	do	22.16	17.16	10.16	38	30	18
Do	RI74-144	52.16	5	8	15,225	44,450	do	22.16	17.16	10.16	821	636	376
Do	RI74-144	52.16	4	39	158,485	462,733	do	22.16	17.16	10.16	8,545	9,617	3,918
Do	RI74-144	52.16	3	31	547,271	1,597,870	do	22.16	17.16	10.16	29,507	22,850	13,529
Amerada Hess El Paso.	RI75-31	52.16	25	8	415,097	1,248,788	Feb. 12, 1975	22.16	17.16	10.16			
Do	RI75-31	52.16	49	13	392,321	1,390,717	do	22.16	17.16	10.16			
Do	RI75-31	52.16	50	18	55,001	169,027	do	22.16	17.16	10.16			
Total											138,089	80,843	21,206

APPENDIX A.—*Summary of estimated increased revenue impact of Opinion No. 699 by allowing the new gas rate for contracts whose primary term expires*

Year	First eligible in prior years on full-year basis		First eligible in current year on full-year basis		Total volume (billion cubic feet)	Total revenue (millions)	
	Volume (billion cubic feet)	Revenue (millions)	Volume (billion cubic feet)	Revenue (millions)		Annual	Cumulative
1974			381	$127.2	381	$127.2	$127.2
1975	323	$111.3	175	61.7	499	173.0	300.2
1976	425	152.1	120	43.1	545	195.2	495.4
1977	463	170.8	285	100.9	748	271.7	767.1
1978	636	238.0	282	107.1	918	345.1	1,112.2
1979	778	300.7	347	130.7	1,125	431.4	1,543.6
1980	958	377.7	383	143.5	1,342	521.2	2,064.8
1981	1,140	455.6	261	105.1	1,402	560.7	2,625.5

NOTE

1. Volumes represent an expansion of volumes reported to an estimated 100 percent.
2. Volumes for 1974 and subsequent years reflect an assumed 15 percent per annum decline in deliverability.
3. The assumed base rates reflect weighted average tax inclusive ceiling rates with 1.0 cent annual escalation.

Source: Docket No. R-478; Questionnaire Schedule No. 5.

APPENDIX B.—*Percentage of reported 1972 sales volume under contracts whose primary term will expire through 1980*

[50 companies for which data are available]

Producer	Reported 1972 volumes (thousand cubic feet)	Volumes under contracts expiring through 1980	
		Volumes (thousand cubic feet)	Percentage of 1972 volumes
Amerada Hess	63,485,059	24,167,887	38.069
Amoco Production	952,954,209	313,344,463	32.881
Atlantic Richfield	700,141,841	293,711,390	41.950
Austral Oil	37,428,766	3,048,805	8.146
Aztec Oil & Gas	34,552,170	21,504,000	62.236
Belco Petroleum	25,355,527	23,524,354	92.817
Beta Development	5,570,178	5,520,178	100.000
Champlin Petroleum	119,169,504	78,723,089	66.060
Chevron Oil	46,752,951	21,447,009	45.873
Cities Service Oil	361,732,338	100,963,152	27.911
Clinton Oil	17,019,943	5,919,877	34.782
Coltexo Corp	2,995,682	2,291,916	76.507
Continental Oil	447,149,053	221,401,009	49.514
Diamond Shamrock Corp	73,007,874	5,357,447	7.338
Exchange Oil & Gas	21,375,951	723,789	3.386
Exxon Corp	1,172,988,649	466,460,824	39.767
General American Oil	83,513,440	38,259,227	45.512
Getty Oil	330,760,251	218,224,473	65.977
Gulf Oil	718,923,410	166,722,685	23.191
Helmerich & Payne	11,410,776	1,068,751	9.366
Hassie Hunt Trust	18,236,327	5,288,432	28.999
Hunt Oil	45,557,544	4,812,684	10.564
Kerr-McGee Corp	147,549,256	43,210,163	29.285
LVO Corp	10,785,271	103,007	1.001
Lone Star Producing	17,194,279	3,574,117	20.787
Louisiana Land & Explor	51,574,132	3,731,728	7.236
MAPCO, Inc	19,417,787	2,194,729	11.303
Marathon Oil	92,500,461	26,606,648	28.764
Mobil Oil	616,510,689	96,144,964	15.595
Monsanto Co	64,598,922	34,515,415	53.430
Northern Natural Gas Prod	56,622,983	406,192	0.717
Pennzoil Producing	165,005,765	68,171,178	41.314
Placid Oil	41,128,027	14,464,107	35.168
Pubco Petroleum	11,594,463	8,021,242	69.182
River Corp	8,864,487	7,860,567	88.675
Shell Oil	654,146,923	205,738,729	31.451
Sohio Petroleum	58,447,856	13,241,579	22.655
Southern Natural Gas Co	14,725,463	1,184,200	8.042
Southern Natural, joint venture	14,970,204	14,970,204	100.000
Stephens Production	6,422,222	5,286,561	82.317
Sun Oil	296,497,642	119,791,628	40.402
Superior Oil	250,307,281	113,832,085	45.477
Sylvania Corp	2,122,476	890,481	41.955
Tenneco Oil	14,615,826	4,205,176	28.771
Terra Resources	11,082,811	3,323,834	29.991
Texaco, Inc	567,583,743	119,861,819	21.118
Texas Gas Exploration	35,444,182	1,988,888	5.611
Texas Oil & Gas	12,246,306	1,946,582	15.895
Trans Ocean Oil	20,456,550	6,569,238	32.113
Warren Petroleum	90,351,365	15,932,448	17.634
Total reported	8,642,848,815	2,960,318,010	34.251

Source: Docket No. R-478; Questionnaire Schedule No. 5.

[FR Doc.74-28752 Filed 12-10-74;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

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

INDUSTRIAL STARCH—MODIFIED

Correction

In FR Doc. 74-27327 appearing at page 40495 in the issue of Friday, November 22, 1974, the fourteenth line of the first paragraph of the document reading "either a cobalt source or an electron" should read "either a cobalt 60 source or an electron".

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Phenylbutazone

The Commissioner of Food and Drugs has evaluated new animal drug applications filed by Myers-Carter Laboratories, Inc., Glendale, AZ 85301 (45-848V) and Maurry Biological Co., Inc., 6109 South Western Ave., Los Angeles, CA 90047 (94-978), proposing safe and effective use of phenylbutazone injection for the treatment of certain animals. The applications are approved.

The current regulation (21 CFR 135b.47) is being editorially revised to reflect current terminology in the use of this medication; to add an additional sponsor; and to consolidate the existing paragraphs.

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), § 135b.47 is revised to read as follows:

§ 135b.47 Phenylbutazone injection, veterinary.

(a) *Specifications.* The drug contains 100 or 200 milligrams of phenylbutazone in each milliliter of sterile aqueous solution.

(b) *Sponsors.* (1) Approval for use of the 200 milligrams per milliliter drug in dogs and horses: See sponsor code Nos. 062, 076, and 094 in § 135.501(c) of this chapter.

(2) Approval for use of the 200 milligrams per milliliter drug in horses: See sponsor code Nos. 054, 059, 087, 092, and 099 in § 135.501(c) of this chapter.

(3) Approval for use of the 100 milligrams per milliliter drug in dogs and horses: See sponsor code No. 017 in § 135.501(c) of this chapter.

(c) *Conditions of use for dogs.* (1) It is used for the relief of inflammatory conditions associated with the musculoskeletal system.

(2) It is administered intravenously at a dosage level of 10 milligrams per pound of body weight daily in 3 divided doses, not to exceed 800 milligrams daily regardless of weight. Limit intravenous administration to 2 successive days. Oral medication may follow.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d) *Conditions of use for horses.* (1) It is used for the relief of inflammatory conditions associated with the musculoskeletal system.

(2) It is administered intravenously at a dosage level of 1 to 2 grams per 1,000 pounds of body weight daily in 3 divided doses, not to exceed 4 grams daily. Limit intravenous administration to not more than 5 successive days.

(3) Nor for use in animals intended for food.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective December 11, 1974.

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

Dated: December 4, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc. 74-28817 Filed 12-10-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Benzathine Phenoxymethyl Penicillin

Correction

In FR Doc. 74-26449 appearing at page 39870 in the issue of Tuesday, November 12, 1974, and corrected on page 40946 in the issue of Friday, November 22, 1974, make the following changes in the correction on page 40946:

1. Delete the third and fourth line of paragraph 2. and insert in lieu thereof the following:

"ately after the table on page 39871. Subparagraph (6)".

2. In the last line of the correction after § 436.203 insert "(a)".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

Change in Address for Filing Purposes; NDC Number on Applications for Import and Export Permits

The Drug Enforcement Administration has determined that certain technical changes in its regulations need to be made, so that this agency can more efficiently handle import and export permits and their applications, import declarations, and special controlled substances invoices. These technical changes include a change in the address where the above documents are to be filed, and, with respect to import and export permits, the additional requirement that the National Drug Code (NDC) number be included in any application for such permits.

On October 16, 1974, the Administrator of the Drug Enforcement Administration issued a notice of proposed rulemaking to amend Part 1312 of Title 21 of the Code of Federal Regulations (CFR) by inserting, in the appropriate regulations within such part, a change in address, and to further amend 21 CFR 1312.12 (a) and 1312.22(a) by requiring the inclusion of the National Drug Code (NDC) number on all applications for Controlled Substances Import and Export permits.

All interested persons were given until November 20, 1974, to submit written comments or objections to this Notice of proposed rulemaking.

No comments or objections have been received by the Drug Enforcement Administration.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (CFR), the Administrator hereby orders that 21 CFR 1312.12(a); 1312.14(a); 1312.16(b); 1312.18(b); 1312.19 (a) and (b); 1312.22(a); 1312.24(a); 1312.27(a) and 1312.28 (c) and (d) be amended by deleting from such subsections any reference to Registration Branch or Distribution Audit Branch, and any address which may accompany such reference, and by substituting in lieu thereof, the following:

Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537.

The Administrator further proposes that 21 CFR Part 1312 be amended as follows:

1. By amending § 1312.12(a) to read:

§ 1312.12 Application for import permit.

(a) An application for a permit to import controlled substances shall be made on DEA (or BND) Form 85, DEA (or BND) Form 85 may be obtained from, and filed with, the Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537. Each application shall show the date of execution, the registration number of the importer, the name, National Drug Code (NDC) number, and a detailed description of each controlled substance to be imported, * * *.

* * * * *

2. By amending § 1312.22(a) to read:

§ 1312.22 Application for export permit.

(a) An application for a permit to export controlled substances shall be made on DEA (or BND) Form 161 which may be obtained from, and shall be filed with, the Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537. Each application shall show the exporter's name, address, and registration number, the name, National Drug Code (NDC) number, and detailed description of each controlled substance desired to be exported, * * *

* * * * *

This order is to take effect immediately on December 11, 1974.

Dated: December 6, 1974.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.74-28868 Filed 12-10-74;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS

[Oil Import Reg. 1 (Rev. 5, Amdt. 66)]

OI REG 1—OIL IMPORT REGULATION

Conforming Amendments to Oil Import Regulations

On November 18, 1974, the Federal Energy Administration published a notice of proposed rulemaking (39 FR 40514) to amend Oil Import Regulation 1 (Rev. 5), issued pursuant to Proclamation No. 3279, as amended. These amendments were proposed for the purpose of conforming the Regulation to the requirements of Proclamation No. 4317 (39 FR 35103), which modifies Proclamation No. 3279 as amended. Interested persons were given 11 days to comment regarding the proposed amendments, and four comments were received.

While some of these comments recommended changes in the proposed amendments, these recommendations went beyond the purpose of conforming to the requirements of Proclamation No. 4317. Therefore, no action will be taken upon them at this time, and the proposed amendments are hereby adopted without change.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185); Trade Expansion Act of 1962, Pub. L. 87-794; Procl. No. 3279, as amended (39 FR 35103))

In consideration of the foregoing, Oil Import Regulation 1 (Rev. 5), Chapter X of Title 32A, Code of Federal Regulations, is amended as set forth below, effective September 27, 1974, the date of Proclamation No. 4317.

Issued in Washington, D.C., on December 6, 1974.

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

1. Section 17 is amended by revising paragraph (c) to read as follows:

Sec. 17 Use of imported crude oil and unfinished oils.

* * * * *

(c) Imported crude oil or unfinished oils which are sold to meet the requirements of other regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (a) of this section.

2. Section 22 is amended by revising subparagraphs (2), (3) and (4) of paragraph (g) to read as follows:

Sec. 22 Definitions.

As used in this regulation:

* * * * *

(g) * * *

(2) "Gasoline" means a refined petroleum distillate, including naphtha, jet fuel or other petroleum oils, (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenezene, isoprene, meta-xylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure which falls completely or in part between 80° and 400° F.

(3) "Kerosene" means any jet fuel, diesel fuel, fuel oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 400° and 550°F.

(4) "Distillate fuel oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except refined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever

type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 550° and 1200°F.

* * * * *

3. Section 29 is amended by revising subparagraph (2) (iii) of paragraph (e) to read as follows:

Sec. 29 Canadian Imports—Districts I–IV.

* * * * *

(e) * * *

(2) * * *

(iii) Canadian imports which are sold to meet the requirements of other regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (e) (1) of this section.

* * * * *

4. Section 32 is amended by revising paragraph (d) and subparagraph (1) (i) of paragraph (i), and by adding a new paragraph (j) to read as follows:

Sec. 32 Allocations and fee-paid licenses for imports of crude oil, unfinished oils and finished products—Districts I–IV, District V, and Puerto Rico.

* * * * *

(d) Applications for allocations under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of Treasurer of the United States in the amount chargeable pursuant to paragraph (i) of this section or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Accounts, Department of the Treasury, in the sum not less than the amount chargeable pursuant to paragraph (i) of this section, conditioned upon payment to the order of the Treasurer of the United States, within thirty (30) calendar days from the date of entry or withdrawal from warehouse for consumption of the commodities for the importation of which a license or licenses have issued, in the amount chargeable pursuant to paragraph (i) of this section. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Director shall immediately revoke all licenses issued pursuant to the bond. Applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Applications by or for the account of a department, establishment, or agency of the United States need not be accompanied by a certified check or cashier's check or a bond as required by this paragraph.

* * * * *

(i) (1) * * *

(i) With respect to imports, other than imports from Canada of motor gasoline and finished products, such fees shall be:

Fee schedule

[Cents per barrel]

	1973		1974		1975	
	May 1	Nov. 1	May 1	Nov. 1	May 1	Nov. 1
Crude	10.5	13.0	15.5	18.0	21.0	21.0
Natural gas products	10.5	13.0	15.5	18.0	21.0	21.0
Motor gasoline	52.0	54.5	57.0	59.5	63.0	63.0
All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt)	15.0	20.0	30.0	42.0	52.0	63.0

* * * * *

(j) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate Customs Office at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture; provided, that the importer certifies as to the volume of natural gas products contained.

[FR Doc.74-28855 Filed 12-6-74;3:46 pm]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Clarification and Liberalization of Provisions

On page 38112 of the FEDERAL REGISTER of October 29, 1974, there was published a notice of proposed regulatory development to clarify existing policy as regards §§ 21.735, 21.4135, 21.4136, 21.4200, 21.4202, 21.4203, and 21.4205. The changes to §§ 21.716, 21.1032, 21.3032 and 21.4131(d) are designed to expedite the fullest payment of benefits to the veteran. The requirements for extensions of chapter 31 delimiting dates and for determining commencement date in cases requiring counseling or a reopened claim are liberalized. The changes to §§ 21.4131(a) and 21.4132 are to liberalize the periods for claiming benefits due the veteran or eligible person. In addition minor editorial changes are made to reflect agency policy of using precise terms denoting gender. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Sections 21.716, 21.735 (a), 21.1032(b), 21.3032(a)(3), 21.4131 (a), (c), and (d), 21.4132, 21.4135(d), 21.4136(j)(2) (introduction), 21.4200(b)(1), 21.4202(b)(5), 21.4203(a) and 21.4205(c)(2)(iii) are effective December 5, 1974.

Approved: December 5, 1974.

[SEAL] R. L. ROUDEBUSH, *Administrator.*

1. In § 21.715, paragraph (c) is revised to read as follows:

§ 21.715 Seriously handicapped veterans.

* * * * *

(c) When medical infeasibility is found by the Board, further action regarding vocational rehabilitation will be suspended until there is sufficient improvement in the veteran's condition to warrant referral to the Board for reconsideration as to the medical feasibility of training. The veteran or his or her designated representative will be informed of such suspension, and of the right of appeal.

2. Sections 21.716 and 21.720 are revised to read as follows:

§ 21.716 Determining whether medical infeasibility prevented timely entrance into or completion of training.

A determination that a veteran is entitled to an extension of time to pursue vocational rehabilitation training because he or she was prevented from timely entering or completing such training because of a physical or mental condition may be made by a counseling psychologist after consultation with the medical consultant. In all cases where an affirmative determination is not made by the counseling psychologist, the matter will be referred to the Vocational Rehabilitation Board. Where the Board's decision is unfavorable, the veteran will be informed of the decision and of his or her right to appeal.

§ 21.720 Severance of service connection; reduction of disability rating.

When a veteran loses basic entitlement to vocational rehabilitation due to severance of service connection or reduction of his or her disability rating to less than compensable degree he or she may not be provided counseling. This will apply even though the veteran may continue to receive compensation until the end of the month in which 60 days after the date of notice to him or her expires. Counseling will not be precluded, however, where a reduction in rating to less than compensable degree is scheduled for a specified future date, if a compensable rating will continue beyond the end of the month in which 60 days after the date of notice of reduction expires.

3. In § 21.735, paragraph (a) is revised to read as follows:

§ 21.735 Counseling services on contract basis.

(a) *Authorization.* Directors of regional offices and centers are authorized to

negotiate and approve contracts with educational institutions and other approved counseling agencies for the purpose of providing educational and vocational counseling to persons referred for such services by the Veterans Administration. Referrals will generally consist of persons eligible for educational assistance under 38 U.S.C. ch. 35; seriously disabled veterans will not be referred to guidance centers. See 41 CFR 8–75.201–13.

* * * * *

4. Section 21.1030 is revised to read as follows:

§ 21.1030 Claims.

A specific claim in the form prescribed by the Administrator must be filed by the veteran in order for an educational assistance allowance to be paid. In addition servicemen or servicewomen must consult with their service education officer before applying for educational assistance (38 U.S.C. 1671).

5. In § 21.1032, paragraphs (a) and (b) are revised to read as follows:

§ 21.1032 Time limits.

The provisions of this section are applicable to original applications, formal or informal, and to applications for increased educational assistance allowance by reason of the existence of a dependent.

(a) *Completion of claim.* Where evidence requested in connection with a claim is not furnished within 1 year after the date of request, or the veteran for other than a reason determined by the Veterans' Administration to have been beyond his or her control, fails to report for a required scheduled counseling appointment within 1 year after the scheduled date, the claim will be considered abandoned. After the expiration of 1 year, further action will not be taken unless a new claim is received.

(b) *New claim.* Where an application has been considered abandoned, any subsequent communication which meets the requirements of an informal claim will be considered a new application. The date of receipt of such later communication will be considered the date of application.

* * * * *

6. Section 21.3030 is revised to read as follows:

§ 21.3030 Claims.

A specific claim in the form prescribed by the Administrator must be filed by the wife, husband, widow, widower or the parent of a child or guardian in order for educational assistance allowance or special restorative training allowance to be paid. (38 U.S.C. 1713)

7. In § 21.3031, paragraph (a) is revised to read as follows:

§ 21.3031 Informal claims.

(a) Any communication from a wife, husband, widow, widower, parent of a child or guardian, an authorized representative or a Member of Congress indicating an intent to apply for educational assistance for an eligible person may be considered an informal claim. Upon receipt of an informal claim, if a formal claim has not been filed, an application form will be forwarded to the wife, husband, widow, widower, parent of a child or guardian for execution. If received within 1 year after the date it was sent to the wife, husband, widow, widower, parent of a child or guardian, it will be considered filed as of the date of receipt of the informal claim.

* * * * *

8. In § 21.3032, paragraph (a) is revised to read as follows:

§ 21.3032 Time limits.

(a) *Completion of claim*—(1) *Processing time.* If, after filing application, the eligible child, for other than a reason determined by the Veterans Administration to have been beyond his or her control, fails to report for a scheduled counseling appointment or fails to submit an educational plan within 60 days after the date on which a counseling certificate is executed, the application will be considered abandoned for the purpose of computing processing time. If the eligible child reports after the 60-day period but within 1 year of filing application, the date of reporting for counseling will be considered the appropriate date from which to compute processing time.

(2) *Claim or request for change.* When required counseling is delayed by an eligible person for 12 or more months, for other than a reason beyond his or her control, the application or request for change of program will be considered abandoned.

(3) *Reopening.* Where an application has been considered abandoned under paragraph (a)(2) of this section, any subsequent communication from the parent, guardian or eligible person requesting a program of education will be considered a new application. The date of receipt of such later communication will be considered the date of application.

* * * * *

9. Immediately following § 21.3032, the cross references are amended to read as follows:

CROSS REFERENCES: Due process; procedural and appellate rights with regard to disability and death benefits and related relief. See § 3.103. Computation of time limit. See § 3.110.

10. In § 21.4131, paragraphs (a), (c), (d) and (e)(1)(i) are revised to read as follows:

§ 21.4131 Commencing dates.

The commencing date of an award or increased award of educational assistance allowance will be determined under this section.

(a) *Entrance or reentrance including change of program or school (§ 21.4234).* Latest of following dates:

(1) Date certified by school or establishment under paragraph (b) or (c) of this section.

(2) Date 1 year prior to date of receipt of enrollment certification.

(3) Date of approval of course or date of receipt of approval notice, if received more than 60 days after date of approval, whichever is later. (Subject to waiver under § 21.4132.)

(4) Date of reopened application under paragraph (d) of this section.

* * * * *

(c) *Certification by school or establishment; course does not lead to standard college degree.* (1) Residence school: First date of class attendance.

(2) Correspondence school: Date first lesson sent or date of affirmance whichever is later.

(3) Job training: First date of employment in training position.

(d) *Reopened application after abandonment (§§ 21.1032 and 21.3032).* The date of application if pursuing an approved course.

(e) *Increase for dependent; chapter 34.* Latest of the following dates:

(1) Date of claim: this term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his or her child, or his or her adoption of a child, if the evidence of the event is received within 1 year of the event.

* * * * *

11. Section 21.4132 is revised to read as follows:

§ 21.4132 Waiver of time limits.

The time limits specified in § 21.4131(a)(3) for receipt of notice of approval from the State approving agency may be waived if the facts, equities and demonstrated good faith on the part of the school or establishment and the State approving agency warrant such waiver; and if approval action was not denied or withheld for cause during the retroactive period.

12. In § 21.4135, paragraph (c)(2) and the heading of paragraph (d) are amended to read as follows:

§ 21.4135 Discontinuance dates.

The effective date of reduction or discontinuance of educational assistance allowance will be specified in this section. If more than one type of reduction or discontinuance is involved, the earliest date will control.

* * * * *

(c) *Divorce.* * * *

(2) Spouse, chapter 35: Date the decree became final, subject to extension under paragraph (o) if divorce was without fault on part of the spouse.

(d) *Dependent child; chapter 34.* * * *

* * * * *

13. In § 21.4136, paragraphs (f), (g)(2), (h) and (j)(1), (2) and (3) are revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. ch. 34.

* * * * *

(f) *Dependents.* The term "dependent" means a wife, husband, child or dependent parent who meets the definitions of relationship specified in §§ 3.50,

3.51, 3.57 and 3.59 of this chapter. A child adopted outside the veteran's family is included only if the veteran is contributing to the child's support.

(g) *Allowance for dependents.* * * *

(2) *Two-veteran cases.* The payment of additional educational assistance allowance to a veteran for a spouse who is also a veteran and for a child will not bar the payment of additional educational assistance allowance or additional subsistence allowance under § 21.133 to the spouse for his or her spouse and the same child. The term "child" includes a veteran who meets the requirements of § 3.57 of this chapter, even though the "child" is receiving subsistence allowance or educational assistance allowance under 38 U.S.C. ch. 31, 34 or 36 based on his or her own service. (38 U.S.C. 1682, 1787)

(h) *Payment.* Educational assistance allowance at the rates specified in paragraphs (b) and (c) of this section for servicemen or servicewomen on active duty, other than those training under the Predischarge Education Program, who are training on a less than half-time basis, will be paid to or on behalf of the trainee enrolled in an institution operating on a term, quarter or semester basis in a lump sum for the entire quarter, semester or term. These payments will be made during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at the institution.

* * * * *

(j) *Advance payment*—(1) *Eligibility.* Educational assistance allowance at the rates specified in § 21.4136(a) shall be paid to an eligible veteran, serviceman or servicewoman on active duty enrolled in an approved educational institution on a half-time or more basis and to all servicemen and servicewomen training under the Predischarge Education Program.

(2) *Payment.* Upon receipt of an application and if there is no evidence in the veteran's, serviceman's or servicewoman's file showing that he or she is not eligible for such an advance, the check for the allowance, made payable to the veteran, serviceman or servicewoman, shall be mailed to the institution for delivery to the veteran, serviceman or servicewoman upon registration. No delivery by the institution shall be made more than 30 days in advance of commencement of his or her program. If delivery is not made within 30 days after commencement of the program, the institution shall return the check to the Veterans Administration.

(i) *Veterans.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Subsequent payments shall be made each month in advance subject to certification regulations set out in §§ 21.4138, 21.4203, 21.4204, and 21.4205. Final payment may be withheld until certification is received that the veteran pursued his or her course and any necessary adjustments made.

(ii) *Servicemen and servicewomen on active duty.* The payment will be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. The application must be endorsed by the school to verify information needed to determine the lump-sum payment.

(3) *Application.* Payment will be authorized upon receipt of an application which in the case of an eligible serviceman or servicewoman has been endorsed by the educational institution. The application will contain a certification showing the following information:

(i) The veteran, serviceman or servicewoman is eligible for educational benefits;

(ii) He or she has been accepted by the institution or is eligible to continue his or her training there;

(iii) He or she has notified the institution of his or her intention to attend that institution or to reenroll in it;

(iv) The number of semester, clock or Carnegie hours to be pursued by the veteran, serviceman or servicewoman and the cost of the course for the serviceman or servicewoman; and

(v) The beginning and ending dates of the enrollment period.

* * * * *

14. In § 21.4200, paragraph (b)(1) is revised to read as follows:

§ 21.4200 Definitions.

* * * * *

(b) *Divisions of the school year.* (1) "Ordinary School Year" is generally a period of 2 semesters or 3 quarters which is not less than 30 nor more than 39 weeks in total length.

* * * * *

15. In § 21.4202, paragraph (b) (1) and (5) is revised to read as follows:

§ 21.4202 Overcharges; restrictions on enrollments.

* * * * *

(b) *Restrictions on enrollments.* A school will be disapproved for further enrollments or reenrollments, and educational assistance allowance to veterans or eligible persons already enrolled will be discontinued when one or more of the following conditions has been found to exist:

(1) The school has willfully and knowingly submitted a false report or certification concerning a student or his or her course of education which has or could result in an improper payment of allowances.

* * * * *

(5) The school, after having been disapproved under paragraph (a) of this section for the enrollment of any veteran or eligible person not already enrolled therein, has willfully and knowingly repeated the overcharge.

* * * * *

16. In § 21.4203, paragraphs (a), (b) (1) and the introductory portion of (d) are amended to read as follows:

§ 21.4203 Reports by schools; requirements.

(a) *General.* Educational institutions are required to report promptly the entrance, reentrance, change in hours of credit or attendance, interruption and termination of attendance of each veteran or eligible person who is enrolled. Educational institutions are also required to verify enrollment and delivery of check for each veteran and eligible person receiving an advance payment.

(b) *Entrance or reentrance.* * * *

(1) Schools organized on a term, quarter or semester basis will generally report enrollment for the complete course to the expected date of graduation. If a certification for the complete course covers two or more terms the school will report the dates for the break between terms or school years if a term or school year ends and the following term or school year does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation. Enrollment will be for the complete course except where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman or servicewoman. For these students a separate enrollment certification will be required for each term, quarter or semester.

* * * * *

(d) *Interruptions and terminations.* When a veteran or eligible person interrupts or terminates his or her training for whatever reason, including unsatisfactory conduct or progress, this fact must be reported promptly to the Veterans Administration.

* * * * *

17. In § 21.4205, paragraph (c)(2)(iii) is revised to read as follows:

§ 21.4205 Absences.

* * * * *

(c) *Reporting.* * * *

(2) The school will verify the full days of absence reported and endorse the report. In addition, the school will convert partial days of absence to full days in accordance with the following formula and report the accumulated total.

* * * * *

(iii) Divide the total hours of absence for the month (paragraph (c)(2)(ii) of this section) by the average hours of daily attendance (paragraph (c)(2)(i) of this section) to determine the full days

of absence to be reported. A fractional day in the result will be dropped if it is one-half day or less and increased to the next whole day if more than one-half day.

* * * * *

[FR Doc.74-28844 Filed 12-10-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5452]

ALASKA

Amendment of Public Land Orders Nos. 5175 and 5181

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696, it is ordered as follows:

1. Public Land Order No. 5175 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, Public Land Order No. 5394 of September 14, 1973, and Public Land Order No. 5438 of October 24, 1974, is further amended to add the following described land to paragraph 1 of said order:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 52 S., R. 73 W. (S½).

2. Public Land Order No. 5175, as amended, is hereby further amended to delete the following described land:

T. 52 S., R. 75 W. (S½).

3. Public Land Order No. 5181 of March 9, 1972, as amended, is further amended to delete the following described lands:

T. 52 S., Rs. 73 and 74 W. (S½).

4. The lands described in paragraph 1 of this order are hereby made subject to all of the terms and conditions of Public Land Order No. 5175, and its amendments. The lands described in paragraph 2 of this order remain subject to the terms and conditions of Public Land Order No. 5181, as amended.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 5, 1974.

[FR Doc.74-28837 Filed 12-10-74;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RAR-2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS

Report and Recordkeeping Revision

On July 15, 1974, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER (39 FR 25959), a notice of proposed rulemaking (NPRM), Docket No. RAR-2, Notice 1, to revise Part 225 effective January 1, 1975.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments before August 30, 1974, and a public hearing was held on August 29, 1974, in Washington, D.C.

After considering all of the comments submitted in writing and made at the public hearing, FRA has decided to adopt the proposed revision of Part 225 with a number of significant changes which are discussed below. In addition, a number of editorial changes and clarifying modifications of language have been made.

Terminology. Some commenters strongly objected to the use of the term "incident" rather than "accident" in the title and text of the proposed rules and the FRA Guide for Preparing Incident Reports (FRA Guide). FRA used the term "incident" because it considered it to be more descriptive of both accidents and occupational illnesses than the term "accident". In light of these comments, FRA has changed the term "incident" to "accident/incident" wherever it appears in these rules, report forms and the FRA Guide.

Section 225.1. As proposed in the NPRM, this section contained a statement that promulgation of these regulations by FRA would preempt State accident/incident reporting requirements. Several commenters took vigorous exception to this statement, contending that it was legally indefensible.

Whenever the question of Federal exemption of a State regulation arises, the basic issue is whether the State regulation stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress; Hines v. Davidowitz, 312 U.S. 52 (1941). In section 205 of the Federal Railroad Safety Act of 1970 (the Act) 84 Stat. 972, 45 U.S.C. 434, Congress stated its purpose and objectives regarding the relationship between Federal and State regulation of railroad safety:

> The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, order, regulation, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard and when not creating an undue burden on interstate commerce.

Thus, national uniformity of railroad safety regulation is stated to be an objective of the Congress. To allow each State to enforce different requirements, with varying forms, compliance deadlines and procedures, would frustrate this Congressional purpose.

One commenter cited several areas of cooperative efforts between Federal and State authorities such as State certifications and agreements under section 206 of the Act and State responsibility for grade crossings and local safety hazards, as indicative of a Congressional intent that States be allowed to require accidents/incidents reports. FRA agrees that State participation in these areas is predicated upon access to the information contained in accidents/incidents reports. It does not follow, however, that each State may impose different reporting requirements to obtain the same basic information as obtained through the Federal reporting system. To accommodate the States' legitimate need for this information, this section has been amended to provide that a State may require railroads to supply it with copies of Federal reports for accidents/incidents occurring in that State. This change will enable States to obtain the information they need to carry out their responsibilities without sacrificing the uniformity of regulations mandated by Congress.

Section 225.5. One commenter argued that the definition of "railroad" should not include rapid transit railways because the Act does not give the FRA jurisdiction over rapid transit operations. Another commenter contended that FRA did not have jurisdiction over railroads engaged in intrastate commerce only and therefore, the definition of "railroad" should not include scenic or other intrastate railways. Neither the language or legislative history of the Act supports these restrictive interpretations of the Act. Section 202(a) of the Act provides that: "The Secretary of Transportation * * * shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety * * *". Thus, Congress used the broadcast language to indicate that all railroads were to be subject to regulation under the Act, and the legislative history of the Act supports this view. The report of the House Interstate Foreign Commerce Committee states that under the Act, the Secretary will have the authority to: "regulate intrastate carriers in such areas as safety appliances, power brakes and the like in the same manner as interstate carriers are now regulated * * * (t)he Secretary's jurisdiction would extend to rail operations in areas presently governed by compacts and other municipal authorities such as Metropolitan Transit Authority in New York." The report also states that the Act covers "private steel and plant railroads, logging roads subways and street railways". Therefore, Congress clearly intended to make commuter and other local intrastate railroads subject to regulation under the Act. One commenter noted that commuter railroads present different types of safety problems than other railroads and should not be subject to uniform Federal Railroad Safety Standards. FRA believes that this may be a valid point with respect to certain facets of their operations. Information contained in the reports filed by commuter and other local railroads will provide FRA

with the information it needs to identify safety problem areas and assist it in the development of appropriate solutions to resolve these problems. If necessary, FRA will issue separate regulations tailored to meet the safety needs of these railroads.

One commenter stated that the reporting threshold for the year 1956 shown in a table in the preamble to the NPRM should have been $350, rather than $750. FRA agrees that table was somewhat misleading. The $750 figure was calculated for the calendar year 1956 but did not actually become effective until January 1, 1957.

One commenter questioned FRA's method for determining reporting thresholds and the basis used for determining distribution costs. FRA believes that it has developed a reasonable and accurate method for determining reporting thresholds and distribution costs based upon information contained in accident reports previously submitted by railroads.

Another commenter objected to FRA making an adjustment to the reporting threshold that would represent increased costs for any inflationary period other than 1973 and 1974. FRA believes that, to achieve statistical comparability or parity, the reporting threshold must take into account increased costs due to inflation since establishment of the present $750 reporting threshold in 1957. Inflated costs have seriously distorted accident statistics compiled since 1957. Periodic adjustment of the reporting threshold is necessary to prevent further distortions in the future. While the new $1,750 threshold will result in some loss of comparability of 1975 statistics with those for previous years, FRA feels that it is essential that corrective action be taken now. Perpetuation of the present $750 threshold would only result in further distortion of accident/incident data. Moreover, through careful analysis, statistics generated under the new $1,750 threshold may be compared with a reasonable degree of accuracy to those compiled previously. It should also be noted that, under the new casualty reporting criteria which is designed to provide comparability for the first time between the employee safety record of the railroad industry and industries reporting to the Department of Labor under the Occupational Safety and Health Act, there will probably be an immediate substantial increase in the total number of railroad casualties reported. This increase will reflect the new system of total reporting by railroads of significant accidents/incidents, including many injuries and occupational illnesses which were not reportable in the past.

In light of comments filed, several clarifying changes have been made in the definitions of "accident/incident," "medical treatment," "lost workdays" and "restriction of work or motion." In addition, definitions of "rail-highway grade crossing" and "arising from the operation of a railroad" have been added to this section.

One commenter expressed concern about improper use of accident/incident reports in suits or actions for damages brought against railroads contrary to section 4 of the Accident Reports Act (45 U.S.C. 41). Accordingly, a new paragraph (b) has been added to this section setting forth the statutory prohibition against use of these reports in law suits.

Section 225.9. One commenter suggested that all fatal accidents and all other accidents involving two or more serious injuries be reported by telegram. The sole purpose of the telegraphic reports required under this section is to provide FRA with immediate notification of the serious accidents it normally investigates. FRA is unable to investigate all of the accidents which fall within the suggested criteria. FRA has not adopted this suggestion because it does not wish to impose upon railroads the additional burden of furnishing telegraphic reports of accidents/incidents that would not be investigated by FRA.

Section 225.15. One commenter contended that "consequences of horse play insofar as participants are concerned" and "disability to employee on duty from an assault wholly unconnected to the performance of his duties" should be added to the list of accidents/incidents that are not to be reported. Another commenter questioned the meaning of proposed paragraph (c) "disability resulting solely from a pre-existing abnormal physical condition (only to the person afflicted)." FRA has considered these comments and determined that all accidental injuries arising from the operation of a railroad should be reported. Accordingly, the list of non-reportable accidents/incidents has not been expanded and paragraph (c) has been deleted from this section. Occurrence codes for accidents/incidents are provided in the FRA Guide.

Section 225.19. In response to one commenter's suggestion, the descriptive title for Group I—Accidents/Incidents has been changed to "rail-highway grade crossing." Another commenter expressed a preference for the descriptive title of "train accidents" for Group II—Accidents/Incidents. FRA prefers the descriptive title "rail equipment" because accidents/incidents falling within this group involve various types of rail equipment other than trains. Both commenters expressed that it may be difficult, because of the groupings listed in this section, to compare data obtained under these new rules with data obtained under the previous rules. FRA will arrange future statistics in a manner to facilitate these comparisons. As suggested by several commenters, the $1,750 reporting threshold will be adjusted, as necessary, in increments of $100 every two years. This section has also been amended, as suggested by several commenters, to provide that the death of any person from an injury within 365 days of the accident/incident or the death of a railroad employee from an occupational illness within 365 days after the illness was diagnosed by a physician, must be reported on Form FRA F 6180.55.

Section 225.21. One commenter suggested that Form FRA F 6180.56—Annual Report of Manhours by State, be submitted on a monthly rather than an annual basis. Another commenter contended this report should be eliminated because many railroad employees work in several States and it would be extremely difficult and costly for railroads to compile the data required for this report. FRA believes that annual reporting of manhours by State is sufficient and that to require monthly reports would impose an excessive burden on railroads. To alleviate the recordkeeping problem caused by railroad employees working in more than one State, instructions in the FRA Guide will be expanded to provide further guidance to railroads.

A new paragraph (f) has been added to this section concerning report Form FRA F 6180.45—Annual Summary Report of Railroad Injury and Illness. This report was discussed in the 1974 edition of the FRA Guide where it was identified as Form FRA F 6180.56a. Detailed instructions for preparing Form FRA F 6180.45 have been added to the 1975 edition of the FRA Guide.

Section 225.25. As suggested in one comment, a number of changes have been made in this section to make it correspond more closely to the FRA Guide. A new paragraph (e) has been added which sets forth in more detail the requirements for the Annual Summary.

Section 225.27. As suggested by several commenters, the five year retention period for copies of reports submitted to FRA has been changed to two years.

FRA Guide for Preparing Accident/Incident Reports. One commenter suggested that space be allotted on Form FRA F 6180.54—Rail Equipment Accident/Incident Report and Form FRA F 6180.57—Rail-Highway Grade Crossing Accident/Incident Report, for the signature of each crew member or a union representative, as well as for a statement as to what that person considers to have been the cause of the accident. This commenter also recommended that space be provided on Form FRA F 6180.55—Railroad Injury and Illness Summary, for the signature of the injured or ill persons involved, or by their representatives, as well as their statements as to the cause of their injuries or illnesses. FRA has not adopted these suggestions because it believes they would result in frequent delays in the filing of these reports. This commenter also suggested that a supplementary form be devised to obtain detailed information on serious accidents/incidents that do not fall within Groups I and II. FRA investigates all railroad employee fatality accidents/incidents and all accidents/incidents resulting in the death or injury to five or more persons, and issues public reports of these investigations. Therefore, FRA believes that this supplemental form is not necessary. This commenter also suggested

that space be provided on Form FRA F 6180.57—Rail-Highway Grade Crossing Accident/Incident Report, and Form FRA F 6180.54—Rail Equipment Accident/Incident Report, to provide for cross-referencing of report numbers for a single occurrence requiring submission of both of these forms. FRA has not adopted this suggestion because in such occurrences the same report number must be used on both forms.

FRA has also adopted several other suggestions for minor changes and clarification of the FRA Guide and reporting forms, including the addition of cause codes in the FRA Guide.

Since accident/incident statistics are compiled and analyzed by FRA on a calendar year basis and many railroads have been voluntarily using the proposed new report forms and procedures for several months, FRA finds that good cause exists for making this revision of Part 225 effective less than 30 days after its publication in the FEDERAL REGISTER. Accordingly, this revision is to become effective on January 1, 1975. Railroad accidents/incidents which occur after December 31, 1974 must be reported and recorded by railroads in accordance with the requirements of revised Part 225 and the FRA Guide, 1975 edition.

In consideration of the foregoing, Part 225 of Title 49 of the Code of Federal Regulations is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 225 issued under Sec. 12 and 20, 24 Stat. 383, 386, as amended (49 U.S.C. 12 and 20); Secs. 1–7, 36 Stat. 350, as amended, (45 U.S.C. 38–43); Secs. 202, 208 and 209, 84 Stat. 971 and 975, (45 U.S.C. 431, 437 and 438); Secs. 6(e) and (f), 80 Stat. 939, (49 U.S.C. 1655(e) and (f)); 49 CFR § 1.49(b)(11), (h) and (n); Secs. 5(b) and (m), 80 Stat. 935, (49 U.S.C. 1654(b) and (m)); 14 CFR § 400.43(c)).

§ 225.1 Purpose.

The purpose of this part is to provide the Federal Railroad Administration (FRA) with information concerning hazardous conditions on the Nation's railroads. FRA needs this information to carry out effectively its regulatory responsibilities under the Federal Railroad Safety Act of 1970 and the Accidents Reports Act. Although this part is issued under the authority of both Acts, reliance is primarily based upon the authority of the Federal Railroad Safety Act because of its broader scope. Issuance of these regulations under the Federal Railroad Safety Act preempts States from prescribing accident/incident reporting requirements. Reliance on the Federal Railroad Safety Act will facilitate the application and enforcement of the requirements of this part by allowing imposition of civil rather than criminal penalties. Any State may, however, require railroads to submit to it copies of accident/incident reports filed with FRA under this Part, for accidents/incidents which occur in that State. The reporting and recordkeeping requirements prescribed in this part have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

§ 225.3 Applicability.

This part applies to all railroads except those railroads whose entire operations are confined within an industrial installation.

§ 225.5 Definitions.

As used in this part—

(a) "Railroad" means any system of surface transportation of persons or property over rails. It includes line-haul freight and passenger railroads, switching and terminal railroads, and passenger-carrying railroads including, but not limited to, rapid transit, commuter, scenic, street, subway, elevated, cable and cog railways.

(b) "Accident/Incident" means:

(1) Any impact between railroad on-track equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle or pedestrian at a rail-highway grade crossing;

(2) Any collision, derailment, fire, explosion, act of God or other event involving operation of railroad on-track equipment (standing or moving) which results in more than $1,750 in damages to railroad on-track equipment, signals, track, track structures, and roadbed;

(3) Any event arising from the operation of a railroad which results in;

(i) death of one or more persons;

(ii) injury to one or more persons, other than railroad employees, that requires medical treatment;

(iii) injury to one or more employees that requires medical treatment or results in restriction of work or motion for one or more days, one or more lost work days, transfer to another job, termination of employment, or loss of consciousness; or

(iv) occupational illness of a railroad employee as diagnosed by a physician.

(c) "Joint operations" means rail operations conducted on a track used jointly or in common by two or more railroads subject to this part or operation of a train, locomotive, car or other on-track equipment by one railroad over the track of another railroad.

(d) "Occupational illness" means any abnormal condition or disorder of a railroad employee, other than one resulting from injury, caused by environmental factors associated with his or her railroad employment, including, but not limited to, acute or chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion or direct contact.

(e) "Medical treatment" means treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment (one-time treatment), precautionary measures such as tetanus shots, and subsequent observation of minor scratches, cuts, bruises or splinters which do not require medical care, even though these services are performed by a physician or registered professional personnel.

(f) "Lost workdays" means any full day or part of a day (consecutive or not) other than the day of injury, that a railroad employee is away from work because of injury or occupatioal illness.

(g) "Restriction of work or motion" means the inability of a railroad employee to perform all normally assigned duties because of injury or occupational illness, and includes the assignment of a railroad employee to another job or to less than full time work at a temporary or permanent job.

(h) "Rail-highway grade crossing" means a location where one or more railroad tracks cross a public highway, road, or street or a private roadway, and includes sidewalks and pathways at or associated with the crossing.

(i) "Arising from the operation of a railroad" includes all activities of a railroad which are related to the performance of its rail transportation business.

§ 225.7 Public examination and use of reports.

(a) Accident/incident reports made by railroads in compliance with these rules shall be available to the public in the manner prescribed by Part 7 of this Title. Accident/incident reports may be inspected at the Office of Safety, Federal Railroad Administration, 2100 Second Street, SW., Washington, D.C. 20590. Written requests for a copy of a report should be addressed to the Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, D.C. 20590, and be accompanied by the appropriate fee prescribed in Part 7 of this Title. To facilitate expedited handling, each request should be clearly marked "Request for Accident/Incident Report".

(b) Section 4 of the Accidents Reports Act (36 Stat. 351, 45 U.S.C. 41) provides that monthly reports filed by railroads under § 225.11 may not be admitted as evidence or used for any purpose in any action for damages growing out of any matters mentioned in these monthly reports.

§ 225.9 Telegraphic reports of certain accidents/incidents.

(a) A railroad must report immediately by telegram to the Office of Safety, Federal Railroad Administration, 2100 Second Street, SW., Washington, D.C. 20590, whenever it learns of the occurrence of an accident/incident arising from the operation of the railroad which results in the:

(1) Death of any rail passenger or employee; or

(2) Death or injury of five or more persons.

(b) Each report must state the:

(1) Name of the railroad;

(2) Name, title, and telephone number of the individual making the report;

(3) Time, date, and location of accident/incident;

(4) Circumstances of the accident/incident; and

(5) Number of persons killed or injured.

§ 225.11 Reports of accidents/incidents.

(a) Each railroad subject to this part must submit to FRA a monthly report of all railroad accidents/incidents described in § 225.19. The report must be made on the forms prescribed in § 225.21 and must be submitted within 30 days after expiration of the month during which the accident/incidents occurred. Reports must be completed as required by the current FRA Guide for Preparing Accident/Incident Reports. A copy of this guide may be obtained from the Office of Safety, Federal Railroad Administration, 2100 Second Street, SW., Washington, D.C. 20590.

(b) As part of each monthly report, each Class I railroad and switching and terminal company must include a copy of its "Monthly Report of Employees, Service and Compensation" (ICC Wage Statistics, Forms A and B) submitted to the Interstate Commerce Commission for the same month.

(c) As part of each monthly report, each rapid transit system must submit for the same month a report showing the following with respect to its rail transportation business:

(1) Employee manhours worked;

(2) Total passenger train miles operated; and

(3) Number of passengers transported.

(d) As part of its monthly reports for March, June, September and December of each year, each Class I railroad and switching and terminal company must include copies of the current quarterly Form OS–A report required by the Interstate Commerce Commission. As part of its monthly reports for April, July, October and January of each year, each Class I railroad and switching and terminal company must include copies of current quarterly Form OS–B report required by the Interstate Commerce Commission.

§ 225.13 Late reports.

Whenever a railroad discovers that a report of an accident/incident, through mistake or otherwise, has been improperly omitted from or improperly reported on its regular monthly accident/incident report, a report covering this accident/incident together with a letter of explanation must be submitted immediately.

§ 225.15 Accidents/incidents not to be reported.

A railroad need not report:

(a) Casualties which occur at rail-highway grade crossings that do not involve the presence or operation of on-track equipment, or the presence of railroad employees then engaged in the operation of a railroad;

(b) Casualties in or about living quarters not arising from the operation of a railroad;

(c) Suicides as determined by a coroner or other public authority; or

(d) Attempted suicides.

§ 225.17 Doubtful cases.

(a) The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of an accident/incident after examining all evidence available. The FRA, however, cannot delegate authority to decide matters of judgment when facts are in dispute. In all such cases the decision shall be that of the FRA.

(b) Even though there may be no witness to an accident/incident, if there is evidence indicating that a reportable accident/incident may have occurred, a report of that accident/incident must be made.

(c) All accidents/incidents reported as "claimed but not admitted by the railroad" are given special examination by the FRA, and further inquiry may be ordered. Accidents/incidents accepted as reportable are tabulated and included in the various statistical statements issued by the FRA. The denial of any knowledge or refusal to admit responsibility by the railroad does not exclude those accidents/incidents from monthly and annual figures. Facts stated by a railroad that tend to refute the claim of an injured person are given consideration, and when the facts seem sufficient to support the railroad's position, the case is not allocated to the reporting railroad.

§ 215.19 Primary groups of accidents/incidents.

(a) For reporting purposes reportable railroad accidents/incidents are divided into three groups:

Group I—Rail-Highway Grade Crossing;
Group II—Rail Equipment;
Group III—Death, Injury and Occupational Illness.

(b) *Group I—Rail-Highway Grade Crossing.* Each rail-highway grade crossing accident/incident must be reported to the FRA on Form FRA F 6180.57, regardless of the extent of damages or whether a casualty occurred. In addition, whenever a rail-highway grade crossing accident/incident results in more than $1,750 damages to railroad on-track equipment, signals, track, track structures or roadbed, it must be reported to the FRA on Form FRA F 6180.54. For reporting purposes, damages include labor costs and all other costs to repair or replace in kind damaged on-track equipment, signals, track, tracks structures, or roadbed, but do not include the cost of clearing a wreck.

(c) *Group II—Rail Equipment.* Rail equipment accidents/incidents are collisions, derailments, fires, explosions, acts of God or other events involving the operation of railroad on-track equipment (standing or moving) which result in more than $1,750 in damages to railroad on-track equipment, signals, track, track structures or roadbed, including labor costs and all other cost for repair or replacement in kind. Each rail equipment accident/incident must be reported to the FRA on Form FRA F 6180.54. If the property of more than one railroad is involved in an accident/incident the $1,750 threshold is calculated by including the damages suffered by all of the railroads involved. See § 225.23, Joint Operations. The $1,750 reporting threshold will be reviewed periodically and will be adjusted in increments of $100 every two years in accordance with the procedures outlined in Appendix A.

(d) *Death, Injury or Occupational Illness.* Each accident/incident, arising from the operation of a railroad, must be reported on Form FRA F 6180.55 if it results in:

(1) The death of any person from an injury within 365 days of the accident/incident;

(2) The death of a railroad employee form occupational illness within 365 days after the occupational illness was diagnosed by a physician;

(3) Injury to any person other than a railroad employee that requires medical treatment;

(4) Injury to a railroad employee that requires medical treatment or results in restriction of work or motion for one or more work days, one or more lost work days, termination of employment, transfer to another job or loss of consciousness; or

(5) Any occupational illness of a railroad employee as diagnosed by a physician.

§ 225.21 Forms.

The following forms and copies of the FRA Guide for Preparing Accident/Incident Reports may be obtained from the Office of Safety, FRA, 2100 Second Street, SW., Washington, D.C. 20590:

(a) *Form FRA F 6180.54—Rail Equipment Accident/Incident Report.* Form FRA F 6180.54 shall be used to report each reportable rail equipment accident/incident which occurred during the preceding month.

(b) *Form FRA F 6180.55—Railroad Injury and Illness Summary.* Form FRA F 6180.55 shall be used to report all reportable fatalities, injuries and occupational illnesses that occurred during the preceding month. This report must be

filed each month, even though no reportable accident/incident occurred during the month covered. Each report must include an oath or verificaion, made by the proper officer of the reporting railroad, as provided for attestation on the form. If no reportable accident/incident occurred during the month, that fact must be stated on this form. Class I and II linehaul and terminal and switching railroads, must show on this form the total number of locomotive train miles, motor train miles, and yard switching miles run during the month, computed in accordance with Train-Mile, Locomotive-Mile, Car-Mile, and Yard Switching accounts in the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission in 49 CFR Part 1200.

(c) *Form FRA 6180.55a—Railroad Injury and Illness (Continuation Sheet).* Form FRA 6180.55a shall be used as a continuation of Form FRA F 6180.55 if necessary.

(d) *Form FRA 6180.56—Annual Railroad Report of Manhours by State.* Form FRA 6180.56 shall be submitted as part of the monthly Railroad Injury and Illness Summary (Form FRA F 6180.55) for the month of December of each year.

(e) *Form FRA F 6180.57—Rail-Highway Grade Crossing Accident/Incident Report.* Form FRA F 6180.57 shall be used to report each rail-highway grade crossing accident/incident which occurred during the preceding month.

(f) *Form FRA F 1680.45—Annual Summary Report of Railroad Injury and Illness.* Form FRA F 6180.45 shall be submitted as part of the monthly Railroad Injury and Illness Summary (Form FRA F 6180.55) for the month of December of each year.

§ 225.23 Joint operations.

(a) Any reportable death or injury to an employee arising from an accident/incident involving joint operations must be reported on Form FRA F 6180.55 by the employing railroad.

(b) In all cases involving joint operations, each railroad must report on Form FRA 6180.55 the casualties to all persons on its train or other on-track equipment. Casualties to railroad employees must be reported by the employing railroad regardless of whether the employees were on or off duty. Casualties to all other persons not on trains or on-track equipment must be reported on Form FRA F 6180.55 by the railroad whose train or equipment is involved. Any person found unconscious or dead, if such condition arose from the operation of a railroad, on or adjacent to the premises or right-of-way of the railroad having track maintenance responsibility must be reported by that railroad on Form FRA F 6180.55.

(c) In rail equipment accident/incident cases involving joint operations, the railroad responsible for carrying out repairs to, and maintenance of, the track on which the accident/incident occurred, and any other railroad directly involved in the accident/incident, each must report the accident/incident on Form FRA F 6180.54.

§ 225.25 Recordkeeping.

(a) Each railroad must maintain a log of injuries and occupational illnesses at and for each railroad establishment, including but not limited to an operating division, general office, and major installation such as a locomotive or car repair or construction facility. A copy of each log may be kept at a central location. The log will be used to prepare the annual summary required by paragraph (c) of this section, and must contain the following information:

(1) Case or file number;

(2) Date of injury or initial diagnosis of illness (month/day/year);

(3) Employee's name;

(4) Occupation of employee (regular job title, not the activity being performed when the accident/incident occurred);

(5) Department in which the railroad employee is regularly employed;

(6) Nature of injury or illness and part of body affected;

(7) Extent and outcome of injury or illness to show the following as applicable:

(i) Fatality—enter date of death.

(ii) Lost workdays or days of restriction of work or motion—show number.

(iii) Transfer to another job or termination of employment.

(8) Name of railroad;

(9) Name of establishment; and

(10) Location of establishment.

(b) Each railroad must maintain a supplementary record of each reportable injury and occupational illness sustained by a railroad employee. The supplementary record must contain at least the following facts:

(1) About the employer—name, mail address and location if different from mail address;

(2) About the ill or injured employee—name, employee or social security number, home address, age, sex, occupation and department;

(3) About the injury or exposure resulting in occupational illness—place of injury or exposure, whether it was on employer's premises, what the employee was doing when injured or exposed, and how the injury or exposure occurred;

(4) About the injury or occupational illness description of the injury or illness, including the part of body affected, the name of the object or substance which directly caused the injury or illness of the employee, and the date of injury or diagnosis of illness;

(5) Other—name and address of physician, name and address of hospital, if hospitalized, date, name and title of person preparing the report.

(c) Beginning January 1, 1976, an annual summary for the preceding calendar year shall be posted before February 1 of each year and remain continuously posted for at least thirty consecutive days, at a location within each railroad establishment where it may be observed by railroad employees of that establishment. The annual summary shall contain the following information:

(1) A list of Injury and Illness Category to include:

(i) Occupational Injuries;

(ii) Occupational Skin Diseases or Disorders;

(iii) Dust Diseases of the Lungs;

(iv) Respiratory Conditions due to Toxic Agents;

(v) Poisoning;

(vi) Disorders due to Physical Agents;

(vii) Disorders due to Repeated Trauma;

(viii) All other Occupational Illnesses;

(ix) Total Cases of Occupational Illnesses; and

(x) Total of Occupational Injuries and Illnesses;

(2) A breakdown of each Category to show:

(i) Total Number of Cases;

(ii) Number of Fatalities;

(iii) Number of Lost Work Day Cases;

(iv) Number of Cases Involving Days away from Work;

(v) Number of Days away from Work;

(vi) Number of Days of Restricted Activity;

(vii) Number of Non Fatal Cases Without Lost Work Days; and

(viii) Number of Cases Resulting in Permanent Transfers or Terminations;

(3) Name and Address of Establishment;

(4) Signature and Title of Preparer; and

(5) Date of report.

§ 225.27 Retention of records.

(a) Each railroad must retain the logs, supplementary records, and annual summaries, required by § 225.25 for at least 5 years after the end of the calendar year to which they relate.

(b) Each railroad must retain a duplicate of each form it submits to FRA under § 225.21, for at least 2 years after the calendar year to which it relates.

§ 225.29 Penalties.

Any railroad that fails to comply with any requirement of this part is liable to a civil penalty of at least $250 but not more than $2,500 for each violation and may be subject to the criminal penalties prescribed in 45 U.S.C. 39. If the violation is a continuing one, each day of each violation constitutes a separate offense.

§ 225.31 Investigations.

(a) It is the policy of the FRA to investigate rail transportation accidents/incidents which result in the death of a railroad employee or the injury of five or more persons. Other accidents/incidents are investigated when it appears that an investigation would substantially serve to promote railroad safety.

(b) FRA representatives are authorized to investigate accidents/incidents and have been issued credentials authorizing them to inspect railroad records and properties. They are authorized to obtain all relevant information concerning accidents/incidents under investigation, to make inquiries of persons having knowledge of the facts, conduct interviews and inquiries, and attend as

an observer, hearings conducted by railroads. When necessary to carry out an investigation, the FRA may authorize the issuance of subpoenas to require the production of records and the giving of testimony.

(c) Whenever necessary, the FRA will schedule a public hearing before an authorized hearing officer, in which event testimony will be taken under oath, a record made, and opportunity provided to question witnesses.

(d) When necessary in the conduct of an investigation, the Federal Railroad Administrator may require autopsies and other tests of the remains of railroad employees who die as a result of an accident/incident.

(e) Information obtained through FRA accident investigations may be published in public reports or used for other purposes FRA deems to be appropriate.

(f) Section 4 of the Accident Reports Act (36 Stat. 351, 45 U.S.C. 41) provides that reports of accident investigations may not be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in accident investigations reports.

Effective Date. This revision becomes effective January 1, 1975.

Issued in Washington, D.C. on December 9, 1974.

ASAPH H. HALL,
Deputy Administrator.

APPENDIX A—PROCEDURE FOR DETERMINING REPORTING THRESHOLD

1. Wage figures used for track direct labor rates will be based on the "Average straight time rate" shown in the "Recapitulation by Group of Employees," for Group III Maintenance of Way and Structures Employees as shown in the most recent annual edition of Statement 300 of the Interstate Commerce Commission, Bureau of Accounts, Wage Statistics of Class 1 Railroads in the United States."

2. Wage figures used for mechanical direct labor rates will be based on the "Average straight time rate" shown in the "Recapitulation by Group of Employees" for Group IV Maintenance of Equipment and Stores Employees as shown in the most recent annual edition of Statement 300 of the Interstate Commerce Commission, Bureau of Accounts, Wage Statistics of Class 1 Railroads in the United States."

3. Fringe benefit surcharges will be added to the average straight time rates for mechanical and track employees based on the most recent transmittal, of Labor Surcharges Established by Agreement between Federal Highway Administration and Railroad Association Applicable to Indicated Paragraphs of PPM 30-3 (Attachment 1 to Volume 1, Chapter 4 Section 3 of the Federal Aid Highway Program Manual), to the Federal Highway Administration Policy and Procedure Memorandum 30-3 entitled "Reimbursement for Railroad Work."

4. To calculate the index number for mechanical labor divide the previous mechanical wage rate into the present mechanical wage rate. The resultant is the mechanical labor index number.

5. The track labor index number is calculated by dividing the previous track wage rate into the present track wage rate.

6. Calculation of the labor index number is as follows: (track labor index number × .20) + (mechanical labor index number × .80) = labor index number.

7. Mechanical material index number is calculated by first totaling the present cost of the following mechanical materials:

Items:	*Quantity*
33 in cast steel wheels	8
6 x 11 in roller bearings	8
Roller bearing axles	4
6 x 11 in roller bearing truck sides (750 pounds)	4
6 x 11 in truck bolsters (1060 pounds)	2
E couplers	2
Brake beams	4
AB cylinder	1
AB reservoir	1
AB control valve	1
Steel bars (pounds)	500
Steel sheets (pounds)	1,000
Steel plates (pounds)	1,000
Brake shoes	8
Roller bearing adapters	8
Outer coil springs	24
Hardwood lumber (board feet)	800
Traction motor	1
1¼ in brake pipe (feet)	80
Hand brake	1

The mechanical material index number is determined by dividing the present total cost for these mechanical materials by the previous total cost for mechanical materials.

8. Track material index number is calculated by first totaling the present cost of the following track material:

Items:	*Quantity*
Ties, wooden	4,500
Rail (tons)	250
Tie plates (tons)	90
Spikes (5.8 tons)	27,000
Joint bars (25.4 tons)	800
Track bolts	2,000
Frog	1
Switch	1

The track material index number is determined by dividing the present total cost for these track materials by the previous total cost for track materials.

9. Calculation of the material index number is as follows: (track material index number × .20) + (mechanical material index number × .80) = material index number

10. Calculation of the threshold index number is as follows: (labor index number × .40) + (material index number × .60) = threshold index number

11. In order to calculate the new reporting threshold multiply the existing reporting threshold by the threshold index number. The resultant when rounded to the nearest $100 will be the new accident/incident reporting threshold figure.

[FR Doc.74-28919 Filed 12-10-74;8:45 am]

proposed rules

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Pemoline in Schedule IV; Comment Period Extended

On November 1, 1974, the Administrator of the Drug Enforcement Administration issued notice of a proposed rulemaking that § 1308.14 of Title 21 of the Code of Federal Regulations (CFR) be amended to include pemoline (Cylert) in Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801–966). This notice was Thursday, November 7, 1974 (39 FR 39451), and provided that all interested persons may submit comments, objections and requests for a hearing on this matter no later than December 9, 1974.

A Motion, dated November 15, 1974, requesting an additional thirty days within which to comment, object or request a hearing on the proposed rulemaking, was filed by Ciba-Geigy Corporation and was received by the Administrator on November 18, 1974. On November 27, 1974, the Administrator granted this Motion and, as authorized by 21 CFR 1308.43, he has waived the application of 21 CFR 1308.45, which requires interested persons to respond within thirty days to a notice of proposed rulemaking. The motion was granted on the condition that no further time extension would be permitted. Ciba-Geigy was notified of this action by a letter dated November 27, 1974.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b), respectively), and delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, and pursuant to 21 CFR 1308.43, the Administrator hereby waives 21 CFR 1308.45 insofar as it allows thirty days for the filing of a request for a hearing on the proposed rulemaking concerning pemoline, and, further, the Administrator hereby orders that such notice (39 FR 39451, November 7, 1974) be amended by requiring all interested persons to submit their comments, objections and requests for a hearing on such proposed rulemaking no later than January 9, 1975.

Dated: December 6, 1974.

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

[FR Doc.74-28869 Filed 12-10-74;8:45 am]

Immigration and Naturalization Service

[8 CFR 103]

[File No. CO 845-P]

BOND FOR IMPORTATION OF ALIEN LABORERS

Liability as Liquidated Damages

DECEMBER 5, 1974.

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 103.6(d)(2) pertaining to the amount of liability as liquidated damages for each alien involved where an employer fails to comply with the conditions of a bond required to be posted in conjunction with the importation of certain alien laborers.

Section 103.6(d)(2) currently provides that failure to comply with the conditions of a bond required to be posted as a condition to the importation of alien laborers into the United States from the British West Indies, the British Virgin Islands, or Canada, will result in the employer's liability in the amount of $75 as liquidated damages for each alien involved. The $75 liability provision, which has remained unchanged for many years, no longer represents a realistic amount. Since the estimated actual damages which the Government will suffer if an employer fails to prevent a laborer from absconding more nearly approximates $350, it is, therefore, proposed to amend § 103.6(d)(2) to provide for the employer's liability in the amount of $350 as liquidated damages for each alien involved.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received before January 10, 1975, will be considered.

In the light of the foregoing, it is proposed to amend Chapter I of Title 8, Code of Federal Regulations, as follows:

In § 103.6(d)(2), the last sentence is amended to read as follows:

§ 103.6 Surety bonds.

* * * * *

(d) *Bond schedules.* * * *

(2) *Blanket bonds for importation of workers classified as nonimmigrants under section 101(a)(15)(H).* * * * Failure to comply with conditions of the bond will result in the employer's liability in the amount of $350 as liquidated damages for each alien involved.

* * * * *

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

Dated: December 5, 1974.

L. F. CHAPMAN, Jr.,
Commissioner of
Immigration and Naturalization.

[FR Doc.74-28810 Filed 12-10-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (Pub. L. 404—79th Congress, 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U.S.C. 385; 39 Stat. 142; and 45 Stat. 210; U.S.C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 FR 637, January 16, 1969 and by authority delegated to the Superintendent by the Area Director April 30, 1971, Release 10–2, 10 BIAM 7.0, §§ 2.70–2.75, notice is hereby given of the intention to modify §§ 221.130 and 221.131 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Blackfeet Indian Irrigation Project. This amendment to be effective for the irrigation season of 1975 which begins April 1, 1975 and thereafter until further notice.

221.130 Basic assessment.

Pursuant to the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of Operation and Maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation project, Montana, for the season of 1975 and subsequent years until further notice is hereby fixed at $4.50 per acre per annum for the delivery of not to exceed one and one-half acre-feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of $2.50 per acre-foot or fraction thereof.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Blackfeet Indian Agency, Browning, Montana 59417, on or before January 10, 1975.

GEORGE C. SHELHAME,
Superintendent.

DECEMBER 3, 1974.

[FR Doc.74-28829 Filed 12-10-74;8:45 am]

Bureau of Land Management

[43 CFR Parts 3500, 3520]

COAL LEASES

Diligent Development and Continuous Operations

Basis and purpose. Notice is hereby given that the Department of the Interior proposes to revise the regulations relating to coal leases by including a definition of a "logical mining unit" and the terms "diligent development" and "continuous operation." The Mineral Leasing Act of 1920, as amended (30 U.S.C. 207), authorizes the issuance of coal leases for an indeterminate period upon condition of diligent development and continued operation of the mine. The present regulations do not define what constitutes diligent development or continuous operations. In addition, a definition is proposed which will permit establishment of a logical mining unit for the operation of several leases under the control of a single operator. These new regulations will be applicable to coal leases issued after the effective date of these regulations and to the extent possible to existing coal leases.

Interested persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on or before January 10, 1975.

It is proposed to amend Chapter II of Title 43, Code of Federal Regulations, as set forth below.

1. Section 3500.0–5 is amended by adding definitions (d), (e), and (f) to read as follows:

§ 3500.0–5 Definitions.

* * * * *

(d) *Logical Mining Unit (LMU).* An LMU is a compact area of coal land that can be developed and mined in an efficient, economical and orderly manner with due regard to conservation of coal reserves and other resources and in accordance with an approved Mining Plan. An LMU may consist of one or more Federal leaseholds, and may include intervening or adjacent non-Federal lands, insofar as all lands are under the effective control of a single operator. It may also consist of lands committed to a contract for collective prospecting, development or operations approved by the Secretary pursuant to 30 U.S.C. 201–1. The Mining Supervisor is authorized to approve or establish an LMU.

(e) *Diligent development.* Diligent development means preparing to extract coal from an LMU in a manner and at a rate consistent with a Mining Plan approved by the Mining Supervisor. Activities that may be approved as constituting diligent development of an LMU include: environmental studies, including gathering base-line environmental data and design and operation of monitoring systems; on-the-ground geological studies, including drilling, trenching, sampling, geophysical investigation and mapping, engineering feasibility studies, including mine and plant design, mining method survey studies; and research on mining methods, contracting for purchase or lease of operating equipment and development and construction work necessary to bring the LMU into production. The work performed and the expenditure of monies may take place on or for the benefit of the leased land, or on other lands within the LMU, or at a location remote from the land so long as they are undertaken for the purpose of obtaining production from the LMU.

(f) *Continuous operation.* Continuous operation means extraction, processing, and marketing of coal in commercial quantities fro mthe LMU without interruptions totaling more than six months in any calendar year, subject to the exceptions contained in 30 U.S.C. 207 and in the lease, if any.

§ 3522.1–2 Terms.

* * * * *

(d) Exception—(1) * * *

(2) *Coal.* A coal lease will be maintained only upon the condition of diligent development and, when required by the lease or the Mining Supervisor, continuous operation of the mine or mines in the logical mining unit of which the leasehold is a part. A lessee must have his lease included within an LMU within two years after the effective date of this regulation or by the second anniversary date of the lease, whichever is later. Where the older of a lease on the effective date of this regulation can demonstrate to the satisfaction of the Mining Supervisor that he has in good faith been unable to form such an LMU within the specified time, his lease will be treated as an LMU for the purpose of this regulation. The lessee is responsible for diligent development of the LMU and must report such work and expenditures within thirty days after each anniversary date of the LMU falling within years ending with the digits 2, 4, 6, 8, or 0. The Mining Supervisor is responsible for determining whether the lease has been or is being diligently developed. In addition, on each such anniversary date, the lessee shall advise the Mining Supervisor in advance of how he plans to diligently develop the LMU for the coming two years.

Dated: December 5, 1974.

JACK O. HORTON,
Secretary of the Interior.

[FR Doc.74-28839 Filed 12-10-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Consideration is being given to authorize the South Texas Lettuce Committee to spend not more than $21,000 for its operations during the fiscal period ending July 31, 1975, and to collect one cent ($0.01) per carton of lettuce handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 144 and Order No. 971, both as amended, regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than December 27, 1974. All written comments will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 971.214 Expenses and rate of assessment.

(a) The expenses that are reasonable and likely to be incurred during the fiscal period ending July 31, 1975, by the South Texas Lettuce Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $21,000.

(b) The rate of assessment to be paid by each handler in accordance with this part, shall be one cent ($0.01) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1975, may be carried over as a reserve to the extent authorized in § 971.43(a)(2).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: December 5, 1974.

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

[FR Doc.74-28814 Filed 12-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NE-24]

VOR FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-496 from Lebanon, N.H., direct to Kennebunk, Maine, and rescind V-141E alternate between Concord, N.H., and Lebanon.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before January 10, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-496 from Lebanon to Kennebunk and delete V-141E alternate from Concord to Lebanon. V-496 would replace the segment of V-141E from Lebanon to the Gunstock, N.H., intersection and overlie a direct route from there to Kennebunk. The route from Concord to Gunstock INT would continue to be designated V-322. This action would simplify flight planning and air traffic control by the use of a designated airway number rather than describing the route by bearings and intersections.

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

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

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-28802 Filed 12-10-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 20188; FCC 74-964]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Depreciable Property; Order Extending Time for Comments

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method, Docket No. 20188 (RM-2259).

1. The Commission has received letters dated October 25, 1974 from the New York Public Service Commission (New York Commission), and November 22, 1974 from the Wisconsin Public Service Commission (Wisconsin Commission), requesting an extension from January 20, 1975 to May 20, 1975 in which to submit comments concerning the notice of proposed rule making on Equal Life Group (ELG) depreciation.[1]

2. The New York Commission indicates that it has been prevented from conducting a full scale staff investigation of ELG because of the unavailability from New York Telephone Company of a copy of the engineering procedures for implementation of the ELG method. Further, the New York Commission states that its request for an extension takes into account what it considers to be the press of priority work with formal proceedings before it. The Wisconsin Commission requests an extension because of the shortness of time allowed for effective review and completion of continuing studies concerning the proposals, the heavy workload of its Accounts and Finance Division and in order to permit furthef evaluation of the proposals by by the Committee on Accounts of the National Association of Regulatory Utility Commissioners. The American Telephone and Telegraph Company and the Associated Bell System operating companies (Bell System Companies), in a letter dated November 11, 1974, oppose the New York Commission's request. Therein, the Bell System Companies indicate that the engineering procedures requested by the New York Commission were provided to it by letter dated November 7, 1974, and that the two months remaining before comments are due provide adequate time for analysis of these procedures.

3. In their letter of November 11, 1974, the Bell System Companies advised us also that, subject to our approval, they would file immediately with us and distribute to all interested parties a complete set of the material provided to the New York Commission by letter of November 7, 1974. We see no objection to the Bell System Companies filing this material with the Commission at an early date as part of their reply comments and furnishing a copy of such filings to any interested party upon request. The requests should be addressed to N. Michael Grove, Attorney for Bell System Companies, c/o American Telephone and Telegraph Company, 195 Broadway, New York, New York 10007.

4. Recognizing the complexity and importance of the proposed change to Part 31 of our accounting rules to permit ELG, the Commission in its notice of proposed rulemaking in this proceeding provided for more time than usual, 120 and 60 days, respectively, in which to file comments and reply comments.[1] Accordingly, although we can appreciate other Commission's priority schedules and heavy workloads, we cannot unduly alter our own scheduled proceedings to accommodate them. However, because of the importance of the matter under consideration in this proceeding, it would appear that an extension of time to February 20, 1975, rather thn to May 20, 1975, as requested by the New York and Wisconsin Commissions, would be in the public interest and would not unduly delay action in this proceeding.

5. *Accordingly, it is ordered,* Pursuant to authority delegated by § 0.303 (c) of the Commission's rules, that the time for filing comments in the above captioned proceeding is hereby extended to February 20, 1975 and the time for filing reply comments is hereby extended to April 21, 1975.

Adopted December 3, 1974.

Released: December 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-28826 Filed 12-10-74;8:45 am]

[1] 39 FR 34672, Friday, September 27, 1974.

[47 CFR Part 89]

[FCC 74-1292; Docket No. 20264; RM 2325]

RADIO CALL BOX SYSTEMS

Local Government Services

1. Solid State Technology, Inc. (SST) has filed a petition requesting amendment of Part 89 of the Commission's rules and regulations to permit larger radio call box systems in the Local Government Radio Service. The rule change sought by Solid State would delete the

250 units per system limitation, § 89.-102(a)(1)(x), on call box operations in the 72–76 MHz band to permit an unlimited number of radio call boxes in any one system.[1] The petition was opposed by Maximum Service Telecasters (MST).

2. In Docket 18627 (25 FCC 2D 654), the Commission decided to permit low power radio call box operations in the 72–76 MHz band with restrictions to avoid interference to television reception on Channels 4 and 5. One of these restrictions was to limit any one call box system to not more than 250 call boxes. This limitation was imposed because of the Commission's limited experience with respect to the interference potential of large radio call box systems. However, the Commission contemplated the removal of the 250 unit limitation if experience demonstrated that large call box systems would not cause any deterioration in the quality of reception on Channels 4 and 5, and if the demand indicated a need for such systems.

3. The petitioner points out the number of call box systems operating throughout the country without any evidence of having caused interference to reception on Channels 4 and 5, and notes that such systems cannot expand to provide the coverage needed due to the 250 unit limitation. SST states that according to the data gained from these systems, a theoretical system of approximately 1,000 boxes would average only about 10–15 minutes of air time in each 24 hour period. Given the dispersal of highway call boxes at half mile intervals, only a fraction of these transmitters would be likely to affect any television receiver. And then, even assuming that these signals interfere with television reception, the interference would not be more disruptive than that caused by passing airplanes, ignition noise, and other such sources of interference.

4. MST states that Solid State's petition relies upon the absence of interference complaints by viewers in affected areas. MST contends the public is accustomed to interference to TV reception and has no-way to ascertain its source or to know where to lodge a complaint. Thus, the absence of complaints means very little. They argue the only way to obtain the experience called for in the original call box proceeding is by reliable tests and surveys. Absent such tests, the limitation should remain.

5. The Commission has noted that for the past several years, there has been an increasing demand for radio call box systems. With the expanded financing of highway safety communications and the added emphasis on citizen access to emergency medical systems, the demand will increase, and it appears that call box systems of 250 units or less cannot provide the total coverage for the effective utilization of such systems in many instances.

6. Furthermore, it appears that expanding call box systems will not increase the interference potential to reception of Channels 4 and 5. To this date, no one has offered any evidence that there actually has been or would be any significant interference to television reception from call box operations. In major part, this is attributable to provisions in the rules that limit power and antenna height, and that require the greatest possible frequency separation from those channels. These provisions limit the area of potential interference for each call box. Since this area is usually only a few hundred feet wide and call boxes are usually spaced at half mile intervals, the addition of more call boxes to the system should not affect the interference potential in other areas.

7. In view of the foregoing, we propose to delete the 250 unit limit on call box systems in the 72–76 MHz band. In addition to consideration of the potential interference problems, it is requested that the comments indicate whether there is indeed a new level of requirements for these operations in terms of need and demand for larger call box systems than are presently being authorized.

8. The proposed rule amendment is issued under sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 14, 1975 and reply comments on or before March 3, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: November 27, 1974.

Released: December 5, 1974.

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

[FR Doc.74-28820 Filed 12-10-74;8:45 am]

[1] Section 89.102(b) authorizes radio call box operations also on the 450 MHz band. Operations on this band are not subject to any limitation on the number of units.

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 DEFENSE

Office of the Secretary of Defense

DEFENSE ADVISORY GROUP ON ELECTRON DEVICES

Meetings

The Department of Defense Advisory Group on Electron Devices, Working Group D (Mainly Laser Devices), will meet in closed session on 23–24 January 1975, at the Institute for Defense Analyses, 400 Army-Navy Drive, Arlington, Virginia.

The purpose of the DoD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices; e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 6, 1974.

[FR Doc.74–28846 Filed 12–10–74;8:45 am]

DEFENSE ADVISORY GROUP ON ELECTRON DEVICES

Change of Meeting Date

The Department of Defense Advisory Group on Electron Devices, Working Group A (Mainly Microwave Devices) will meet in closed session on 8 January 1975 at 201 Varick Street, New York, New York. The meeting was previously scheduled for 12 December 1974.

The purpose of the DoD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices; e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 6, 1974.

[FR Doc.74–28845 Filed 12–10–74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Applications; Correction

In FR Doc. 74–25876—74–25945 appearing at page 40593 in the issue for Tuesday, November 19, 1974, the following correction should be made. On page 40594, in the penultimate paragraph, the third line, the closing date for comments or objections should read, "December 19, 1974", instead of "December 6, 1974".

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

[FR Doc.74–28870 Filed 12–10–74;8:45 am]

IMPORTER OF LEVORPHANOL

Withdrawal of Application

On November 19, 1974, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (Volume 39, Number 224) stating that Hoffman-LaRoche, Inc., Nutley, New Jersey has submitted an application for registration as an importer of Levorphanol, a basic class of controlled substance in Schedule II.

On November 6, 1974, Hoffman-LaRoche, Inc., advised the Drug Enforcement Administration that it did not intend to import Levorphanol in bulk, and requested the application and publication be withdrawn. The application having been withdrawn, any proceedings relating to the application have been terminated.

Date: December 6, 1974.

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

[FR Doc.74–28867 Filed 12–10–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKAN NATURAL GAS TRANSPORTATION SYSTEMS

Meeting

Notice is hereby given that public meetings will be held to obtain suggestions and comments on impacts of proposed systems for transporting natural gas from Alaska North Slope to the lower United States. Information on impacts will be considered in preparing the environmental impact statement.

These meetings will be conducted by the Joint Interagency Task Force which is responsible for preparing that statement and which is composed of the Department of the Interior and the staff of the Federal Power Commission.

Background. The transportation of natural gas resources from the Arctic regions of northeast Alaska to markets in the lower United States is an issue of increasing national importance. In this regard, applications for natural gas pipeline right-of-way permits across Federal lands and certificates of public convenience and necessity authorizing the construction of natural gas transmission facilities have been received by the Department of the Interior and the Federal Power Commission in connection with proposed systems to deliver gas from northeast Alaska to the lower United States.

The Alaskan Arctic Gas Pipeline Company requested Federal permits and certificates to construct a pipeline for transportation of natural gas from the Prudhoe Bay area of Alaska. The proposed pipeline would cross northeast Alaska through the Arctic National Wildlife Range before crossing the international border and going south through Canada. Additional certificate applications have been filed with the Federal Power Commission by Interstate Transmission Associates and Northern Border Pipeline Company requesting Commission approval of related natural gas transmission systems which may be required to distribute the Alaskan Arctic gas throughout the United States. In this regard, additional permit applications are expected to be filed with the Department of the Interior.

The proposed system will consist of a main trunk line of 48-inch diameter located generally from Prudhoe Bay, approximately 2,600 miles to Caroline, Alberta. The main trunk will fork in the vicinity of Caroline, with 42-inch fork lines going to the area of Kingsgate, British Columbia (to the west), and Monchy, Saskatchewan (to the east).

From these points, pipelines are expected to be generally located as follows:

1. From Kingsgate through Idaho, Washington, Oregon, and California to San Francisco;
2. From Kingsgate through Idaho, Washington, Oregon, Nevada and California to Los Angeles; and
3. From northern Montana through North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, West Virginia to Pennsylvania.

El Paso Natural Gas Company has filed for certificates of public convenience and necessity to construct a natural gas pipeline system from Prudhoe Bay across Alaska on a north-south route ultimately delivering gas to the lower United States by cryogenic oceangoing tankers. The system is a 42-inch diameter line that would run generally from Prudhoe Bay southward following the Alyeska oil pipeline corridor, but with a port location near Point Gravina rather than at Valdez. At the terminus, the gas is to be liquified and transported by cryogenic tankers to the west coast of the lower United States.

In response to these applications, the Federal Power Commission has responsibility for the evaluation and jurisdiction for the certification of the proposed transportation systems. The FPC staff, with the assistance of the Department of the Interior and others, is required to conduct a detailed independent analysis and prepare a detailed environmental statement. Because any pipeline involved will cross the public lands and other areas of Department of the Interior jurisdiction, and because permits or concurrences will be required for such crossings, Interior is directly involved in the proposed action and required to prepare a detailed environmental impact statement. In view of these considerations, it was agreed (May 1974) that FPC and Interior will assume joint responsibility for preparation of an environmental impact statement in order to most effectively and expeditiously assess the impacts.

Meetings. With exception of the Anchorage, Alaska meeting, which begins at 9:30 a.m., meetings will be conducted at 10–11:30 a.m., 1:30–4:30 p.m., and 7:30–9:00 p.m., local time in the following locations:

Anchorage, Alaska, January 10.
Fairbanks, Alaska, January 8.
Juneau, Alaska, January 6.
Portland, Oregon, January 9.
Sacramento, California, January 7.
Billings, Montana, January 7.
Chicago, Illinois, January 9.
Washington, D.C., January 7.

The meetings will be open to the public with any individual invited to present a statement directed at environmental impacts. All statements received will be considered in the analysis of the environmental impacts but written comments are encouraged. Since the meetings are "information seeking" rather than "debate of merits of the proposals," the presiding officer will not permit cross questioning at the meeting.

Formal applications for the proposed gas transportation facilities are available for public inspection at the Department of the Interior, Washington, D.C.; the Federal Power Commission, Washington, D.C.; Office of the Special Assistant to the Secretary of the Interior, Chicago, Illinois; or the Bureau of Land Management Eastern States Office, Silver Spring, Maryland. The applications are also on file at the Bureau of Land Management State Office in each of those states in which gas transportation facilities have been proposed and at the Alaskan Gas Transportation System—EIS Task Force Offices which are listed below:

Alaska Team Leader
Alaskan Gas Transportation System—EIS Task Force
U.S. Department of the Interior
Bureau of Land Management
555 Cordova Street
Anchorage, Alaska 99501
Phone: 206/442–0150
Ask for: 907/277–1561

Canadian Team Leader
Alaskan Gas Transportation System—EIS Task Force
United States Geological Survey
National Center, Mail Stop 106
Reston, Virginia 22092
Phone: 703/860–7491

West Coast Team Leader
Alaskan Gas Transportation System—EIS Task Force
U.S. Department of the Interior
Bureau of Land Management
710 NE. Holladay Street
Room 208
Portland, Oregon 97208
Phone: 503/234–4104

Northern Border Team Leader
Alaskan Gas Transportation System—EIS Task Force
U.S. Department of the Interior
Bureau of Land Management
715 Kipling Street
Lakewood, Colorado 80215
Phone: 303/234–4888

Project Manager—BLM (302)
Alaskan Gas Transportation System—EIS Task Force
U.S. Department of the Interior
Bureau of Land Management
18th & C Streets, NW., Room 1540
Washington, D.C. 20240
Phone: 202/343–4917

CURT BERKLUND,
Director.

[FR Doc.74–28850 Filed 12–10–74;8:45 am]

[A 8755]

ARIZONA

Proposed Withdrawal and Reservation of Land; Correction

In FEDERAL REGISTER Doc. 74–27234, published in Vol. 39, FR 226, page 40873, the third paragraph of the second column involving the proposed withdrawal reads:

"The area described aggregates approximately 54,766 acres in Yavapai County."

This paragraph is hereby corrected to read as follows:

"The area described aggregates approximately 54.766 acres in Yavapai County."

Dated: December 3, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74–28838 Filed 12–10–74;8:45 am]

GULF OF MEXICO OUTER CONTINTENTAL SHELF (TENTATIVE SALE #41)

Call for Nominations of and Comments on Area for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1973), nominations are hereby requested for areas on the Gulf of Mexico Outer Continental Shelf for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343 (1970)). Nominations will be considered for any or all of that part of the following areas landward of the 600 meter depth contour with specified exceptions:

1. Outer Continental Shelf Official Leasing Maps—Texas No. 1 through No. 7C. These mays are arranged in two sets (Nos. 1 through 4–7 maps and No. 5 through 7C–8 maps) which sell for $5.00 per set.
2. Outer Continental Shelf Official Leasing Maps—Louisiana No. 1 through 11A. This is a set of 26 maps, which sells for $15.00.
3. Outer Continental Shelf Official Leasing Maps NG 14–3 (Corpus Christi); NG 14–6 (Port Isabel); NG 15–1 (Bay City); NG 15–2 (Garden Banks); NH 15–12 (New Orleans); NG 15–3 (New Orleans South No. 1); NH 16–4 (Mobile); NH 16–7 (Mobile South No. 1); NH 16–10 (Mobile South No. 2); NH 16–5 (Pensacola) except that area between the west boundary of the E 95 Range of blocks and the west boundary of the E 118 Range of blocks; NH 16–8 (Pensacola South No. 1) except that area between the west boundary of the E 95 range of blocks and the west boundary of the E 118 range of blocks; NH 16–11 (Pensacola South No. 2) except that area between the west boundary of the E 95 range of blocks and the west boundary of the E 118 range of blocks; NH 16–9 (Apalachicola); NH 16–12 (Apalachicola South); NG 16–3 (Tampa West No. 1); NG 16–6 (Ft. Myers West No. 2); NH 17–7 (Gainesville); NH 17–10 (Tarpon Springs); NG 17–1 (Tampa); and NG 17–4 (Ft. Myers West No. 1). These maps may be purchased individually for $2.00 each.

All these maps may be purchased from the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113.

All nominations must be described in accordance with the Outer Continental Shelf Official Leasing Maps prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests particular geological, environmental, biological, archaeological,

socio-economic or other information which might bear upon potential leasing and development within this general area. Information on these subjects will be used in the preliminary selection of tracts leading to a final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347 (1970)) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments must be submitted not later than January 13, 1975, in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf—Gulf of Mexico," or "Comments on Leasing in the Outer Continental Shelf—Gulf of Mexico," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Conservation Manager, Gulf of Mexico OCS Operations, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, Louisiana 70011 and to the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the Gulf of Mexico. It is an information-gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date and hour at which bids will be received and opened.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: December 5, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.74-28791 Filed 12-10-74;8:45 am]

SHOSHONE DISTRICT ADVISORY BOARD

Meeting

DECEMBER 3, 1974.

Notice is hereby given that the Shoshone District Grazing Advisory Board will hold a regular protest meeting December 19, 1974, beginning at 9 a.m. at the District Office, 112 Cherry Street, Shoshone, Idaho.

The agenda for the meeting will be to hear protests to recommendations made at the regular meeting held November 26, 1974, on all types of grazing applications, agreements, and transfers of base property qualifications. The Board will also make recommendations on any other matters presented.

The meeting will be open to the public. Any interested person wishing to meet with the Advisory Board should inform the District Manager, Advisory Board Co-Chairman, prior to the meeting. Written statements may also be filed for consideration with the District Manager.

CHARLES J. HASZIER,
District Manager.

[FR Doc.74-28799 Filed 12-10-74;8:45 am]

Geological Survey

ARIZONA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Clifton known geothermal resources area, effective February 1, 1974.

(3) ARIZONA

CLIFTON KNOWN GEOTHERMAL RESOURCES AREA, GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 30 E.,
Sec. 19, SW¼SE¼, S½SE¼SE¼;
Sec. 20, SW¼;
Sec. 29, W½, W½SE¼;
Sec. 30, N½NE¼, SE¼NE¼, NE¼SE¼.

The area described aggregates 780 acres, more or less.

Dated: September 27, 1974.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.74-28830 Filed 12-10-74;8:45 am]

ARIZONA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Department Manual 4.1 H., Geological Survey Manual 220.2.3., and Conservation Division Supplement (Geological Survey Manual) 220.2.1. G., the following described lands are hereby defined as the Gillard Hot Springs known geothermal resources area, effective February 1, 1974:

(3) ARIZONA

GILLARD HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA, GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 29 E.,
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½;
Sec. 26, N½, SW¼, SW¼SE¼;
Sec. 27, N½, SW¼, N½SE¼SE¼;
Sec. 28, N½;
Sec. 35, N½N½.

The area described aggregates 2,460 acres, more or less.

Dated: September 27, 1974.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.74-28831 Filed 12-10-74;8:45 am]

OUTER CONTINENTAL SHELF

OCS Order for Oil and Gas Well Completion and Workover Procedures

Pursuant to the regulations under 30 CFR 250 and to current procedures for the development of the Outer Continental Shelf (OCS) Orders, the Geological Survey solicits public comments and suggestions on a proposed OCS Order to provide requirements and standards for the completion, workover and other operations on OCS oil and gas wells in the Gulf of Mexico Area. Such comments will be reviewed in the process of preparing a draft OCS Order.

Drilling procedures involving deepening or sidetracking may be considered to some extent under this Order. Logging, sampling, and drill stem test operations performed in the open hole shall be a part of such operations. The following items should also be considered:

1. Personnel Safety and Protection.

A. Training and orientation in first aid, fire protection, gas detection, platform operation and safety controls, and safety procedures.

B. Emergency procedures involving escape routes, stairways, capsules, boat landings, standby boats, rafts and life jackets.

2. General Operations.

A. Mechanical repairs concerning damaged tubing, choke damage, junk in the hole, leaks from surface and subsurface equipment and gas lift valve repairs.

B. Remedial work on production zones including acidizing, reperforating, squeeze operations, well killing, stimulation, swabbing, sidetracking, sand control and paraffin problems.

C. Completion of new zones which involves possibly drilling deeper, setting a liner, cementing, perforating, sand control and paraffin problems.
plugging back.

D. Workover fluid requirements in the process of killing a well, cleaning out, drilling deeper, logging, or stimulating new zones.

3. Other operations which might include inhibitor squeezing, abandonment, underwater completions, tubingless completions, and welding operations.

A. Well testing and associated operations as swabbing, drill stem tests, flow

tests, and the use of production test burners.

B. Drilling which would conform with OCS Order No. 2.

C. Workover and production equipment such as wellheads, casing, tubing, BOP, choke lines, kill lines, diverter lines, work strings, drill collars, bits, kelleys, lubricators, back pressure valves, pumps, wireline units, slick lines, electric lines, snubbing equipment, mixing tanks, motors, casing valves and wireline stuffing boxes.

D. Rigs which possibly could be used as conventional, concentric with a 1" work string, concentric with a rotary head and snubbing equipment, wireline unit and a pumpdown unit for subsea wells.

E. Pollution control and associated pans, drains and sumps.

Comments on the proposed Order should be forwarded to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before January 20, 1975.

Comments should address the proposed requirements and standards to be applied to the various operations above with full consideration to well and surface conditions and to pollution prevention and well control.

W. A. RADLINSKI,
Acting Director.

[FR Doc.74-28832 Filed 12-10-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-57]

DEAN JONES COAL CO., INC. ET AL.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dean Jones Coal Company, Incorporated et al. have filed a petition to modify the application of 30 CFR 75.1201 to the following mines:

Company	Mine	Location
Dean Jones Coal Co., Inc.	No. 5, No. 7	St. Charles, Va.
St. Charles Mining Co., Inc.	Nos. 3, 4, 5, 7, and 8 auger; Nos. 3, 4, 5, 6, and 7 strip.	Do.
T & T Darby Coal Co., Inc.	Nos. 2, 3, and 4 auger; No. 4 strip.	Do.
D & R Coal Co., Inc.	No. 1, No. 2	Do.
P & P Coal Co.	No. 1	Do.
L & P Coal Co.	Nos. 1, 2, and 3	Route 1, Dryden, Va.
Dean Trucking Co.	No. 2 auger; No. 2 strip.	St. Charles, Va.
Cabri Coal Co., Inc.	No. 1	Dryden, Va.
J & E Coal Co.	do	Box 428, Pennington Gap, Va.
General Trucking (St. Charles Mining Division)	do	Dryden, Va.
J & D Coal Co.	do	Box 1133, Harlan, Ky.
Mountaineer Excavating Co., Inc.	Nos. 1 and 2	Route 1, Big Stone Gap, Va.
M & H Coal Co.	No. 1	Route 1, Box 89, St. Charles, Va.
Cantrell Bros. Coal Co.	do	Pound, Va.
C & J Coal Co.	do	Pennington Gap, Va.

30 CFR 75.1201 provides:

Such [mine] map shall be made or certified by a registered engineer of a registered surveyor of the State in which the mine is located.

In support of its petition to secure a waiver of § 75.1201, Petitioners state:

(1) There is a shortage of certified or registered engineers.

(2) Virginia, the state in which the subject mines with one exception are situated, does not have professional classification for mining engineers and does not require mine maps to be made by a registered engineer or surveyor. Virginia does require, however, that mine maps be made by a qualified engineer or surveyor.

(3) Petitioners' engineer is neither certified nor registered, but he is qualified as evidenced by the fact that his mine maps are accepted by the Virginia Division of Mine and Quarries.

(4) Petitioners' engineer has had the equivalent of two and one half years of college credits in engineering. He has also had ten years of experience in the field of mine engineering and surveying under the direct supervision of two registered mining engineers in the state of Kentucky.

The petition is supported by a letter of recommendation from the Chief Mine Inspector, Virginia Division of Mines and Quarries, concerning the qualifications of Petitioners' engineer.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

DECEMBER 3, 1974.

[FR Doc.74-28843 Filed 12-10-74;8:45 am]

[Docket No. M 75-59]

DUQUESNE LIGHT CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Duquesne Light Company has filed a petition to modify the application of 30 CFR 75.1405 to its Warwick No. 2 Mine, Greensboro, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

1. Petitioner's track haulage equipment is equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. On May 3, 1974, Petitioner was issued a "Notice to Provide Safeguards" pursuant to Section 75.1405 by Walter H. Elder of MESA, indicating that "several track haulage cars were not provided with a latch or device to secure the lever to uncoupled automatic couplers in the uncoupled position."

3. Petitioner uses coal haulage locomotives which are equipped with a remote uncoupling system on the end opposite the locomotive operator. The operator can uncouple from the operator's end without getting out of the cab of the locomotive.

4. Coal haulage in the Petitioner's mine is accomplished between three "conveyor belt-to-mine car" loading stations which have more than ample clearance between the mine car and the rib. Said loading stations are equipped with signal lights which can be operated from a pull cord along the clearance side.

5. Petitioner believes that a latching device could inadvertently be left in the latched position creating the hazard of a "runaway" trip when coupling to a standing trip of cars in sidetracks which are on a downhill grade.

6. The foregoing facts illustrate that the installation of latching devices on couplers would not improve safety in the Petitioner's mine, and would in fact create hazards or risks of hazards not now present.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

DECEMBER 3, 1974.

[FR Doc.74-28842 Filed 12-10-74;8:45 am]

[Docket No. 75-65]

INDEPENDENT MINERS AND ASSOCIATES

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Independent Miners and Associates has filed a petition to modify the application of 30 CFR 75.301 to the following mines:

Company	Mine	Location
Acme Coal Co	No. 5 Lykens Vein Slope Mine	Williamstown, Pa.
Burnrite Coal Co	No. 2 Lykens Slope Mine	Ashland, Pa.
Bush Coal Co	Skidmore Slope Mine	Tower City, Pa.
Do	No. 2 Slope Mine	Shamokin, Pa.
C L & P Coal Co	Platko Slope Mine	Minersville, Pa.
Colket Coal Co	Tracy Slope Mine	Branchdale, Pa.
D & R Coal Co	D and R Slope Mine	Pine Grove, Pa.
Donaldson Coal Co	Tracy Slope, No. 1 Mine	Donaldson, Pa.
Harner Coal Co	Primrose Slope Mine	Sacramento, Pa.
Hegins Mining Co	No. 3 Skidmore Slope Mine	Zerbe, Pa.
K H & K Coal Co	No. 5 Vein Red Ash Slope Mine	Pottsville, Pa.
Locust Dale Mining Co	Skidmore Slope Mine	Minersville, Pa.
Lucas Mining Co	Primrose Slope Mine	Klingerstown, Pa.
Mace & Kerstetter	H L & S Drift Mine	Spring Blend, Pa.
Mercury Coal Co	Eureka Water Level	Tremont, Pa.
Metzinger Coal Co	West Drift Mine	Ashland, Pa.
Mountain Top Coal Co	Orchard Slope Mine	Minersville, Pa.
Mountain View Coal Co	No. 1 Slope Mine	Shamokin, Pa.
Norwood Coal Co	do	Paxinos, Pa.
P & M Coal Co	Orchard Slope Mine	Muir, Pa.
Pine Line Coal Co	No. 1 Mine	Shamokin, Pa.
Polcovich Coal Co	7 Ft. No. 2 Slope Mine	Centralia, Pa.
S & T Coal Co	Skidmore Slope Mine	Valley View, Pa.
Scott Coal Co	No. 2 Slope Mine	Shaft, Pa.
Sharp Mountain Coal Co	Orchard Vein Slope	Pine Grove, Pa.
Smeltz Coal Co	Buck Mountain Slope	Valley View, Pa.
Split Vein Coal Co	No. 2 Slope Mine	Paxinos, Pa.
T & L Coal Co	Zero Vein Lykens South Dip Slope	Shamokin, Pa.
Underkoffler Coal Co	Buck Mountain Slope Mine	Williamstown, Pa.

30 CFR 75.301 reads as follows:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of the miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

Petitioner requested that 30 CFR 75.301 be modified for Anthracite Mines to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air may be required in any of these areas to maintain a safe and healthful mine atmosphere.

This petition requesting modification of 30 CFR 75.301 is submitted for the following reasons:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mines.

2. Ignition, explosion and mine fire history are nonexistent for the mines.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in the small cross-sectional areas of the airways and the manways present a dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the mines.

7. Difficulty in keeping miners on the job and securing additional workers is due primarily to the conditions cited.

Finally, Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners under the existing standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

DECEMBER 3, 1974.

[FR Doc.74-28840 Filed 12-10-74;8:45 am]

[Docket No. M 75-64]

INDEPENDENT MINERS AND ASSOCIATES

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Independent Miners and Associates has filed a petition to modify the application of 30 CFR 75.312 to the following mines:

Company	Mine	Location
Burnite Coal Co.	No. 2 Lykens Slope Mine	Ashland, Pa.
Bush Coal Co.	Skidmore Slope Mine	Tower City, Pa.

30 CFR 75.312 reads as follows:

Air that has passed through an abandoned area or an area which is inaccessible or unsafe for inspection shall not be used to ventilate any working place in any mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place in a mine, except that such air, if it does not contain 0.25 volume per centum or more of methane, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

In support of its petition, Petitioner states:

1. Air sample analysis history reveals that the air in question is free of methane and other harmful gases.
2. All possible action will be taken to alleviate the present situation.
3. Present and future development will be conducted in such a manner to preclude a recurrence.

Further, to insure the safety of the miners and the continued safe operation of the mine, we will adopt the following plan:

1. Preshift examination of the entire perimeter of the involved area.
2. Check for methane at least once during each working shift in the intake air at a point outby the working places.
3. Collect a weekly air sample for laboratory analysis in the intake air at a point out by the working places.
4. Withdraw all men from the involved active working places if methane in the air is found to be 0.25 percent or greater. The men will not be permitted to return until all methane has been removed from the working places.

Finally, Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners under the existing standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

DECEMBER 3, 1974.

[FR Doc.74-28841 Filed 12-10-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Economic Research Service

NATIONAL COTTON MARKETING STUDY COMMITTEE

Meeting

Pursuant to the provisions of section 10(a)(2) of Pub. L. 92-463, notice is hereby given of a meeting of the National Cotton Marketing Study Committee established by Secretary's Memo 1852. The Committee will meet at 8:00 A.M. on Monday, January 6, 1975, in the Bienville Room, of the Monteleone Hotel at 214 Royal St., New Orleans, La.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee includes a review of study group objectives and plans, discussion of problem areas, and recommendations and directions for study group consideration and/or action.

The names of appointees comprising the Committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. Irving Starbird, Executive Secretary, Room 212, 500 12th St., SW., Washington, D.C., 20250 (202-447-8400).

AMOS D. JONES,
Chairman,
Economic Research Service.

[FR Doc.74-28866 Filed 12-10-74;8:45 am]

Farmers Home Administration

[Notice of Designation Number A102]

DELAWARE

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Delaware:

Kent Sussex

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 26 to August 5, 1974, in Kent County and June 15 to August 9, 1974, in Sussex County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Sherman W. Tribbitt that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 27, 1975, for physical losses and August 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of December, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-28864 Filed 12-10-74;8:45 am]

[Notice of Designation Number A106]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Crawford Moultrie

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding from April 1 through June 10, 1974, in Crawford County and May 15 through June 30, 1974, in Moultrie County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 30, 1975, for physical losses and September 2, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 5th day of December, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-28863 Filed 12-10-74;8:45 am]

[Notice of Designation Number A103]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural

credit exists in the following counties in Minnesota:

Chicago	Isanti	Renville
Douglas	Itasca	Rock
Goodhue	Morrison	Wabasha

The Secretary has found that this need exists as a result of the following natural disasters:

Minnesota (9 counties) 1974

County	Excessive rainfall	Freeze	Drought	Hailstorms
Chicago		Sept. 1, 3, 22		
Douglas	Apr. 1 to June 15 (also cold)	Aug. 3 to Sept. 3	June 15 to Aug. 15	
Goodhue		Sept. 2, 3, 20		
Isanti		Sept. 1-4		
Itasca	June 1 to July 10	Sept. 3	July 11 to Sept. 1	
Morrison		Sept. 2, 3		
Renville		Sept. 2, 22	June 10 to Aug. 10	June 1, 20.
Rock		do	do	
Wabasha		Sept. 2, 3, 20		

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 27, 1975, for physical losses and August 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of December 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-28865 Filed 12-10-74;8:45 am]

[Notice of Designation Number A104]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Mississippi:

Calhoun Union

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall May 1 through June 23, 1974, in Calhoun County and January 1 through June 19, 1974, in Union County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 27, 1975, for physical losses and August 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of December, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-28861 Filed 12-10-74;8:45 am]

[Notice of Designation Number A105]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Oklahoma:

Beaver	Harmon
Cimarron	Jackson
Greer	Texas

The Secretary has found that this need exists as a result of a natural disaster consisting of drought January 1 to August 1, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David Hall that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 27, 1975, for physical losses and August 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of December, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-28862 Filed 12-10-74;8:45 am]

Forest Service

BEARTOOTH WILDERNESS ET AL.

WILDERNESS PROPOSALS RESULTING FROM STUDIES OF FOREST SERVICE PRIMITIVE AREAS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared final environmental statements for the following wilderness proposals:

Proposal:	*Report No.*
Beartooth Wilderness	USDA-FS-FES (Leg)-74-08-RI
Big Blue, Mt. Wilson, Mt. Sneffels, Courthouse Mt., and Delores Peak Wildernesses.	USDA-FS-FES (Leg)-74-42
Cloud Peak Wilderness.	USDA-FS-FES (Leg)-74-36
Gila Wilderness	USDA-FS-FES (Leg)-73-24
Idaho and Salmon River Wilderness.	USDA-FS-FES (Leg)-74-35
Monarch Wilderness	USDA-FS-FES (Leg)-73-26
Popo Agie Wilderness	USDA-FS-FES (Leg)-73-64
Trinity Alps Wilderness.	USDA-FS-FES (Leg)-73-25

The environmental statements concern proposals to designate certain areas as Wilderness resulting from Forest Service studies of Primitive Areas.

These environmental statements were transmitted to CEQ on December 4, 1974.

Copies are available for inspection during regular working hours at the following locations:

Proposal:	*Location*
All	USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
Big Blue, Courthouse Mt., Mt. Wilson, Mt. Sneffels, Delores Peak, Cloud Peak, Popo Agie.	USDA, Forest Service, Rocky Mountain Region, Denver Federal Center, Building 85, Denver, CO 80225.
Gila	USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.
Idaho and Salmon River.	USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
	USDA, Forest Service, Intermountain Region, 324 25th Street, Ogden, UT 84401.
Monarch and Trinity Alps.	USDA, Forest Service, California Region, 630 Sansome Street, San Francisco, CA 94111.

A limited number of single copies are available upon request to the same offices listed above.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

R. MAX PETERSON,
Deputy Chief, Forest Service.

DECEMBER 5, 1974.

[FR Doc.74-28813 Filed 12-10-74;8:45 am]

MULTIPLE USE PLAN HEBGEN LAKE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Hebgen Lake Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) RI-75-4.

The environmental statement concerns a proposed action consisting of implementing land use allocations for 118,655 acres of National Forest lands and waters in the Hebgen Lake land use planning unit. This plan provides direction for the District Ranger to manage the National Forest lands in the unit for multiple use.

This draft environmental statement was filed with CEQ on December 4, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250

USDA Forest Service
Northern Region,
Federal Building
Missoula, MT 59801

USDA Forest Service
Gallatin National Forest
P.O. Box 130
Bozeman, MT 59715

A limited number of single copies are available upon request to Forest Supervisor Lewis E. Hawkes, Gallatin National Forest, P.O. Box 130, Bozeman, MT 59715.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: December 4, 1974.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.74-28798 Filed 12-10-74;8:45 am]

RIO GRANDE NATIONAL FOREST

Timber Management Plan Revision

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan Revision for the Rio Grande National Forest. The Forest Service report number is USDA-FS-R2-DES(Adm) FY-75-02.

The environmental statement concerns a proposal to revise the 1962 (Rev.) Timber Management Plan for the Rio Grande National Forest. Such plans are required to regulate the flow of timber products from National Forest lands.

This draft environmental statement was transmitted to CEQ on December 4, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
11177 West 8th Avenue
P.O. Box 25127
Denver, Colorado 80225

USDA, Forest Service
Rio Grande National Forest
P.O. Box 21
Monte Vista, Colorado 81144

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service 11177, West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225. Comments must be received by February 2, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: December 4, 1974.

W. J. LUCAS,
Regional Forester.

[FR Doc.74-28836 Filed 12-10-74;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL- number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF ARMY, Chief, Patents Division, Pentagon, Washington, D.C. 20310.

Patent 3,759,557: Locking Bars for High Security Padlocks; filed 25 May 71. Patented 18 September 1973; not available NTIS.

Patent 3,759,712: Photographic Processing Method; filed 26 July 1971. Patented 18 September 1973; not available NTIS.

Patent 3,764,475: Enzymatic Hydrolysis of Cellulose to Soluble Sugars; filed 22 December 1971. Patented 9 October 1973; not available NTIS.

Patent 3,764,947: High-Precision Variable Radio Frequency Coil; filed 1 November 1972. Patented 9 October 1973; not available NTIS.

Patent 3,765,907: Blocking Microleaks in Flexible Food Packages; filed 22 July 1971. Patented 16 October 1973; not available NTIS.

Patent 3,768,976: Temperature-Time Integrating Indicator; filed 20 May 1971. Patented 30 October 1973; not available NTIS.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 450,520: Alloy Solution Hardening with Solute Pairs; filed 12 March 1974; PC $4.25/MF $2.25.

Patent application 456,391: Method for Detection of Trichinellae; filed 29 March 1974; PC $4.00/MF $2.25.

Patent application 456,995: Rapid Digestion Process for Determination of Trichinellae in Meat; filed 1 April 1974; PC $4.00/MF $2.25.

Patent application 459,756: Photochemical Stimulation of Nerves; filed 10 April 1974; PC $4.00/MF $2.25.

Patent application 464,428: Carbon Monoxide Oxidation Catalyst; filed 26 April 1974; PC $4.00/MF $2.25.

Patent 3,782,929: Fluxless Aluminum Brazing; filed 23 June 1972. Patented 1 January 1974; not available NTIS.

Patent 3,783,144: Process for Producing Fluoronitro Alcohol Compounds; filed 16 October 1970. Patented 1 January 1974; not available NTIS.

Patent 3,784,674: Atmosphere Purification of Radon and Radon Daughter Elements; filed 9 September 1971. Patented 8 January 1974; not available NTIS.

Patent 3,785,370: Detection of Impaired Pulmonary Function; filed 14 September 1972. Patented 15 January 1974; not available NTIS.

Patent 3,785,803: Extraction of Mercury from Alkaline Brines; filed 1 March 1972. Patented 15 January 1974; not available NTIS.

Patent 3,786,672: Two-Dimensional Coils for Electro-Magnetic Generation and Detection of Acoustic Waves; filed 20 September 1972. Patented January 1974; not available NTIS.

Patent 3,787,321: Californium-Palladium Metal Neutron Source Material; filed 1 July 1971. Patented 22 January 1974; not available NTIS.

Patent 3,787,691: Source Holder Collimator for Encapsulating Radioactive Material and Collimating the Emanations from the Material; filed 31 January 1973. Patented 22 January 1974; not available NTIS.

Patent 3,788,305: Intratracheal Sampling Device; filed 19 October 1972. Patented 29 January 1974; not available NTIS.

Patent 3,788,482: Folded Membrane Dialyzer; filed 10 March 1972. Patented 29 January 1974; not available NTIS.

Patent 3,788,814: Highly Enriched Multiply-Labeled Stable Isotopic Compounds as Atmospheric Tracers; filed 1 February 1972. Patented 29 January 1974; not available NTIS.

Patent 3,790,492: Method for Production of Uniform Microspheres; filed 11 March 1974. Patented 5 February 1974; not available NTIS.

Patent 3,791,524: Tissue Collector; filed 13 April 1972. Patented 12 February 1974; not available NTIS.

Patent 3,791,820: Fluxless Aluminum Brazing; filed 23 June 1972. Patented 12 February 1974; not available NTIS.

Patent 3,792,136: Method for Preparing Hollow Metal Oxide Microsphere; filed 2 November 1971. Patented 12 February 1974; not available NTIS.

Patent 3,794,715: Solvent Extraction Process for Producing Low-Nitrate and Large-Crystal-Size PuO2 Sols; filed 30 August 1972. Patented 26 February 1974; not available NTIS.

Patent 3,794,716: Separation of Uranium Isotopes by Chemical Exchange; filed 13 September 1972. Patented 26 February 1974; not available NTIS.

Patent 3,795,580: Fuse for Nuclear Reactor; filed 19 October 1972. Patented 5 March 1974; not available NTIS.

Patent 3,795,874: Apparatus for Pumping a High Pressure Laser System; filed 3 November 1972. Patented 5 March 1974; not available NTIS.

Patent 3,798,161: Composition for Preparing Graphite Bodies; filed 10 November 1970. Patented 19 March 1974; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Management Branch, Federal Building, Hyattsville, Md. 20782.

Patent application 393,251: Collagen Dispersions; filed 30 August 1973; PC $4.00/MF $2.25.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, Washington, D.C. 20590.

Patent application 502,832: Apparatus for Testing the Traction Properties of Pneumatic Tires; filed 3 September 1974; PC $4.00/MF $2.25.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Bethesda, Maryland 20014.

Patent application: 479,582: Pleated Membrane Intrauterine Contraceptive Device; filed 14 June 1974; PC $4.00/MF $2.25.

Patent 3,770,607: Glucose Determination Apparatus; filed 6 November 1973. Patented 15 October 1971; not available NTS.

[FR Doc.74-28819 Filed 12-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

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
Subcommittee on Implants of the Panel on Review of Cardiovascular Devices.	Feb. 3, 9:30 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 1 p.m., closed after 1 p.m., Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Open session: Discussion of guidelines for a product development protocol for prosthetic heart valves. The first half of the meeting will be open to the public to give industry, professional groups, and the public an opportunity to suggest concepts for these guidelines and to comment on draft protocols which are expected to be available at the meeting. Those desiring to make formal presentations should notify Mr. Glenn A. Rahmoeller by January 15, 1975 and indicate the approximate time required to make their comments. Closed session: Discussion of guidelines for a product development protocol and formulation of recommendations.

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: December 5, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-28816 Filed 12-10-74;8:45 am]

Office of Education

PUBLIC LIBRARY CONSTRUCTION

Exception to Requirements for Prior Approval of Projects

Notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, has decided to modify the requirements set forth in Title 45 CFR 100b.159(a), and a similar requirement formerly set forth at Title 45 CFR 130.5(b)(10) (37 FR 472), and a requirement formerly set forth at Title 45 CFR 130.43(b) (37 FR 476), in order to permit Federal participation to match certain local expenditures incurred for purposes of Title II of the Library Services and Construction Act (20 U.S.C. 355a–355c) in connection with public library construction projects commenced without State agency approval. This modification applies only to the Federal funds appropriated for Fiscal Year 1973, none of which were allotted to the States until Fiscal Year 1974. The Office of Education considers it appropriate to permit State agencies to authorize the use of Fiscal Year 1973 funds to assist construction projects which were commenced prior to the allotment of funds, but which currently meet the requirements of the State plans.

The Office of Education General Provisions Regulations, Title 45 CFR 100b.-159(a), effective December 6, 1973, provides:

"Approval by the State agency of the final working drawings and specifications shall be obtained before the proposed construction is advertised or placed on the market for bidding".

During Fiscal Years 1973 and 1974, prior to the effective date of Title 45 CFR 100b.159(a), the same requirement was set forth at Title 45 CFR 130.5(b)(10) (37 FR 472).

Former Title 45 CFR § 130.43(b) (37 FR 476), in effect during Fiscal Years 1973 and 1974 prior to the effective date of the Office of Education General Provisions regulations, provided in pertinent part:

"(b) *Title II—Construction projects.* The following costs attributable to a public library construction project approved pursuant to § 130.5 are eligible at the discretion of the State agency if incurred after the date of project approval or after such other date as is indicated in subparagraphs (3) and (5) of this paragraph: * * *"

The Commissioner hereby rules that with respect to funds appropriated for Title II of the Library Services and Construction Act by section 101(a) of Pub. L. 92–334 (enacted July 1, 1972) as amended and extended, the requirement of prior State agency approval of final working drawings and specifications prior to advertising the proposed construction, or placing it on the market for bidding, shall not be required, provided that the State agency approval of such specifications and drawings is obtained when the project is approved. Similarly with respect to funds appropriated for Title II of the Library Services and Construction Act by section 101(a) of Pub. L. 92–334, it shall not be required that State agency approval of the project have been obtained prior to incurrence of local expenditures, in order that such expenditures may qualify for Federal matching.

Until these modifications are legally effective, an element of uncertainty with respect to the Fiscal Year 1973 funded operation of the program will remain. Under the particular circumstances applicable to the program for that year, including the delayed release of the funds, it is considered that the public interest would be better served by the prompt and final publication of the rule change, rather than delaying the process by having a period of public comment with respect to it. Therefore pursuant to the authority contained in 5 U.S.C. 553(b), the Commissioner has determined that proposed rule-making would be contrary to the public interest.

(5 U.S.C. 553(b); 20 U.S.C. 355(b))

Effective date: Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this rule has been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that rules subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalogue of Federal Domestic Assistance Programs 13.408; Construction of Public Libraries (LSCA—Title II))

Dated: November 14, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.74-28851 Filed 12-10-74;8:45 am]

Office of the Secretary

OFFICE OF ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to reflect changes in the Mission, Organization and Functions of the Department Library Branch. To accomplish this, section 1T30, Office of Administration, 38 FR 16404, dated June 22, 1973 is amended as follows:

Under section 1T30.20 B., delete paragraph 4, Department Library Branch, and insert the following:

4. Department Library provides mission-related library and information services to personnel of the Office of the Secretary of the Department of Health, Education, and Welfare and its Committees, the Social and Rehabilitation Service, Presidential Committees, other agencies of the Department, and other users. Collects and organizes relevant literature to meet research, educational, informational, program, legal and other staff requirements. Provides reader access to bibliographic collections, and assists users in locating required material or information. Also furnishes reference and referral services, literature search, and bibliographic work utilizing the Library's own collections and those of other libraries and information centers. Develops, recommends,

and implements procedures necessary to the provision of the foregoing services.

Dated: December 5, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-28852 Filed 12-10-74;8:45 am]

Social and Rehabilitation Service

[Docket No. SRS 75-1]

NEW YORK STATE PLAN AMENDMENTS

Continuance of Reconsideration Hearing

On October 17, 1974, notice was published in the FEDERAL REGISTER at 39 FR 37088 that a reconsideration hearing would be held pursuant to section 1116 (a)(2) of the Social Security Act 42 U.S.C. 1316(a)(2). The notice established the date of the hearing as December 6, 1974 at 10 a.m. in Room 1331, 330 C Street SW., Washington, D.C., or at such other place and time as might be fixed pursuant to 45 CFR 213.22(a)(1) by the presiding officer.

Please take further notice that, pursuant to 42 U.S.C. 1316(a)(2), both the petitioner, the State of New York, and the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, have entered into a stipulation postponing the hearing until Monday, February 3, 1975.

In all other respects the notice of October 17, 1974 remains unchanged.

In witness whereof, the Social and Rehabilitation Service has caused this Notice to be issued at Washington, D.C., this fifth day of December, 1974.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.74-28812 Filed 12-10-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-488A, 50-489A, 50-490A, 50-491A, 50-492A, and 50-493A]

DUKE POWER CO.

Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated November 22, 1974:

"You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296 as recently amended by Pub. L. 91-560, 84 Stat. 1472 (December 19, 1970), in regard to the above-cited application.

"A description of the Applicant, its history and structure, prior conduct with respect to smaller systems, and our conclusions based thereon was transmitted to the Commission on August 2, 1971, in connection with your request for our advice on Duke Power Company's application to operate Oconee Units 1, 2, and 3, AEC Docket Nos. 50-269A, 50-270A, and 50-287A. Subsequently, we advised you that our findings and conclusions regarding the Oconee Units were equally applicable to Duke Power Company's applications to contruct its McGuire Nuclear Station, Units 1 and 2, AEC Docket Nos. 50-369A and 50-370A (letter of September 29, 1971) and its Catawba Nuclear Station, Units 1 and 2 (letter of May 1, 1973).

"On April 26, 1974, just prior to the scheduled commencement of an antitrust hearing on the Oconee and McGuire applications before a Commission Safety and Licensing Board (and shortly after issuance of a notice of antitrust hearing on the Catawba application), the Applicant informed the Department of Justice of its willingness to accept a statement of procompetitive commitments as conditions to the licenses for the Oconee, McGuire, and Catawba Units. These commitments promised small electric utilities in Applicant's area significant relief from the situation inconsistent with the antitrust laws with which we were concerned. On the basis of this undertaking by the Applicant, we advised you that we believed antitrust hearing were no longer necessary on the Oconee, McGuire and Catawba applications (letter of April 26, 1974). We then submitted Applicant's commitments to the Atomic Safety and Licensing Boards to which your Commission had delegated antitrust hearing authority for those applications. The Boards duly accepted the commitments and ordered their inclusion as conditions to any licenses issued for the Oconee, McGuire and Catawba units.

"The Perkins and Cherokee Nuclear Stations will each consist of three 1,280 megawatt units, for a total of 7,680 megawatts of nuclear generation. When this 7,680 megawatts of nuclear generation becomes operational, it will join 7,324 megawatts of previously installed nuclear generation as an integral part of Applicant's bulk power supply system. At that time, nuclear generation will represent 60 percent of Applicant's total dependable generating capacity and an even greater percentage of its base-load generating capacity. The importance of nuclear generation to Applicant's future as a producer and supplier of electric power is self-evident.

"Congress anticipated the tremendous impact of nuclear generation on the electric power industry when it enacted Section 105 of the Atomic Energy Act in 1954 and when it amended Subsection 105c in 1970. It envisioned, and sought to make possible, participation by small electric utilities, as well as industry giants like the Applicant here, in the development of nuclear generation. As your Commission has recognized: 'It was the intent of Congress that the original public control [of the nuclear industry] should not be permitted to develop into a private monopoly via the AEC licensing process, and that access to nuclear facilities be as widespread as possible.'[1] The Atomic Energy Commission Staff's Regulatory Guide 9.1, 'Regulatory Staff Position Statement on Antitrust Matters,' issued in December, 1973, also takes account of the fundamental role access to nuclear generation plays in the regulatory scheme mandated by Subsection 105c:

A nuclear license applicant should not refuse to grant reasonable access to the nuclear facility to smaller electric utilities which might not otherwise have the opportunity to participate in the development of nuclear power.

In short, the Regulatory Staff seeks to promote access to the nuclear facility in its fullest sense where such access is technically feasible. In that regard the burden will be on the applicant to demonstrate what technical restrictions, if any, are appropriate and in the public interest (p. 9.1-2).

"The conditions to Applicant's Oconee, McGuire and Catawba licenses do not commit Applicant to offer small electric systems in its area access to those nuclear units nor to the Perkins and Cherokee Units which are the subject of our present advice. We are, however, not aware that any requests for participation in the Perkins and Cherokee Units have been made by any of the small systems in Applicant's area. No requests for or indications of interest in participation have been filed in your Commission's Dockets for these applications, nor have any been presented directly to us. Accordingly, we are not here met with a situation in which access to these nuclear units has been sought and refused.

"We understand the Applicant now plans to defer construction of the Perkins and Cherokee Units so that the first of the six units will not begin operation until 1983, rather than 1980 as shown in the application; and the remaining five units are to come on line one each year from 1984 through 1988, rather than 1981-1984 as originally scheduled. Particularly in view of this deferred construction schedule, requests by small systems for access to the Perkins and Cherokee Units may yet be forthcoming.[2]

"Given the absence of evidence that small systems in Applicant's area are seeking or will require access to the Perkins and Cherokee Units, the Department of Justice believes no antitrust hearing will be necessary with respect to these license applications. Should timely requests for access to these units hereafter be made, they should be evaluated in light of evidence then available and in accordance with Atomic Energy Commission Regulatory Guide 9.1."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by January 10, 1975 either (1) by delivery to the AEC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Docketing and Service Section.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Directorate of Licensing.

[FR Doc.74-28682 Filed 12-10-74;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on

[1] Memorandum and Order in the Matter of Louisiana Power & Light Company (Waterford Steam Electric Generating Station, Unit No. 3, Docket No. 50-382A, September 28, 1973, p. 4.

[2] We understand the Electric Power in the Carolinas (EPIC) project of municipal and cooperative systems is considering entry into the business of producing electric power during the period the Perkins and Cherokee Units are planned to begin operation. Access to those units might prove to be EPIC's only practicable opportunity to develop nuclear generating capacity.

October 18, 1974 (39 FR 37236), the Atomic Energy Commission (the Commission) has issued Amendments Nos. 5 and 3 to Facility Operating Licenses Nos. DPR-44 and DPR-56 respectively. The licenses authorize the Philadelphia Electric Company to operate the Peach Bottom Nuclear Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. These amendments are effective as of date of issuance.

The amendments revise the provisions in the Technical Specifications relating to fuel densification. Operation of the facilities will be within the limits and restrictions of both the change to the Technical Specifications and the Emergency Core Cooling System evaluation, including proposed Technical Specifications submitted by the licensee on August 5, 1974.

The Commission has found that the application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to these license amendments see Amendments Nos. 5 and 3 with Changes Nos. 6 and 3 which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania. A single copy of the items 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 22nd day of November, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief Operating Reactors Branch #3 Directorate of Licensing.

[FR Doc.74-28797 Filed 12-10-74;8:45 am]

[Docket No. 50-433]

UNIVERSITY OF CALIFORNIA

Issuance of Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on April 30, 1974 (39 FR 15062), the Atomic Energy Commission (the Commission) has issued Facility Operating License No. R-124 to the University of California, Santa Barbara, as proposed in that notice. The license authorizes the University to possess, use, and operate the L-77 training reactor located on the University Campus at Santa Barbara, California, at steady state power levels up to 10 watts (thermal) for educational training, in accordance with the provisions of the license and the Technical Specifications issued therewith.

The facility has been inspected by a representative of the Commission and found to have been constructed substantially in accordance with the application and the provisions of Construction Permit No. CPRR-120.

The Commission has found that the application (as supplemented) for the license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR Chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The University is being required to execute an amendment to the indemnity agreement as required by 10 CFR Part 140 of the Commission's regulations.

A copy of Facility Operating License No. R-124, including the Technical Specifications, and a copy of the Safety Evaluation issued concurrently with this notice are available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. or may be obtained upon request sent 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 3rd day of December, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief Operating Reactors Branch No. 1 Directorate of Licensing.

[FR Doc.74-28796 Filed 12-10-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27231, Docket 22859; Order 74-12-25]

BRANIFF AIRWAYS, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of December, 1974.

By tariff revisions [1] filed November 8 and scheduled to become effective December 8, 1974, Braniff Airways, Inc. (Braniff) proposes, inter alia, to increase minimum charges for Type A containers from New York to Dallas/Fort Worth, Houston, and San Antonio, and between Dallas/Fort Worth and San Antonio. In the last-mentioned market, the carrier also proposes to cancel the pivot points of 3,100 and 3,200 pounds and establish a pivot weight of 4,500 pounds per container, the same as that in effect for the other markets mentioned.

The increased minimum charges proposed, which are based upon the pivot weights, will be from 1.94 to 86.29 percent above those currently in effect. The proposed charges appear excessive because they would exceed industry-average costs of transporting those containers.[2] This, in turn, is in part due to the fact that the pivot weight of 4,500 pounds reflects an unduly high density for Type A container loads. This density is 10.11 pounds per cubic foot, significantly above the average stowed density, 8.83 pounds for all freight; the proposal thus unduly penalizes the average shipper. Although the 4,500 pound pivot weight already exists in three of the markets indicated, we believe that an increase in minimum charges would further injure shippers of commodities of average or below-average density.

Braniff claims that its proposal would meet the currently effective charges of American Airlines, Inc. (American) for 4,500 pound-shipments in Type A containers in two of the markets involved. In our opinion, this does not justify Braniff's proposal, inasmuch as we believe that American's current charges for that weight are also above industry average costs.[3]

In view of the foregoing and all other relevant factors, the Board finds that the proposal, to the extent it applies to those container rates and provisions mentioned above, should be suspended.

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 hereto are suspended, and their use deferred to and including March 7, 1975, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special tariff 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.

APPENDIX A

TARIFF C.A.B. NO. 227 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 5th Revised Page 105: All increased and cancelled general commodity container rates and charges, and changes in minimum weights in connection therewith from Dallas/Ft. Worth to San Antonio.

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[1] Revisions to Airline Tariff Publishers, Inc., Agent's C.A.B. No. 227. These revisions are under the scope of the *Domestic Air Freight Rate Investigation*, Docket 22859.

[2] Based upon the carrier's forecast 1974 costs including a full return on investment, updated to reflect increases during the first nine months of 1974.

[3] American's charges are also under the scope of the *Domestic Air Freight Rate Investigation*, and will be subject to the Board's decision therein.

All increased general commodity container rates and charges, and changes in minimum weights in connection therewith, from New York/Newark to Dallas/Ft. Worth, Houston and San Antonio.

On 5th Revised Page 106. All increased and cancelled general commodity container rates and charges, and changes in minimum weights in connection therewith from San Antonio to Dallas/Ft. Worth.

[FR Doc.74-28860 Filed 12-10-74;8:45 am]

[Docket No. 26530]

FRONTIER AIRLINES, INC.

Deletion of Columbus, Nebraska; Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Richard M. Hartsock to Administrative Law Judge Henry Whitehouse. Future communications should be addressed to Judge Whitehouse.

Dated at Washington, D.C., December 5, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-28853 Filed 12-10-74;8:45 am]

[Docket No. 25280, Agreement C.A.B. 24826, R-1 and R-2; Order 74-12-24]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Commodity Rates

Issued under delegated authority December 6, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates, as set forth below, reflecting reductions from general cargo rates, and were adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 26, 1974.

Agreement C.A.B.	Specific commodity item No.	Description and rate
24826:		
R-1	1966	Agar-Agar, 66 cents per kg., minimum weight 1,000 kgs. from Santa Maria/Sao Miguel Is/Terceira Is. to New York.
R-2	7163	Record Covers, 143 cents per kg., minimum weight 500 kgs. from Tel Aviv to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 24826, R-1 and R-2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Boards' regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-28858 Filed 12-10-74;8:45 am]

[Docket No. 25513, Agreement C.A.B. 24596, R-6; Docket No. 25280, Agreement C.A.B. 24597, R-8; Order 74-12-23]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of December, 1974.

By Order 74-10-88, October 17, 1974, the Board, inter alia, approved fuel related increases of 5 percent in South Pacific passenger fares and cargo rates on the basis of economic data submitted by Pan American World Airways, Inc. (Pan American). After adjustment to remove anticipatory costs, the data indicated that Pan American would experience an aggregate $2,205,000 shortfall in recovering increased fuel costs within the South Pacific area during the year ending September 30, 1975, and that its rate of return on investment from its South Pacific operations would not exceed 12 percent. Pan American has since submitted amended economic data basing forecast revenues attributable to the increases on its South Pacific cargo yield, rather than the lower cargo yield for its entire Pacific Division inadvertently used in the earlier submission.

Pan American acknowledges that the new data may cause the Board to reconsider its earlier approval, at least as far as the cargo rate increase is concerned. However, the carrier contends that approval is still warranted on the basis that it has yet to be fully compensated for fuel cost increases incurred through September 1974 in its total Pacific Division all-cargo services; that its South Pacific freighter operations are very limited in scale and represent only a small part of total Pacific Division freighter operations; and that the effects of the revised yield on its combination services are not significant.

The new data indicate that Pan American will still incur a $973,000 shortfall in fully recovering increased fuel costs. However, they also indicate, after elimination of anticipatory increases, that Pan American would earn a South Pacific return of 13.9 percent on combination service with the increases,[1] 47.3 percent on all-cargo service, and 17.0 percent on total operations during the forecast period (year ending September 30, 1975). Absent the increases, the rates of return would be 11.8 percent, 41.2 percent and 14.5 percent respectively. Thus, it appears that, even without the increases, Pan American will exceed a 12 percent return on investment in its total and all-cargo South Pacific operations, and be only slightly below the 12 percent benchmark in its combination service. At this time, then, it appears that the carrier should be able to absorb any increased fuel costs in this area and still maintain a respectable return. Accordingly, the Board concludes that in light of the new data presented, the 5 percent increases in South Pacific passenger fares and cargo rates are not warranted and should be disapproved insofar as they apply in air transportation as defined by the Act.[2]

While the Board will process the various fuel related fare and rate increase agreements presently on file, we believe that the apparent leveling off in the price of fuel indicates there is no need for the carriers to continue to resort to this technique. We note that agreements establishing fares and rates in major IATA conference areas are shortly due to expire and suggest that fuel costs be taken into account along with all other costs in the carriers' negotiations to re-establish international fares and rates.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, finds that the following resolutions, incorporated in the agreements as indicated, are adverse to the public interest and in violation of the Act insofar as they apply in air transportation as defined by the Act:

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[1] Passenger and cargo belly operations.

[2] We will expect the carriers to file appropriate revised tariffs for effect December 15, 1974.

Agreement C.A.B.	IATA Resolution	Title
24596: R-6	JT31 (Mail 271) 003v (S. Pacific)	General Increases in Passenger Fares (New).
R-8	JT31 (Mail 272) 003vv (S. Pacific)	General Increases in Cargo Rates (New).

Accordingly, it is ordered, That, Agreements C.A.B. 24596, R–6 and 24597, R–8 be and hereby are disapproved insofar as they apply in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–28859 Filed 12–10–74;8:45 am]

[Docket Nos. 26057, 26075; Agreement CAB 24739; Order 74–11–54]

PAN AMERICAN WORLD AIRWAYS, INC. ET AL.

Order Approving Agreement for Approval of Fuel Saving Capacity Limitations

Correction

In FR Doc. 74–26936 appearing at page 40524 in the issue of Monday, November 18, 1974, in the sixteenth line of the second paragraph on page 40524, "Order 1–713–34" should read "Order 74–11–34".

[Docket No. 24421]

SERVICE TO SAIPAN CASE (REOPENED)

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 8, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., December 6, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74–28857 Filed 12–10–74;8:45 am]

[Docket No. 24311; Order 74–11–146*]

FLYING TIGER LINE INC., AND TRANSMERIDIAN AIR CARGO LIMITED, ET AL.

Order Denying Petition for Reconsideration and Deferring Action; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of November, 1974.

Renumber footnotes 7 through 14 to 6 through 13 and the text references thereto.

Footnote 7 (formerly footnote 8) on page 4 should read as follows:

"[7] See Order 74–3–8 and Order 74–7–97."

Published at 39 FR 41894, December 3, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

DECEMBER 4, 1974.

[FR Doc.74–28854 Filed 12–10–74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Associate Director (Planning and Coordination), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.

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

[FR Doc.74–28849 Filed 12–10–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Special Programs, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74–28848 Filed 12–10–74;8:45 am]

COMMISSION OF FINE ARTS

VARIOUS PUBLIC PROJECTS AFFECTING APPEARANCE OF WASHINGTON, D.C.

Notice of Meeting

DECEMBER 4, 1974.

The Commission of Fine Arts will meet on Thursday, December 19, 1974 at 10:00 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006, to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda and requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.74–28827 Filed 12–10–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20260, 20261; FCC 74–1287]

ANSWERPHONE, INC. AND MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Answerphone Inc., Denver, Colorado, Docket No. 20260, File No. 5850–C2–P–(3)–70; the Mountain States, Telephone and Telegraph Company, Denver, Colorado, Docket No. 20261, File No. 1104–C2–P–70; for construction permits to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above-captioned applications to establish new air-ground radiotelephone service facilities to operate on 454.675, 454.725, 454.775, and 454.900 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) to serve the Denver, Colorado area.

2. It appears from the application of Answerphone, Inc. that it is a corporation whose address is 3500 E. 17th Avenue, Denver, Colorado, Mountain States Telephone and Telegraph Company, on the other hand, whose Denver's offices are at 930 15th Street, is a Bell System operating company whose majority of stock (approximately 88 percent) is owned by the American Telephone and Telegraph Company.

3. The applications are mutually exclusive, because the grant of both to operate on the same radio channel and in the same locality would result in mutually harmful electrical interference. Since both applicants appear to be legally, financially, and otherwise qualified to construct and operate the proposed facilities, the applications must be designated for comparative hearing to determine which applicant is better qualified to operate the proposed facilities in the public interest. "Ashbacker Radio Corp. v. F.C.C.," 326 U.S. 327 (1945).

4. In view of the foregoing: *It is ordered,* That pursuant to Sections 309(d) and (e) of the Communications Act of 1934, as amended (47 U.S.C. 309 (d) and (e)) that the captioned applications of Answerphone Inc. and Mountain States Telephone and Telegraph Company are designated for hearing in a

consolidated proceeding upon the following issues:

(1) To determine on a comparative basis the nature and extent of services proposed by each applicant.

(2) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

5. *It is further ordered,* That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place, and before an Administrative Law Judge, to be specified in a subsequent order.

6. *It is further ordered,* That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty (20) days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: November 27, 1974.

Released: December 4, 1974.

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

[FR Doc.74-28824 Filed 12-10-74;8:45 am]

[Docket Nos. 20258, 20259; FCC 74-1286]

BUCKEYE COMMUNICATIONS CO. AND CENTRAL MOBILE RADIO PHONE SERVICE

Designating Applications for Consolidated Hearing on Stated Issues Memorandum Opinion and Order

In regard applications of Buckeye Communications Company, Columbus, Ohio, Docket No. 20258, File No. 2981-C2-P-69; Central Mobile Radio Phone Service, Springfield, Ohio, Docket No. 20259, File No. 1912-C2-P-69; for construction permits to establish new one-way signalling facilities in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above captioned applications to establish new one-way signalling facilities to operate on 152.24 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) to serve the Columbus and Springfield, Ohio area.

2. It appears from the application that Central Mobile Radio Phone Service (owned by Victor E. Duane) is located at 23 South Belmont Avenue, Springfield, Ohio 45505. Buckeye Communications Company, on the other hand, is a corporation operating in the Columbus, Ohio area whose business offices are located at 201 Lima Avenue, Findlay, Ohio, 45480.

3. The applications are mutually exclusive, because the grant of both to operate on the same radio channel and in the same locality would result in mutually harmful electrical interference. Since both applicants appear to be legally, financially, and otherwise qualified to construct and operate the proposed facilities, the applications must be designated for comparative hearing to determine which applicant is better qualified to operate the proposed facilities in the public interest. "Ashbacker Radio Corp. v. F.C.C.," 326 U.S. 327 (1945).

4. In view of the foregoing: *It is ordered,* That pursuant to Sections 309 (d) and (e) of the Communications Act of 1934, as amended (47 U.S.C. 309 (d) and (e)) that the capitioned applications of Central Mobile Radio Phone Service and Buckeye Communications Company are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of services proposed by each applicant.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

5. *It is further ordered,* That the hearing shall be held at the Commission offices in Washington, D.C. at a time and place, and before an Administrative Law Judge, to be specified in a subsequent order.

6. *It is further ordered,* That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty (20) days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: November 27, 1974.

Released: December 4, 1974.

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

[FR Doc.74-28823 Filed 12-10-74;8:45 am]

[Docket No. 20075; FCC 74R-430]

COSMOPOLITAN ENTERPRISES, INC.

Memorandum Opinion and Order Modifying Issues

In regarding applications of Cosmopolitan Enterprises, Inc. Permittee of AM Station KWBY Edna, Texas, Docket No. 20075 for license to cover construction permit, File No. BL-, for construction permit to reduce power, File No. BP-19137.

1. This proceeding involves the applications of Cosmopolitan Enterprises, Inc. (Cosmopolitan), permittee of AM Station KWBY, Edna, Texas, for a license to cover its construction permit and for a construction permit to reduce its power from 10 KW to 5 KW. The Commission, by Order and Notice of Apparent Liability, FCC 74-595, 39 FR 21068, published June 18, 1974, designated Cosmopolitan's application for hearing on various issues. Subsequently, the Review Board, by Memorandum Opinion and Order, ____ FCC 2d ____, 31 RR 2d 1210, released October 25, 1974, added a § 1.65 issue against Cosmopolitan. Now before the Review Board is a petition to modify issue, filed October 7, 1974, by the Broadcast Bureau, requesting that the existing § 1.65 issue be modified to allow additional inquiry into matters which Cosmopolitan allegedly failed to report.[1]

2. The Bureau concedes that its petition is untimely, but argues that good cause exists for the delay in filing or, alternatively, that the "newly adduced" information raises serious public interest questions which warrant consideration, citing "The Edgefield-Saluda Radio Company," 5 FCC 2d 148, 8 RR 2d 611 (1966). On the merits, the Bureau states that on September 4, 1974, it received a letter from a Texas attorney seeking advice as to whether the Commission could assist him in enforcing a duly entered County Court judgment in the amount of $5,000, which he held against Cosmopolitan.[2] The Bureau argues that while Cosmopolitan has filed "numerous pleadings" indicating that it has filed for an "Arrangement" pursuant to Chapter XI of the Bankruptcy Act, Cosmopolitan also should have informed the Commission of the existence of the judgment because the application form requires such information [3] and because the judgment is potentially decisionally significant.

3. In opposition, Cosmopolitan initially argues that the Bureau's petition should be denied as procedurally defective. Substantively, Cosmopolitan notes that it is a "debtor-in-possession" under the Bankruptcy Act and that, on June 28, 1974, the United States District Court for the Southern District of Texas, entered an Order Staying Suits and Foreclosure of Liens, which stays commencement or continuation of any suits and enforcement of judgments against Cosmopolitan pending "further orders" of the Court.[4] Therefore, argues Cosmopolitan, the judgment is a nullity and no significance can be attached to the failure to disclose. In reply, the Bureau asserts that an allegation of lack of legal efficacy of the judgment is not a justification for failure to comply with § 1.65, and that the proper procedure would have been to report the judgment with the comment that, pursuant to the Court's Order, the judgment was without legal effect.

4. Initially, the Board finds that the Bureau has demonstrated good cause to

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[1] Also before the Board are the following related pleadings: (a) Opposition, filed October 31, 1974, by Cosmopolitan; and (b) reply, filed November 12, 1974, by the Broadcast Bureau.

[2] A copy of the abstract of this judgment, dated July 2, 1974, is attached to the letter.

[3] Section II, page 2 of FCC Form 301.

[4] A copy of this Order was filed as part of an amendment to the Cosmopolitan application on September 30, 1974, and was accepted by Order of the Presiding Judge, FCC 74M-1377, released October 23, 1974.

justify the late filing; therefore, the Board will consider the substance of the petition. On the merits, we agree that the existing Rule 1.65 issue should be expanded to allow inquiry into the matters now raised by the Bureau. First, FCC Form 301 clearly requires a statement of any unsatisfied judgments against an applicant or any party to the application and the failure of Cosmopolitan to reveal the $5,000 judgment renders Cosmopolitan's application "no longer substantially accurate and complete * * *", as required by Rule 1.65. While the judgment appears to be of debatable significance because of Cosmopolitan's legal status,[5] we believe that, in light of the previously specified Rule 1.65 issue, the omission could be relevant in the context of other apparent § 1.65 violations in determining whether there has been a pattern of conduct. And, in this regard, we consider it relevant that although the District Court issued its Order Staying Suits and Foreclosure of Liens on June 28, 1974, Cosmopolitan failed to report this Order for over three months. See note 4, supra.

[5] In this regard, however, we agree with the Bureau that the correct procedure would have been to timely report the unsatisfied judgment while explaining the District Court's Order.

5. *Accordingly, it is ordered*, That the petition to modify issue, filed October 7, 1974, by the Broadcast Bureau is granted; and

6. *It is further ordered*, That the existing § 1.65 issue specified in this proceeding, ____ FCC 2d ____, 31 RR 2d 1210 (1974), is modified to permit inquiry into the matters discussed in this Memorandum Opinion and Order.

Adopted: November 26, 1974.

Released: December 3, 1974.

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

[FR Doc.74-28821 Filed 12-10-74;8:45 am]

[FCC 74-1340]

"OFF-NETWORK" RESTRICTIONS OF PRIME TIME ACCESS RULE

Requests Filed for Waiver

DECEMBER 4, 1974.

Public Notice is given of the filing of the requests listed below, for waiver of the "off-network" provisions of the prime time access rule, § 73.658(k)(3) of the Commission's rules, for the period ending September 30, 1975.

Petitioner and date filed:	*Material*
Time-Life Films, July 30, 1974	"America" program series, a 13-week one-hour series run on NBC in 1972-73 and later on Hughes Sports Network (might be run as 26 half-hour programs).
Survival Anglia, Ltd., October 11, 1974.	9 one-hour nature of wildlife programs by the producers of the "World of Survival" series, run on CBS and NBC from 1969 to the present.
Gray-Schwartz Enterprises, Inc., October 31, 1974.	Thirteen 75-minute "Lone Ranger" features made up of half-hour segments appearing on the networks in the 1950's. Request to permit Station WVEC-TV, Hampton-Norfolk, Virginia to carry these 13 programs during access time.

Comments on these requests may be filed by December 16, 1974, and replies to such comments by December 23, 1974, with a copy sent to the Chief, Office of Network Study, Federal Communications Commission, Washington, D.C. 20554. Copies of the requests and comments concerning them may be examined at that Office, 1229 20th St. NW., Washington, D.C., Room A-325.

This listing does not constitute any Commission view as to whether the requests should be granted or denied. Attention is called to: (1) The Memorandum Opinion and Order adopted September 11, 1974, released September 13, 1974, FCC 74-974 (31 R.R. 2d 409), concerning prime time access rule waiver policy for the 1974-75 broadcast year; and (2) an appeal from Commission grant of an earlier waiver for the "America" series, "National Association of Independent Television Producers and Distributors v. FCC," U.S.C.A.D.C. Case No. 73-2052, filed October 5, 1973, argued October 17, 1974. If waiver is granted for this material, it will be only for the 1974-75 broadcast year, ending in September 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-28822 Filed 12-10-74;8:45 am]

[FCC 74-1309]

REFUND OF CABLE TELEVISION ANNUAL FEES

Memorandum Opinion and Order Regarding Petitions

In the matter of petitions for refund of cable television annual fees.

[1] Commissioners Reid, Hooks and Robinson with Chairman Wiley concurring and issuing a statement in which Commissioner Washburn joins and Commissioner Lee dissenting. Concurring statement filed as part of the original document.

1. The Commission has before it a number of petitions[1] for refund of cable television annual fees which have been previously paid pursuant to § 1.1116(b) of the Commission's rules and regulations, 47 CFR 1.1116(b).

2. Section 1.1116(b) is part of the Commission's schedule of fees adopted in 1970, 23 FCC 2d 880, under the authority of Title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a. On March 4, 1974, in "National Cable Television Association, Inc. v. United States," 415 U.S. 336, the Supreme Court reversed a lower court decision sustaining the validity of the cable television annual fees because it could not determine that the fee schedule had been formulated in a manner consistent with a proper interpretation of Title V; the case was remanded. We have concluded that we should refund all of the cable television annual fees paid pursuant to the current fee schedule. We have no doubt that we could legally recompute the appropriate fees for the period in question, after we conclude the pending proceeding (Docket No. 19658) looking toward revision of the entire schedule of fees. However, in view of the amount which would be recoverable and the expense involved in recomputing and collecting the appropriate fees for a large number of parties, we believe the best course is to refund the total fees collected to the parties who originally submitted them. It is our present intention to initiate refunds without requiring any further action on the part of cable television system operators, and we will proceed as expeditiously as possible to make the appropriate refunds.

3. *Accordingly, it is ordered*, That the petitions for refunds of cable television annual fees paid pursuant to § 1.1116(b) of the Commission's rules and regulations are granted.

Adopted: December 2, 1974.

Released: December 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-28825 Filed 12-10-74;8:45 am]

[1] Joint Petition for Expedited Action to Set Aside Fee Schedule and Establish Refund Procedures filed by Combined Communications, et al. (only the portion of the petition seeking refund of cable television annual fees is dealt with here); Petition for Expedited Action to Abrogate the CATV Annual Fee filed by National Cable Television Association, Inc.; Request for Refund of Annual Fees paid pursuant to § 1.1116(b) of the Commission's rules and regulations filed by American Cable Television Inc. et al.; Request for Refund of Annual Fees Paid Pursuant to § 1.1116(b) of the Commission's rules and regulations filed by Teleprompter Corp.; Request for Refund filed by Cannon Beach TV Co. et al.

[2] Commissioner Quello absent.

FEDERAL MARITIME COMMISSION

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

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 December 31, 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:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036

Agreement No. 9615–12 narrows the range of U.S. ports served by the conference to those between Hampton Roads and Portland, Maine, inclusive.

Dated: December 6, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–28887 Filed 12–10–74;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, by December 31, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 9615 D.R.–4 narrows the scope of the conference's dual rate contract to that cargo moving from or through Portuguese and Spanish ports to U.S. Atlantic ports from Hampton Roads to Portland, Maine, inclusive, for which contract and noncontract rates are offered.

Dated: December 6, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–28886 Filed 12–10–74;8:45 am]

[No. 73–28, 73–29]

PUBLICATION OF DISCRIMINATORY RATES IN U.S. WEST COAST/JAPAN TRADE AND U.S. ATLANTIC AND GULF/JAPAN TRADE

Dismissal in Part; Extension of Procedures

These proceedings were instituted by the Commission for the purpose of ridding the U.S. West Coast/Japan Trade and the U.S. Atlantic and Gulf/Japan Trade of inbound-outbound rate disparities on specifically identified commodities. Subsequently, procedures were established whereby the Conferences would file periodic reports to Hearing Counsel setting forth specific proposals to resolve the disparity issues, to which Hearing Counsel would respond by appropriate recommendation to the Commission. The procedures were limited to a twelve month period within which the matters were to be resolved. This twelve month period has now expired.

Pursuant to these procedures the Conferences have submitted various proposed rate actions. Hearing Counsel by motion to dismiss filed November 20, 1974, have expressed their satisfaction with certain of the proposed rate actions and urge the dismissal from these proceedings of the rates specified in the appendix to its motion. We are disposed to grant Hearing Counsel's motion.

Accordingly, as to the commodities listed in Hearing Counsel's November 20, 1974 Motion to Dismiss, these proceedings are hereby discontinued, provided respondents effectuate their proposed rate actions by appropriate tariff modifications within 45 days of the service of this order.

Respondent conferences and Hearing Counsel further urge that the period within which disparities are to be resolved in these proceedings should be extended beyond the original twelve month period. Inasmuch as we have only recently approved an Agreement (No. 10110) among the four respondent conferences whereby they may cooperate and coordinate actions for 120 days for the purpose of eliminating these disparities, we agree that an extension is warranted, and are hopeful that the remaining disparities will thereby be removed in short order.

Accordingly, the period within which issues in these proceedings are to be resolved is enlarged to and including March 26, 1975, the date to which our approval of Agreement 10110 extends. We are imposing no fixed deadline within which the parties must propose further rate actions. However parties are cautioned to submit further proposed rate actions as soon as possible to permit response of Hearing Counsel, consideration by the Commission, and subsequent final rate action by the Conferences prior to March 26, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–28885 Filed 12–10–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATIONS FOR RENEWAL PERMITS ELECTRIC FACE EQUIPMENT STANDARD

Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4224–000, ED POTTER COAL COMPANY,
Mine No. 2, Mine ID No. 44 01516 0, Hurley, Virginia,
ICP Permit No. 4224–008 (Mescher D–12 Battery Tractor, Co. No. EP3),

ICP Permit No. 4224–009 (Mescher D–12 Battery Tractor, Co. No. EP4),
ICP Permit No. 4224–010 (Mescher D–12 Battery Tractor, Co. No. EP5),
ICP Permit No. 4224–011 (Mescher D–12 Battery Tractor, Co. No. EP6).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 4, 1974.

[FR Doc.74–28811 Filed 12–10–74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

ADVISORY COMMITTEE EDUCATION PANEL

Meeting

DECEMBER 4, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on January 7 and 8, 1975.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.74–28790 Filed 12–10–74;8:45 am]

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meetings

DECEMBER 4, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that meetings of the Fellowships Panel will be held at Washington, D.C. on December 20 and 21, 1974.

The purpose of the meetings is to review Independent Fellowship applications submitted to the National Endowment for the Humanities for 1975–76 fellowship grants.

Because the proposed meetings will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.74–28789 Filed 12–10–74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSEUM 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 Museum Advisory Panel to the National Council on the Arts will be held on January 6, 1974, 9:00 a.m.–5:00 p.m., and on January 7, 9:00 a.m.–5:00 p.m. at the New Orleans Museum of Art, New Orleans, La.

A portion of this meeting will be open to the public on January 7 from 9:00 a.m.–5:00 p.m. on a space available basis. Accommodations are limited. During the session there will be a policy discussion.

The remaining session of this meeting on January 6 from 9:00 a.m.–5:00 p.m. is 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.74–28833 Filed 12–10–74;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 December 6, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Departmental: Subcontract Offset Report, Form —, Quarterly, Caywood (395–3443), Defense contractors.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education:

Follow-Up Study of Participants and Control Group Families in the Mountain-Plains Education and Economic Development Program, Inc., Form NIE 82, Semi-annual, Planchon (395–3898), Participant families in Mountain-Plains Program.

Constituent Interview Form for N.I.E. Funded Project, "The Responsiveness of Public Schools to Their Clientele", Form NIE 91, Single time, Planchon (395–3898), Selected citizens.

Superintendent and School Board Member Interview Forms for N.I.E. Funded Project, "Responsiveness of Public Schools to Their Clientele", Form NIE 92, Single time, Planchon (395–3898), School officials.

Survey of Community Opinions About Local School Matters for N.I.E. Funded Project "The Responsiveness of Public Schools to Their Clientele", Form NIE 93, Single time, Planchon (395–3898), Sample of resident in school districts being studied.

Health Resources Administration:

Evaluation of the Impact of HRA Programs on Regionalization of Health Care Service, Form HRAOPEL 1125, Single time, HRD (395–3532), Reese (395–5630), Individuals involved in health activities.

Instrument Evaluation Form and Related Documents, Form HRABHRD 1114, Single time, Collins, Persons who have developed nursing research instruments.

Social and Rehabilitation Service: Child Abuse—EPSDT, Form —, Single time, Caywood (395–3443), State directors of Title XIX agencies.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research: Assessment Practices Survey, Form 1, Single time, Ellett (395–6172), Local assessment jurisdictions.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Occupational Wage Survey—Bituminous Coal Mines, Form BLS 3055, Single time, Strasser (395–3880), Bituminous coal mines.

REVISIONS

None.

EXTENSIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Qualifications Appraisal-Clerical-Professional, Form AID 4–66A, 4–66, Occasional, Caywood (395–3443), Name references or former supervisors.

DEPARTMENT OF STATE

Affidavit of Identifying Witness, Form DSP 71, Occasional, Lowry (395–3773), Passport applicant.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–28985 Filed 12–10–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

DECEMBER 3, 1974.

The common stock of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 4, 1974 through December 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–28806 Filed 12–10–74;8:45 am]

[34–11089]

FIXED COMMISSION RATES

Securities and Exchange Commission Responds to New York Stock Exchange's Proposal To Increase Rates

The Securities and Exchange Commission announced today that it had sent the following letter to the New York Stock Exchange concerning its proposal to increase its fixed commission rates by eight percent for exchange-executed orders between $5,000 and $300,000.

NOVEMBER 6, 1974.

JAMES J. NEEDHAM,
Chairman,
New York Stock Exchange,
New York, N.Y.

DEAR MR. NEEDHAM: On August 15, 1974, the New York Stock Exchange ("NYSE"), pursuant to Securities Exchange Act Rule 17a–8, submitted a proposed amendment to Article XV, section 2(a), of the NYSE's constitution. That amendment would have effected an increase in commission charges of between six percent and eight percent on the fixed portion of orders valued above $2,000, and was accompanied by the NYSE's report, "The Crisis of Member Firm Profitability and the Need for a Securities Commission Rate Increase." On September 16, 1974, the NYSE modified its initial submission to eliminate its proposal to increase commission rates on orders below $5,000, and to adjust the proposed commission rate increase from seven percent to eight percent on orders valued above $5,000. The Commission wishes to inform you that, for the reasons set forth below, it does not propose to exercise its authority to object to any implementation of the NYSE's proposed rate increase, as amended.

THE NATURE OF THE COMMISSION'S DETERMINATION

At the outset, it should be noted that the Commission's determination is not, as suggested by the NYSE's *Crisis* report,[1] to grant "permission" for the effectiveness of the proposed rule changes. While the Commission has pervasive authority with respect to the ability of securities exchanges to require their members to charge fixed rates,[2] the NYSE's proposed constitutional and rule changes, submitted pursuant to Securities Exchange Act Rule 17a–8, pose for the Commission only the question of whether it should indicate that it would object to the NYSE's proposal if implemented.

THE NYSE'S BASIS FOR ITS PROPOSED RATE INCREASE

We understand the NYSE's written submissions in connection with its proposed rate increase to consider the following factors: first, the rate of inflation, coupled with the generally unsatisfactory condition of the economy; second, the reduction in member firm profitability in a manner analogous to the situation which prompted the NYSE to propose a rate increase last year; and, third, the asserted incapability of the member firm community to effect rate increases for orders above $5,000 on an individual member firm basis.

THE COMMISSION'S CONCLUSIONS

As you are aware, the Commission has indicated its policy conclusion that all national securities exchanges should terminate any rules or practices which require, or have the effect of requiring, their members to charge fixed commission rates to any person. A letter was sent to the president of each national securities exchange requesting such changes pursuant to the Commission's authority under the Securities Exchange Act on September 19, 1974.[3] Notwithstanding the decision of the NYSE and other exchanges not to acquiesce voluntarily in our request, we adhere to that conclusion, pending any information which we may receive at hearings in connection with considering whether to adopt Securities Exchange Act Rules 19b–3 and 10b–22, which would accomplish the purpose of our request.

In this context, the NYSE's written submissions in connection with its proposed rate increase are somewhat troublesome. The NYSE appears initially to have suggested that its members are incapable of raising commission rates above existing minimums for larger, institutional, investors, although it apparently concedes that they have no similar difficulty with respect to smaller investors. We are not persuaded that exchange members cannot, under appropriate circumstances, increase commission rates on large orders as well as small orders without an increase in fixed minimum rates, and we wish to make it clear that our determination not to object to the NYSE's proposal to raise the fixed minimum rates its members must charge on large orders between $5,000 and $300,000 should not be viewed as acquiescence in that assertion by the NYSE.

When we apprised the NYSE, in December, 1973, of the reasons why we had determined not to raise any objection to its proposal of July 1973, to raise fixed rates on orders below $300,000, we recognized that, as long as exchanges were permitted to fix the minimum rates their members were required to charge, the exchanges might continue to effect changes in rates, provided that their proposals were not unreasonable or otherwise inconsistent with the standards and purposes of the Securities Exchange Act. This means that, on orders above $2,000 and below $300,000, nothing in our letter of December 14, 1973, impaired the ability of the NYSE, or any other national securities exchange, subject to appropriate statutory standards, to propose rate increases or decreases for its members.

Among other things, we certainly recognize that the current state of the economy, as well as the effects of inflation, have had a significant effect on exchange member firms, just as they have had, perhaps to an even greater extent, on others, whether or not the attempts of the NYSE at quantifying the extent of the effect on member firms are precise. Being duly cognizant of the aims and purposes embodied in the Securities Exchange Act, it does not appear to us that the NYSE's proposed rate increase is unreasonable under the circumstances. And we do recognize the public interest considerations involved in interim efforts to maintain the financial

[1] The Crisis of Member Firm Profitability and the Need for a Securities Commission Rate Increase, at p. 1.

[2] See, e.g., sections 2, 6, 10, 19 and 23 of the Securities Exchange Act, 15 U.S.C. 78b, 78f, 78j, 78s and 78w.

[3] See Securities Exchange Act Release No. 11019.

status of the industry, while the experimentation with unfixed rates under $2,000 and over $300,000 continues.

Accordingly, the Commission does not intend to invoke its jurisdiction to raise any objection to the NYSE's proposal to raise the current schedule of fixed commission rates by eight percent on orders between $5,000 and $300,000.

For the Commission.

Sincerely yours,

RAY GARRETT, JR.,
Chairman.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1974.

[FR Doc.74-28804 Filed 12-10-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

DECEMBER 3, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 4, 1974 through December 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28807 Filed 12-10-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

DECEMBER 3,1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 4, 1974 through December 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28805 Filed 12-10-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Notice of Meeting

Notice is hereby given that a Standards Advisory Committee on Marine Terminal Facilities, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, January 14; Wednesday, January 15; and Thursday, January 16, 1975, starting at 9:00 am in the Pontalba Room, Delta Towers Hotel, 1732 Canal Street, New Orleans, Louisiana 70112. The meeting will be open to the public.

The Standards Advisory Committee on Marine Terminal Facilities will continue review of the proposed safety regulations for longshoring, with respect to marine terminal facilities, for the purpose of making recommendations to the Assistant Secretary of Labor for Occupational Safety and Health.

Written data, views, or comments may be filed, together with 20 copies thereof, with the Committee Management Officer by close of business January 3, 1975. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to make an oral presentation to the committee should submit a written request to be heard to the Committee Management Officer no later than the close of business January 3, 1975. The request must contain the name of the person who wishes to make a presentation, whom he represents, a short summary of the intended presentation, and an esimate of the amount of time that will be needed. Oral presentations will be scheduled at the discretion of the Committee Chairman.

Communications should be addressed to:

A. W. Campbell
Committee Management Office
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, N.W., Room 200
Washington, D.C 20210

Signed at Washington, D.C. this 5th day of December, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-28835 Filed 12-10-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 651]

ASSIGNMENT OF HEARINGS

DECEMBER 6, 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 the date of this publication.

MC 106644 Sub 184, Superior Trucking Company, Inc., now being assigned February 24, 1975, at the Interstate Commerce Commission, Washington, D.C.

MC 1239 Sub 4, Pony Trucking, Inc., now being assigned February 18, 1975, at the Interstate Commerce Commission, Washington, D.C.

MC 139725 Sub 1, Dyoll Delivery Service, Inc., now being assigned February 26, 1975, at the Interstate Commerce Commission, Washington, D.C.

No. 35659, Miller Oil Purchase Company V. Amerado-Hess Corp., et al, now assigned January 6, 1975, at Washington, D.C., is postponed to March 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 42487 Sub 817, Consolidated Freightways Corporation of Delaware, now being assigned February 25, 1975 (3 weeks), at The Westbury Hotel, 480 Sutter St., San Francisco, Ca.

MC 134612 Sub 2, Fast Motor Service, Inc., now being assigned February 25, 1975, at the Interstate Commerce Commission, Washington, D.C.

MC 125708 Sub 136, Thunderbird Motor Freight Lines, Inc., now being assigned February 20, 1975, at the Interstate Commerce Commission, Washington, D.C.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28878 Filed 12-10-74;8:45 am]

[Revised Exemption No. 88]

BRITISH COLUMBIA RAILWAY CO.

Exemption Under Mandatory Car Service Rules

DECEMBER 6, 1974.

It appearing, that because of a cessation of operations, due to a labor dispute, the British Columbia Railway Company (BCOL) is unable to accept its cars when returned empty by connecting railroads; that such cars may be used by United States railroads for movement of traffic destined to points in Canada or routed over railroad lines passing through Canada; that, because of this cessation of operations by the BCOL, there is no demand for these cars on their line; that return of their cars would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote to the car owner; and that compliance with Car Service Rules 1 and 2 prevents such

use of all general service freight cars owned by the BCOL, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, all general service freight cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J Trezise, or successive issues thereof, bearing reporting marks assigned to the British Columbia Railway Company, shall be exempt from the provisions of Car Service Rules 1(a), 2(a) and 2(b).

NOTE: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Effective November 25, 1974.

Expires December 15, 1974.

Issued at Washington, D.C., November 25, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-28875 Filed 12-10-74;8:45 am]

[Exception No. 40 to Rev. S.O. No. 1173]

BURLINGTON NORTHERN INC. AND GREEN BAY AND WESTERN RAILROAD CO.

Exemption Under Mandatory Car Service Rules

NOVEMBER 20, 1974.

Pursuant to the authority vested in me by paragraph (4), section (a) of Revised Service Order No. 1173, the Green Bay and Western Railroad Company is hereby authorized to accept from shipper or shippers, located on their line, BNFE 8711 and BNFE 8773, for transport to destination via any route, regardless of the provisions of Revised Service Order No. 1173.

Effective November 20, 1974.

Expires November 27, 1974.

Issued at Washington, D.C., November 20, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-28876 Filed 12-10-74;8:45 am]

[Exemption No. 5 to Rev. Service Order No. 1193]

MAINE CENTRAL RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

NOVEMBER 5, 1974.

Pursuant to the authority vested in me by section (a), paragraph (7) of Revised Service Order No. 1193, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, is hereby authorized to accept from shipper at Berwick, Pennsylvania, for transport to destination, MEC 8570, routed PC, regardless of the provisions of Revised Service Order No. 1193.

Effective November 5, 1974.

Expires November 10, 1974.

Issued at Washington, D.C., November 5, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-28874 Filed 12-10-74;8:45 am]

[Exemption No. 6 to Rev. S. O. No. 1193]

MAINE CENTRAL RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

NOVEMBER 27, 1974.

Pursuant to the authority vested in me by section (a), paragraph (7) of Revised Service Order No. 1193, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, is hereby authorized to accept from shipper at Baltimore, Maryland, for transport to destination, MEC 8843, routed PC, regardless of the provisions of Revised Service Order No. 1193.

Effective November 27, 1974.

Expires December 2, 1974.

Issued at Washington, D.C., November 27, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-28873 Filed 12-10-74;8:45 am]

[Exemption No. 90]

SACRAMENTO NORTHERN RAILROAD CO. AND TIDEWATER SOUTHERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the Sacramento Northen Railway Company (SN) and the Tidewater Southern Railway Company (TS) owns numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof as having mechanical designation XM, and bearing reporting marks assigned to the Sacramento Northern Railway and the Tidewater Southern Railway Company, shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

Effective November 27, 1974.

Expires February 15, 1975.

Issued at Washington, D.C., November 27, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-28872 Filed 12-10-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

DECEMBER 6, 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 December 23, 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 37203 (Sub-No. E1), filed June 4, 1974. Applicant: MILLSTEAD VAN LINES, INC., P.O. Drawer 878, Bartlesville, Oklahoma 74003. Applicant's representative: Thomas J. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Texas 78701. 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 Oklahoma on and east of a line beginning at the Oklahoma-Kansas border on Interstate Highway 35, then over Interstate Highway 35 to the Oklahoma-Texas border. The purpose of this filing is to eliminate the gateways of points in Oklahoma within 25 miles of Coffeyville, Kansas, and Tulsa, Okla., and points in Oklahoma within 80 miles of Tulsa.

No. MC 37203 (Sub-No. E2), filed May 31, 1974. Applicant: MILLSTEAD VAN LINES, INC., P.O. Drawer 878, Bartlesville, Oklahoma 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Texas 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over

irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Arkansas, on the one hand, and, on the other, points in Kansas on and west of U.S. Highway 75 (points in Oklahoma within 150 miles of Shawnee, Okla.)*; (2) between Miller, Lafayette, Little River, Howard, Hempstead, Sevier, Pike, Polk, Montgomery, Scott, Sebastian, Logan, Crawford, Franklin, Johnson, Washington, Madison, Benton, and Carroll Counties, Arkansas, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Maine, and Michigan (points in Oklahoma within 150 miles, of Shawnee, Okla., and McLean County, Ill.)*; and (3) between points in Oklahoma, on the one hand, and, on the other, points in Michigan, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, and Maine (Coffeyville, Kans., and points within 25 miles thereof)*. The purpose of this filing is to eliminate the gateways marked by asterisks above.

No. MC 37203 (Sub-No. E6), filed June 4, 1974. Applicant: MILLSTEAD VAN LINES, INC., P.O. Drawer 878, Bartlesville, Oklahoma 74003. Applicant's representative: Thomas J. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Texas 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as described by the Commission, between points in Montana, on the one hand, and, on other, points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line on U.S. Highway 81, thence over U.S. Highway 81 to Chickasha, Okla., thence over U.S. Highway 277 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of points in Oklahoma within 25 miles of Coffeyville, Kans., and Tulsa, Okla., and points in Oklahoma within 80 miles of Tulsa.

No. MC 95540 (Sub-No. E751); filed November 10, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome J. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the facilities of Chef Pierre, Inc., at or near Traverse City, Mich., to points in Maine. The purpose of this filing is to eliminate the gateway of Newburgh, N.Y.

No. MC 95540 (Sub-No. E752), filed November 10, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome J. Marks (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*, and *dairy products*, as defined by the Commission, when used as carnivorous pet food, from the facilities of Kal-Kan Foods, Inc., at Vernon, Calif., to points in Gordon County, Ga., and points in Loudon County, Tenn., restricted to traffic destined to points in Gordon County, Ga., and Loudon County, Tenn. The purpose of this filing is to eliminate the gateways of points in Louisiana.

No. MC 95540 (Sub-No. E753), filed November 14, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome J. Marks (same as above). 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 Newburgh, N.Y., to points in Arkansas, Louisiana, Oklahoma, New Mexico, Arizona, California, and Texas, restricted to the transportation of shipments destined to points in the above named destination states. The purpose of this filing is to eliminate the gateways of points in Pennsylvania.

No. MC 25540 (Sub-No. E754), filed November 14, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (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*, from points in Arkansas to those points in New Jersey on and north of a line beginning at the Delaware River and extending along the Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Newburgh, New York.

No. MC 108207 (Sub-No. E26), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Texas 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, non-dairy cheese spreads* and *dips*, and *non-dairy cream spreads*, and *dips*, from points in Kansas to points in New Mexico, Arizona, and California. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 108207 (Sub-No. E27), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Texas 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dessert toppings* from Holland, Mich., to points in New Mexico, Arizona, California, Oklahoma, Kansas, Texas, Illinois, Missouri Arkansas, Louisiana, Mississippi, and Memphis, Tenn., restricted to the transportation of shipments originating at the facilities of Swift Chemical Company of Holland, Mich.

No. MC 108207 (Sub-No. E28), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Texas 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in New Mexico, Arizona, and California, restricted to the transportation of shipments originating at the facilities of Ocoma Foods Company at Humboldt, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 109397 (Sub-No. E62), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Missouri 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting materials, supplies, and agents*, between points in Oregon, Idaho, California, New Mexico, Arizona, Colorado, Utah, Montana, and Nevada, on the one hand, and, on the other hand, Olympia, Mats Mats, and Bangor, Washington. The purpose of this filing is to eliminate the gateway of the plant site of Pacific Works of Hercules Incorporated at or near Tenino, Wash.

No. MC 113495 (Sub-No. E37) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 20, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *related parts* moving in connection therewith, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Peoria, Morton, Mossville, Springfield, and points within 10 miles of each, to points in Adair, Allen, Barren, Bell, Clinton, Cumberland, Harlan, Knox, McCreary, Metcalfe, Monroe, Russell, Pulaski, Wayne, Whitley Counties, Ky., restricted against the transportation of commodities which because of size or weight require the use of special equipment and against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and further restricted to commodities which are transported on trailers; (2) *Such self-propelled articles*, each weighing 15,000 pounds or more which may be included in road construction machinery, and equipment as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and

Springfield, Ill., and points within 10 miles of each), to points in Adair, Allen, Barren, Bell, Clinton, Cumberland, Harlan, Knox, McCreary, Metcalfe, Monroe, Pulaski, Russell, Wayne, and Whitney Counties, Ky., restricted to the transportation of the described commodities when moving in the same vehicle, with shipments of each commodities which do not require the use of special equipment, and to commodities which are transported on trailers, and restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment; (3) *Road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, Ill., and points within 10 miles of each), to points in Adair, Allen, Barren, Bell, Clinton, Cumberland, Harlan, Knox, McCreary, Metcalfe, Monroe, Pulaski, Russell, Wayne, and Whitney Counties, Ky., restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway of points in Tennessee. The purpose of this correction is to clarify the previous publication.

No. MC 114211 (Sub-No. E53), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on, north and east of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, to points in that part of Indiana on and east of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 74 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E54), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Iowa on, east and south of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in that part of Nebraska on, south, and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 183 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E55), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Iowa on and east of U.S. Highway 69, on the one hand, and, on the other, points in that part of Nebraska on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E56), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof*, from points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the South Dakota-Nebraska State line, to points in Texas. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E57), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight requires the use of special equipment or special handling, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from points in South Dakota to points in that part of Missouri on and south of a line beginning at the Nebraska-Missouri State line, thence along U.S. Highway 136 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E58), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof*, and *towers* from points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, to points in Missouri. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E59), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, and implements*, other than hand, and *parts thereof* when transported with such agricultural machinery and implements, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except those requiring the use of special equipment from Corpus Christi, Tex., to points in that part of Indiana on, south and east of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 40 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Indiana-Ohio State line, and that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 52 to junction Interstate Highway 275, thence along Interstate Highway 275 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in that part of Nebraska west of U.S. Highway 77, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E61), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, and *parts thereof* when transported with such agricultural machinery and implements, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except those requiring the use of special equipment, from Corpus Christi, Tex., to points in that part of Kansas on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of points in that part of Kansas west of U.S. Highway 81.

No. MC 114211 (Sub-No. E62), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, and *parts thereof* when transported with such agricultural machinery and implements, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring the use of special equipment), from Corpus Christi, Tex., to points in that part of Illinois on and north of a line beginning at Chester, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of points in that part of Illinois on, north, and west of a line beginning at the Missouri-Illinois State line, thence along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line.

No. MC 114211 (Sub-No. E63), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, to points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E64), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, and *parts thereof*, when transported with such agricultural machinery and implements, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring the use of special equipment), from Corpus Christi, Tex., to Minneapolis and St. Paul, Minn. The purpose of this filing is to eliminate the gateway of Mankato, Minn.

No. MC 114211 (Sub-No. E65), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities requiring special equipment), from points in that part of Iowa on, north, and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 212, thence along Iowa Highway 212 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, to points in Colorado. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E66), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers, hod buggies, and self-propelled sweepers*, from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, that part of Montana on, south, and west of a line beginning at the Idaho-Montana State line, thence along U.S. Highway 2 to junction County Road 202, thence along County Road 202 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line, that part of Wyoming on, west, and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287.

Thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line, and that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line, thence along Colorado Highway 127 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Colorado-New Mexico State line, to points in Massachusetts, Connecticut, Rhode Island, New Jersey, that part of Pennsylvania on, north, and east of a line beginning at the Ohio-Pennsylvania State line thence along U.S. Highway 30 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line, that part of Maryland on, north, and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 70 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Maryland Highway 150, thence along Maryland Highway 150 to junction Maryland Highway 151, thence along Maryland Highway 151 to Dundalk, and that part of Delaware on and north of Delaware Highway 8. The purpose of this filing is to eliminate the gateways of Camton, S. Dak., and Minneapolis, Minn.

No. MC-114211 (Sub-No. E67), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading,*

paving, and finishing machinery, equipment, parts, accessories, and attachments, from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, that part of Wyoming on, west, and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 60 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line, that part of Montana on, south, and west of a line beginning at the Idaho-Montana State line, thence along U.S. Highway 2 to junction County Road 202, thence along County Road 202 to junction Montana Highway 200, thence along Montana Highway 200, to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 10.

Thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line, and that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line, thence along Colorado Highway 127 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Colorado-New Mexico State line, to points in Maine, New Hampshire, Vermont, New York, that part of Ohio on and north of U.S. Highway 30, that part of Indiana on, north, and east of U.S. Highway 30, that part of Illinois on, north, and east of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, and that part of Wisconsin on, north, and east of a line beginning at the Iowa-Wisconsin State line, thence along U.S. Highway 18 to junction Wisconsin Highway 39, thence along Wisconsin Highway 39 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 81, thence along Wisconsin Highway 81 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E68), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts for agricultural implements*, from points in that part of Kansas on, south, and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Oklahoma-Kansas State line, to points in Ohio, Michigan, that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, and that part of Indiana on and north of a line beginning at the Illinois-Indiana State line, thence along Indiana Highway 46 to junction Indiana Highway 7, thence along Indiana Highway 7 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E69), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements* (except commodities which because of size or weight require the use of special equipment and commodities described in *Mercer Extension—Oilfield* Commodities, 74 M.C.C. 459), between points in that part of Kansas on and east of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E70), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements* (except commodities which because of size or weight require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), between points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line, on the one hand, and, on the other, to points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Beatrice, Neb

No. MC 114211 (Sub-No. E71), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts for agricultural implements*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along Kansas Highway 27 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E72), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Kansas on and south of a line beginning at the Missouri-Kansas State line, thence along Interstate Highway 70 to junction U.S. Highway 156, thence

along U.S. Highway 156 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, on the one hand, and, on the other, to points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along Interstate Highway 35 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateways of points in that part of Kansas within 15 miles of Martin City, Mo., Martin City, Mo., and Des Moines, Iowa.

No. MC 114211 (Sub-No. E74), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in that part of Nebraska on and east of U.S. Highway 281, on the one hand, and, on the other, points in Washington, that part of Montana on, north, and west of a line beginning at the International Boundary line between the United States and Canada, thence along County Highway 232 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, and that part of Idaho on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub No. E75), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in that part of Nebraska on, west and north of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in Wisconsin, Illinois, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Alabama, Georgia, that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 71 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 9, thence along Texas Highway 9 to Corpus Christi, that part of Oklahoma on and east of a line beginning at the Missouri-Oklahoma State line, thence along Interstate Highway 44 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, that part of Missouri on and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line, and to the District of Columbia. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E76), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in Iowa, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along Oklahoma Highway 34 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of Nebraska City and Beatrice, Nebr.

No. MC 114211 (Sub-No. E77), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities requiring special equipment), from points in South Dakota to points in Ohio, and that part of Michigan on, north, and east of a line beginning at Muskegon, thence along U.S. Highway 96 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points within 25 miles thereof, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E78), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities requiring special equipment), from points in that part of South Dakota on, north, and west of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 14 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of (1) Nassau, Minn., and points within 25 miles thereof, and (2) Minneapolis, Minn.

No. MC 114211 (Sub-No. E79), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors* (except commodities which because of size or weight require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Iowa on and north of a line beginning at Quick, thence along U.S. Highway 6 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line (except Council Bluffs and Omaha), to points in that part of Louisiana on, south, and west of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, La. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, points in that part of Missouri within 15 miles of Martin City, Mo., Kansas City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E80), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery* and *auxiliary equipment* to be used therewith, from points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, to points in California, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E81), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements, and parts thereof*, the transportation of which because of size or weight requires special equipment, from points in that part of Missouri on, south, and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 63 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway, 24 thence along U.S. Highway 24 to the Missouri-Kansas State line, to points in that part of South Dakota on, north, and east of a line beginning at the Nebraska-South Dakota State line, thence along South Dakota Highway 47 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Iowa State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E82), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Appplicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, between points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 24 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Nebraska City and Beatrice, Nebr.

No. MC 114211 (Sub-No. E83), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Appplicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Illinois on, north, and east of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E84), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment* to be used therewith, from points in that part of Iowa on and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 17, thence along Iowa Highway 17 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 151, thence along Iowa Highway 151 to the Iowa-Illinois State line, restricted to the transportation of commodities which because of size or weight require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E85), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment*, to be used therewith, from points in that part of Iowa on and east of U.S. Highway 69 to points in Washington, Oregon, Idaho, Nevada, Utah, Arizona, and California, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E86), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment*, to be used therewith, from points in that part of Iowa on, north, and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 146, thence along Iowa Highway 146 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line, to points in that part of New Mexico on, south, and west of a line beginning at the Colorado-New Mexico State line, thence along U.S. Highway 85 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E87), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in Nebraska on the one hand, and, on the other, points in Delaware, New Jersey, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, the Upper Peninsula of Michigan, that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 140 to junction Maryland Highway 27, thence along Maryland Highway 27 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Maryland-Virginia State line, that part of Virginia on and east of a line beginning at the Maryland-Virginia

State line, thence along Interstate Highway 95 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 33, thence along Virginia Highway 33 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 60, thence along U.S. Highway 60 to Hampton, that part of New York on and east of a line beginning at Buffalo, thence along New York Highway 16 to junction New York Highway 62, thence along New York Highway 62 to junction New York Highway 319, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 46, thence along Pennsylvania Highway 46 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Pennsylvania-Maryland State line, and that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Wisconsin Highway 25 to junction U.S. Highway 10, thence along U.S. Highway 10 to Manitowoc. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E88), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in that part of Nebraska on and west of U.S. Highway 281, on the one hand, and, on the other, points in Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, New York, that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line, thence along U.S. Highway 18 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 50, thence along Wisconsin Highway 50 to Kenosha, that part of Ohio on, north, and east of a line beginning at Sandusky, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, that part of West Virginia on and north of U.S. Highway 22, that part of Pennsylvania on, north, and east of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 18, thence along Pennsylvania Highway 18 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Pennsylvania-Maryland State line, that part of Maryland on, north, and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 40 to junction Maryland Highway 28, thence along Maryland Highway 28 to the Maryland-West Virginia State line, that part of West Virginia on and east of a line beginning at the Maryland-West Virginia State line, thence along West Virginia Highway 28 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line, and that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 281, thence along Virginia 281 to Owens. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E89), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in that part of Nebraska on, east, and north of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line, on the one hand, and on the other, points in Arizona, Utah, Nevada, and California. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E90), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment* to be used therewith, from points in that part of Iowa on and west of a line beginning at the Iowa-Wisconsin State line, thence along Iowa Highway 9 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 80, thence along Iowa Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence Iowa Highway 137 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, and Maryland, and the District of Columbia, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E91), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments* between points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in Washington, Oregon, Montana, North Dakota, that part of Idaho on and west of a line beginning at the Idaho-Montana State line, thence along U.S. Highway 191 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, that part of Nevada on and west of a line beginning at the Idaho-Nevada State line, thence along U.S. Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 29, thence along Nevada Highway 29 to the Nevada-California State line, and that part of California on, west, and north of a line beginning at the Nevada-California State line, thence along California Highway 127 to junction Interstate Highway 15, thence along Interstate Highway 15 to San Diego. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E92), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment*, to be used therewith, from points in that part of Iowa on and north of a line beginning at the Nebraska-Iowa State line, thence along Interstate Highway 29 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Interstate Highway 80, thence along

Interstate Highway 80 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 330, thence along Iowa Highway 330 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 151, thence along U.S. Highway 151, to the Iowa-Illinois State line, to points in Mississippi, restricted to the transportation of commodities which, because of size or weight, requires the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E93), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment*, to be used therewith, from points in that part of Iowa on, south, and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Illinois State line, to points in the Upper Peninsula of Michigan, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E94), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors* (except commodities which because of size or weight require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from Waterloo, Iowa, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, points in that part of Missouri located within 15 miles of Martin City, Mo., Kansas City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E95), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (exning at the Alabama-Georgia State line, which, because of size or weight, requires the use of special equipment), from points in Nebraska to points in that part of Louisiana on and south of Interstate Highway 20, that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 280 to junction Georgia Highway 26, thence along Georgia Highway 26 to junction Interstate Highway 16, thence along Interstate Highway 16 to Savannah, that part of Alabama on and south of U.S. Highway 80, and that part of Mississippi on and south of Interstate 20. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E96), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, to points in that part of Kansas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E97), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on, east, and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169, to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line, to points in that part of Kansas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E98), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on, south, and east of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E99), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities requiring special equipment), between points in that part of Iowa on, north, and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 71 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 25, thence along Iowa Highway 25 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Idaho-Wyoming State line. The purpose of this filing is to eliminate the gateway of Nassau, Minn.

No. MC 114211 (Sub-No. E100), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Illinois to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line. The purpose of this filing is to eliminate the gateway of Nassau, Minn.

No. MC 114211 (Sub-No. E101), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Illinois on and east of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 30E to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line on the one hand, and, on the other, points in that part of Wyoming

on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line. The purpose of this filing is to eliminate the gateway of Nassau, Minn.

No. MC 114211 (Sub-No. E102), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in Florida, that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along Interstate Highway 20 to junction U.S. Highway 78, thence along U.S. Highway 78 to the South Carolina-Georgia State line, and that part of Alabama on, south, and east of a line beginning at the Mississippi-Alabama State line, thence along Interstate Highway 10 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, to points in Washington, North Dakota, that part of Idaho in and north of Idaho County, that part of Montana on and north of a line beginning at the Idaho-Montana State line, thence along Montana Highway 43 to junction U.S. Highway 91.

Thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-North Dakota State line, and that part of Oregon on and north of a line beginning at Florence, thence along Oregon Highway 126 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 218, thence along Oregon Highway 218 to junction Oregon Highway 19, thence along Oregon Highway 19 to junction Oregon Highway 206, thence along Oregon Highway 206 to junction Oregon Highway 74, thence along Oregon Highway 74 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Oregon Highway 82, thence along Oregon Highway 82 to junction Oregon Highway 3, thence along Oregon Highway 3 to the Oregon-Washington State line. The purpose of this filing is to eliminate the gateways of Canton, South Dakota, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E103), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Pennsylvania, New York, that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 21 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-North Carolina State line, that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 52, thence along U.S. 52 to the West Virginia-Virginia State line, and that part of Ohio on and of a line beginning at Lake Erie, thence along Ohio Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, to points in Washington, that part of Idaho on and north of U.S. Highway 12, that part of Oregon on and west of a line beginning at the Idaho-Oregon State line.

Thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, that part of California on and west of a line beginning at the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 36, thence along California Highway 89, thence along California Highway 89 to junction California Highway 70, thence along California Highway 70 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 580, thence along Interstate Highway 580 to San Lorenzo, and points in that part of Montana on and west of a line beginning at the International Boundary line between the United States and Canada, thence along County Road 247 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateways of Canton, S. Dak. and Minneapolis, Minn.

No. MC 114211 (Sub-No. E104), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Tractors, road making machinery, and contractors' equipment and supplies*, from points in South Dakota to points in Maine, Vermont, New Hampshire, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Florida, that part of Alabama on and east of a line beginning at the Georgia-Alabama State line, thence along Interstate Highway 59 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Mississippi State line, that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 231, to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 24, thence along Interstate Highway 24 to the Tennessee-Georgia State line, that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along Interstate Highway 65 to junction U.S. Highway 231.

Thence along U.S. Highway 231 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Kentucky-Tennessee State line, that part of Indiana on and east of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line, that part of Michigan on, north and east of U.S. Highway 31, and that part of Wisconsin on, north and east of a line beginning at the Minnesota-Wisconsin State line, thence along Wisconsin Highway 25 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 50, thence along U.S. Highway 50 to Kenosha, restricted to the transportation of self-propelled vehicles, and equipment designed for use in conjunction with self-propelled vehicles, and parts and attachments therefor. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E105), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Agricultural implements and parts, and towers,* from points in Colorado to points in Minnesota, Illinois, Indiana, Ohio, Michigan, Wisconsin, that part of Missouri on, north, and east of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction Missouri Highway 135, thence along Missouri Highway 135 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 91, thence along Missouri Highway 91 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E106), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery, and contractors' supplies and equipment,* from points in Colorado to points in Maine, New Hampshire, New York, Rhode Island, Vermont, and that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 14 to junction U.S. Highway 18, thence along U.S. Highway 18 to Milwaukee, restricted to the transportation of self-propelled vehicles, equipment designed for use in conjunction with self-propelled vehicles, and parts and attachments therefor. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E111), filed May 29, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors* (except those which because of size or weight require the use of special equipment), from points in Kansas to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E118), filed May 29, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements* (except commodities which, because of size or weight, require the use of special equipment, and commodities described in *Mercer Extension—Oil Field Commodities,* 74 M.C.C. 459), between points in that part of Iowa on and north of Interstate Highway 80, on the one hand, and, on the other, points in that part of Nebraska on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Nebraska City, Nebr., and points within 50 miles thereof.

No. MC 114211 (Sub-No. E122), filed May 29, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors, road-making machinery, and contractors' equipment and supplies,* from points in Nebraska to points in the Upper Peninsula of Michigan and that part of Wisconsin on and north of U.S. Highway 10, restricted to the transportation of self-propelled vehicles, equipment designed for use in conjunction with self-propelled vehicles, and parts and attachments therefor. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E123), filed May 29, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building equipment,* between points in Nebraska and South Dakota, on the one hand, and, on the other, points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E125), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight require the use of special equipment and except commodities described in *Mercer Extension—Oilfield Commodities,* 74 M.C.C. 459), from points in Nebraska to points in Louisiana, Florida, that part of South Carolina on and south of Interstate Highway 35, that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along Interstate Highway 20 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line, that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 82 to junction Interstate Highway 20, thence along U.S. Highway 20 to the Alabama-Georgia State line, that part of Mississippi on and south of U.S. Highway 82, that part of Arkansas on, south, and east of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Louisiana State line, and points in that part of Arkansas on, south, and west of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateways of points in Kansas, and Claremore, Okla.

No. MC 114211 (Sub-No. E126), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery, and contractors' equipment and supplies,* from points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45W, thence along U.S. Highway 45W to junction Tennessee Highway 78, thence along Tennessee Highway 78 to junction Tennessee Highway 125, thence along Tennessee Highway 125 to the Tennessee-Mississippi State line, restricted to the transportation of self-propelled vehicles, equipment designed for use in conjunction with self-propelled vehicles, and parts and attachments therefore. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E127), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities,* 74 M.C.C. 459), from points in South Dakota to points in Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, and that part of Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line, thence along Arkansas Highway 16 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to

junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateways of points in Kansas, and Claremont, Okla.

No. MC 114211 (Sub-No. E128), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), between points in that part of Iowa on, south, and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to the Iowa-South Dakota State line, on the one hand, and, on the other, points in that part of Wyoming on, south, and west of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 310 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Nebraska State line. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28884 Filed 12-10-74;8:45 am]

[Notice 39]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 6, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 10, 1975.

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 263 (Deviation No. 13), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed November 25, 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 Spokane, Wash., over Interstate Highway 90 to St. Regis, Mont., thence over unnumbered highway to junction Montana Highway 200, thence over Montana Highway 200 to junction Montana Highway 28, thence over Montana Highway 28 to Kalispell, Mont., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Spokane, Wash., over U.S. Highway 10 (Interstate Highway 90) to junction U.S. Highway 93, thence over U.S. Highway 93 to Kalispell, Mont., and return over the same route, and (2) From Spokane, Wash., over U.S. Highway 10 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 12 at Lewiston, Idaho, thence over U.S. Highway 12 to junction U.S. Highway 93, thence over U.S. Highway 93 to Kalispell, Mont., and return over the same routes.

No. MC 61788 (Deviation No. 3), GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, P.O. Box 2268, Dothan, Ala. 36302, filed November 15, 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 Atlanta, Ga., over Interstate Highway 85 to junction U.S. Highway Alternate 27, thence over U.S. Highway Alternate 27 to junction Georgia Highway 18, thence over Georgia Highway 18 to Pine Mountain, Ga., 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 Atlanta, Ga., over U.S. Highway 29 to LaGrange, Ga., thence over U.S. Highway 27 to Columbus, Ga., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28883 Filed 12-10-74;8:45 am]

[Notice No. 99]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 6, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 124211 (Sub-No. 238) (Republication), filed November 9, 1973, and published in the FEDERAL REGISTER issue of December 20, 1974, and republised this issue. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 6801. Applicant's representative: Thomas L. Hilt (same address as applicant). An Order of the Commission, Operating Rights Board, dated November 14, 1974, and served December 3, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1)(a) of *commodities* intended for use or sale by distributors of alcoholic beverages (except in bulk) from points in the United States (except Alaska, Hawaii, and South Dakota) to Sioux Falls, Aberdeen, and Rapid City, S. Dak., and (b) *returned shipments* of the commodities in (1)(a) above from Sioux Falls, Aberdeen, and Rapid City, S. Dak., to points in the United States (except Alaska, Hawaii, and South Dakota), and (2) of *metals, junk, scrap, and waste materials* (except waste materials in bulk, hides, and skins) between points in Sarpy County, Nebr., and facilities of Aaron Ferer and Sons Co., in Douglas County, Nebr., on the one hand, and, on the other, points in the United States (except points in the Chicago, Ill., commercial zone, Lake and Porter Counties, Ind., Alaska, Hawaii, and Nebraska), subject to the restriction that authority set forth in (1) and (2) above may not be combined with any other authority held by applicant for the purpose of providing a through service; 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 a modification in the territorial description in (2) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 8964 (Sub-No. 28) (Notice of filing of petition to remove restriction), filed November 18, 1974. Petitioner: WITTE TRANSPORTATION COMPANY, a Corporation, 2481 N. Cleveland Avenue, St. Paul, Minn. 55113. Petitioner's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Petitioner holds a motor *common carrier* certificate in No. MC 8964 (Sub-No. 28) issued August 8, 1973, authorizing transportation, as pertinent, over regular routes, of *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Kansas City, Mo., and Spring Valley, Minn., serving the intermediate points of Albert Lea, and Austin, Minn.: (1) From Kansas City over Interstate Highway 35 to Albert Lea, Minn., thence over Interstate Highway 90 to Austin, Minn., thence over Interstate Highway 90 to junction U.S. Highway 16, thence over U.S. Highway 16 to Spring Valley, and return over the same route; (2) From Kansas City over U.S. Highway 69 to Albert Lea, Minn., thence over U.S. Highway 16 to Austin, Minn., thence over U.S. Highway 16 to Spring Valley, and return over the same route; and (3) From Kansas City over Interstate Highway 35 (also over U.S. Highway 69) to Des Moines, Iowa, thence over Interstate Highway 80 (also over U.S. Highway 6) to junction U.S. Highway 63, thence over U.S. Highway 63 to Spring Valley, and return over the same route. Restriction: The carrier shall not transport over the routes granted herein any shipment moving between the Kansas City, Mo., Commercial Zone as defined by the Commission, and the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission. By the instant petition, petitioner seeks to delete the restriction above which reads: "Restriction: The carrier shall not transport over the routes granted herein any shipment moving between the Kansas City, Mo., Commercial Zone as defined by the Commission, and the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 43593 (Notice of filing of petition for modification of certificate), filed September 25, 1974. Petitioner: FUNK'S HAULING SERVICE, INC., 2750 Grant Ave., Philadelphia, Pa. 19114. Petitioner's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Petitioner holds a motor *common carrier* certificate in No. MC 43593 issued March 5, 1941, authorizing transportation, over irregular routes, of *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., points and places in that part of Pennsylvania within 35 miles of Philadelphia, and those in Delaware and New Jersey. By the instant petition, petitioner seeks modification of the certificate to read: "*General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*. 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., Easton, Hanover, Reading, and York, Pa., points in Lancaster County, Pa., and those in that part of Pennsylvania within 35 miles of the Philadelphia, Pa., Commercial Zone, as defined by the Commission, and those in Delaware and New Jersey." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 121060 (Sub-No. 5) (Notice of filing of petition for modification of certificate), filed November 18, 1974. Petitioner: ARROW TRUCK LINES, INC., 1220 West 3rd St., P.O. Box 1416, Birmingham, Ala. 35207. Petitioner's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Petitioner holds a motor *common carrier* certificate in No. MC 121060 (Sub-No. 5), issued July 15, 1971, authorizing transportation, as pertinent, over irregular routes, of *Roofing and roofing materials and composition boards* (except commodities in bulk and iron and steel roofing), from Birmingham, Ala., to points in Kentucky, North Carolina, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at Birmingham, Ala., and points in its commercial zone as defined by the Commission. By the instant petition, petitioner seeks to delete the restriction above which reads: "Restriction: The operations authorized herein are restricted to the transportation of traffic originating at Birmingham, Ala., and points in its commercial zone as defined by the Commission." Any interested person or persons dsiring ot participate may file an original and six copies of his written representations, views or arguments in support of or against the petition with 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136100 (Sub-No. 1) (Partial correction of a notice of filing of petition for modification of permit), filed November 1, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished, as corrected in part this issue. Petitioner: K & K TRANSPORTATION CORP., 4515 No. 24 Street, Omaha, Nebr. 68110. Petitioner's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr.

NOTE.—Petitioner holds a motor *contract carrier* permit in No. MC 136100 (Sub-No. 1), issued December 11, 1972. The purpose of this partial republication is to correctly state that part (2) of the permit should read as follows: "(2) *carton forming machinery*, (a) From Omaha, Nebr., and Redwood City, Calif., to points in the United States (including Alaska but excluding Hawaii), and; (b) From points in the United States (including Alaska but excluding Hawaii), to Omaha, Nebr." The rest of the notice remains as originally published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123778 (Sub-Nos. 1 and 19) (Notice of filing of petition for modification of permits), filed November 25, 1974. Petitioner: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Dock Road, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in No. MC 123778 (Sub-Nos. 1 and 19) issued March 21, 1974, and October 22, 1974, respectively, authorizing transportation, in Sub-No. 1 of (1) *magazines, magazine racks, and advertising matter* shipped with magazines, from Woodbridge, N.J., to points in Connecticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schnectady and the New York-Vermont State Boundary line, and on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State Boundary line, restricted to traffic having an immediately prior motor carrier movement from points beyond New Jersey to Woodbridge, N.J.;

(2) *magazines, magazine racks, and advertising matter,* from Woodbridge, N.J., and Washington, D.C., to Wilmington, Del., and to points in that part of New York on and east of New York Highway 14 (except those points on and south of New York Highway 5, between Syracuse and Schenectady, and New York Highway 7 between Schenectady, and the New York-Vermont State Boundary line, and those points on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State Boundary line), under a continuing contract or contracts with Time Incorporated, of New York, N.Y., and Globe Communications Corp., of Montreal, Quebec, Canada.

(3) *Magazines, magazine racks, and advertising matter* shipped with magazines, from Albany, N.Y., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, and that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State Boundary line and extending along New York Highway 26 to junction New York Highway 17, near Vestal, N.Y., thence along New York Highway 17 to Binghamton, N.Y., thence along New York Highway 7 to Oneonta, N.Y., thence along New York Highway 28 to Kingston, N.Y., thence along the eastern bank of the Hudson River to the Dutchess-Columbia County line, thence along the Dutchess-Columbia County line to the New York-Connecticut State Boundary line; (4) *printing plates, shells, and molds, and magazine sections, parts, and inserts,* from New York, N.Y., and Newark, N.J., to Old Saybrook, Conn.; (5) *printing plates, shells, molds, mats, and vinylites, and magazine parts, sections, and inserts,* from John F. Kennedy International Airport and LaGuardia Airport, in New York, N.Y., and Newark Airport, in Newark, N.J., to Albany, N.Y., restricted to the transportation of traffic having a prior movement by air, under a continuing contract or contracts with Time Incorporated, of New York, N.Y.

(6) *Magazines, magazine racks, and advertising matter* shipped with magazines, (a) from Washington, D.C., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, and that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State Boundary line and extending along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 7 to the New York-Vermont State Boundary line, under a continuing contract, or contracts, with Time Inc., of New York, N.Y.; (b) from Old Saybrook, Conn., to points in Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., and to those points in New Jersey on and north of New Jersey Highway 33, under a continuing contract or contracts with Time, Incorporated; and (c) from Dunellen, N.J., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, except Harrisburg, and Philadelphia, Pa., and that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State Boundary line, and on and east of U.S. Highway 11 between Syracuse, and the New York-Pennsylvania State Boundary line, restricted such that no service shall be provided in the transportation of magazines, magazine racks, and advertising matter shipped with magazines weighing in the aggregate more than 300 pounds from one consignor to one consignee at one location on any one day except that transportation to Stamford, Conn., and Hauppauge, N.Y., shall not weigh in the aggregate more than 600 pounds from one consignor to one consignee at one location on any one day, under a continuing contract, or contracts, with Newsweek, Inc., of New York, N.Y.

(7) *Magazines, and magazine racks and advertising matter* in mixed loads with magazines, (a) from Glenn Dale, Md., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, except Philadephia, Pa., and that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State Boundary line, and on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State Boundary line; and (b) from Glenn Dale, Md., to Wilmington, Del., under a continuing contract, or contracts, with Newsweek, Inc., of Dayton, Ohio; (8) *magazines, magazine racks, and advertising matter* shipped with magazines, from Woodbridge, N.J., to points in Connecticut and New Jersey, points in that part of New York on, east, and south of a line beginning at the New Jersey-New York State Boundary line, and extending along New York Highway 17 to junction New York State Thruway, thence along the New York State Thruway to Albany, N.Y., and thence along U.S. Highway 20 to the New York-Massachusetts State Boundary line, under a continuing contract, or contracts with U.S. News & World Report, Inc.; (9) *magazines, magazine racks, and advertising matter* in mixed loads with magazines, from Albany, N.Y., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State Boundary line and extending along New York Highway 26 to junction New York Highway 17, near Vestal, N.Y., thence along New York Highway 17 to Binghamton, N.Y., thence along New York Highway 7 to Oneonta, N.Y., thence along New York Highway 28 to Kingston, N.Y., thence along the Hudson River to the Dutchess-Columbia County line, thence along the Dutchess-Columbia County line to the New York-Connecticut State Boundary line, and to Wilmington, Del., Baltimore, Md., and Washington, D.C., under a continuing contract, or contracts, with Independent News Co., Inc., of New York, N.Y.; and

(10) *Magazines,* from Newark Airport, at Newark, N.J., and LaGuardia and John F. Kennedy Airports, at New York, N.Y., to points in Connecticut, New Jersey, that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State Boundary line, and on and east of U.S. Highway 11 between Syracuse and the N.Y.-Pa. State line, that part of Pennsylvania on and east of U.S. Highway 15, Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts with U.S. News & World Report, Inc., of Dayton, Ohio; and in Sub-No. 19, of (1) *newspapers* (otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act) when transported in the same vehicle with a regulated commodity (otherwise authorized), (a) from Woodbridge, N.J., to Wilmington, Del., and points in New Jersey and Connecticut, and points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and east of New York Highway 14, under a continuing contract, or contracts with Midnight Publishing Corporation of Montreal, Province of Quebec, Canada, and Norman D. Smith Company, of West Springfield, Mass.; and (b) from Woodbridge, N.J., to Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts with Norman D. Smith Company, of West Springfield, Mass.; and (2) *magazines and advertising matter* shipped with magazines, from Woodbridge, N.J., to Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with Norman D. Smith Company, of West Springfield, Mass. By the instant petition, petitioner seeks to add Newsweek, Inc., as a contracting shipper to the authority described in parts (2), (4) and (6)(b) of Sub-No. 1 above, and in part (2) of Sub-No. 19 above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124554 (Notice of filing of petition for modification of permit), filed November 21, 1974. Petitioner: HILARD F. LANG, VIOLA LANG, JOHN F. LANG, AND FRANK J. LANG, TRUSTEES, AND MEDARD SCHMITZ, doing business as, LANG CARTAGE CORP., 338 S. 17th Street, Milwaukee, Wis. 53233. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Petitioner holds a motor *contract carrier* permit in No. MC 124554 issued November 25, 1974, authorizing transportation, as pertinent, over irregular routes, of (1) *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), from Milwaukee, Wis., to dealers of Stanley Home Products, Inc.,

located at points in Dor, Oconto, Shawano, Brown, Dodge, Racine, Outagamie, Winnebago, Manitowoc, Calumet, Waukesha, Kewaunee, Fond du Lac, Sheboygan, Washington, Ozaukee, Milwaukee, Waupaca, Kenosha, Jefferson, Walworth, Rock, Marquette, Waushara, Portage, Columbia, Green Lake, Menomonie, Marathon, Langlade, Dane, Green, and Sauk Counties, Wis., with no transportation for compensation on return except as otherwise authorized.

(2) *such merchandise* as is dealt in by retail mail order houses, from La Crosse, Wis., to points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn.; and (3) *returned shipments* of the next above-described commodities, from points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., to La Crosse, Wis. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Stanley Home Products, Inc., of Westfield, Mass., (4) *such merchandise* as is dealt in by wholesale business houses (except in bulk, in tank vehicles); from the plant site and storage facilities of McKesson & Robbins Drug Co., at West Allis, Wis., to points in Boone, De Kalb, Du Page, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago Counties, Ill., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with McKesson & Robbins Drug Co., a division of Foremost-McKesson, Inc. (5) *such merchandise* as is dealt in by wholesale drug business houses, from La Crosse, Wis., to points in Mitchell, Howard, Winneshiek, Fayette, Clayton, and Allamakee Counties, Iowa, and Houston, Fillmore, Mower, Freeborn, Waseca Steele, Dodge, Olmsted, Winona, Goodhue, and Wamost-McKesson, Inc., (5) *such merchan- and returned merchandise,* from points in the destination counties named next above, to La Crosse, Wis. Restriction: The operations authorized under the 2 routes next above are limited to a transportation service to be performed under a continuing contract, or contracts, with Yahr-Lange La Crosse Drug Company, Inc., of La Crosse, Wis., (7) *household products, cosmetics, and grooming aids,* from the plant site and storage facilities of Stanley Home Products, Inc., at Dubuque, Iowa, to points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., and Vernon, La Crosse, Grant, Crawford, Trempealeau, Buffalo, Eau Claire, Chippewa, Rusk, Barron, Polk, St. Croix, Pierce, Dunn, Juneau, Pepin, Burnett, Washburn, Sawyer, Richland, Lafayette, Price, Taylor, Clark, Jackson, Monroe, and Iowa Counties, Wis., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Stanley Home Products, Inc.

Restriction: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. By the instant petition, petitioner seeks modification of part (1) above to provide the same service, involving the same commodities, for the same shipper, from the same origin, to destinations in 16 additional Wisconsin counties, in addition to the 33 destination counties now authorized to be served. Part (1) of the permit would read as follows: "(1) *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), from Milwaukee, Wis., to dealers of Stanley Home Products, Inc., located at points in Door, Oconto, Shawano, Brown, Dodge, Racine, Outagamie, Winnebago, Manitowoc, Calumet, Waukesha, Kewaunee, Fond du Lac, Sheboygan, Washington, Ozaukee, Milwaukee, Waupaca, Kenosha, Jefferson, Walworth, Rock, Marquette, Waushara, Portage, Columbia, Green Lake, Menominee, Marathon, Langlade, Dane, Green, Sauk, Lafayette, Iowa, Grant, Richland, Juneau, Adams, Wood, Clark, Taylor, Price, Lincoln, Oneida, Vilas, Forest, Florence, and Marinette Counties, Wis., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Stanley Home Products, Inc., of Westfield, Mass." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138068 (Notice of filing of petition for modification of permit), filed November 11, 1974. Petitioner: WAREHOUSE TRANSPORTATION CO., a Corporation, 1038 Cortlandt Street, P.O. Box 14072, Cincinnati, Ohio 45214. Petitioner's representative: Paul F. Beery, Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* permit in No. MC 138068 issued March 6, 1974, authorizing transportation, over irregular routes, of (1) *Janitorial supplies, food, plastic cooking bags, and materials, supplies, and equipment,* used in the manufacture, distribution, or sale of the aforementioned commodities (except in bulk), between the plantsites and warehouse facilities of The Drackett Products Company at Urbana, Ohio, on the one hand, and, on the other, Bedford Park and Peoria, Ill., East Stroudsburg, Pa., and Memphis, Tenn.; (2) *iron and steel cans,* from Cincinnati, Ohio, to Franklin, Ky., with no transportation for compensation on return except as otherwise authorized; and (3) *janitorial supplies, starches, and materials, supplies, and equipment,* used in the manufacture, distribution or sale of the aforementioned commodities (except in bulk), between the plantsites and warehouse facilities of The Drackett Products Company at Franklin, Ky., on the one hand, and, on the other, Bedford Park and Peoria, Ill., and Urbana, Ohio, under a continuing contract, or contracts with The Drackett Products Company, a Division of Bristol Meyers, Inc., of Cincinnati, Ohio. By the instant petition, petitioner seeks to modify the permit to read: "(1) *Janitorial supplies, food, plastic cooking bags, and materials, supplies, and equipment,* used in the manufacture, distribution, or sale of the aforementioned commodities (except in bulk), (a) between the plantsites and warehouse facilities of The Drackett Products Company at Urbana, Ohio, on the one hand, and, on the other, Bedford Park and Peoria, Ill., East Stroudsburg, Pa., and Memphis, Tenn., (b) between the plantsites and warehouse facilities of The Drackett Products Company at Urbana, Ohio, on the one hand, and, on the other, Atlanta, Ga., Jacksonville, Fla., and Cincinnati, Ohio, (c) between the plantsites and warehouse facilities of The Drackett Products Company at Columbus, Dayton, and Cincinnati, Ohio, on the one hand, and, on the other, Bedford Park and Peoria, Ill., East Stroudsburg, Pa., Memphis, Tenn., Atlanta, Ga., and Jacksonville, Fla., and (d) from the plantsites and warehouse facilities of The Drackett Products Company at Franklin, Ky., to East Stroudsburg, Pa., (2) *iron and steel cans,* from Cincinnati, Ohio, to Franklin, Ky., with no transportation for compensation on return except as otherwise authorized, (3) *janitorial supplies, starches, and materials, supplies, and equipment,* used in the manufacture, distribution or sale of the aforementioned commodities (except in bulk), (a) between the plantsites and warehouse facilities of The Drackett Products Company at Franklin, Ky., on the one hand, and, on the other, Bedford Park and Peoria, Ill., and Urbana, Ohio, and (b) between the plantsites and warehouse facilities of The Drackett Products Company at Bedford Park and Peoria, Ill., on the one hand, and, on the other, Atlanta, Ga., and Jacksonville, Fla., and (4) *metal containers,* from Newton, Ohio, to Franklin, Ky., under a continuing contract or contracts with The Drackett Products Company, a Division of Bristol Myers, Inc., of Cincinnati, Ohio." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Applications under sections 5 and 210a(b): The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under

Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 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 33426 (Sub-No. 5), filed November 8, 1975. Applicant: FULLER TRANSPORTATION, INC., 1200 Shull Street, P.O. Box 198, West Columbia, S.C. 29169. Applicant's representative: Jerry T. Fuller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except any commodities or products in bulk, in tank trucks, high explosives and other dangerous commodities, and household goods as defined by the Commission), (a) between points in Greenville County, S.C., and points in South Carolina; and (b) from points in Charleston County, S.C., to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C.; (2) *cotton piece goods, finished and unfinished, and empty oil drums*, from points in Cherokee, Spartanburg, and Union Counties, S.C., to points in Charleston County, S.C.; (3) *canned goods*, from South Carolina Canneries, to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C.; and (4) *household goods* as defined by Commission, between points in South Carolina, restricted to interstate shipments only.

NOTE.—The purpose of this application is to convert the Certificate of Registration issued to Edward Pool, doing business as Pool Freight Line in MC 98138 (Sub-No. 1), to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 Proceeding in MC-F-12344 published in the FEDERAL REGISTER issue of October 31, 1974.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, S.C.

No. MC-F-12369 (WILSON BUS LINES, INC.—PURCHASE—TURNER MOTOR COACH, INC.), published in the December 4, 1974, issue of the FEDERAL REGISTER. Application filed November 15, 1974, for temporary authority under section 210a(b).

No. MC-F-12305. Authority sought for continuance in control by HOLMES TRANSPORTATION, INC., 260 Cochituate Rd., Framingham, MA 01701, of HOLMES TRANSPORTATION (QUEBEC) LIMITED, Ormes St., L'Acadie Quebec, Canada, and for acquisition by ROBERT C. HOLMES, of Framingham, MA 01701, Trustees u/w ALVIN R. HOLMES, c/o Seder & Seder, 339 Main St., Worcester, MA 01608. Applicants' attorney: Kenneth B. Williams, 84 State St., Boston, MA 02109. Operating rights sought for continuance in control are those for which authority is sought in Docket No. MC 140165, to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Canadian-United States International Boundary line at or near Highgate Springs, Vt., and South Burlington, Vt.: From points of entry on the International Boundary line between the United States and Canada located at Highgate Springs, Vt., over Interstate Highway 89 (also U.S. Highway 7) to South Burlington, and return over the same routes, serving no intermediate points, restricted to International traffic and further restricted to serving South Burlington for the purpose of interlining traffic with Holmes Transportation, Inc.

No. MC-F-12373. Authority sought for purchase by HALLAMORE MOTOR TRANSPORTATION, INC., P.O. Box 556, Brockton, MA 02403, of a portion of the operating rights of FRED CARPENTER, INC., P.O. Box 188, Syracuse, NY 13206, and for acquisition by JOSEPH L. BARRY, JR., 38 Pleasant St., Whitman, MA, and DENNIS E. BARRY, 44 Hillview Ave., Holbrook, MA, of control of such rights through the purchase. Applicants' attorneys: Frank J. Weiner, 15 Court Square, Boston, MA 02108, and John P. McMahon, 100 East Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Commodities*, which because of their size or weight require special handling or the use of special equipment, as a *common carrier*, over irregular routes, between Syracuse, N.Y., and points in New York within 75 miles of Syracuse, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, and Ohio. Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, Maine, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack or join its operating rights at Syracuse, N.Y., or at a point within a 75 mile radius of Syracuse, N.Y., so as to provide a through service between Brockton, on the one hand, and, on the other, points in Ohio and New Jersey. 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-12374. Authority sought for purchase by REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 So. Riverside Drive, Jamestown, ND 58401, of the operating rights of CLIFFORD SCHMIDT, doing business as SCHMIDT TRUCKING, Hebron, ND 58638. Applicants' attorneys: Thomas J. Van Osdel, 520 First National Bank Bldg., Fargo, ND 58102, and Ronald Schwartz, 705 Main, Hebron, ND 58638. Operating rights sought to be transferred: *Clay products*, as a *common carrier* over irregular routes, from Hebron, N. Dak., to points in Minnesota, Montana, South Dak. (except points on and west of South Dakota Highway 65, and on and north of U.S. Highway 212 and points within 65 miles of Rapid City, S. Dak.), and points in that part of Wyoming on and north of U.S. Highway 26, with restriction. Vendee is authorized to operate as a *common carrier* in Nebraska, North Dakota, Minnesota, and Montana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12375. Authority sought for control by EUGENE PIKOVSKY, 3030 Harbor Lane, Plymouth, MN 55441, of VIKING INTERNATIONAL AIRFREIGHT, INC., 2850 Metro Drive, Minneapolis, MN 55420. Applicants' attorney: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, and commodities in bulk, as a *common carrier* over irregular routes, between the airports at Minneapolis and Winona, Minn., and La Crosse, Wis., with restriction. EUGENE PIKOVSKY holds no authority from this Commission. However, he is affiliated with HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Minneapolis, MN 55441 (MC-108835), which is authorized to operate as a *common carrier* in South Dakota, Minnesota, North Dakota, Iowa, Nebraska, and Missouri. Application has not been filed for temporary authority under section 210a(b).

Finance Docket No. 27589 (Petitions for Reopening and Modification to Approve and Authorize Participation of 54 Additional Common Carriers by Railroad) (American Rail Box Car Company and Trailer Train Company et al.—For approval of the pooling of car service in respect to box cars), published in the March 12, 1974, issue of the FEDERAL REGISTER. By petition both filed November 27, 1974, fifty-four additional common carriers by railroad seek modification of the report and order of August 1, 1974, as modified by supplemental report and order of September 24, 1974, which approved the box car pooling agreement in the above-entitled proceeding, subject to conditions, in order to permit the petitioning railroads to join in the box car pooling arrangement as full and equal participants. The fifty-four petitioning railroads are:

Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad Company
Alton & Southern Railway Company
Aliquippa and Southern Railroad Company
Ashley, Drew & Northern Railway Company
Cadiz Railroad Company
Central California Traction Company
Central Railroad Company of New Jersey
Chattahoochee Industrial Railroad
Chicago River and Indiana Railroad Company
Chicago South Shore and South Bend Railroad
City of Prineville Railway
Conemaugh & Black Lick Railroad Company
Corinth and Counce Railroad Company

Cuyahoga Valley Railway Company
Davenport, Rock Island and North Western Railway Company
Delaware and Hudson Railway Company
Des Moines Union Railway Company
Detroit and Toledo Shore Line Railroad Company
Fore River Railroad Corporation
Fort Wayne Union Railway Company
Georgetown Railroad Company
Great Western Railway Company
Hampton & Branchville Railroad Company, Inc.
Indiana Harbor Belt Railroad Company
Indianapolis Union Railway Company
Klamath Northern Railway Company
Lake Erie and Eastern Railroad Company
Los Angeles Junction Railway Company
Lehigh and New England Railway Company
Louisiana and North West Railroad Company
McCloud River Railroad Company
Meridian & Bigbee Railroad Company
Mississippian Railway
Modesto and Empire Traction Company
Monogahela Connecting Railroad Company
Monongahela Railway Company
Montour Railroad Company
New York and Long Branch Railroad Company
North Louisiana & Gulf Railroad Company
Oregon and Northwestern Railroad Co.
Patapsco & Back Rivers Railroad Company
Peoria and Pekin Union Railway Company
Philadelphia, Bethlehem and New England Railroad Company
Pittsburgh & Lake Erie Railroad Company
Pittsburgh, Chartiers & Younghiogheny Railway Company
Sacramento Northern Railway
Salt Lake, Garfield, & Western Railway Company
South Buffalo Railway Company
Steelton & Highspire Railroad Company
Tidewater Southern Railway Company
Utah Railway Company
Ventura County Railway Company
Youngstown & Southern Railway Company

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28881 Filed 12-10-74;8:45 am]

[Notice 198]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 11, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 31, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75501. By order of December 2, 1974, the Motor Carrier Board approved the transfer to Basil B. Gordon, doing business as Valley Spreader Company, Brawley, Calif., of the operating rights in Certificate No. MC-138345 (Sub-No. 1), issued December 4, 1974, to Basil B. Gordon and Clay M. Pope, a partnership, doing business as Valley Spreader Company, Brawley, Calif., authorizing the transportation of various commodities between points in Imperial County, Calif., on the one hand, and, on the other, points in Mohave and Yuma Counties, Ariz. Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif., 90017, Attorney for applicants.

No. MC-FC-75456. By order of December 2, 1974, the Motor Carrier Board approved the transfer to James Cusick Co., Inc., 35 Blazier Road, Warren, N.J. 07060, of the operating rights in Certificate No. MC-1073, issued December 12, 1972, to Anthony J. Romano III, doing business as James Cusick Co., 120 Mountain Avenue, Bound Brook, N.J. 08805, authorizing the transportation of household goods, between Bound Brook, N.J., and points in New Jersey within 10 miles of Bound Brook, on the one hand, and, on the other, points in Connecticut, Maryland, New York, Pennsylvania, and the District of Columbia; household goods as defined by the Commission, between Bound Brook, N.J., and points within 10 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Massachusetts, Michigan, Ohio, Rhode Island, and West Virginia, and advertising displays and exhibits, between Atlantic City, N.J., Boston, Mass., Charleston, W. Va., Chicago, Ill., Cleveland, Ohio, Detroit, Mich., Indianapolis, Ind., New York, N.Y., Ottawa, Ill., Philadelphia and Pittsburgh, Pa., and Washington, D.C.

No MC-FC-75459. By order of December 2, 1974, the Motor Carrier Board approved the transfer to Anthony Cuccaro, doing business as Meriden Transfer and Storage, Meriden, Conn., of the operating rights in Certificate No. MC-110424, issued September 4, 1959, to Pompe J. Cuccaro and Anthony J. Cuccaro, a partnership, doing business as Meriden Transfer and Storage Co., Meriden, Conn., authorizing the transportation of household goods as defined by the Commission, between points in Connecticut, and between Meriden, Conn., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, and New Jersey, Thomas B. Griglun and Guy R. DeFrances 89 East Main Street, Meriden, Conn. 06450, Attorneys for applicants.

No. MC-FC-75462. By order of December 2, 1974, the Motor Carrier Board approved the transfer to Sinclair Moving & Storage, Inc., Berlin, N.J., of the operating rights in Certificate No. MC-43733, issued April 28, 1949, to The Kennedy Company, Inc., doing business as Kennedy Storage Company, Cherry Hill, N.J., authorizing the transportation of Household goods as defined by the Commission, (1) between Camden, N.J., and points within 10 miles thereof, on the one hand, and, on the other, points in Virginia on and north of U.S. Highways 250 and 360; (2) between Camden, N.J., and points in New Jersey and Pennsylvania within 25 miles thereof, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania, and (3) between Oaklyn, N.J., and points within 15 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, and the District of Columbia. Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103, Attorney for applicants.

No. MC-FC-75465. By order of December 2, 1974, the Motor Carrier Board approved the transfer to Scolly Trucking, Inc., East Boston, Mass., of Certificate of Registration No. MC-98697 (Sub-No. 1), issued May 18, 1964, to Nason's Express, Inc., Boston, Mass., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Irregular Route Common Carrier Certificate No. 2888, issued September 27, 1961, and transferred to transferor on February 21, 1963, by the Massachusetts Department of Public Utilities. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, Attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28879 Filed 12-10-74;8:45 am]

[Notice 199]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 31, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 31, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75193. By order of December 3, 1974, the Motor Carrier Board approved the transfer to Air-Land-Sea International, Inc., Alexandria, Va., of the operating rights in Certificates Nos. MC–36900, MC–36900 (Sub-No. 5), MC–36900 (Sub-No. 7), MC–36900 (Sub-No. 8), and MC–36900 (Sub-No. 10) issued May 1, 1956, July 20, 1959, April 20, 1960, May 4, 1960, and October 11, 1962, respectively, to U.S. Van lines, Inc., Marietta, Ga., authorizing the transportation of household goods between all points in the United States (except points in Alaska, Hawaii, Nevada, and New Mexico). Philip F. Hudock, 7900 Westpark Drive, McLean, Va. 22101, Attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28871 Filed 12-10-74;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 6, 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. 55323, filed November 18, 1974. Applicant: DONALD TOBENER, doing business as GOLDEN GATE TRUCKING, 211 Bayshore Boulevard, San Francisco, Calif. 94124. Applicant's representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General commodities: (I) Within the San Francisco-East Bay Cartage Zone as described in Note A. Carrier will 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.: burros, 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 semiplastic 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) Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle; (8) Logs; (9) Articles of extraordinary value; and (10) Class A and B explosives.

NOTE A.—San Francisco-East Bay Cartage Zone. The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard.

Thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE.—The purpose of this application is to remove the restriction found in the existing authority. 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, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55322, filed November 15, 1974. Applicant: DRISKELL TRUCKING, INC., 500 S. Greenwood Avenue, Montebello, Calif. 90640. Applicant's representative: Murchison & Davis, 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 (A) Commodities named, as described in the following items of the National Motor Freight Classification No. A–13, on the issue date thereof, Richard H. Hinchcliff, Issuing Officer: (1) Furniture; items 79050 thru 83642; (2) Coolers Group; items 53000 thru 53304; (3) Electrical Equipment Group; items 60500 thru 63522; (4) Floor Coverings; items 70500 thru 71030; (5) Vehicles, other than self-propelled; items 188500 thru 190020; (6) Ironing Boards or Tables; Item 101080; (7) Lamps; items 109000 thru 109950; (8) Machinery Group; items 114000 thru 133454; and (9) Commodities included in item numbers 1 to 8 above, are not restricted to those meeting the packing requirements contained in the Classification. (B) Between (1) All points and places within the Los Angeles Basin Area, as described in Note A. (2) The San Francisco Territory, as described in Note B, and the said Los Angeles Basin Area and, points and places on the following service routes or within 25 miles thereof: (a) U.S. Highway 101 between Santa Rosa and the Los Angeles Basin Area. (b) Interstate 80 from North Sacramento to junction with State Highway 99; thence via State Highway 99 to its junction with Interstate 5 and thence via Interstate 5 to the Mexican Border. (c) Interstate 15 or U.S. Highway 395 between the Los Angeles Basin Area and the San Diego Territory, as described in Note C. (d)

Interstate 80 from Sacramento to junction with Interstate 580, thence to Interstate 205, thence to State Highway 120, and thence to Manteca. (3) Carrier may operate over all accessible public highways between all of said termini, intermediate and off-route points, in combination, one with the other. Restriction: Carrier shall not transport shipments destined to private residential dwellings.

NOTE A.—*Los Angeles Basin Area:* Beginning at the intersection of State Highway 1 and Sunset Blvd., thence westerly along an imaginary line to the shore of the Pacific Ocean; thence southerly and easterly along the shore of the Pacific Ocean to a point directly south of the southerly terminus of State Highway 55 at Newport Beach; thence due northerly along State Highway 55 to junction State Highway 91; thence easterly along State Highway 91 through Corona, Arlington, and Riverside to junction U.S. Highway 395; thence northerly and easterly to Interstate 10 to Redlands; thence northerly on State Highway 106 to junction State Highway 30; thence westerly on State Highway 30 to San Bernardino; thence westerly along State Highway 30 to its junction with Foothill Blvd.; thence westerly along Foothill Blvd. to junction State Highway 118; thence northerly and westerly along State Highway 118 to Interstate 405; thence southerly along Interstate 405 to Sunset Blvd., and thence southwesterly on Sunset Blvd., to point of beginning.

NOTE B.—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; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue.

Easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marlin 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.

NOTE C.—San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Romona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55329, filed November 20, 1974. Applicant: JIM's TRANSPORTATION, 125 Piedmont Avenue, San Bruno, Calif. 94066. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 212, 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 in the San Francisco Territory which is described as follows: San Francisco Territory included 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; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road.

Northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to 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 applicant shall not transport any shipments of: (1) Used household good and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight 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, sheeps, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hoppertype trucks, (6) Commodities when transported in motor vehicles equipped for mechanical mixing in

transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary value; and (10) Fresh Fruits and Vegetables. 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, 445 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T-9289, filed November 8, 1974. Applicant: RICHARD WATSON BALDWIN, 757 Cutler Street, Schenectady, N.Y. 12303. Applicant's representative: Mary A. Baldwin (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General commodities, between all points in a territory comprised of the counties of Albany, Montgomery, Saratoga, Schenectady, Schoharie, and Rensselaer. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28882 Filed 12-10-74;8:45 am]

[Notice 163]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 4, 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 30378 (Sub-No. 56TA), filed November 26, 1974. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, Mo. 63042. Applicant's representative. Marshall D. Becker, 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: *Automobiles, trucks, farm tractors, and chassis*, from the plant site of Ford Motor Company, Claycomo (Kansas City), Mo., to Little Rock and Fort Smith, Ark.; Chicago and Springfield, Ill.; St. Paul and Rochester, Minn.; Milwaukee and Madison, Wis.; Salem and The Dalles, Oreg.; Reno and Las Vegas, Nev.; Denver and Colorado Springs, Colo.; Idaho Falls and Boise, Idaho; Helena and Billings, Mont.; Albuquerque and Roswell, N. Mex.; Salt Lake City and St. George, Utah; Casper and Cheyenne, Wyo.; and between points in Kansas (e.g. Kansas City, Topeka), Missouri (e.g. Kansas City, St. Louis), Oklahoma (e.g. Oklahoma City, Tulsa), and Nebraska (e.g. Omaha and Grand Island), for 180 days. Supporting shipper: Ford Motor Company, Ford Div. General Office, Rotunda and Southfield, Dearborn, Mich. 48121. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 38536 (Sub-No. 1TA), filed November 25, 1974. Applicant: COAST CARTAGE CO., 1041 Richmond Street, Los Angeles, Calif. 90033. Applicant's representative: Clarence William Vandegrift (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 the use of special equipment, moving on Part IV regulated Freight Forwarder bills of lading), (1) Between Seattle and Everett, Wash., over Interstate Highway 5, serving all intermediate points, and off-route points within five miles of said highway, and points within the commercial zones of Seattle and Everett, Wash.; (2) Between Seattle and Chehalis, Wash., over Interstate Highway 5, serving all intermediate points and off-route points within five miles of said highway and points within the commercial zones of Seattle, Tacoma, Olympia, and Chehalis, Wash.; and (3) Between Tacoma and Bremerton, Wash., over Washington State Route 16, serving all intermediate points, and off-route points within five miles of said highway, and points within the commercial zones of Tacoma and Bremerton, Wash., for 180 days. Supporting shippers: Coast Carloading Co., 1041 Richmond St., Los Angeles, Calif. 90033, and Westransco Freight Co., 1910 North Main Street, Los Angeles, 90031. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 48948 (Sub-No. 5TA), filed November 26, 1974. Applicant: THE HOCKING CARTAGE COMPANY, a Corporation, Rural Route 2, Box 373, Logan, Ohio 43138. Applicant's representative: James M. Burtch, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump trucks, from points in Ward Township, Hocking County, Ohio, to Parkersburg, W.Va., for 180 days. Supporting shipping: Robert W. Light, doing business as L. & B. Enterprise, 604 South 16th Street, Coshocton, Ohio 43812. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 77972 (Sub-No. 27TA), filed November 27, 1974. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, household goods, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) between Tupelo, Miss., and Tremont, Miss.: From Tupelo over U.S. Highway 78 to Tremont and return over the same route, serving all intermediate points, and (2) serving Mantachies, Miss. as an off-route point in connection with applicant's regular routes, for 180 days.

NOTE.—Applicant intends to tack the authority here applied for to its existing authority and to interline with other carriers at all points of common service including Memphis, Tenn., Meridian, Tupelo, and Hattiesburg, Miss.

Supporting shippers: There are approximatly 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., of copies thereof which may be examined at the field office named below. 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 111729 (Sub-No. 478TA), filed November 26, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Laboratory samples and specimens*, including *human tissue samples, blood, and blood specimens;* and *business papers, records, and audit and accounting media*, between Sioux Falls, S. Dak., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and North Dakota; and (2) *Laboratory samples and specimens*, including *culture and urine specimens, tissue samples, and blood;* and *business papers, records, and audit and accounting media*, between Des Plaines, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, and Wisconsin, for 180 days. Supporting shippers: Lancet Laboratories, 3166 Des Plaines Avenue, Des Plaines, Ill. 60018, and Laboratory of Clinical Medicine, 1212 S. Euclid, Sioux Falls, S. Dak. 57105. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 479TA), filed November 26, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between Charlotte, N.C., on the one hand, and, on the other Bristol, Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn., and (b) between Cleveland, Ohio, on the one hand, and, on the other, Wilkes-Barre, Pa., Clay and Fayetteville, N.Y.; (2) *Office supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, between Charlotte, N.C., on the one hand, and, on the other, Bristol, Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn.; (3) *Ophthalmic goods*, between Cleveland, Ohio, on the one hand, and, on the other, Wilkes-Barre, Pa., Clay and Fayetteville, N.Y.; and (4) *Emergency replacement parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Cumberland, Md.; Cleveland, Cincinnati, Columbus, Dayton, Hopedale, Toledo, and Youngstown, Ohio; Monroeville, Pa.; Coeburn, Norfolk, Richmond, and Salem, Va.; Bluefield, Clarksburg, Parkersburg, and St. Albans, W. Va., for 180 days. Supporting shippers: (1) Allstate Insurance Company, 401 McCullough Drive, Charlotte, N.C. 28213; (2) Cole National Corp., 18903 South Miles Avenue, Cleveland, Ohio 44128; and (3) Rish Equipment Company, P.O. Box No. 269, Bluefield, W. Va. 24701. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113981 (Sub-No. 11TA), filed November 29, 1974. Applicant: VEGAS TRUCKING & MOVING, INC., 2853 Cedar Street, Las Vegas, Nev. 89104. Applicant's representative: V. J. Hunt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Class A and B explosives, and commodities of such value that require armored car service) and *Petroleum products*, in bulk, in tank vehicles, Between Las Vegas, Nev., and the commercial zone of Las Vegas, Nev., and Ryan, Calif.: From Las Vegas, Nev., over Nevada Highway 95 to junction Nevada Highway 29 at Lathrop Wells, Nev., over Nevada Highway 29 to unnumbered Nye County road approximately 15 miles south of Lathrop Wells, Nev., over unnumbered Nye County road to Imvite, Nev., and return to Nevada Highway 29, then over Nevada Highway 29 to California-Nevada State line, then over California Highway 127 to junction California Highway 190 at Death Valley junction, Calif., then over California Highway 190 to junction unnumbered Nye County road approximately ten miles east of Furnace Creek Ranch, thence over unnumbered Inyo County road to Ryan, Calif., and return over the same route, serving the intermediate points on Nevada Highway 29 and the off route points in Nye County, Nev., and Inyo County, Calif., except points on California Highway 127 from Death Valley Junction to Shoshone, Calif. and ten miles of Shoshone, Calif., and points on California Highway 190, for 180 days.

NOTE.—Interline with other carriers at Las Vegas, Nev., and points in Inyo County, Calif., are possible.

Supporting shippers: Industrial Mineral Ventures, Inc., 5920 McIntyre St., Golden, Colo. 80401, and Tenneco Oil Co., P.O. Box 68, Lathrop Wells, Nev. 89020. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 114457 (Sub-No. 214TA), filed November 29, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite and storage facilities of Simmons & Co., at Kansas City, Kans., to points in North Dakota (except Fargo and Grand Forks), South Dakota (except Sioux Falls), Nebraska, and Colorado, restricted to traffic originating at and destined to the named origin and destinations, for 180 days. Supporting shipper: Simmons Company, 9200 Calumet Avenue, Munster, Ind. 46321. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 116077 (Sub-No. 361TA), filed November 27, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics*, dry, in bulk, from the plant site of Georgia Pacific Corporation at or near Plaquemine, La., to points in Arkansas, Arizona, California, Colorado, Delaware, Florida, Iowa, Kentucky, Massachusetts, Mississippi, Missouri, North Carolina, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, and Texas, for 180 days. Supporting shipper: Georgia Pacific Corporation, P.O. Box 629, Plaquemine, La. 70764. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610 Federal Building, Houston, Tex. 77002.

No. MC 118159 (Sub-No. 154TA), filed November 26, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1931 N. Sheridan Road, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, from the plantsite and warehouse facilities of Glover Packing Company at or near Roswell, N. Mex., to points in New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Glover Packing Company, Joe Young, T.M., P.O. Box 92, Amarillo, Tex. 79104. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla.

No. MC 119726 (Sub-No. 45TA), filed November 26, 1974. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawnmowers*, from Indianola, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, North Carolina, South Carolina, Iowa, Missouri, Texas, and Oklahoma, for 180 days. Supporting shipper: Western Auto Supply Co., 2107 Grand Avenue, Kansas City, Mo. 64108. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 123048 (Sub-No. 316TA), filed November 27, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, attachments, and parts*, from Milwaukee, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Satra Belarus, Inc., 829 East Jones Street, Milwaukee, Wis. 53207 (Daniel G. Sinclair, Sales Manager). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126699 (Sub-No. 3TA), filed November 29, 1974. Applicant: MOORE VAN AND STORAGE OF WOODLAND, INC., 860 Onstatt Road, Yuba City, Calif. 95991. Applicant's representative: Leigh B. Morris, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic 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 packing, crating and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Colusa, Lake, and Mendocino Counties, Calif., for 180 days.

NOTE.—Applicant intends to tack the requested authority with its existing authority at points in Colusa County, Calif.

Supporting shippers: Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. 11378, and Beale Air Force Base, Beale Air Force Base, Calif. 95903. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128007 (Sub-No. 71TA), filed November 27, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from points in Harrison County, Tex., to points in Colorado, New Mexico, Oklahoma, Nebraska, Kansas, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Illinois, Indiana, Kentucky, Tennessee, and Alabama, for 180 days. Supporting shipper: Marshall Minerals, Inc., P.O. Box 506, Bainbridge, Ga. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134755 (Sub-No. 47TA), filed November 26, 1974. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. 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 Lebanon and Springfield, Mo., to Syracuse, N.Y., for 180 days. Supporting shipper: Hunt-Wesson Frozen & Refrigerated Foods, Div. of Hunt-Wesson Foods, Inc., 2600 East Nutwood Avenue, Fullerton, Calif. 92633. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 135170 (Sub-No. 5 TA), filed November 29, 1974. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from Cambridge, Md., to Suffolk, Va., for the account of National Can Corporation, Baltimore, Md., for 180 days. Supporting shipper: Daniel F. Barczak, District Traffic Manager, National Can Corporation, 727 S. Wolfe Street, Baltimore, Md. 21231. Send protests to: District Supervisor William L. Hughes, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 136012 (Sub-No. 1TA), filed November 13, 1974. Applicant: UNITED STATES TRANSPORTATION, INC., 5360 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Richard L. Goodman, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid brewery yeast*, in bulk, in tank vehicles, from the plantsite of the Strohs Brewing Company in Detroit, Mich., to the plantsite of Emmert Grain Co., in Cincinnati, Ohio, for 180 days. Supporting shipper: Emmert Grain Co., 2007 Dunlap Street, Cincinnati, Ohio 45214. 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 138480 (Sub-No. 2TA) (Correction), filed November 7, 1974, published in the FEDERAL REGISTER issue of November 21, 1974, and republished as corrected this issue. Applicant: CENTRAL DELIVERY SERVICE, INC., 1101 Ripley Street, Silver Spring, Md. 20910. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and related documents* used in and useful for the preparation of telephone directors, (A) (1) from the offices and facilities of the Chesapeake & Potomac Telephone Company of Virginia located in Arlington County and the cities of Alexandria and Falls Church, Va.; (2) from the offices and facilities of the Chesapeake & Potomac Telephone Company located in Washington, D.C., and Silver Spring, Md.; and (3) from the offices and facilities of the Chesapeake & Potomac Telephone Company of Maryland, located in Annapolis, Baltimore, Cockeysville, Havre De Grace, Hyattsville, Rockville, Seabrook, Silver Spring, Temple Hills, Towson, and Wheaton, Md. to Philadelphia, Pa.; and (B) (1) from Philadelphia, Pa., to the offices and facilities of the Chesapeake & Potomac Telephone Company of Maryland, located in Annapolis, Baltimore, Cockeysville, Havre De Grace, Hyattsville, Rockville, Seabrook, Silver Spring, Temple Hills, Towson, and Wheaton, Md.; (2) from the offices and facilities of the Chesapeake & Potomac Telephone Company, located in Washington, D.C., and Silver Spring, Md.; and (3) from the offices and facilities of the Chesapeake & Potomac Telephone Company of Virginia, located in Arlington County and Alexandria and Falls Church, Va., restricted to movements originating at or destined to the offices and facilities of the Chesapeake & Potomac Telephone Company, Washington, D.C., for 180 days. Supporting shipper: Datacomp Corporation, A Division of Herbick and Held Printing Co., 211 South Broad Street, Philadelphia, Pa. 19107. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

NOTE.—The purpose of this republication is to show the applicant correct MC number as No. MC 138480 (Sub-No. 2TA), in lieu of No. MC 140343 (Sub-No. 1TA), which was published in the FEDERAL REGISTER in error.

No. MC 138991 (Sub-No. 7TA), filed November 26, 1974. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. 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 Newark, N.J., to East Rochester, N.Y., and *returned empty containers and pallets* in reverse direction, for 180 days. Supporting shipper, Lake Beverage Corp., Rochester, N.Y., Milton Rothfuss, Manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd. West, Syracuse, N.Y. 13202.

No. MC 140425 TA, filed November 29, 1974. Applicant: I. C. J. TRUCKING, a Corporation, 1701 W. Fourth Plain Road, Vancouver, Wash. 98661. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Scrap metal* (in end dump vehicles) between points in Oregon and Washington, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140426 TA filed November 25, 1974. Applicant: TY-ROE ENTERPRISE, doing business as AIR CARGO DELIVERY SERVICE, 1004 Stockton Avenue, San Jose, Calif. 95110. Applicant's representative: Ralph I. Hattem, P.O. Box 3454, San Francisco, Calif. 94119. 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, commodities requiring special equipment, and those injurious or contaminating to other lading), Between San Jose and San Francisco, Calif., serving all intermediate points, over the following routes: (1) From San Jose, northerly via U.S. Highway 101 to San Francisco and return over the same route; (2) From San Jose, southerly via California State Highway 17 to its junction with California State Highway 9 at Los Gatos, thence northerly via California State Highway 9 to its junction with California State Highway 85 at Saratoga, thence northerly via California State Highway 85 to its junction with Interstate Highway 280 at Cupertino, thence northwesterly via Interstate Highway 280 to San Francisco and return over the same route; (3) From San Jose, northerly via California State Highway 17 to its junction with California State Highway 92 at Hayward.

Thence westerly via California State Highway 92 to its junction with U.S. Highway 101, thence northerly via U.S. Highway 101 to San Francisco and return over the same route; (4) From San Jose, northerly via California State Highway 17 to its junction with California State Highway 84 at Newark, thence westerly over California State Highway 84 to its junction with U.S. Highway 101, thence northerly via U.S. Highway 101 to San Francisco and return over the same route; and (5) From San Jose, northerly via California State Highway 17 to its junction with California State Highway 237 at Milpitas, thence westerly via California State Highway 237 to its junction with U.S. Highway 101, thence northerly via U.S. Highway 101 to San Francisco and return over the same route, restricted to the transportation of shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28877 Filed 12-10-74;8:45 am]