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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. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

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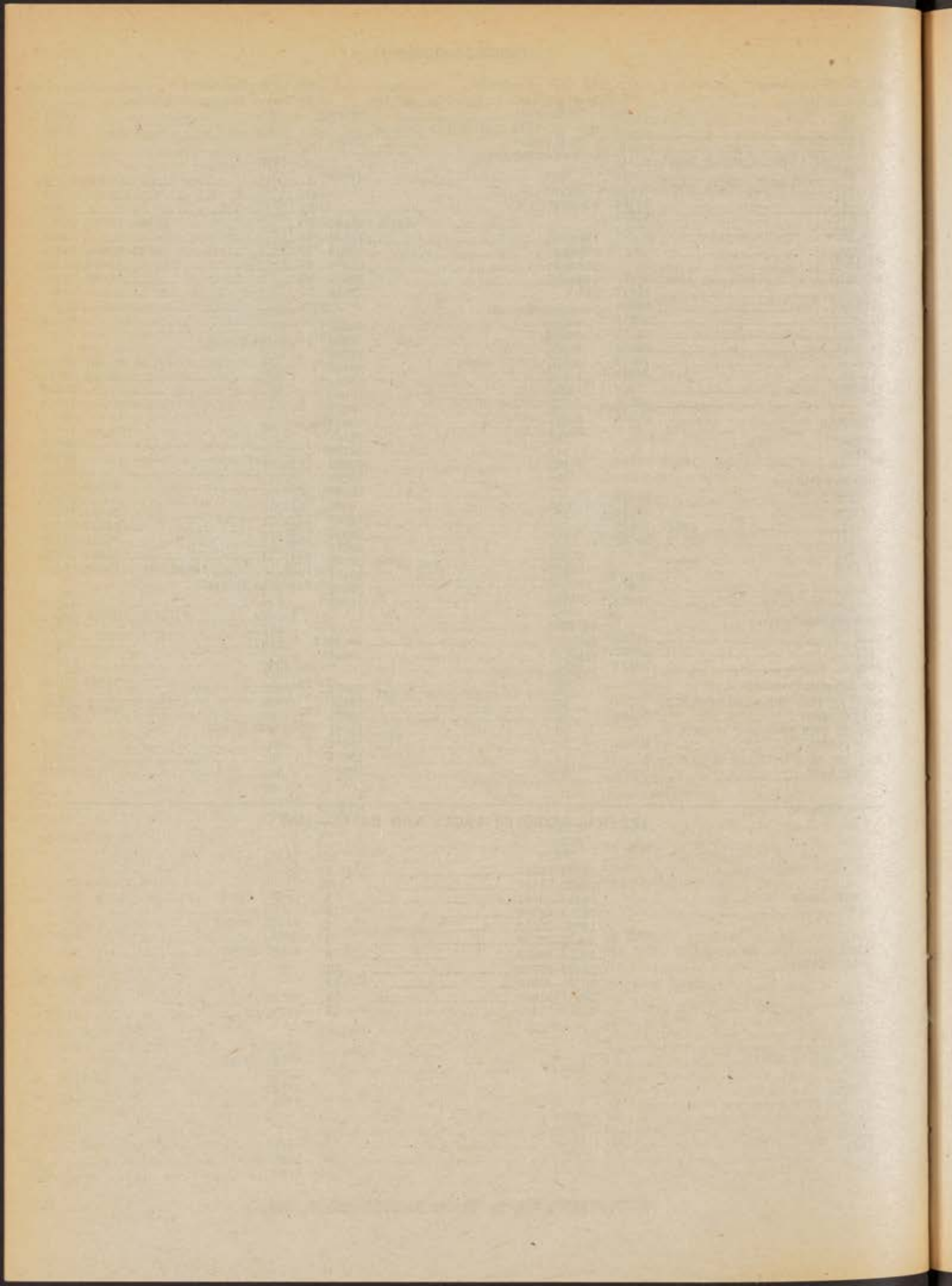
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rules and regulations

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

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

Title 7—Agriculture

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

MISCELLANEOUS AMENDMENTS TO REGULATED AREAS

Correction

In FR Doc. 75-11610 appearing at page 19430 in the issue of Monday, May 5, 1975, the following changes should be made:

1. In the first column on page 19431, in the second line of the paragraph from the bottom of the page, "of State Highway III" should read "of State Highway 111".

2. In the tenth paragraph in the first column on page 19432, the third line should be deleted and the following should be inserted: "1324 at the end of farm road located 0.2 mile".

3. In the third column on page 19433, the first line of the fourth paragraph from the bottom of the page should read "The Watkins, John Q., farm located on the".

4. In the first column on page 19434, in the seventeenth line of the paragraph beginning with "Scotland County," "State Secondary Road 1341" should read "State Secondary Road 1345".

5. Delete the last line of the second column on page 19437, and in the third column of this same page 19437, immediately after the first line, insert the following: "northwest of its junction with State Sec-".

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

[Navel Orange Reg. 352]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 16-22, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and

the relationship of season average returns to the parity price for Navel oranges

§ 907.652 Navel Orange Regulation 352.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remains about the same. Prices f.o.b. averaged \$3.72 per carton on a reported sales volume of 1,104 carlots last week, compared with an average f.o.b. price of \$3.78 per carton and sales of 1,505 carlots a week earlier. Track and rolling supplies at 402 cars were down 110 cars from last week.

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

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

come effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 13, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 16, 1975, through May 22, 1975 are hereby fixed as follows:

- (i) District 1: 500,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: Unlimited movement.

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

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

Dated: May 14, 1975.

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

[FR Doc. 75-13033 Filed 5-14-75; 11:14 am]

[Valencia Orange Reg. 488, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirement

This amendment extends through January 15, 1976, the current minimum

diameter requirement of 2.20 inches for shipments of Valencia oranges grown in District 1 of the California-Arizona production area. Shipments of such Valencia oranges are currently regulated by size through May 15, 1975, pursuant to Orange Regulation 488. The specified minimum size requirement is consistent with the size composition and available supply of the crop of Valencia oranges grown in District 1.

Notice was published in the *FEDERAL REGISTER* on April 11, 1975 (40 FR 16335), that consideration was being given to a continuation of the size regulation for Valencia oranges grown in District 1, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by May 2, 1975. None were received.

The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions. The 1974-75 season crop of Valencia oranges is currently estimated at 61,500 carlots. The demand in regulated market channels will require about 35 percent of this volume, and the remaining 65 percent will be available for utilization in export, processing and other outlets. Fresh shipments of Valencia oranges from District 1 are now in progress. The volume and size composition of the crop of Valencia oranges grown in District 1 are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Equivalent fresh on-tree returns for California-Arizona Valencia oranges averaged \$0.88 per carton for the season through April 1975 or 37 percent of the equivalent parity price. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction and guard against the shipment of undesirable sizes of Valencia oranges which tend to weaken the market for such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the regulation of shipments of Valencia oranges, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the *FEDERAL REGISTER* on April 11, 1975 (40 FR 16335), and no objection to it was received; (2) the regulatory provisions are the same as those contained in said notice; (3) the recommendation and supporting information for regulation of Valencia oranges were submitted to the Department after an open meeting of the committee on March 4, 1975, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges; and (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 908.788 (Valencia Orange Regulation 488; 40 F.R. 13301) the provisions of paragraph (a) are amended to read as follows:

§ 908.788 Valencia Orange Regulation 488.

(a) During the period May 16, 1975, through January 15, 1976, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

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

Dated, May 12, 1975, to become effective May 16, 1975.

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

[FR Doc. 75-12851 Filed 5-14-75; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

**SUBCHAPTER B—LOANS AND GRANTS
PRIMARY FOR REAL ESTATE PURPOSES**

[FmHA Instruction 444.5]

**PART 1822—RURAL HOUSING LOANS
AND GRANTS**

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

INTEREST CREDITS

Paragraph VII C of Exhibit J of Subpart D, Part 1822, Title 7, Code of Federal Regulations (40 FR 4296) is amended. This amendment will permit the National Office to authorize eligible Rural Rental Housing borrowers to obtain interest credits at any time when necessary to prevent a possible failure of the projects and a loss to the Government.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rulemaking 36 FR 13804, dated July 24, 1971. This amendment, however, is being published without prior notice of proposed rulemaking because such notice would delay the granting of interest credits to eligible borrowers causing possible financial losses, and therefore be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250, on or before June 16, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this subpart as amended will remain effective until it is further amended, in order to permit the public business to proceed expeditiously.

As amended, paragraph VII C of Exhibit J, Subpart D of Part 1822 reads as follows:

VII. Execution of agreements. . . .

C. Borrowers who are not receiving an interest credit. If an eligible borrower did not execute an Interest Credit Agreement in accordance with paragraph VII A above, it may do so during the month of November or December preceding the year for which the interest credit is to be received. Form FmHA 444-7 will be executed during November or December, but will not be effective until the following January 1. In an unusual case, the National Office may grant interest credits to be effective immediately when the State Director provides adequate documentation that unless interest credits

are granted immediately the project cannot continue on a sound financial basis.

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

Dated: May 5, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 75-12787 Filed 5-14-75; 8:45 am]

Title 12—Banks and Banking
CHAPTER V—FEDERAL HOME LOAN
BANK BOARD

[No. 75-430]

FLOOD INSURANCE

Community Participation

MAY 9, 1975.

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

I. Regulations prior to present amendments. On or after July 1, 1975, loans secured by improved real estate and mobile homes which are located in special flood hazard areas are prohibited unless the communities in which such areas are situated are then participating in the national flood insurance program.

II. Amended regulations. As to a community which was not notified on or before July 1, 1974, that it was a flood-prone community, the deadline for such community's participating in the national flood insurance program is one year after such notification rather than July 1, 1975.

III. Reason for amendments. Conform the regulations to the provisions of section 201(d) of the Flood Disaster Protection Act of 1973.

Prior to the amendments made by this resolution, § 523.29(c) of the regulations for the Federal Home Loan Bank System (12 CFR 523.29(c)) ("Bank Regulations"), § 545.8-4(c) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8-4(c)) ("Federal Regulations") and § 563.9-6(c) of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9-6(c)) ("Insurance Regulations") provided in substance that on and after July 1, 1975, members of the Federal Home Loan Bank System, Federal savings and loan associations, and State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation shall not make, increase, extend or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development ("HUD") as an area having special flood hazards unless the community in which such area is situated is then participating in the national flood insurance program.

The principal purpose of this Resolution is to conform the above-mentioned

regulations to section 201(d) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234). That section 201(d) provides in substance that if a community was not formally identified as a flood-prone community and notified of such identification by the Secretary of HUD on or before July 1, 1974, and if the community is so identified and notified after July 1, 1974, the provisions of section 202(b) of the Flood Disaster Protection Act of 1973 (prohibiting the making, increasing, extending or renewing of certain loans on and after July 1, 1975) are not applicable for a period of one year after the community is notified by the Secretary of HUD that the community is a flood-prone community. The amendments made by this resolution do not affect loans in a community in which the Secretary of HUD did identify and notify on or before July 1, 1974, that the community was a flood-prone community. The July 1, 1975 deadline as to a community's participation in the national flood insurance program continues to apply to loans in such latter communities.

This Resolution also makes three technical changes whereby references to section 201(d) of the Flood Disaster Protection Act of 1973 are added to § 523.29(a) of the Bank Regulations, § 545.8-4(a) of the Federal Regulations, and § 563.9-6(a) of the Insurance Regulations.

The Federal Home Loan Bank Board hereby amends paragraphs (a) and (c) of § 523.29 of the Bank Regulations, § 545.8-4 of the Federal Regulations, and § 563.9-6 of the Insurance Regulations to read as set forth below, effective May 15, 1975.

Since the above amendments conform regulatory provisions to statutory requirements and relieve restrictions, the Board hereby finds that notice and public procedure with respect to said amendments 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, likewise be unnecessary for the same reasons, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBER OF BANKS

1. In § 523.29 paragraphs (a) and (c) are revised to read as follows:

§ 523.29 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and subsection (a) of section 816 of the Housing and Community Development Act of 1974 (Pub. L. 93-383). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(c) *Community participation in insurance program.* On and after July 1, 1975, or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973, whichever is later, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

2. In § 545.8-4 paragraphs (a) and (c) are revised to read as follows:

§ 545.8-4 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and subsection (a) of section 816 of the Housing and Community Development Act of 1974 (Pub. L. 93-383). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(c) *Community participation in insurance program.* On and after July 1, 1975, or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973, whichever is later, a Federal association shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATIONS

PART 563—OPERATIONS

3. In § 563.9-6 paragraphs (a) and (c) are revised to read as follows:

§ 563.9-6 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of

section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and subsection (a) of section 816 of the Housing and Community Development Act of 1974 (Pub. L. 93-383). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(c) *Community participation in insurance program.* On and after July 1, 1975, or on or after the end of one year from the time that a community is notified that it is formally identified as a flood-prone community pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973, whichever is later, an insured institution shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., 1971, Secs. 201(d) and 202(b) of the Flood Disaster Protection Act of 1973, 37 Stat. 982; 42 U.S.C. 4105, 4106)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc. 75-12843 Filed 5-14-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-SO-46; Amdt. 39-2199]

PART 39—AIRWORTHINESS DIRECTIVES

Maule M-4-210 and M-5-210 Series Airplanes

There have been failures of the engine fuel injector return line on Maule M-4-210 and M-5-210 series airplanes that resulted in fuel leakage into the cabin area. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement of this fuel line.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (37 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MAULE AIRCRAFT CORPORATION. Applies to the Models M-4-210 serial numbers 1001 through 1045; M-4-210C serial numbers 1001C through 1117C; M-5-210C serial numbers 6001C through 6089C, 6072C, 6076C, 6077C, 6079C, 6080C, 6084C, and 6087C, certificated in all categories.

Compliance required within the next 30 hours' time in service after the effective date of this AD unless already accomplished.

To prevent fuel leakage in the cabin area and allow fuel line flexibility, accomplish the following or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region:

1. Turn the fuel tank selector valve to off position.

2. Remove the engine fuel injector return line from the firewall to the fuel header tank. (Line located in cabin wall to left of pilot's feet.)

3. Short line inspection—Inspect the short line connected at the firewall to the check valve for cracking around the flares. If cracks are found, replace line with a serviceable line in accordance with Advisory Circular 43.13.

4. Long line replacement—Remove existing long line and install an 8-inch long, 1/4 inch diameter aluminum tube, between the return check valve and the header tank, using appropriate tube and fittings. This line is to incorporate a 1.5 to 2.0 inch diameter loop in the middle. Use caution when bending the tubing to prevent kinking. This looped tubing must be installed with the plane of the loop horizontal so that no low undrainable spots exist.

5. The check valve must be reinstalled with the arrow pointing aft.

6. Functional check the return line for leaks and repair as necessary. Maule Aircraft Corporation Service Letter 31 covers the same subject.

This amendment becomes effective May 19, 1975.

(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)))

Issued in East Point, Ga., on May 2, 1975.

P. M. SWATEK,
Director, Southern Region, ASO-1.

[FR Doc. 75-12731 Filed 5-14-75; 8:45 am]

[Docket No. 75-SO-50, Amdt. 39-2200]

PART 39—AIRWORTHINESS DIRECTIVES

Semco Model T, TC-4A and Challenger Balloons

There have been instances where owner/operator assembly of the deflation system on Model T balloons has resulted in excessive force being required to operate the deflation system on landing due to improper deflation cable routing and fraying of the deflation cable end. Since improper assembly is likely to occur, and damage to the end of the deflation cable may exist in other Model T balloons, and Model TC-4A and Model Challenger balloons an airworthiness directive is being issued to require a preflight check of the deflation cable end and a visual check of the deflation cable routing prior to liftoff.

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 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:

SEMCO BALLOONS. Applies to Model T, Model TC-4A and Model Challenger balloons certificated in the Balloon category.

Compliance required as indicated.

Improper owner/operator assembly of the deflation system has resulted in excessive force being required to operate the deflation cable and fraying of the deflation cable end. The frayed cable end may draw deflation sleeve material into the hole in the locking block and brass rod preventing proper operation of the deflation system. To prevent these occurrences, accomplish the following:

(a) Prior to each flight after the effective date of this AD, and until Revision 1, dated April 18, 1975, or later equivalent FAA approved revision to the Balloon Flight Manual is incorporated, accomplish the following check procedures. The pilot may perform these check procedures.

1. Check the portion of the end of the deflation cable which protrudes from the side of the aluminum locking block stamped "out" for fraying or loose strands with the hand or a cloth. If not smooth and free of loose strands, repair or replace before further flight.

2. During inflation, check the routing of the deflation cable. The deflation cable should lead from the basket through the fairlead ring sewn to the inside of the envelope, then in a straight line to the side of the locking block marked "in" and then to the outside of the envelope. The cable should not wrap around the locking block. If cable routing is not correct, reassemble the deflation system properly prior to flight.

(b) Within 20 hours' time in service after the effective date of this AD, obtain and incorporate Revision 1, dated April 18, 1975, or later equivalent FAA approved revision in the applicable Balloon Flight Manual.

NOTE: Revision 1, dated April 18, 1975, to the applicable Balloon Flight Manual may be obtained on request to Semco Balloons, Route 3, Box 514, Griffin, Georgia 30223. The model of the balloon for which the revision is desired should be specified, also the name and address to which it is desired that the revision be sent. These revisions are also available for examination in Room 274, FAA Building, 3400 Whipple Avenue, East Point, Georgia 30344.

This amendment becomes effective May 19, 1975.

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

Issued in East Point, Ga., on May 5, 1975.

P. M. SWATEK,
Director, Southern Region, ASO-1.

[FR Doc. 75-12732 Filed 5-14-75; 8:45 am]

[Docket No. 14582; Amdt. No. 968]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and

additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particularly region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective June 26, 1975:

Alamogordo, NM—Alamogordo Municipal Arpt., VOR-B, Orig.
Dallas, Tex.—Dallas Love Field, VOR/DME Rwy 13R, Amdt. 2
Erie, Pa.—Erie Int'l. Arpt., VOR Rwy 6, Amdt. 11
Linden, Mich.—Price's Arpt., VOR-A, Orig.
New York, N.Y.—John F. Kennedy Int'l. Arpt., VOR-A, Amdt. 6
New York, N.Y.—John F. Kennedy Int'l. Arpt., VOR Rwy 4 L/R, Amdt. 11
New York, N.Y.—John F. Kennedy Int'l. Arpt., VOR Rwy 13L/R, Amdt. 11
New York, N.Y.—John F. Kennedy Int'l. Arpt., VORTAC Rwy 22L, Amdt. 1
New York, N.Y.—John F. Kennedy Int'l. Arpt., VOR Rwy 31L, Amdt. 8
Pahokee, Fla.—Palm Beach County Glades Arpt., VOR Rwy 17, Amdt. 6
Washington, D.C.—Dulles Int'l. Arpt., VOR/DME Rwy 12, Orig., cancelled
Washington, D.C.—Dulles Int'l. Arpt., VORTAC Rwy 12, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective June 26, 1975:

Dallas, Tex.—Dallas Love Field, LOC (BC) Rwy 13R, Amdt. 9
Fort Worth, Tex.—Meacham Field, LOC (BC) Rwy 34R, Amdt. 2
Morristown, N.J.—Morristown Municipal Arpt., LOC (BC) Rwy 5, Orig., cancelled

* * * effective June 19, 1975:

Denver, Colo.—Stapleton Int'l. Arpt., LOC (BC) Rwy 17R, Amdt. 10

* * * effective May 29, 1975:

Jacksonville, Fla.—Jacksonville Int'l. Arpt., LOC Rwy 25, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective June 26, 1975:

Erie, Pa.—Erie Int'l. Arpt., NDB Rwy 6, Amdt. 6, canceled
Fairfield, Iowa—Fairfield Municipal Arpt., NDB Rwy 35, Amdt. 2
Latrobe, Pa.—Latrobe Arpt., NDB Rwy 23, Amdt. 6
Roswell, NM—Roswell Industrial Air Center Arpt., NDB Rwy 21, Amdt. 9
San Angelo, Tex.—Mathis Field, NDB Rwy 3, Amdt. 10
Shenandoah, Iowa—Shenandoah Municipal Arpt., NDB Rwy 30, Amdt. 5
Tulsa, Okla.—Tulsa Int'l. Arpt., NDB Rwy 35R, Amdt. 16
Warsaw, Ind.—Warsaw Municipal Arpt., NDB-A, Orig.

* * * effective June 19, 1975:

Denver, Colo.—Stapleton Int'l. Arpt., NDB Rwy 26L, Amdt. 32
Denver, Colo.—Stapleton Int'l. Arpt., NDB Rwy 26R, Amdt. 2

* * * effective June 12, 1975:

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., NDB Rwy 10, Amdt. 2

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective June 26, 1975:

Baton Rouge, La.—Ryan Arpt., ILS Rwy 13, Amdt. 18
Chattanooga, Tenn.—Lovell Field, ILS Rwy 20, Amdt. 25
Elmira, N.Y.—Shemung County Arpt., ILS Rwy 24, Amdt. 9
Erie, Pa.—Erie Int'l. Arpt., ILS Rwy 6, Amdt. 10
Latrobe, Pa.—Latrobe Arpt., ILS Rwy 23, Amdt. 6
Roswell, NM—Roswell Industrial Air Center Arpt., ILS Rwy 21, Amdt. 8
San Angelo, Tex.—Mathis Field, ILS Rwy 3, Amdt. 13
Tulsa, Okla.—Tulsa Int'l. Arpt., ILS Rwy 35R, Amdt. 22

* * * effective June 19, 1975:

Denver, Colo.—Stapleton Int'l. Arpt., ILS (BC) Rwy 8R, Amdt. 3
Denver, Colo.—Stapleton Int'l. Arpt., ILS Rwy 26L, Amdt. 37
Denver, Colo.—Stapleton Int'l. Arpt., ILS Rwy 35L, Amdt. 17

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective June 19, 1975.

Denver, Colo.—Stapleton Int'l. Arpt., RADAR-1, Amdt. 13

CORRECTION

In Docket Nr. 14459, Amendment 963 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated April 10, 1975, under § 97.31, effective May 22, 1975—Change effective date of Shreveport, La.—Shreveport Regional Arpt., RADAR-1, Orig., to May 7, 1975.

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

Issued in Washington, D.C., on May 8, 1975.

JAMES M. VINES,
Chief Aircraft Programs Division.

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

[FR Doc.75-12733 Filed 5-14-75; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-110]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Philippine Vessels; Tonnage Tax and Light Money

Section 4.21(b)(14) of the Customs Regulations, which provides that vessels owned by citizens of the Philippine Islands and documented by the Philippine Government shall be exempt from the payment of tonnage taxes, was originally based upon section 1, Act of July 1, 1916, 39 Stat. 286 (46 U.S.C. 130), which became obsolete as a result of the independence of the Philippine Islands on July 4, 1946 (Proclamation No. 2695, 60 Stat. 1352, dated July 4, 1946). However, the exemption accorded Philippine vessels by § 4.21(b)(14), Customs Regulations, was continued after independence pursuant to the Trade Agreements of 1946 and 1955 between the United States and the Philippine Islands.

Both trade agreements have now expired (the Trade Agreement of 1955 expired July 3, 1974). Furthermore, all vessels, including vessels of the United States, are subject to regular tonnage tax under section 4219 of the Revised Statutes, as amended (46 U.S.C. 121), upon entry in any port of the United States from any foreign port or place. Therefore, it has been determined that the exemption from the payment of regular tonnage taxes provided for Philippine vessels is no longer consistent with present laws governing trade relations between the two countries and should, therefore, be revoked.

Accordingly, § 4.21(b) of the Customs Regulations (19 CFR 4.21(b)) is amended by deleting subparagraph (14). In addition, the table in § 4.20(c) of the Customs Regulations (19 CFR 4.20(c)) is amended to add ".02 or .06" in the column headed "Regular tax" on the line which reads "Vessels of Philippine registry, owned by citizens of the Philippine

Islands." As a result of these amendments, Philippine vessels will be subject to regular tonnage tax in accordance with § 4.20(a), Customs regulations (19 CFR 4.20(a)).

Because these amendments merely conform the Customs Regulations with existing laws and agreements governing trade relations between the United States and the Philippine Islands, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments shall become effective on May 15, 1975.

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

Approved: May 2, 1975.

DAVID R. MACDONALD
Assistant Secretary of the
Treasury.

[FR Doc. 75-12811 Filed 5-14-75; 8:45 am]

[T.D. 75-109]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Republic of China; Coastwise Transportation

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury on January 23, 1975, that the Republic of China allows privileges reciprocal to those provided for in the sixth proviso of the cited statute with respect to certain articles transported by vessels of the United States. Therefore, corresponding privileges are accorded to vessels of Republic of China registry effective as of the date of such notification.

These privileges relate to the coastwise transportation, under the conditions specified in the sixth proviso of 46 U.S.C. 883, of empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with those articles; empty barges specifically designed for carriage aboard a vessel; any empty instruments for international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to section 332(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1322(a)); and certain stevedoring equipment and material.

Accordingly, paragraphs (b) (1) and (b) (2) of § 4.93 of the Customs regulations (19 CFR 4.93(b) (1), (b) (2)), are amended by the insertion of "Republic of China" in appropriate alphabetical order in the lists of countries under those paragraphs.

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

There is a statutory basis for the described extension of reciprocal privileges, and the amendments recognize an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause is found for dispensing with notice and

public procedure thereon as unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

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

Approved: May 2, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the
Treasury.

[FR Doc. 75-12810 Filed 5-14-75; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

[FRL 373-5; FAP4H5047/R7]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

2-Chloro-1-(2,4,5-Trichlorophenyl)Vinyl Dimethyl Phosphate

On April 24, 1974, notice was given (39 FR 14542) that Shell Chemical Co., Suite 300, 1700 K Street, NW, Washington DC 20006, had filed a food additive petition (FAP 4H5047) with the Environmental Protection Agency (EPA). This petition proposed establishment of a food additive tolerance for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate in the processed feed of beef and dairy cattle at a maximum rate of 0.01 percent in complete feeds and 1.2 percent in feed supplements, except that the insecticide will not be used in feeds that are to be pelleted nor in liquid feed supplements. Subsequently, Shell amended the petition by raising the level and revising the dosage expression for the pesticide in feed to read as follows: 0.00015 pound (0.07 gram) per 100 pounds body weight per day.

The data submitted in the petition and other relevant material have been evaluated. Tolerances are established (40 CFR Part 180, § 180.322) for this pesticide to cover residues which may result in meat or milk from this use. It is concluded that the proposed regulation should be established.

Any person adversely affected by this regulation may on or before June 16, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 15, 1975, Part 561 is amended by adding § 561.91.

(Sec. 409(c) (1) & (4), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)), trans-

ferred to the Administrator EPA in Reorganization Plant No. 3 (35 FR 15623))

Dated May 8, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

§ 561.91 2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate.

The additive 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate may be safely used in accordance with the following prescribed conditions:

(a) It is used as a feed additive in the feed of beef and dairy cattle at the rate of 0.00015 pound (0.07 gram) per 100 pounds body weight per day.

(b) It is used for control of fecal flies in manure of treated cattle.

(c) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the feed additive shall conform to the label and labeling registered by the United States Environmental Protection Agency.

[FR Doc. 75-12740 Filed 5-14-75; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Block Island Sound, New York

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.30 establishing and governing the use and navigation of a restricted area used as a dummy minefield in Block Island Sound, southeast of Fishers Island, New York is hereby revoked, effective on May 15, 1975.

Since the revocation constitutes only an agency or procedural matter, notice of proposed rule making and public procedures thereto are considered unnecessary. Accordingly, § 207.30 of Title 33 of the Code of Federal Regulations is hereby revoked as follows:

§ 207.30 Block Island Sound, southeast of Fishers Island, N.Y.; naval restricted area. [Revoked]

[Regs. April 28, 1975, DAEN-CWO-N—(Block Island Sound, N.Y.)] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc. 75-12774 Filed 5-14-75; 8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER K—SPECIAL REGULATIONS

PART 777—RELOCATION ASSISTANCE PROCEDURES

Correction

In FR Doc. 75-11555 appearing at page 19471 in the issue of Monday, May 5, 1975, on page 19473, the fourth line of § 777.6(e) (2) should read: "Is displaced

from his place of business or from his farm operation may".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 373-6; PP4F1485/R25]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-[2-(Ethylsulfinyl)ethyl] O,O-Dimethyl Phosphorothioate

On April 24, 1974, notice was given (39 FR 14542) that Chemagro Division of Baychem Corp., PO Box 4913, Kansas City MO 64120, had filed a pesticide petition (PP 4F1485) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for combined residues of the insecticide S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities green mint hay at 12.5 parts per million (ppm); snapbean vines and lima beans and pods at 0.5 ppm; garden pea pods at 0.3 ppm; and garden peas (without pods) at 0.1 ppm.

Chemagro subsequently amended the petition by changing the following tolerance expressions: (1) Green mint hay to mint hay; (2) snapbean vines to snapbean forage; (3) garden peas to peas; (4) garden pea vines to pea forage; (5) lima bean vines to lima bean forage; and (6) lima beans and pods to lima beans since by definition "lima beans" includes the pods. The separate tolerance proposal for garden pea pods was deleted since by definition "peas" includes the pods, and the 0.1 ppm proposed tolerance for peas was changed to 0.3 ppm. Chemagro also amended the petition to include a tolerance at 8 ppm for pea hay and 0.01 ppm for residues in milk, fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The proposed tolerances are adequate to cover residues in meat and milk and § 180.6(a)(2) applies. Furthermore, there is no reasonable expectation of residues in poultry and eggs and § 180.6(a)(3) is also applicable. The tolerances established by amending § 180.330 will protect the public health.

Any person adversely affected by this regulation may on or before June 16, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the

provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 15, 1975, Part 180, Subpart C, is amended by revising § 180.330 as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: May 8, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Section 180.330 is amended by (1) adding the new paragraph "12.5 parts per million * * *" after the introductory paragraph; (2) adding the new paragraph "8 parts per million * * *" after the paragraph "11 parts per million * * *"; (3) adding the new paragraph "2 parts per million * * *" after the paragraph "3 parts per million * * *"; (4) adding the new paragraph "0.01 part per million * * *" after the paragraph "1 part per million * * *"; and (5) revising the paragraphs "1 part per million * * *", "0.5 part per million * * *", and "0.3 part per million * * *" to read as follows:

§ 180.330 S - [2 - (ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate; tolerances for residues.

12.5 parts per million in or on mint hay.

8 parts per million in or on pea hay.

2 parts per million in or on lima bean forage, pea forage, and snapbean forage.

1 part per million in or on apples, blackberries, broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, eggplant, grapefruit, head lettuce, lemons, oranges, plums (fresh prunes), raspberries, strawberries, summer squash, and turnip tops.

0.5 part per million in or on corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), lima beans, snapbeans, and sugar beet tops.

0.3 part per million in or on melons, pears, peas, pumpkins, sugar beets, turnips, walnuts, and winter squash.

0.01 part per million in or on milk, fat, meat and meat byproducts of cattle, goats, hogs, horses, and sheep.

[FR Doc.75-12741 Filed 5-14-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 374-1]

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Interim Regulations; Change in Comment Period

On Thursday, February 27, 1975 the Environmental Protection Agency published in the FEDERAL REGISTER a regulation amending Part 421 to Chapter 40 of the Code of Federal Regulations (40 FR 8514) which established interim final effluent limitations and guidelines for existing sources and proposed standards of performance for new sources and pretreatment standards for new and existing sources of the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G) and the primary zinc subcategory (Subpart H).

Pursuant to request, the period for comment on the interim final regulation is extended for 30 days from the date of this notice.

Dated: May 8, 1975.

JAMES L. AGEE,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.75-12744 Filed 5-14-75;8:45 am]

[FRL 373-7]

PART 424—FERROALLOYS MANUFACTURING POINT SOURCE CATEGORY

Interim Regulations; Change in Comment Period

On Monday February 24, 1975 the Environmental Protection Agency published in the FEDERAL REGISTER a regulation amending Part 424 to Chapter 40 of the Code of Federal Regulations (40 FR 8038) which established interim final effluent limitations and guidelines for existing sources and proposed standards of performance for new sources and pretreatment standards for new and existing sources of the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G).

Pursuant to request, the period for comment on the interim final regulation is extended for 30 days from the date of this notice.

Dated: May 8, 1975.

JAMES L. AGEE,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.75-12743 Filed 5-14-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 15—RADIO FREQUENCY DEVICES

Operation Below 1600 kHz; Correction

In the matter of revision of Part 15 to conform it to Subpart J of Part 2 and to reorganize the rules therein.

In order to clarify the wording of FCC § 15.111, which was added to the Rules by Order, FCC 74-1221, released March 7, 1975, and published in the *FEDERAL REGISTER* on March 7, 1975, 40 FR 10673, with corrections published at 40 FR 13219 and 15091, that section is recapped below:

§ 15.111 Operation below 1600 kHz.

A low power communication device may be operated on any frequency between 10 and 490 kHz or between 510 and 1600 kHz subject to the condition that the emission of RF energy on the fundamental frequency or any harmonic or other spurious frequency does not exceed the field strength in the following table.

Frequency (kHz)	Distance (meters)	Field strength (μV/m)
10-490	300	2400
510-1600	30	F(kHz) 24000
		F(kHz)

Released: May 12, 1975.

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

[FR Doc. 75-12799 Filed 5-14-75; 8:45 am]

[Docket No. 20139; FCC 75-488]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Tyler, Texas

Report and order—Proceeding terminated. In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations, (Tyler, Texas), Docket No. 20139, RM-2199.

1. The Commission here considers the notice of proposed rule making, adopted August 15, 1974 (39 FR 31330), proposing amendment of the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations by substituting Channel 221A for Channel 257A at Tyler, Texas. A "counterproposal" has been filed proposing the assignment of one of three channels to Gilmer, Texas. The commenting parties in this proceeding are petitioner, Radio Metroplex, Inc., licensee of Station KPLX (FM), Channel 258, Fort Worth, Texas, and J. R. McClure tr/as KHYM Broadcasting Company (McClure), licensee of AM Station KHYM, Gilmer, Texas.

¹ The license of KXOL, Inc., the original petitioner, was assigned to Radio Metroplex on February 7, 1974, and its call sign was changed to KPLX.

2. Petitioner desires to move its transmitter site from Kennedale, Texas, to an antenna farm at Cedar Hill, Texas, in order to expand coverage.² This move, however, causes short-spacing to Channel 257A at Tyler, Texas.³ It proposes, therefore, that Channel 221A be substituted for Channel 257A at Tyler.⁴

3. The assignment of Channel 221A causes preclusion on Channels 218, 220 and 221A as set forth in the notice of proposed rulemaking. The preclusion on Channels 218 and 220 are not prohibitive. However, the petitioner was requested to inform us whether alternate channels are available for communities precluded on co-channel 221A. Gilmer, Texas, is one of the communities precluded from use of Channel 221A, and McClure has counterproposed that Channel 221A be assigned to Gilmer. McClure has added, however, relying on petitioner's engineering analysis, that Channels 237A and 249A are also available for assignment to Gilmer. Thus the counter proposal requests that either Channel 221A, 237A or 249A be assigned to Gilmer. Subsequently McClure expressed a preference for Channel 237A which prompted petitioner, in reply comments, to question whether McClure's request for assignment of Channel 221A to Gilmer can be considered a counterproposal in this proceeding. After the cut-off date of October 15, 1974, the Commission was informed by a letter from McClure's counsel, dated February 10, 1975, that the A-C Corporation of Mineola, Texas, had recently petitioned for the assignment of Channel 237A to Mineola, Texas, which, if granted, would preclude its use at Gilmer.⁵ McClure urges us to consider his proposal to assign Channel 221A to Gilmer in the present proceeding because the Mineola petition jeopardizes his

chances of obtaining a Channel 237A assignment for Gilmer, and although Channel 249A represents another assignment possibility for Gilmer, McClure complains that he would be unable to locate his transmitter for that channel in the more populous area to the south of Gilmer, his proposed site.⁶

4. Regarding the assignment of Channel 221A to Gilmer, Texas, our engineering staff has found that the Grade B contour of Station KTAL-TV, Shreveport, Louisiana-Texas, Texas, operating on Channel 6, covers the Gilmer-Gladewater area. Thus, consideration must be given to the future development of educational FM facilities in this area. Due to interference to the TV signal resulting from assignment of the lower educational channels, the use of the FM educational band would be restricted to the upper educational channels. See "Muncie, Indiana," 19 F.C.C. 2d 921 (1969). The Commission previously considered the assignment of Channel 221A in this area and its undesirable effect on educational assignments there and refused to adopt such a proposal in "Gladewater and Kilgore, Texas," 39 F.C.C. 2d 717, 721 (1973). For the same reasons, we would not assign Channel 221A to Gilmer. Because of this and because there are two other channels available for assignment to Gilmer (Channels 237A and 249A), we do not view the Channel 221A proposal for Gilmer to be a valid counterproposal to the requested assignment of that channel to Tyler. It will therefore not be dealt with in this proceeding but will, at a later date, be considered together with the proposal in RM-2495 to assign Channel 237A to Mineola.

5. Petitioner has reaffirmed its intention to relocate its transmitter site at the Cedar Hill antenna farm. Its request to substitute Channel 221A for Channel 257A at Tyler will require reimbursement to the Tyler Broadcasting Co., the permittee of Channel 257A. We note that petitioner has informed us that it will make the reimbursement.⁷

6. The substitution can be made without affecting any other assignments. Regarding the precluded areas on co-channel 221A, alternate channels are

² At its present site, interference to air navigation would result if its antenna height were increased. Petitioner intends to increase its antenna height from 600 feet to 1460 feet above average terrain. The proposed transmitter site at the Cedar Hill antenna farm provides tall towers onto which petitioner can attach its antenna.

³ The Tyler Broadcasting Co. obtained a construction permit in June 1974 for Channel 257A. It is expected that an application for a license will be filed by July 1975. In a letter to the Commission, the Tyler Broadcasting Co. stated that it did not oppose the proposed substitution of channels at Tyler provided that it was properly reimbursed for necessary expenses. Petitioner has agreed to reimburse the Tyler Broadcasting Co. for all expenses incident to the move up to a maximum of \$15,000.

⁴ Originally, petitioner proposed to exchange Channel 240A at Kilgore, Texas, with Channel 257A at Tyler, Texas, in order to resolve the short-spacing problem. But oppositions were filed by the Kilgore Broadcasting Co. and Radio Kilgore, Inc., both applicants for Channel 240A at Kilgore. Radio Kilgore noted that the proposed exchange of channels could cause short-spacing with the new FM facilities proposed for Channel 257A at Atlanta, Texas (BPH-7881 and BPH-7948). Hence, petitioner undertook to discover an alternate assignment for Tyler, Texas. The present proposal leaves Channel 240A at Kilgore unaffected.

⁵ In RM-2495, the A-C Corporation, licensee of AM Station KMOO in Mineola, Texas, has petitioned for the assignment of Channel 237A at Mineola, Texas, as a first FM assignment to that community. McClure has filed an opposition to the petition and suggests Channel 244A and Channel 249A as alternate channels for Mineola.

⁶ Location of a transmitter for Channel 249A to the south of Gilmer near Gladewater, as McClure proposes, would cause short-spacing to Channel 249A at Rusk, Texas, presently unoccupied. It is noted that the present AM site of Station KHYM, licensed to McClure, would meet the separation requirements. In opposition to the Mineola petition (RM-2495), McClure notes that Channel 244A could be assigned to Mineola if that channel were deleted from Canton, Texas, where it is unoccupied. Channel 249A can not be assigned to Mineola due to the assignment of Channel 250 at Dallas, Texas.

⁷ See Footnote 3, supra.

available for all communities except two, Lindale and Chandler. These two communities, each with less than 2,000 population, are within 10 miles of Tyler and will be or are already served by the proposed and existing Tyler assignments.

7. Accordingly, it is ordered, That effective June 16, 1975, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended, as follows for the community listed:

City	Channel No.
Tyler, Texas	221A, 226, 268

8. It is further ordered, That effective June 16, 1975, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding permit held by the Tyler Broadcasting Co. for Channel 257A (Station KROZ), Tyler, Texas, is modified to specify operation on Channel 221A, subject to the following conditions:

(a) The permittee shall inform the Commission in writing no later than June 16, 1975, of its acceptance of this modification.

(b) The permittee shall submit to the Commission by July 7, 1975, all necessary information complying with the applicable technical rules for modification of construction permit of Station KROZ from Channel 257A to Channel 221A at Tyler, Texas.

(c) The permittee shall not commence construction until a modified permit specifying operation on Channel 221A has been issued.

9. It is further ordered, That the Secretary of the Commission shall send a copy of this Report and Order by certified mail, return receipt requested, to the Tyler Broadcasting Co., permittee of Station KROZ.

10. Authority for the actions taken herein is found in sections, 4(d), 303 (g) and (r), 307(b) and 310(a) of the Communications Act of 1934, as amended.

11. It is further ordered, That this proceeding is terminated.

Adopted: April 29, 1975.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

Released: May 7, 1975.

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

[FR Doc. 75-12800 Filed 5-14-75; 8:45 am]

[Docket No. 20273]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Mandatory VHF Requirements; Correction

In the matter of amendment of Part 83 of the rules to implement the mandatory VHF requirements of the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, Docket No. 20273.

* Commissioner Lee absent.

The Appendix to Report and Order, FCC 75-444, in Docket No. 20273, released May 1, 1975, and published in the FEDERAL REGISTER on May 6, 1975 (40 FR 19646), is corrected with respect to Instruction 4 for amending the rules to read as follows:

4. In Subpart U, §§ 83.538 and 83.549 are deleted; the remaining §§ 83.536 through 83.548 are revised as set forth below; and a headnote is adopted for new § 83.550 with the text shown as reserved, to be adopted at a later date.

Released: May 12, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.
[FR Doc. 75-12801 Filed 5-14-75; 8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 553—RULEMAKING PROCEDURES

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 573—DEFECT REPORTS

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

PART 576—RECORD RETENTION

PART 577—DEFECT NOTIFICATION

Revision of Authority Citations

The purpose of this notice is to reissue the authority citation for a number of National Highway Traffic Safety Administration Regulations and a Federal Motor Vehicle Safety Standard so that they conform with the National Traffic and Motor Vehicle Safety Act of 1966, as amended by the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492, 88 Stat. 1470).

The Motor Vehicle and Schoolbus Safety Amendments of 1974 amended the National Traffic and Motor Vehicle Safety Act of 1966 to consolidate, among other things, the discovery notification, and remedy procedures for motor vehicle and motor vehicle equipment defects into a new Part B to the Act, and revised the already existing provisions to conform with the new Part. While the authority citation issued with NHTSA standards and regulations is not a part of the rule itself, it is useful to those who wish to review the legislative background of the rulemaking action. Consequently, this notice serves to amend the authority citation of the affected standards and regulations so that they may serve researchers more effectively.

In consideration of the foregoing, the authority citations of Parts 553, 571.301-75, 573, 574, 576, and 577 are amended as follows:

1. The authority citation of Part 553 is amended to read

(Sec. 9, Pub. L. 89-60, 80 Stat. 944 (49 U.S.C. 1657); secs. 103, 119, 124, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1410a; secs. 102, 105, 201, 205, 302, and 408, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912, 1915, 1941, 1945,

1962, 1988); delegation of authority at 49 CFR 1.151).

2. The authority citation of Part 571-301-75 is amended to read

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 108, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392 note); delegation of authority at 49 CFR 1.51).

3. The authority citation of Part 573 is amended to read

(Secs. 103, 112, 113, 119, 158, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1402, 1407, 1418); delegation of authority at 49 CFR 1.51; Office of Management and Budget approved 04-R5628).

4. The authority citation of Part 574 is amended to read

(Secs. 103, 108, 112, 113, 119, 158, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1402, 1407, 1418, 1421); delegation of authority at 49 CFR 1.51).

5. The authority citation of Part 576 is amended to read

(Secs. 108, 112, 113, 119, 151, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1397, 1401, 1402, 1407, 1411); delegation of authority at 49 CFR 1.51).

6. The authority citation of Part 577 is amended to read

(Secs. 108, 112, 113, 119, 151, 152, 153, 155, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1397, 1401, 1402, 1408, 1411, 1412, 1413, 1415); delegation of authority at 49 CFR 1.51).

Effective date. Since these amendments do not affect the rights or duties of any person, good cause exists for their becoming effective on May 15, 1975.

Issued on May 9, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc. 75-12822 Filed 5-14-75; 8:45 am]

[Docket No. 74-10; Notice 16]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

This notice responds to three petitions for reconsideration of the National Highway Traffic Safety Administration's December 31, 1974, decision to implement Standard No. 121, *Air brake systems*, as scheduled on January 1, 1975, for trailers and on March 1, 1975, for trucks and buses. The petition of American Fire Apparatus Company for reconsideration of the September 1, 1975, effective date for fire fighting apparatus is granted for a period of 6 months. The petitions of the Milk Industry Foundation and of Representative James H. Quillen for delay of the standard as a whole are denied. The petition of White Motor Corporation has already been responded to by Notice 15 of Docket N. 74-10 (40 FR 12797, March 21, 1975).

The Milk Industry Foundation (the Foundation) requested delay of the standard as it applies to trucks and buses until March 1, 1976, to permit further testing of the new braking systems (and redesign as necessary) and to conduct an analysis of the economic impact of the

standard. The Foundation believes that insufficient time has been allowed for vehicle testing.

The NHTSA has evaluated the readiness of manufacturers to meet the standard throughout the 4 years since issuance. The original January 1, 1973, effective date was delayed until September 1, 1974. In early 1974, the vehicle and component test programs involved in implementation were again evaluated, and the NHTSA proposed delay of the effective date to January 1, 1975 (39 FR 7966, March 1, 1974) (39 FR 17563, May 17, 1974). Based on submitted comments, it was determined that a March 1, 1975, effective date for trucks and buses, and a January 1, 1975, date for trailers would permit adequate time to complete preparations for the standard's implementation (39 FR 17750, May 17, 1974) (39 FR 20380, June 10, 1974). These delays were undertaken although one manufacturer expressed readiness to meet the September 1974 date, and International Harvester, the largest manufacturer of air-braked vehicles, expressed readiness to meet the January 1, 1975, effective date. This decision was reevaluated in November 1974 and found to remain valid, although a few larger vehicle types were permitted a later date (39 FR 39880, November 12, 1974).

The Foundation also requested that the standard be delayed until its economic impact is evaluated. The NHTSA conducted an evaluation of economic impact shortly before implementation of the standard (39 FR 43639, December 17, 1974) and, based on several hundred comments, concluded that the standard should be implemented (40 FR 1248, January 7, 1975). The NHTSA disagrees with the Foundation that the evaluation should have been conducted in accordance with Executive Order 11821 (on inflation impact studies) when the final criteria and procedures for implementation of the Order were not yet established. The NHTSA has committed itself to continue monitoring the effectiveness of its standard in accordance with its statutory mandate, with a view to identifying any modifications that would lower costs while achieving comparable levels of safety.

As indicated by the submissions of the Milk Industry Foundation, there has evidently been much confusion among user groups such as the dairy industry over the effect of the braking standards on their operations. In order to meet the requirements that a vehicle stop in a specified distance when tested by the government, chassis manufacturers have in some cases specified center of gravity heights for conformity purposes that are lower than the loaded center of gravity of trucks that these operators are accustomed to using. The body builders who complete and certify the trucks have passed these center of gravity specifications on to the user groups. This has given rise to fears on the part of the dairy

industry and others that they must reduce the loads carried on their trucks.

Actually, this is neither the legal effect nor the intended policy effect of the standard. The standard does not regulate the manner in which trucks are loaded or used on the road, and users are free to use their own judgment in loading their trucks, as they have been in the past. The standard is designed so that a properly-designed vehicle which satisfies its performance requirements under the conditions stipulated for compliance testing will perform safely under all reasonable conditions of real world use. Trucks equipped with the stronger and better-modulated brakes required by the standard, when loaded similarly to those in the past, should in fact be much safer both for their occupants and for the rest of the driving public than comparable vehicles were before. If NHTSA should discover vehicles being produced that do not perform safely when loaded in a normal manner and can establish that this condition is attributable to deficiencies in vehicle manufacture or design, it can proceed against their manufacturers under its safety-related defect jurisdiction.

Representative Quillen requested consideration of a significant postponement of the standard, believing that a delay would increase truck sales. An examination of the truck market indicates that several months' inventory of trucks manufactured without the new systems remained unsold on March 1, 1975, suggesting that the economic downturn, rather than the new systems, accounts for many lost sales. The American Trucking Associations statistics on general freight tonnage indicate a steady decline in highway tonnage from the high figure reached in November 1973. It does appear that some of the slowdown is attributable to "pre-buying" of trucks to avoid Standard No. 121, but this effect would occur whatever the date of implementation. Accordingly the petitions of the Milk Industry Foundation and Representative Quillen are denied.

American Fire Apparatus Company has requested that the NHTSA reconsider its decision to implement the standard as scheduled, so far as it applies to fire fighting vehicles. NHTSA policy has been to grant fire fighting vehicles a minimum of 2 years from the issuance of any standard to achieve compliance because of the unique leadtime problems associated with the industry. (49 CFR 571.8). On this basis NHTSA granted a delay of the effective date from September 1, 1974, to September 1, 1975, for these vehicles at the request of American Fire Apparatus (39 FR 17750, May 17, 1974). At the same time the general implementation date was extended 6 months. NHTSA agrees that fire fighting apparatus is entitled to a full year's delay because of its long leadtime problems.

By this notice, the NHTSA denies all outstanding petitions for reconsideration

of Standard No. 121's effective dates, with the exception of the date for fire fighting vehicles.

In consideration of the foregoing, Standard No. 121 (49 CFR 571.121) is amended as follows:

The first two sentences of S3., *Application*, are amended to read:

S3. *Application*. This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to a fire fighting vehicle manufactured before March 1, 1976, or a heavy hauler trailer manufactured before September 1, 1976, or to any vehicle manufactured before September 1, 1976, that has a gross axle weight rating (GAWR) for any axle of 24,000 pounds or more, two or more front steerable axles with a GAWR of 16,000 pounds or more for each axle, or to any vehicle which, in combination with another vehicle, constitutes a part of an "auto transporter" as defined in S4.

Effective date: June 16, 1975. Because the previously established effective date for fire fighting apparatus was less than 180 days after the date of publication of this amendment in the *FEDERAL REGISTER*, it is found for good cause shown that an effective date less than 180 days from the date of publication is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued on May 12, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-12823 Filed 5-14-75; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Izembek National Wildlife Range, Alaska

The following special regulation is issued and is effective April 25, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

Boats are permitted on the Izembek National Wildlife Range for public access, use, and recreation subject to the following special condition:

(1) The use of water-jet driven boats or boats driven by air propellers, commonly known as air boats, is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1975.

ROBERT D. JONES, Jr.,
Refuge Manager.

APRIL 25, 1975.

[FR Doc.75-12834 Filed 5-14-75; 8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1975-76 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of \$126,974, a rate of assessment of \$0.15 per bushel of limes, and the carryover as a reserve of unexpended funds to support the activities of the Lime Administrative Committee for the 1975-76 fiscal year under Marketing Order No. 911.

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period from April 1, 1975, through March 31, 1976, will amount to \$126,974;

(2) That there be fixed, at \$0.15 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order; and

(3) That unexpended assessment funds in the amount of approximately \$6,116, which are in excess of expenses incurred during the fiscal year ended March 31, 1975, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 28, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the

Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 9, 1975.

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

[FR Doc. 75-12784 Filed 5-14-75; 8:45 am]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1975-76 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of \$135,250, a rate of assessment of \$0.15 per bushel of avocados, and the carryover as a reserve of unexpended funds to support the activities of the Avocado Administrative Committee for the 1975-76 fiscal year under Marketing Order No. 915.

Consideration is being given to the following proposal submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period from April 1, 1975, through March 31, 1976, will amount to \$135,250;

(2) That the rate of assessment for such period, payable by each handler in accordance with § 915.41 be fixed at \$0.15 per bushel of avocados; and

(3) Unexpended Assessment funds in the amount of approximately \$14,379, which are in excess of expenses incurred during the fiscal year ended March 31, 1975, shall be carried over as a reserve in accordance with §§ 915.42 and 915.205 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 30, 1975. All written submissions made pursuant to this notice will be made available for

public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 9, 1975.

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

[FR Doc. 75-12666 Filed 5-14-75; 8:45 am]

[7 CFR Part 1030]

[Docket No. AO-361-A14]

MILK IN CHICAGO REGIONAL MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn (No. 1), 4402 E. Washington Avenue, Madison, Wisconsin, beginning at 10:00 a.m., on June 3, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to all proposals.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY:

Associated Milk Producers, Inc.
Alto Cooperative Creamery
Consolidated Badger Cooperative
Hiawatha Valley Dairies Cooperative
Independent Milk Producers, Inc.
Lake to Lake Dairy Cooperative
Milwaukee Cooperative Milk Producers Association
Mid-West Dairymen's Company
Manitowish Milk Producers Cooperative
Outagamie Milk Producers Cooperative
Wisconsin Dairies Cooperative
Hampshire Milk Producers Association

Fox River Milk Transfer Cooperative
Woodstock Progressive Milk Producers

PROPOSAL No. 1

Amend § 1030.7(b) (4) to read as follows:

(b) * * *

(4) Such percentage shall be not less than 30 for September, 35 for each of the months October and November, 25 for December, and 20 for all other months except that a plant that was a pool plant pursuant to this paragraph during each of the months August through March shall be a pool plant for each of the following months of April through July, unless: * * *

PROPOSAL No. 2

Amend § 1030.7(b) (6) to read as follows:

(b) * * *

(6) The percentages specified in paragraph (b) (4) and/or in paragraph (b) (7) (iii) of this section applicable during the months of August-March shall be increased or decreased by up to 15 percentage points by the Director of the Dairy Division if he finds such revisions necessary to obtain needed shipments or to prevent uneconomic shipments except that the percentages specified in paragraph (b) (7) (iii) of this section shall not exceed 50 percent of those specified in paragraph (b) (4) of this section * * *

PROPOSAL No. 3

Amend § 1030.7(b) (7) (iii) to read as follows:

(b) * * *

(7) * * *

(iii) Each plant in a unit ships or transships to plants specified in paragraph (b) (1) of this section the following percentages of its producer milk: 15 in each of the months of September, October, and November; 10 in each of the months of August, December, and January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit; * * *

PROPOSAL No. 4

Amend § 1030.13(e) (1) to read as follows:

(e) * * *

(1) Milk of a producer diverted for the account of the operator of a pool plant or a handler described in § 1030.9 (b) that during the months of April through July and September through November does not exceed the quantity of such producer's milk received in the pool plant from which diverted, and during the months of August, December, and January, February, and March does not exceed 70 percent of such producer's milk received in or diverted from such pool plant: *Provided*, That during the months of April through July such limits shall not apply for a producer who delivered to a pool plant any time during the prior August-December period

and subsequently maintained producer status without interruption of more than 30 consecutive days;

PROPOSED BY THE DAIRY DIVISION,
AGRICULTURAL MARKETING SERVICE

PROPOSAL No. 5

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 72 West Adams Street, Room 800, Chicago, Illinois 60603, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 12, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc. 75-12852 Filed 5-14-75; 8:45 am]

[7 CFR Part 1139]

[Docket No. AO-374-A3]

MILK IN LAKE MEAD MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Lake Mead marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before May 30, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Las Vegas, Nevada, on December 10-12, 1974, pursuant to notices thereof which were issued on October 9, October 22 and November 15, 1974 (39 FR 36861, 37991, 40861, respectively).

The material issues on the record relate to:

1. Class I pricing after February 1, 1975.
 2. Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.
 3. Pool plant qualification standards.
 4. Diversion limitations on producer milk.
 5. Handlers' obligation with respect to milk received from pool supply plants.
 6. Payment by handlers to the producer-settlement fund on own farm production received during the first 15 days of each month.
 7. Option permitting handlers to pay producers directly rather than transmitting such funds to the market administrator for subsequent distribution.
- This decision deals only with issues Nos. 3 through 7. Issues Nos. 1 and 2 were dealt with in a prior partial decision on this record.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

Issues Nos. 3 and 4. Pool plant qualification standards and diversion limitations on producer milk. Issues 3 and 4 are combined in this decision and handled as a single issue. The two issues, pool plant qualification standards and diversion limitations, are concerned with the single matter of determination of the quantity of milk that appropriately should be eligible for pooling under the order.

No change should be made in the pool plant qualification standards or in the diversion limitations on the basis of this hearing. The order should be amended to condition producer status for any dairy farmer whose milk is received at a supply plant during any month of March through July, which plant is pooled on the basis of automatic status acquired through performance during the preceding months of August through February, on at least 52 days of such dairy farmer's milk production having been received at such plant during the preceding months of January and February. In addition, two cooperatives should be permitted to have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective.

Under the terms of the present order, a distributing plant must have route disposition representing not less than 50 percent of its total fluid milk receipts (including milk diverted to nonpool plants) and route disposition in the marketing area representing not less than 10 percent of such receipts.

A supply plant must ship 50 percent of its receipts (including diversions to nonpool plants) to pool distributing plants during the month to qualify for pooling in such month. A plant which

was pooled as a supply plant in each of the months of August through February is provided automatic pooling status in the subsequent months of March through July unless written request for nonpool status for any such month is filed with the market administrator. In the event that a plant is withdrawn from pool plant status, it may not be reinstated as a pool supply plant for any subsequent month of the March-July period unless it again meets the prescribed 50 percent shipping requirement.

Up to 30 percent during the months of March through July, and 20 percent during the months of August through February, of member and nonmember producer milk received at pool plants may be diverted to nonpool plants by cooperatives and proprietary handlers, respectively.

Four producers who are not members of any cooperative (nonmembers), who supply approximately one-third of the milk now pooled under the order, proposed and vigorously supported provisions that would limit the quantity of milk associated with this market as producer milk. Two cooperative associations representing the remaining producers supplying the market supported a reduction in the performance requirements for pooling and an increase in diversion privileges. These cooperatives, Lake Mead Cooperative Association and Western General Dairies, at the time of the hearing, had 24 and 27 member producers, respectively.

The two cooperatives are both members of Western Dairymen Cooperative, Inc., a federation of cooperatives also supplying milk to handlers in several adjacent Federal order markets. Other members of WDCI are Western Colorado Milk Producers, Mountain Empire Dairymen's Association, Black Hills Milk Producers Association, and Fort Collins Milk Producers Association.

The nonmember producers alleged that, since the order promulgation, substantial quantities of unneeded milk have been associated with the market by the two cooperatives. They held that, by concert and combination, these cooperatives have been "loading, flooding, and pressure pooling" the Order 139 pool. This, they suggested, has resulted in a decline in the Class I utilization percentage for the market from 80 percent in August 1973, when the order first became effective, to 50 percent Class I in June 1974.

To deter "excessive loading" of producer milk on the pool, such nonmember producers proposed (1) an upward revision of the Class I utilization requirement for pool distributing plants, (2) an increase in the shipping requirements for pool supply plants, (3) elimination of the automatic pooling provisions for supply plants, and (4) a requirement for receipt of 26 days of production from a producer during each of the months of August-February as a condition for pooling such producers' receipts at a pool supply plant during the subsequent months of March-July.

The two cooperatives, on the other hand, proposed that the supply plant pooling requirements be reduced from 50 percent to 35 percent for the months of December through February. They also proposed that the diversion limits on producer milk be increased from 30 percent to 40 percent during the months of March through July and from 20 percent to 30 percent in all other months. Additionally, they proposed that individual producer deliveries to pool plants, required for diversion privileges, be modified from the present 20 percent of production during the month to three deliveries during each month of August-February and no delivery requirement in other months and that two cooperatives be permitted to pool their diversion privileges as they may agree.

Prior to the hearing the four nonmembers had additionally submitted to the Department proposals providing for (1) elimination of pool supply plant provisions, (2) termination of Federal Order No. 139, (3) institution of individual handler pooling to replace the present marketwide pooling under Order No. 139 and (4) payment for milk by the handler directly to producers rather than making such payment through the market administrator. These proposals, counsel for proponents pointed out, had been denied for inclusion in the notice of hearing. Nevertheless, proponents submitted some limited testimony at the hearing in support of such prior proposals to terminate Federal Order No. 139, to institute individual handler pooling under Order No. 139, and to permit handlers to pay producers directly. They offered no direct testimony in support of their proposal to eliminate pool supply plant provisions. However, in testifying on the appropriate shipping requirements for supply plants, they indirectly questioned the need for continuing any pool supply plant provisions under the Lake Mead Order.

The four nonmember producer proponents pointed out that under the present pooling provisions the marketwide Class I utilization theoretically could drop to as little as 25 percent during the months of August through February. This is possible because a pool distributing plant is required to dispose of only 50 percent of its receipts as Class I milk and a pool supply plant is required to ship only 50 percent of its receipts to a distributing plant. Thus, if both pool distributing and pool supply plants on the market met only the minimum pooling requirements and the distributing plants received their total supply from supply plants, the marketwide utilization would be only 25 percent Class I.

Nonmember proponents further pointed out that during the months of March through July there is no limit to the amount of milk that may be associated with the pool through a supply plant which had qualified as a pool plant during each of the immediately preceding months of August through February. Such plant may retain pool plant status without further performance, and there are no limitations on the volume of milk

which it may then receive directly from dairy farmers and qualify for pooling.

The nonmembers held that, as a result of this deficiency in the pooling standards, a number of producers entered the market during March-July 1974 who had not previously been producers under the Lake Mead order. The two cooperative associations, in rebuttal, contended that some, if not all, of such producers brought on the market through the pool supply plant during the March-July 1974 period had furnished milk for the Lake Mead market prior to the effective date of the order. The spokesman for the cooperatives suggested that these producers most recently had been pooled under the Great Basin order only because the pooling standards of the Lake Mead order applicable during other months had not permitted that market to carry all of its "needed" reserve supply of milk.

Such cooperative spokesman further indicated that special circumstances in the marketing of their members' milk led to the establishment of a supply plant at Minersville, Utah, after the promulgation of the Lake Mead order. The cooperatives established this plant to provide an efficient means of moving pool milk by transfer to nonpool plants located at Murray and Ogden, Utah, and to provide a substantially higher blend price to affected producers than would result if the milk, in the alternative, was diverted from pool distributing plants to such Utah plants. At the same time, the risk of possible depooling under the Lake Mead order, which would result if any of the diverted milk were classified as Class I in the receiving market, is avoided.

The record substantiates that during the months of March-July 1974 there was an increase in the number of producers and a substantial increase in the quantity of milk pooled under the Lake Mead order, unrelated to the market's fluid needs, resulting in a significant reduction in the Class I utilization percentage and in the uniform price. Total monthly producer receipts during March-July 1974 averaged 11,857,000 pounds, an increase of 34 percent over the immediately preceding 5-month period. Class I milk disposition during this same period averaged 6,874,451 pounds, a decrease of 3.5 percent from the preceding 5-month period.

Some of the increase in producer receipts during the March-July 1974 period can reasonably be concluded to reflect a normal seasonal increase in milk production. It is not possible to determine from the record what portion of the increase reflected the seasonality of production. However, if the production pattern of the four nonmember producers is typical of the market, the seasonal increase in production for the market would account for about 14 percent of the increase in overall pool receipts for the March-July period over the preceding 5-month period.

The major portion of the 34 percent increase in production receipts for the months of March-July 1974, however,

reflected the increase in receipts at the pool supply plant operated by the Lake Mead Cooperative Association. Average monthly receipts at such plant during March-July were 3,106,000 pounds, an increase of 309 percent over the average of the immediately preceding 5-month period.

The facilities at this plant located at Minersville, Utah, consist of three bulk milk storage tanks with holding capacities of 600, 1850, and 6300 gallons, respectively. A portion of the milk received at the plant is received through a pipeline from an adjacent farm. For purposes of establishing receipt at a pool plant, milk from other producers in the area is picked up in large over-the-road tankers and then unloaded at such supply plant into the three storage tanks. This milk and other milk in the tanks, is immediately pumped from such tanks into the same over-the-road tankers for delivery to processing plants.

The plant has no facilities for manufacturing. Consequently, it is necessary that all of the milk physically received there be reloaded for transport to either pool distributing plants or to nonpool plants. During the months of March through July, when such plant's receipts increased by more than 300 percent, only minor shipments were made to pool distributing plants. In August through October (the latest months for which data was presented on the record of this hearing), when the plant had to meet the 50 percent shipping requirement, it shipped almost precisely this percentage to pool distributing plants. In these months diversions by the Lake Mead Cooperative from pool distributing plants to nonpool plants sharply increased. This suggests that little, if any, of the milk associated with the supply plant was actually needed in the market.

Data presented by the market administrator indicate that the number of producers on the Lake Mead order increased from 45 in February 1974 to 59 in July 1974. During this same period, 14 dairy farmers who were producers under the Great Basin order left that market to become producers under the Lake Mead order. These producers were added to the Lake Mead market as follows: 5 in March, 1 in April, 1 in May, 6 in June, and 1 in July. During August 1974, the month immediately following the automatic pool qualification period, 5 of the 6 producers added to the Lake Mead market in June and the 1 producer added in July did not hold producer status under Order 139.

A spokesman for the cooperatives stated that two farm bulk tank pickup routes had been added to the market during 1974, one in March 1974 and the other in June 1974. The producers involved were members of Western General Dairies and their milk was pooled under this order by virtue of being associated with the Minersville plant operated by the Lake Mead Cooperative.

It must be concluded that the Minersville plant has been used by the coopera-

tives principally as a means of associating producer milk with the Lake Mead market. While it cannot be determined from this record whether any of this milk supply was associated with the market prior to Federal regulation, as the cooperatives suggest, nothing could be done at this time to modify the past impact on the pool. However, it is clearly apparent that the continuing unrestricted ability to add producers through a supply plant during its automatic pooling period could be a disruptive factor in the market which must be deterred.

It is concluded that the order should be revised to exclude as a producer any person with respect to milk produced by him during the months of March-July that is delivered to a supply plant with automatic pooling status unless at least 52 days of milk production from such dairy farmer was producer milk either received at or diverted from such supply plant during the preceding months of January and February. This conclusion may be implemented through the adoption of a "dairy farmer for other markets" provision and modification of the producer definition as hereinafter provided.

The requirement that a dairy farmer's milk have a bona fide association with a supply plant for essentially two full months immediately preceding the period of automatic pooling for supply plants establishes that the milk was associated with and, hence, available to the market during the months when it would most reasonably be needed for fluid use. At the same time, such provision will deter any exploitation of the automatic pooling period through the interchange of producers between distributing and supply plants. The requirement that a minimum of 52 days of production during January and February be associated with the pool supply plant will provide reasonable assurance of continued producer status in the event that deliveries from the farm to the plant are affected by weather conditions.

It is not necessary to require a prior 7-month association with a pool supply plant (as nonmember producers proposed) as a condition for producer status for a dairy farmer delivering milk to such supply plant pooled during the months of March-July on the basis of prior shipments to pool distributing plants. The 2-month prior association period adopted herein accomplishes the objective sought. At the same time the two-month requirement provides flexibility to accommodate the addition of new producers during the short production months as marketing conditions change.

The intent of the "dairy farmer for other markets" provision is to deter a cooperative or plant operator from pooling in this market during the months of March-July milk that is, in fact, part of the reserve supply for another market. If milk from such "dairy farmer for other markets" is received at the pool supply plant, it should be treated in a manner similar to the receipts of fluid milk products from any other person

having non-producer status. Under the provisions adopted herein, milk received at a pool supply plant during the months of March-July from a "dairy farmer for other markets" would be designated as other source milk and allocated to the extent possible to Class III milk.

Counsel for the 4 nonmember producers on January 30, 1975, filed a request for suspension prior to March 1, 1975, of provisions providing automatic pooling status during the months of March through July for any supply plant which had qualified as a pool plant during each of the immediately preceding months of August through February by virtue of shipments to pool distributing plants of not less than 50 percent of its Grade A milk receipts from dairy farmers. The action was requested in order to preclude a repeat of the 1974 experience, i.e., the pooling through a supply plant with automatic pooling status under the Lake Mead order of milk from dairy farmers having no prior association with such market.

Such requested suspension action during any part of the March-July 1975 period would not be appropriate since it would also preclude the pooling of the milk of other dairy farmers with an established association with a pool supply plant in the Lake Mead market throughout the preceding months of August through February when such plant was required to meet the prescribed shipping requirements. The intent of the suspension action, however, is accomplished for future years by modification of the producer definition, as herein provided, to deny producer status to any dairy farmer whose milk is received at a pool supply plant during the months of March-July unless at least 52 days of milk production from such dairy farmer either was received at or was diverted from such plant as producer milk during the preceding months of January and February.

The four nonmember producer proponents of a 75 percent shipping requirement contended that such standard was needed to limit the amount of producer milk that might be associated with this market. Adoption of such a shipping requirement might be appropriate if distributing plants were unable to obtain adequate supplies of producer milk under the present 50 percent shipping requirement. Under existing market conditions, however, the adoption of such standard could only result in uneconomic movements of milk on the part of cooperative associations to maintain pooling status for the Minersville supply plant which has been continuously pooled since August 1973.

The cooperative association supported a reduction in the supply plant shipping requirements during the months of December-February contending that a plant which met the 50 percent shipping requirement for the months of August-November had adequately demonstrated that it was an integral part of the milk supply for the market. They urged a lowering of the shipping requirements to

35 percent during the months of December-February to insure the maximum flexibility in day-to-day operations and to avoid the possibility of costly and unnecessary movements of milk solely for the purpose of meeting pool plant qualifications.

The fact that five of the six producers added to the market in June and July of 1974 were not on the market in August 1974 suggests that the cooperatives were unable to meet the prescribed performance standards for pooling all of the milk they had associated during the period of automatic pooling of the supply plant. This, however, does not provide a basis for modifying the shipping requirements during the months of December through February.

The record indicates no significant difference in either production or sales for the months of December-February as compared with the months of August-November. Accordingly, there is no demonstrated need for modifying the present qualification standards for the months of December-February.

As a means of further limiting the amount of milk associated with the Lake Mead market, the four nonmember producers proposed that a pool distributing plant's route disposition requirement be increased to 65 percent of its receipts of Grade A fluid milk products from all sources including producer milk diverted to nonpool plants. At the hearing proponents revised their proposal by changing the 65 percent factor to 60 percent.

The purpose of qualification standards for pool distributing plants is to insure that such plants are associated with the fluid market to a degree justifying their sharing in the equalization pool. A requirement that such a plant dispose of not less than 50 percent of its Grade A receipts as Class I milk establishes that a plant is engaged primarily in the processing of fluid milk products and the 10 percent in-area route disposition requirement establishes its association with the local market. Accordingly, such standard should continue to be used in this market to identify those distributing plants eligible for pool plant status under this order.

The proposal that at least 20 days of production be received during the month from a producer as a condition for diversion privileges for milk received from such producer should not be adopted. Such requirement could only increase the present transportation costs incurred by producers in marketing their milk. The present provisions provide a handler with flexibility to receive his immediate milk needs from farms located nearest his plant and to divert from more distant farms that milk in excess of his immediate plant needs. In most instances the farms located more distant from the market are more favorably located with respect to nonpool manufacturing plants.

The cooperatives' request that diversion limitations during the months of August-February be changed from 20 percent of a producer's deliveries to pool plants to three deliveries per month would provide no additional diversion

privileges for a producer whose milk is delivered on an every-other-day basis. The three deliveries (6 days' production) would approximate 20 percent of the monthly production of such producer, the limitation currently provided in the order. It would not be reasonable to provide more liberal diversion privileges for producers on every-day delivery than is accorded producers on an every-other-day basis.

Neither would it be appropriate to adopt the cooperatives' proposal to eliminate any requirement for qualifying shipments during the months of March-July as a condition for diverting milk to nonpool plants as producer milk. To do so would provide the same opportunity to associate unneeded milk with the Lake Mead market during March-July inherent in the existing automatic supply plant pooling procedure.

The requirement that a producer ship at least 20 percent of his monthly production to pool plants as a prerequisite for diverting his milk provides reasonable assurance that the producer's milk has a bona fide association with the fluid market and, hence, such requirement should be retained.

The cooperatives also proposed that two or more cooperative associations be permitted to have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. Proponents proposed that such request specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator.

As has been previously indicated, Lake Mead Cooperative Association and Western General Dairies are both members of Western Dairymen Cooperative, Inc., a federation of cooperatives supplying milk to handlers in several Federal order markets. Through this federation the cooperatives have the means of operating a coordinated marketing program in the interest of maximizing operating efficiency and, hence, returns to their producer members. Adoption of the requested provision permitting two or more cooperatives to use their individually allowable diversion in combination, as they may mutually agree, will increase substantially marketing flexibility of the cooperatives. Under usual situations member milk not needed at distributing plants and most favorably located with respect to available manufacturing facilities generally could be diverted without regard to individual cooperative affiliation. This will implement greater marketing efficiency and will in no way compromise the integrity of regulation.

Some modification of the diversion provision is desirable, however, to provide a safeguard against the depooling of a proprietary handler's plant on the basis of diversions controlled by one or more cooperatives. When a cooperative(s) is diverting milk from another

handler's plant the plant operator may have neither knowledge of nor control over the quantity of milk that is being diverted. It would not be reasonable to permit diversion by a cooperative(s) to be the basis for the depooling of a proprietary handler's plant.

To do so would place in the hand of the cooperative(s) the means of invoking economic sanction on a handler under the protection of the order. To deter this end it is provided that any quantity of milk reported by a cooperative(s) as a diversion from a pool plant of another handler that would cause such plant to become a nonpool plant would not be recognized as a diversion. Hence, such milk would not come within the orbit of regulation and would not qualify as producer milk.

The spokesman for the cooperative associations, in justifying the use of the Minersville supply plant to transfer milk to nonpool plants in preference to diverting milk to such nonpool plants, pointed out that under the terms of the order a dairy farmer whose milk was diverted to another order plant for Class II or Class III use would lose producer status during any month in which any portion of such diverted milk was classified in the receiving market as Class I milk or otherwise pooled under the other order. The cooperatives indicated that in requesting a Class II or Class III utilization on milk directed to another order plant, they have no control over the ultimate utilization accorded such diversion.

Official notice is taken of the Assistant Secretary's findings and conclusions contained in the final decision issued on June 1, 1973 (38 FR 15008) with respect to the producer definition currently provided under the Lake Mead order. Such findings and conclusions stated as follows:

Producer. Producer should mean any person (except a producer-handler) who produces milk in compliance with the inspection requirements of a duly constituted regulatory agency, whose milk is received at a pool plant, or diverted therefrom under certain conditions to a nonpool plant that is not a producer-handler plant. The producer definition will aid in making the necessary distinction between the production of those dairy farmers whose milk will be priced and pooled each month under the Lake Mead order and the receipts at handlers' plants from all other sources not to be pooled.

"Producer" should not include a dairy farmer whose milk is actually received at a pool plant as diverted milk from an other order plant when Class II or Class III classification under this order is designated for such milk and it is subject to the pricing and pooling provisions of another Federal order. Likewise, "producer" should not include the milk of any dairy farmer whose milk is diverted to an other order plant when such dairy farmer is designated as a producer with respect to such milk under the other order. Excluding such dairy farmers from the producer definition will insure inter-order coordination by eliminating the

possibility that a dairy farmer will be a producer under two orders with respect to the same milk.

The Lake Mead market is so situated that such dairy farmers in California may be in a position to deliver milk in excess of State quotas to plants regulated under the Lake Mead order. Proponents suggested that the producer definition exclude a dairy farmer who is a regular supplier for another market. Considering the size of the California market in comparison with the Lake Mead market, it is essential that the order provide safeguards against the influx of milk surplus to California's fluid market needs for temporary periods simply to share in the Class I sales of the Lake Mead market. A basic consideration of the order is that it promote orderly marketing for producers who are regularly associated with the Lake Mead market. Also, the regulation adopted herein provides protection for such producers from the disorderly marketing conditions that otherwise could result from surplus milk associated with the market. It is appropriate that such protection also be afforded from the surplus milk associated with unregulated plants in other markets.

Since the receipts from dairy farmers for other markets at a pool plant can be considered to represent surplus (Class III) production associated with the unregulated plant, such "other source" receipts should be allocated to the Class III classification at the pool plant.

An exceptor requested clarification of the provision in the producer definition of the recommended decision designed to deal with this problem. To clarify the provision, the "producer" definition is revised to make clear that it will not include any person whose milk is received during the month at a nonpool plant, except by diversion to an ungraded manufacturing plant or to an other order plant where designated and used for manufacturing. Thus, a person would not be a producer under the Lake Mead order in any month that only part of his milk was delivered to a Lake Mead pool plant and the remainder was delivered to a nonpool plant where it was made available for Class I use.

The recommended decision provided also that the producer definition shall not include a person with respect to milk produced by him that is diverted from a pool plant to an other order plant if the other order designates such person as a producer under that order with respect to such milk. The provisions should be clarified to provide that such non-producer status shall result if any of the milk diverted is allocated to Class I under the other order. The diversion of milk for surplus use, however, should not result in the loss of producer status under the Lake Mead order unless the provisions of the other order designate such person as a producer under the other order. Diversion of milk for surplus disposition is an indication that the producer remains associated with the Lake Mead market.

It is clear from the initial findings that the diversion restrictions which seem-

ingly deter the cooperatives from diverting supply plant milk to other order plants were adopted to protect the Lake Mead producers from the possible pooling of surplus milk associated with California's fluid market needs and unregulated plants in other markets. Additional findings added in response to exceptions requesting clarification of such findings, however, state that "a person would not be a producer under the Lake Mead order in any month that part of his milk was delivered to a nonpool plant where it was made available for Class I use." Such added findings, suggest (and the order has been so administered) that a dairy farmer would lose producer status under the Lake Mead order for the month if any of his milk was delivered (either directly or by diversion) to another order plant (nonpool plant) and classified as Class I under the other order.

The findings of such prior decision were intended to deter the use of the Lake Mead pool as a depository for reserve milk for unregulated markets and to remove the possibility that a dairy farmer would be considered a producer under two Federal milk orders with respect to the same milk. Precluding a dairy farmer from being a producer during part of the month under the Lake Mead order because he was a producer under any other Federal order during the remainder of the month is an unnecessary deterrent to the free movement of milk between Federal order markets.

The intent of the prior decision to deter the dilution of the Lake Mead market by the pooling of surplus milk associated with unregulated markets can be accomplished without unduly disrupting the interorder movements of milk by diversion. Under the general structure of orders within the total Federal order system milk may not be diverted between orders for Class I use. In the event any of the diverted milk is allocated to Class I, such milk is treated as producer milk by the receiving order. However, the status of the milk received directly in the diverting market is not affected. This result will be obtainable with the amendments hereinafter set forth.

5. Handler's obligation with respect to milk received from pool supply plants. The current order provisions should not be changed to require pool distributing plant operators receiving bulk milk from a cooperative association's pool supply plant to pay the utilization value of such milk to the market administrator for transmittal to such cooperative association.

Under present order provisions, milk received by a pool distributing plant from a pool supply plant operated by a cooperative association is treated as an interhandler transfer and the cooperative is held the responsible handler for reporting and payments to the market administrator. As an interhandler transfer, the milk is assigned a Class I classification unless the shipping and receiving handlers both agree to classification in another class. The transferee handler

settles with the cooperative association for such milk in accordance with their contracted arrangements. The cooperative's obligation to the producer-settlement fund is computed at the utilization value of the milk and the market administrator makes settlement with the cooperative association at the uniform price.

Cooperative associations proposed that, for purposes of allocation and computation of obligations of handlers to the producer-settlement fund, the milk transferred from pool supply plants operated by cooperative associations to handlers operating pool distributing plants be treated in the same manner as bulk tank milk received directly from the farms of members of the cooperative. This modification of payment procedure was proposed as a means of expediting payments to a cooperative on milk that it transfers to pool plants. Proponents pointed out that while they have had no particular problem in collecting payment from handlers the corporate structure of some handlers and their internal fiscal policies sometimes delay payment. For example, the cooperative indicated that it submits an invoice from its Grand Junction, Colorado, office to a handler in Las Vegas. The Las Vegas handler then approves the invoice and sends it to its home office in California. The California office then transmits a check to the Las Vegas office which, in turn, mails a check to the Grand Junction office.

Counsel on behalf of 4 nonmember producers objected to the adoption of a provision requiring one handler buying milk from another handler to pay the market administrator for that milk. He argued that there is no authority for a provision that would require one handler to pay to the market administrator the price that the first handler who bought the milk from the producer charges the second handler.

It is not unreasonable that a cooperative should desire prompt payment for its interhandler transactions and to the extent that this may be implemented through the order provision it would not be inappropriate. However, it is not apparent from the record that the problem complained of is of such magnitude or nature that it could not be resolved between the affected parties.

There was no inference on the record that any handler was intentionally delaying payments for any ulterior purposes. Under the circumstances, if the order were amended to place the pool obligation for the interplant transferred milk on the transferee handler, he would still be presented with the same problem in meeting the payment dates. To this end it would be essential that the entire sequence of dates for making reports and payments to and from the market administrator be reexamined and adjusted as necessary to provide reasonable time in which handlers could complete their obligations through generally accepted channels. It is a well known fact that the normal time for moving mail has been significantly extended and the

schedule of dates established in an order may not accommodate the timely payment by handlers on interplant milk movements. In any circumstance this matter was not presented on the record in sufficient detail to establish the existence of any substantial problem or the order changes that would be required.

If proponents continue to desire the requested order change, the matter should appropriately be considered more substantially at a further hearing.

6. *Payment by handlers to the producer-settlement fund on own farm production received during the first 15 days of each month.* The order should be revised by eliminating a requirement that a handler make a partial payment to the producer-settlement fund on own farm production received at the handler's own pool plant during the first 15 days of each month.

The order presently requires a handler to make payment to the producer-settlement fund at the Class III price for all producer milk received during the first 15 days of each month, including own farm production of such handler. Following receipt of such payment, the market administrator then makes the prescribed partial payment to all producers (including such handler in his producer status) based on deliveries during the first 15 days of the month and at the Class III price.

A pool distributing plant operator with own farm production objected to the unnecessary expense that he incurs in making the partial payment on his own production and the resulting loss of working capital he experiences during the five or six days that the funds are in transit to and from the market administrator's office. It was proponent's view that no useful purpose is served by an order provision requiring a handler to pay the money that he owes himself for own farm production, to the market administrator who, in turn, returns it to the handler.

Cooperative associations in their brief indicated that they are not involved directly in this issue, but would have no objection to the adoption of such proposal.

There appears to be no valid reason for requiring a handler with own farm production to make a partial payment to the market administrator on such milk received at his plant during the first 15 days of each month. Accordingly, the order should be revised to eliminate such payment to the producer-settlement fund. A conforming change in the section on payments to producers and to cooperative associations should be made to comport with the change in payment requirements on own farm production.

7. *Option permitting handlers to pay producers directly rather than transmitting such funds to the market administrator for subsequent distribution.* This matter was not noticed in the hearing notice. As indicated earlier in this decision, proponent's proposal in this regard was denied for hearing. Nevertheless, proponent's counsel argued at the hearing

that Proposal No. 3 dealing with partial payments with respect to a handler's own farm production provided a basis for consideration of the matter of payments to all producers. In his brief counsel indicates that inclusion in the hearing notice of Proposal No. 10 also opened for discussion the issue of whether or not the order should be modified to permit handlers to pay producers directly for milk received from them (Proposal No. 10 concerned modification of order provisions that would permit the operator of a pool distributing plant to transmit payment to the market administrator at its utilization value for milk received from a pool supply plant operated by a cooperative.)

It is concluded that Proposal No. 3 and Proposal No. 10 were not broad enough, either separately or in combination, to consider the appropriateness of a handler making payment directly to producers. Accordingly, on the basis of such prior denial on October 9, 1974, by the Administrator, Agricultural Marketing Service, for inclusion of that proposal in the notice of hearing and the reaffirmation of such denial on November 15, 1974, by the Associate Administrator, it is concluded that the issue was not open for consideration at the time of the hearing and, hence, no further action on the matter on the basis of this record is required.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative market-

ing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Lake Mead marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1139.12, paragraphs (b) (3) and (4) are revised and a new paragraph (b) (5) is added to read as follows:

§ 1139.12 Producer.

(b) * * *

(3) Any person with respect to milk produced by him that was diverted from a pool plant to another order plant where some of it was allocated to Class I utilization, or the other order designates such person as a producer under such order;

(4) Any person whose milk is received at a pool plant if during the month milk from the same farm was received at a nonpool plant (except another order plant) other than as a diversion from a pool plant; and

(5) Any person with respect to milk produced by such person during the months of March-July that is received at or diverted from a pool supply plant unless during the immediately preceding months of January and February at least 52 days of milk production from the same farm was received at such pool supply plant or was diverted therefrom as producer milk pursuant to § 1139.13.

2. In § 1139.13, paragraph (d) (2) is revised and a new paragraph (d) (5) is added to read as follows:

§ 1139.13 Producer milk.

(d) * * *

(2) A cooperative association may divert for its account the milk of any producer (other than producer milk diverted pursuant to paragraph (d) (3) of this section) from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the

association causes to be delivered to pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to pool plants if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning overdiverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator.

(5) The quantity of milk diverted for the account of a cooperative association from a pool plant of another handler that would cause the pool plant to become a nonpool plant shall not be producer milk.

3. In § 1139.44, paragraph (a) (7) (vii) is revised to read as follows:

§ 1139.44 Classification of producer milk.

(a) * * *

(7) * * *

(vii) Receipts of milk from a dairy farmer pursuant to § 1139.12(b) (4) and (5);

4. In § 1139.71, paragraph (a) is revised to read as follows:

§ 1139.71 Payments to the producer-settlement fund.

(a) On or before the 25th day of the month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount determined by multiplying the hundredweight of producer milk received by him (excluding his own farm production) during the first 15 days of such month by the Class III price for the preceding month.

7. In § 1139.73, paragraph (a) is revised to read as follows:

§ 1139.73 Payments to producers and to cooperative associations.

(a) On or before the last day of each month, the market administrator shall make payment, subject to paragraph (c) of this section, to each producer for milk (except the own farm production of a handler) received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 1139.71(a) at not less than the Class III price per hundredweight for the preceding month;

Signed at Washington, D.C. on May 9, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc. 75-12785 Filed 5-14-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 895]

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner

[Docket No. R-75-332]

CONSTRUCTION LOANS FOR HOUSING FOR THE ELDERLY AND HANDICAPPED

Proposed Rulemaking

The Department is considering amending Title 24 by adopting a new Part 895—Construction Loans for Housing for the Elderly and Handicapped. This amendment would implement section 202 of the Housing Act of 1959, 12 U.S.C. 1701q, as amended by the Housing and Community Development Act of 1974, and would set forth the substantive provisions and procedural requirements for direct Federal construction loans to encourage development of housing and related services as defined. Only projects that receive contracts for assistance under section 8 of the U.S. Housing Act of 1937 would be eligible to participate in the section 202 program.

In general, the proposed part describes the method by which an applicant would request consideration by HUD of a construction loan for a proposed project, describes the factors upon which HUD's consideration is based, explains the steps to be taken by both HUD and the applicant as the request progresses to the point of actual lending, describes the various obligations of the principals, including HUD, both in the construction and permanent financing phases, and relates the requirements of the 202 program to those of the section 8 Housing Assistance Payments Program. (See Part 880, 40 FR 18682, April 29, 1975.)

Interested persons are invited to participate in the making of this rule by furnishing such written comments, data and suggestions as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 and all comments received on or before June 16, 1975, will be considered before adoption of a final rule in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

The Department has determined that these proposed regulations will not have an environmental impact, as defined in HUD Handbook 1390.1. The finding of inapplicability may be inspected at the above address.

Accordingly, it is proposed to amend Title 24 by adding a new Part 895, Construction Loans for Housing for the Elderly and the Handicapped, to read as follows:

PART 895—CONSTRUCTION LOANS FOR HOUSING FOR THE ELDERLY AND HANDICAPPED

Subpart A—General Policy

Sec.
895.1 Purpose and policy.
895.3 Applicability of Part 890.
895.5 Definitions.

Subpart B—Allocation of Section 202 Loan Fund Reservations

895.200 Geographic distribution of section 202 Loan Fund Authority.
895.205 Invitations for requests for section 202 fund reservations.
895.210 Contents of requests for fund reservations.
895.215 Approval of requests for fund reservations.
895.220 Duration of section 202 fund reservations.

Subpart C—Applicable Procedures Under Section 8

895.300 Additional allocation of section 8 contract authority to field offices.
895.305 Developer's packet.
895.310 Submission of preliminary proposals.
895.315 Screening and evaluation of preliminary proposals.

Subpart D—Construction Financing Procedures

895.400 Requests for construction financing.
895.405 Approval of request for construction financing.
895.410 Amount and terms of construction financing.
895.415 Requirements prior to initial disbursement of construction financing loan.
895.420 Loan disbursement procedures.
895.425 Completion of construction, approvals by HUD and permanent financing.

AUTHORITY: Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).

Subpart A—General Policy

§ 895.1 Purpose and policy.

(a) *Purpose.* The purpose of the program described in this part is to provide direct Federal construction loans under Section 202 of the Housing Act of 1959, 12 U.S.C. 1701q, for housing projects to serve elderly and handicapped families and individuals. The housing projects are to be designed to provide an assured range of necessary services for the occupants, which services may include among others health, continuing education, welfare, informational, recreational, homemaker, counseling, and referral services, as well as transportation where necessary to facilitate access to social services, and services designed to encourage and assist occupants to use the services and facilities made available.

(b) *General Policy.* A construction loan made pursuant to this part shall be used only to finance construction of projects which meet the requirements of, and which will receive the benefit of, housing assistance payments under the Section 8 program. Such loans will be made only in instances where the Applicant has obtained a commitment, satisfactory to

HUD, for permanent long-term financing of the project upon completion of construction.

§ 895.3 Applicability of Part 880.

To determine whether a project for which construction loans are requested under this part complies with the requirements of the Section 8 Housing Assistance Payments Program—New Construction, the provisions of Part 880 of this chapter shall apply except to the extent that such provisions are inconsistent with the provisions of Subparts C and D of this part.

§ 895.5 Definitions.

As used in this part—

"Act" means Section 202 of the Housing Act of 1959, as amended, 12 U.S.C. 1701q.

"Applicant" means any private non-profit corporation, on part of the net earnings of which inures to the benefit of any private shareholder, contributor or individual, which is not controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom, and which is approved by the Secretary as to administrative and financial capacity and responsibility. The purposes of the Applicant must include the promotion of the welfare of elderly or handicapped families.

"Assistant Secretary" means the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner.

"Construction" means erection of new structures for housing and related facilities.

"Development Cost" means costs of construction of housing and related facilities, and of the land on which they are located, including necessary site improvements and such other expenses as may be determined by the Assistant Secretary to be properly attributable to the capital cost of the construction or development of the housing and related facilities.

"Elderly or Handicapped Families" means (a) families of two or more persons the head of which (or his spouse) is sixty-two years of age or over or is handicapped, or (b) a single person who is sixty-two years of age or over or who is handicapped.

"Field Office" means any HUD Area, Insuring or Regional Office which is delegated authority to process applications under the Section 8 program.

"Handicapped Person" means any person having an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his (or her) ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered handicapped if he (or she) has a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition found by the Secretary of Health, Education, and Welfare to be closely related to mental retardation or to require treatment similar to that required for

mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"Housing and Related Facilities" means rental housing structures suitable for dwelling use by elderly or handicapped families, and includes structures suitable for use by residents of the housing structures as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient and outpatient health facilities, or other essential service facilities. "Lender" means a lending institution which, prior to the start of construction, has agreed to (a) purchase a Section 202 construction mortgage loan upon completion of construction, or (b) otherwise provide permanent financing for a project.

"Region" means any one of the ten HUD regions.

"Section 8 Program" means the Housing Assistance Payments Program—New Construction under Part 880 of this chapter, which implements section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.

"Secretary" means the Secretary of Housing and Urban Development or other official expressly delegated the Secretary's authority with respect to either the Section 202 program or the Section 8 program.

Subpart B—Allocation of Loan Fund Reservations

§ 895.200 Geographic distribution of section 202 Loan Fund Authority.

From time to time, the Assistant Secretary will allocate Section 202 loan fund authority on a geographic basis for metropolitan and nonmetropolitan areas among Regions in conformance with the requirements of Section 213(d) of the Housing Community and Community Development Act of 1974, taking into consideration in addition to the factors set forth in that section, the relative numbers of elderly families residing in each Region.

§ 895.205 Invitations for requests for section 202 fund reservations.

(a) From time to time, as loan funds become available, the Assistant Secretary will issue an invitation for requests by Applicants to receive reservations of section 202 loan authority. Invitations for requests shall be published in the FEDERAL REGISTER and in such other publications as the Assistant Secretary considers appropriate.

(b) Invitations shall state that no single Applicant shall receive a reservation of loan funds in excess of that necessary to finance construction of more than 300 units of housing and related facilities within a single Region. The invitations also shall describe eligibility requirements for Applicants, shall state that Section 8 authority has been set aside for Applicants and shall state the contents

of requests, the final date for submission of requests, and any other information, guidelines, standards or procedures applicable to participation in the Section 202 Construction Loan Program. The invitation also shall state that Section 202 loan reservations will be distributed among Applicants on the basis of information furnished by the Applicant pursuant to § 895.210 and in accordance with the criteria for selection set forth in § 895.215.

§ 895.210 Contents of requests for fund reservations.

Each request for a Section 202 fund reservation shall include the following:

(a) Name and address of the Applicant;

(b) Names and addresses of all officers and directors of the Applicant;

(c) A description of any financial default, modification of terms and conditions of financing, or legal action taken against the Applicant for any reason during the past ten years;

(d) Evidence of the capacity to carry through to completion and successful long term operation a project for housing and related facilities. Such evidence shall include a detailed description of all rental housing projects (including care facilities) owned or operated by the Applicant during the past ten years. This description should include a listing of the locations, numbers, and types of units, types and sources of financing, and indicators of successful project management such as amenities and services provided, turnover, vacancy, and delinquency rates and rent collection losses.

(e) Evidence of sufficient working capital to organize, plan, and complete construction of a project for housing and related facilities and to provide operating reserves during the start up of a project. Such evidence shall include the Applicant's balance sheet(s) and statement(s) of income and expenses for each of the past five years Applicant has operated, such reports to be audited by an independent public accountant, if possible;

(f) Such other information as the Applicant may wish to include which indicates any special capability to develop and operate a housing project successfully;

(g) Such additional information as the Assistant Secretary finds pertinent to his evaluation;

(h) The State in which the project(s) would be located and whether the project would be located in a metropolitan or non-metropolitan area;

(i) The number of section 202 units to be developed, by State.

(j) The amount of section 202 loan funds requested to be reserved.

§ 895.215 Approval of requests for fund reservations.

(a) To be eligible for selection, a request must be received by HUD within the period specified in the invitation and must be complete and responsive to the invitation. Requests for fund reservations

will be approved by the Assistant Secretary based on a ranking procedure that takes into account the information provided pursuant to § 895.210.

(b) Applicants whose Request for Fund Reservation are approved shall be issued a Notice of Section 202 Fund Reservation on a form prescribed by the Assistant Secretary which shall:

(1) Specify the amount of the fund reservation;

(2) Specify the Region(s) in which the housing is to be located;

(3) Inform the Applicant that use of the fund reservation is conditioned on a project being approved by an appropriate Field Office for assistance under the Section 8 program;

(4) State that the fund reservation may be further limited by the number and types of units, the development cost for the proposed project for housing and related facilities, and by the needs and market conditions of the specific project site proposed, all as determined by the Field Office;

(5) Instruct the Applicant to apply to the Field Office servicing the area in which the proposed housing will be located in order to initiate steps for Section 8 housing assistance;

(6) State that the amount of loan funds reserved or any portion thereof unused by the Applicant may not be transferred by the Applicant;

(7) State that a section 202 fund reservation shall not be available for use in connection with a section 8 project which is proposed in response to an invitation pursuant to § 880.203.

(c) Applicants whose Requests for Fund Reservations are not approved shall be so notified in writing by the Assistant Secretary.

§ 895.220 Duration of Section 202 Fund Reservations.

The Assistant Secretary shall cancel any reservations of Section 202 loan funds for projects for which construction is not commenced within the eighteen-month period following issuance of the Notice of section 202 Fund Reservations, unless an extension of time of not to exceed six additional months is requested of and granted by the Assistant Secretary.

Subpart C—Applicable Procedures Under Section 8

§ 895.300 Additional allocation of Section 8 contract authority to field offices.

The Assistant Secretary will allocate to Field Offices contract authority for the Section 8 Housing Assistance Payments Program for use in connection with projects to be financed under section 202. This amount of contract authority will be in addition to contract authority allocated to Field Offices pursuant to § 880.201 of this chapter.

§ 895.305 Developer's Packet.

A Field Office, upon a request from an Applicant which has received a notice of Section 202 Fund Reservation, shall

forward to such applicant a Developer's Packet (Section 202), which shall:

(a) Include a copy of the applicable regulations, Handbooks, and forms. When a Field Office determines that mobile homes are appropriate or that the developer is considering using mobile homes, the Developer's Packet shall include the appropriate HUD guidelines and shall describe any changes of the requirements and procedures under this Part 895, necessitated in the case of mobile home projects, including those relating to the site and site improvements, the type or types of units, and the procedures necessary to establish fair market rents for mobile homes.

(b) Include the following information for the geographic area in which the housing is to be built:

(1) Any special requirements for housing for the elderly and the handicapped pursuant to section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301) and any special requirements for the handicapped pursuant to the standards established by HUD under the Architectural Barriers Act of 1968 (82 Stat. 718).

(2) Any type of housing which HUD has determined to be unacceptable.

(3) Any special requirements or restrictions to comply with the local Housing Assistance Plan, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be addressed concerning such Plan.

(4) The specific type(s) of utilities and method(s) of distribution (utility combination) required, and a statement that, if another combination is proposed, a comparative analysis of utility costs supporting the proposed combination must be included in the Proposal.

(5) The specific management and maintenance services required to be provided by the Applicant. Such services shall include all services typically provided in the area for the type of housing contemplated.

(6) The applicable Fair Market Rents for newly constructed rental housing.

(7) Initial term of the Housing Assistance Contract and number of renewal options, if any.

(c) Include statements as to:

(1) Equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan if the proposal is for five or more units; an assurance of compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a); compliance with Executive Order 11063 and Title VIII of the Civil Rights Act of 1968 (18 U.S.C. 245), including regulations and guidelines pursuant thereto; and certifications required pursuant to Executive Order 11246.

(2) HUD regulations and other requirements implementing Section 3 of the Housing and Urban Development Act of 1968, requiring that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and

contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

(3) HUD relocation requirements.

(4) HUD requirements implementing the National Environmental Policy Act of 1969 (83 Stat. 852).

(5) Governmental requirements implementing the Clean Air Act (77 Stat. 392 as amended) and the Federal Water Pollution Control Act (66 Stat. 755 as amended).

(6) HUD requirements implementing the Flood Disaster Protection Act of 1973 (87 Stat. 975).

(7) The requirement that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a).

(8) The prescribed HUD form showing the identity of the Applicant, the developer, the builder, the architect, and the managing agent if any; the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest in the proposed project.

(9) The requirement that the Applicant submit evidence of capability to provide the required management and maintenance services or, if the proposal is for 15 or more units, evidence of management capability and a proposed management plan and a certification by the Applicant and the management agent, if any, in a format acceptable to HUD.

(10) The requirement that (i) if the Applicant intends to pledge, or offer as security for a permanent loan or obligation, an agreement or Contract, he is responsible for submitting to the Field Office a request for approval thereof in sufficient time before he needs the financing to permit review of the method and terms of the financing and the instrument of pledge, offer or other assignment, and (ii) if the request is made after approval of the Final Proposal, the Contract Rents may be reduced where the methods and terms of financing require. (See § 880.115 of this chapter.)

(11) Other requirements which the Field Office determines to be necessary.

(12) Where copies of HUD Minimum Property Standards and any other applicable standards, guidelines and criteria may be obtained.

(13) The number of copies of the Preliminary Proposal to be submitted to the Field Office.

(14) The fact that an Applicant may submit simultaneously with the submission of the Preliminary Proposal, or at any time thereafter, a Final Proposal and the architect's certification in accordance with § 880.211(b) of this chapter.

(15) The fact that the Field Office may determine not to select or approve the Applicant(s) proposal(s).

§ 895.310 Submission of Preliminary Proposals.

At any time after receiving a Developer's Packet an Applicant may submit a Preliminary Proposal which shall include the following:

(a) Identification of the proposed site, including a map showing the location of the site and the racial composition of the neighborhood, sketch of site plan, dimensions, unusual site features, if any, and zoning.

(b) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence the Applicant's effective control of the site(s).

(c) A description of the proposed housing and related facilities including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit and special amenities or features, if any and sketches of the buildings and unit plans.

(d) The Applicant's proposed contract rent per unit by size and types of structure.

(e) A description of the equipment to be included in the contract rent.

(f) A description of the utilities and services included in the contract rent and those utilities and services not so included. For each utility and service not included in the contract rent, an estimate of the average monthly cost to the occupants during the first year of occupancy based on unit size and types of structure.

(g) A showing that the Proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(h) A statement whether the proposed project will displace site occupants. If so, the Proposal shall state the number of families, individuals, and business concerns to be displaced, identified by race or minority group status, and differentiated between owners and lessees, shall establish that there is a feasible plan for relocation and shall indicate how any necessary relocation payments will be funded.

(i) An Equal Employment Opportunity Certification, using HUD Form 2010.

(j) A statement of (1) the identity of the Applicant, developer, builder (if known), and architect (if known); (2) the qualifications and experience of each; (3) the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and (4) the previous participation of each of the foregoing individuals in HUD programs, using HUD Form 2530.

(k) If a managing agent is to be employed, his identity shall be set forth, together with other applicable information as specified in paragraph (j) of this section.

(l) A statement that the Applicant intends to finance construction of the housing project and related facilities with Section 202 loan funds.

(m) A description of the proposed method of permanent financing stating whether the Applicant intends to pledge or offer the Agreement and/or Contract as security for any loan or obligation (see § 880.115(b) of this chapter). If the Applicant proposes to utilize FHA mortgage insurance, the prescribed FHA application form should be completed and submitted with the Preliminary Proposal.

§ 895.315 Screening and evaluation of Preliminary Proposals.

(a) *Initial Screening.* After receipt of a Preliminary Proposal, the Field Office will screen the Proposal to determine that it is complete and responsive and eligible for further processing. If the proposal does not include identification of the proposed site, description of the proposed housing, or the proposed contract rents, it shall be rejected. If the Proposal lacks, or is deficient with respect to, any of the other required elements, the Field Office shall give the Applicant a reasonable time to remedy the deficiency.

(b) *A-95 Clearance; Notice to Unit of General Local Government.* (1) After receipt of a Proposal (or after the appropriate later date for deficient Proposals amended pursuant to paragraph (a) of this section), the Field Office will, for each complete and responsive Preliminary Proposal which is subject to clearance under OMB Circular A-95 send a copy of the proposal to the appropriate A-95 Clearinghouse for review, inviting a response within thirty days from the date of the letter transmitting the Proposal.

(2) Within ten working days after receipt of a Preliminary Proposal (or after an appropriate later date for deficient Proposals amended pursuant to paragraph (a) of this section), the Field Office shall, for purposes of compliance with section 213 of the Housing and Community Development Act of 1974 forward to the chief executive officer (or his designee in writing as indicated to the Field Office) of the unit of general local government in which the proposed housing is to be located, under cover of a letter in the appropriate prescribed form, a copy of each complete and responsive Preliminary Proposal. The cover letter will invite a response within thirty days from the date the letter and the copy of the Proposal are received.

(c) *Evaluation of Preliminary Proposals by the Field Office.* The Field Office evaluation may not be completed until the response periods referred to in paragraph (b) of this section have ended. The Preliminary Proposal will be evaluated by the Field Office on the basis of all pertinent factors including, but not limited to, rent, site, design, and previous experience of the Applicant, and also on the basis of comments, if any, received from the appropriate A-95 Clearinghouse and the unit of general local government.

(d) *Selection and Notification of Selection.* The Field Office will approve a Preliminary Proposal which, in its judgment, can be developed into a Final Proposal

satisfying the requirements of the Developer's Packet.

(1) With respect to a Preliminary Proposal which has been so approved, the Field Office will notify the Applicant, on HUD Form _____ and request the Applicant to submit within a time to be specified in the notification a Final Proposal in accordance with the requirements of the provisions of § 880.209. The notification shall specify:

(i) The contract rents that will be acceptable to HUD when such rents are lower than the contract rents proposed by the Applicant, and the reason for the reduction;

(ii) The estimate of the amount of relocation payments, when applicable;

(iii) The number and types of units of housing and related facilities; and

(iv) Any other special conditions or requirements.

(2) The notification shall request that the Applicant by a specified date return a copy of the notification and indicate his acceptance thereof. If the Applicant does not accept the notification by the date specified, the Field Office may rescind the notification.

(3) If the Applicant has already submitted a Final Proposal (see § 895.305 (c) (14)), the notification will state that upon acceptance of the notification by the Applicant, the Field Office will evaluate the Final Proposal in accordance with § 880.210 of this chapter.

(f) *Notification of Nonselection.* An applicant whose Preliminary Proposal is not acceptable to the Field Office shall be notified of such determination, setting forth the reasons for such nonselection and inviting the Applicant to submit an acceptable Preliminary Proposal.

Subpart D—Construction Financing Procedures

§ 895.400 Request for construction financing.

(a) At the time of submission of a Final Proposal under the Section 8 program pursuant to § 880.209 of this chapter, an Applicant shall submit a Request for section 202 Construction Financing on forms prescribed by HUD to the Field Office serving the Area in which the project will be located.

(b) The Requests provided in paragraph (a) shall be accompanied by or include the following:

(1) The names and addresses of the officers and directors of the Applicant and such other information as shall be required on the prescribed form together with a certification by each officer or director that he or she will not receive any compensation from the Applicant for his or her services and does not have any financial interest in any contract with the Applicant or in any firm or corporation which has a contract with the Applicant.

(2) A lender's letter of intent to provide permanent financing, satisfactory to the Field Office, as set forth in § 895.415 (a).

(3) Satisfactory evidence that it has the necessary legal authority to finance,

construct and maintain the project and to apply for and receive the proposed loan, that it meets any requirements of the Lender as to corporate organization and that it has authority to enter into such contract obligation and execute such security instruments as may be required by HUD and the lender.

§ 895.405 Approval of request for construction financing.

The HUD Field Office shall review the request for construction financing and the other submissions under § 895.400 and shall notify the Applicant of its approval or disapproval, indicating any deficiencies. The Applicant will be given a reasonable time, as determined by the Field Office, to correct any such deficiencies.

The approval shall set forth fully the terms and conditions upon which the construction loan will be disbursed.

§ 895.410 Amount and terms of construction financing.

(a) The amount of the construction financing approved shall not exceed the lesser of:

(1) The amount of loan funds reserved pursuant to § 895.215; or

(A) For mortgages insured pursuant to Chapter II, the amount of the firm commitment to insure on completion of construction; or

(B) For mortgages not insured pursuant to Chapter II, the maximum mortgage amount that would apply under § 231.3 of Chapter II if the mortgage were insured under section 231 of the National Housing Act.

(b) The construction loan shall bear interest at a rate established by the Secretary by adding: (1) A rate determined by the Secretary of the Treasury to be the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of one per centum; plus (2) an allowance to cover administrative costs and probable losses under the program which allowance has been determined by the Secretary to be 1% per annum. Loans committed to be made by the Secretary shall bear interest at the rate in effect at the time the Request for Construction Financing is approved pursuant to § 895.405. The effective rate (per cent) shall be: ----- on and after ----- prior to -----

(c) The construction loan shall be secured by a mortgage and subject to such terms and conditions as shall be determined by the Secretary.

(1) The mortgage shall bear interest during the construction period and until sold by the Secretary to the permanent Lender at a rate determined in accordance with (b).

(2) The mortgage shall bear interest upon sale by the Secretary at a rate not to exceed:

(i) If the mortgage is to be insured by the Secretary upon sale, the maximum rate applicable to such mortgage at the

time of the commitment to insure such mortgage;

(ii) If the mortgage is to be purchased by a Lender providing permanent financing without a requirement for mortgage insurance by HUD, the rate agreed to by the Applicant and the Lender, as set forth in the commitment by the Lender to the Secretary to purchase such mortgage upon completion of construction.

(d) In computing the amount of the construction loan, there may be included a fee payable by the Applicant to the Lender for the commitment fee, for the agreement to provide permanent financing, and for services during the construction period incident to the disbursement of funds by HUD; that fee shall not exceed 1½ percent of the total loan.

§ 895.415 Requirements prior to initial disbursement of construction loan.

Prior to the initial disbursement of construction loan funds by HUD, the Applicant, in addition to any other requirements pursuant to Part 880 of this chapter shall furnish such executed documents as the Field Office may require, including but not limited to:

(a) A firm commitment, in form satisfactory to the Assistant Secretary, by a HUD-approved lender, which shall provide that, upon completion of construction the lender will purchase the mortgage loan or provide financing for the Applicant to enable the Applicant to satisfy the full indebtedness under the construction loan from HUD. Such commitment shall further provide for:

(1) A term of at least 12 months after the estimated date of project completion as determined by the Field Office;

(2) A reduction, or an increase up to 20 percent, of the amount of the loan, in the event of a reduction or increase in the amount of the construction loan by HUD.

(b) A Housing Consultant's Certificate and Contract (if consultant services have been employed by the Applicant);

(c) A Certificate of Incorporation of the Non-Profit Applicant, or consumer cooperative, as required by applicable state or local law;

(d) A Certificate of Relationships and Nonprofit Motives of the Applicant;

(e) A Mortgagee's Attorney's Opinion as to the validity and legality of the mortgage entity, the legality of the building permit, and compliance with applicable zoning laws requirements;

(f) (1) A Regulatory Agreement for Non-Profit Section 202/Section 8 Mortgage, on a form to be prescribed by the Assistant Secretary, by which agreement HUD will regulate the mortgagee's operation of the project, or (2) an addendum to the Section 8 Housing Assistance Payments Contract, as required by the Assistant Secretary;

(g) A mortgagee's Oath, wherein the Applicant certifies that the property to be constructed will not be used for hotel or transient accommodation purposes during the term of the Section 202 Construction Financing Loan;

(h) An Agreement and Certification, to be executed by the Applicant and HUD on a form to be prescribed by HUD, wherein the Applicant: (1) agrees to certify actual costs and, as may be required by the Assistant Secretary, to have the contractor and subcontractor also submit certificates of actual cost; (2) certifies as to any financial and family relationship which exists as between such Applicant, the architect, general contractors and subcontractors;

(i) An Assurance of Compliance with HUD Regulations Under Title VI of the Civil Rights Act of 1964;

(j) A Note and Mortgage on forms approved by the Assistant Secretary for use in the jurisdiction in which the property covered by the mortgage is situated. The note and mortgage shall comply with applicable state law for such instruments, and shall set forth the terms and method of repayment, maturity date, prepayment and release provisions, late charges, and such other requirements and covenants as prescribed by the Assistant Secretary;

(k) A Title Policy from a HUD-approved title insurance company or other title evidence satisfactory to the Field Office that marketable, fee simple title is vested in the Applicant as of the date the mortgage is filed for record;

(l) A survey of the mortgaged property and final plans and specifications of the housing and related facilities to be constructed, which survey and plans and specifications shall have been prepared by registered surveyors and architects, respectively, shall be in a form satisfactory to the Field Office, and shall be accompanied by such Surveyor and Architect Certificates and Owner-Architect Agreements as the Assistant Secretary may prescribe;

(m) A Building Loan Agreement to be executed by the Applicant and HUD in a form to be prescribed by the Assistant Secretary. The Agreement shall set forth the terms and conditions under which progress payments may be advanced during construction according to a schedule of disbursements, and shall include provisions for disbursements of loan proceeds only on account of portions of construction work completed and approved by HUD and provisions for a holdback or retainage from construction requisition payments in an amount determined by the Assistant Secretary;

(n) A Construction Contract between the Applicant and General Contractor, on a form to be prescribed by the Assistant Secretary, which Contract shall be in the form of either a lump sum contract or a cost plus contract; the lump sum contract shall provide for the payment of a specified amount and the cost plus contract shall provide for the payment of the actual cost of construction not to exceed an upset price, and may provide for an additional payment to the contractor in an amount approved by the Assistant Secretary; the Construction Contract shall be supplemented by such Construction Cost or Trade Payment Breakdown and General Conditions as the Assistant Secretary may prescribe;

(o) Assurance of Completion of construction in such form as may be prescribed by the Assistant Secretary, which may include Performance and Payment Bonds from approved sureties, cash escrows or Letters of Credit with a Completion Assurance Agreement, or a controlled disbursement agreement coupled with a guaranty of performance of the construction contract. Each Performance and Payment Bond furnished under this section shall be in the amount of 50 percent of the total development cost of the housing and related facilities, and any such escrow or Letter of Credit furnished hereunder shall be in the amount of 25 percent of such cost; the terms and conditions of any of the various forms of assurance of completion shall be satisfactory to the Field Office;

(p) An escrow agreement in the amount of the cost of the off-site facilities, funded by a cash deposit or Letter of Credit to assure completion of such facilities.

(q) A Contractor's and Sub-Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, in a form required by the Assistant Secretary, certifying that the laborers and mechanics employed in the construction of the dwellings will be paid not less than the wages prevailing in the locality in which the work is to be performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of the Request for Construction Financing. Such certificates shall also include information as to all applicable labor standards and other provisions of the regulations of the Secretary of Labor;

(r) Such other information and documents as the Assistant Secretary or Field Office may require in order to approve disbursements of construction loan proceeds pursuant to this part.

If any of the foregoing documents have been submitted to, and approved by, the Field Office in connection with an application for mortgage insurance under Chapter II, such documents need not be resubmitted in order to comply with the provisions of this part.

§ 895.420 Loan disbursement procedures.

(a) Disbursements of construction loan proceeds shall be made by HUD to or for the account of the Applicant through an approved lender, mortgage servicer, title insurance company or other agent satisfactory to the Field Office;

Provided, however, That to the maximum extent practicable, the Field Office shall use the services and facilities of the private mortgage industry in servicing mortgage loans made under this part.

(b) All disbursements to the Applicant shall be made on a periodic basis

in an amount not to exceed the HUD-approved cost of portions of construction work completed and in place, minus the appropriate holdback or retainage, as determined by the Field Office.

(c) Requisitions for construction loan disbursements shall be submitted by the Applicant on forms to be prescribed by the Assistant Secretary and shall be accompanied by such additional information as the Field Office may require in order to approve loan disbursements under this part, including but not limited to, evidence of compliance with the Davis-Bacon Act, Department of Labor regulations, all applicable zoning, building and other governmental requirements, and such evidence of continued clear and marketable title in the Applicant as the Assistant Secretary may prescribe.

§ 895.425 Completion of construction, approvals by HUD and permanent financing.

(a) The requirements for completion of construction and approvals by HUD set forth in Part 880 of this Chapter shall be satisfied by the Applicant prior to submission of a final requisition for disbursement of construction loan proceeds.

(b) The Applicant shall, in connection with such final requisition, submit to the Field Office such documentation as may be prescribed by the Assistant Secretary for full and final disbursement of the loan, including any applicable holdback or retainage, and such guaranty against latent defects as the Assistant Secretary may prescribe, all of which foregoing shall be in addition to the requirements of Part 880 of this chapter. The documentation hereunder shall include such information and forms as the Assistant Secretary may require in order to approve the Applicant's and Contractor's Cost Certification and to determine the total actual development cost of the housing and related facilities.

(c) Permanent financing may commence at any time subsequent to final approval by the Field Office of the housing and related facilities and a determination by HUD of the total Development Cost of such housing and related facilities. The proceeds of the permanent loan shall be sufficient to satisfy the total outstanding construction loan indebtedness.

(d) The legal instruments by which the construction loan is sold or assigned to the permanent lender shall be satisfactory to the Field Office and shall include such provisions as the Assistant Secretary may prescribe.

DAVID M. DEWILDE,
Acting Assistant Secretary for
Housing Production and
Mortgage Credit, Federal
Housing Commissioner.

[FR Doc.75-12824 Filed 5-14-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 373-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards, and on September 22, 1972, in the FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a part of the Kansas Implementation Plan.

The State of Kansas submitted to the Environmental Protection Agency compliance schedules as variances and enforcement orders to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6 and 40 CFR 51.7(d)(2). 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval and disapproval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4, 51.6, and 51.7(d)(2), and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date."

The schedules proposed to be disapproved in this notice fail to meet the requirements of 40 CFR 51.15(b)(1), in that the compliance schedules extend beyond the attainment date in the State Implementation Plan.

In the indication of proposed approval and disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules proposed to be approved or disapproved,

and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Kansas State Department of Health and Environment, Forbes Air Force Base, Building 740, Topeka, Kansas.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII Office at the above address. All comments submitted on or before June 16, 1975 will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Gove County Hospital, Incinerator	Quinter	28-19-40	Mar. 28, 1975	Immediately	July 31, 1975
Gulf Oil Chemicals Co., No. 17, 18, and 19, NH ₃ , NO _x neutralizers	Pittsburg	28-19-20	do	do	Do.
Highland Community Junior College, Incinerators No. 1 and 2	Highland	28-19-50	do	do	July 1, 1975
S-G Metals Industries, Inc., aluminum furnaces 1-7	Kansas City	28-19-40C, 28-19-41A	do	do	July 1, 1975
Midwest Solvents Co. animal feed production	Atchison	28-19-30	do	do	June 1, 1975
Certain-Feed Products Corp., KO furnace	Kansas City	28-19-50	do	do	July 1, 1975
Koppel, Inc., leg cyclone dust collector	Salina	28-19-20	do	do	Apr. 1, 1975
Harry M. Lizzett, alfalfa dehydrator	Concordia	28-19-50	do	do	June 1, 1975
		28-19-20	do	do	July 1, 1975

2. In § 52.876, the table in paragraph (c) (2) is amended by adding the following:

§ 52.876 Compliance Schedules.

(c) * * *

(2) * * *

KANSAS

Source	Location	Regulation involved	Date adopted
Cooperative Farm Chemicals, No. 1 NH ₄ NO ₃ 90-percent evaporator and prilling tower	Lawrence	28-19-20	Mar. 28, 1975
Sherrill-Williams Chemical Co., oxide calciner exhaust	Coffeyville	28-19-50A	Do.
Kaw Dehydrating Co., alfalfa dehydrator	Lawrence	28-19-20	Do.

[FR Doc.75-12598 Filed 5-14-75; 8:45 am]

[40 CFR Part 65]

[FRL 374-3]

ENFORCEMENT AUTHORITY

State and Federal Enforcement of Implementation Plan Requirement After Statutory Deadlines; Extension of Period for Comment

On April 2, 1975, the Administrator proposed regulations in the FEDERAL REGISTER (40 FR 14876) establishing criteria and guidance for the issuance of enforcement orders. The regulations would apply to orders requiring compliance with implementation plan regulations after attainment dates for national ambient air quality standards. Thirty days were permitted for receipt of comments. On April 16, 1975, however, the Supreme Court of the United States decided a case of considerable interest to those affected by the proposed enforcement regulations ("Train v. Natural Resources Defense

This proposed rulemaking issued under the authority of section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: May 2, 1975.

EARL J. STEPHENSON,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart R—Kansas

1. In § 52.876, the table in subparagraph (c) (1) is amended by adding the following:

§ 52.876 Compliance Schedules.

(c) * * *

(1) * * *

posed regulations in light of this explanation.

It is the opinion of the Agency that the proposed enforcement regulations continue to be appropriate and are consistent with the opinion of the Court. The principal holding of the Court was that EPA has the authority to approve a State variance that extends past an attainment date, if EPA, pursuant to its revision authority under section 110(a)(3), determines that the variance will not adversely affect timely attainment and maintenance of the national ambient air quality standards. The purpose of the proposed enforcement regulations on the other hand, is to establish criteria that would govern the use of enforcement where a source is in violation of an implementation plan and cannot comply prior to an attainment date. Since the enforcement order is not part of the implementation plan, the source would not be protected from citizens' suits, as it would be under an approved variance.

Although the Supreme Court decision will permit EPA to approve in limited situations a plan revision that defers compliance requirements for an individual source past an attainment date, there continue to be circumstances under which enforcement would be appropriate. For example, the source may be unable to obtain a State variance (for air quality or other reasons). Or, the State may be able to satisfy EPA plan revision requirements (procedural or substantive—including requirements relating to a proper air quality demonstration). In either case the source involved could not be exempted from attainment deadlines and would therefore be subject to post-attainment date enforcement. It should be noted that the Court did not attempt to define what enforcement prerogatives exist after an attainment date.

In the near future EPA intends to clarify fully its regulations pertaining to variances in order to reflect the Supreme Court decision. Moreover, EPA intends to publish a statement of interim variance policy in the Federal Register within the immediate future.

The period for comment on the enforcement regulations proposed on April 2, 1975, is hereby extended until May 29, 1975. All interested persons are encouraged to give careful consideration to the proposal and provide written comments (in triplicate) to Richard D. Wilson, Division of Stationary Source Enforcement, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All relevant comments postmarked on or prior to May 29, 1975, will be considered, and receipt of comments will be acknowledged.

Dated: May 9, 1975.

RICHARD H. JOHNSON,
Acting Assistant Administrator
for Enforcement.

[FR Doc.75-12736 Filed 5-14-75; 8:45 am]

Council, Inc. et al.", 7 ERC 1735). This case was not generally available in published form until the latter part of April.

Comments received in response to the proposed enforcement regulations suggest that the period for comment should be extended. Several persons requested such an extension in order to have sufficient time to review the Supreme Court opinion. Others asked that EPA provide an interpretation of the effect of the decision on the proposed regulations to aid in further evaluation of the proposal. In addition, a sizeable number appear from their comments to have considered the opinion but have misinterpreted its relevance to the proposed regulations.

In view of these comments, the Agency considers it appropriate to explain what effect the recent Supreme Court opinion has upon the proposed enforcement regulations, and to extend the period for comment briefly to allow interested persons the opportunity to evaluate the pro-

[40 CFR Part 421]

[FRL 374-2]

**NONFERROUS METALS MANUFACTURING
POINT SOURCE CATEGORY**

Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment; Change in Comment Period

On Thursday February 27, 1975 the Environmental Protection Agency published in the Federal Register a regulation amending Part 421 to Chapter 40 of the Code of Federal Regulations (40 FR 8530) which established interim final effluent limitations and guidelines for existing sources and proposed standards of performance for new sources and pretreatment standards for new and existing sources of the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G) and the primary zinc subcategory (Subpart H).

Pursuant to request, the period for comment on the proposed regulation is extended for 30 days from the date of this notice.

Dated: May 8, 1975.

JAMES L. AGEE,
Assistant Administrator for Water
and Hazardous Materials.

[FR Doc.75-12745 Filed 5-14-75; 8:45 am]

[40 CFR Part 424]

[FRL 373-8]

**FERROALLOYS MANUFACTURING
POINT SOURCE CATEGORY**

Performance and Pretreatment for New Sources; Change in Comment Period

On Monday, February 24, 1975 the Environmental Protection Agency published in the Federal Register a regulation amending Part 424 to Chapter 40 of the Code of Federal Regulations (40 FR 8030) which established interim final effluent limitations and guidelines for existing sources and proposed standards of performance for new sources and pretreatment standards for new and existing sources of the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G).

Pursuant to request, the period for comment on the proposed regulation is extended for 30 days from the date of this notice.

Dated: May 8, 1975.

JAMES L. AGEE,
Assistant Administrator for Water
and Hazardous Materials.

[FR Doc.75-12742 Filed 5-14-75; 8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Parts 3, 4]

**DISCOVERY AND COMPULSORY PROCESS
IN ADJUDICATIVE PROCEEDINGS;
RULES OF PRACTICE AND PROCEDURE****Notice of Extension of Time To File
Comments**

Notice is hereby given that the time in which to file written comments on the foregoing proposed revisions of the Federal Trade Commission's rules of practice and procedures which were published in 40 FR 15239-15245 (April 4, 1975) has been extended for a period of 30 days until June 4, 1975.

By direction of the Commission dated May 5, 1975.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-12778 Filed 5-14-75; 8:45 am]

[16 CFR Parts 19, 20, 28, 31, 33, 37, 49, 53, 64, 65, 72, 76, 84, 85, 87, 97, 99, 108, 109, 110, 119, 120, 121, 122, 124, 125, 126, 127, 129, 133, 134, 137, 139, 140, 143, 147, 148, 149, 155, 163, 164, 166, 167, 168, 171, 172, 173, 179, 180, 183, 188, 189, 190, 193, 211, 212, 213, 218, 219, 220, 225]

**TRADE PRACTICE RULES (INDUSTRY
GUIDES)****Proposed Rescissions; Opportunity to
Comment**

Because many old trade practice rules (industry guides) may no longer be useful in obtaining compliance with laws administered by the Federal Trade Commission, the Commission under the amended Federal Trade Commission Act, 38 Stat. 717, 15 U.S.C. 41, et seq., and Subpart A of Part 1 of its procedures and rules of practice, 16 CFR 1.5-1.6, is providing opportunity for interested persons to submit written data, views and arguments on proposed rescissions of trade practice rules (industry guides) for the following:

1. Part 19—Gummed Paper and Sealing Tape Industry, promulgated June 24, 1955.
2. Part 20—Public Seating Industry, promulgated October 3, 1939.
3. Part 28—Blueprint and Diazotype Coaters Industry, promulgated June 12, 1956.
4. Part 31—Crushed Stone Industry, promulgated August 17, 1931.
5. Part 33—Cut Stone Industry, promulgated August 18, 1931.
6. Part 37—Engraved Stationery and Allied Products Industry of the New York City Trade Area, promulgated March 22, 1957.
7. Part 49—Embroidery Industry, promulgated August 31, 1931.
8. Part 53—Interior Marble Industry, promulgated September 11, 1931.
9. Part 64—Electrical Contracting Industry, promulgated November 28, 1931.
10. Part 65—Kosher Food Products and Kosher Products Industry, promulgated September 19, 1962.
11. Part 72—Knitted Outerwear Industry, promulgated January 28, 1932.
12. Part 76—Scrap Iron and Steel Industry, promulgated May 20, 1932.

13. Part 84—Warm Air Furnace Industry, promulgated November 18, 1932.
14. Part 85—Fabricators of Ornamental Iron, Bronze, and Wire, promulgated December 9, 1932.
15. Part 87—Electrical Wholesalers, promulgated December 24, 1932.
16. Part 97—Marking Devices Industry, promulgated August 19, 1939.
17. Part 99—Barre Granite Industry, promulgated November 30, 1933.
18. Part 106—Paper Drinking Straw Manufacturing Industry, promulgated July 3, 1936.
19. Part 109—Buff and Polishing Wheel Manufacturing Industry, promulgated June 27, 1957.
20. Part 110—Cotton Converting Industry, promulgated May 17, 1949.
21. Part 119—Covered Button and Buckle Manufacturing Industry, promulgated April 9, 1937.
22. Part 120—Tubular Pippings and Trimmings Manufacturing Industry, promulgated April 23, 1937.
23. Part 121—Wet Ground Mica Industry, promulgated May 4, 1937.
24. Part 122—Concrete Burial Vault Manufacturing Industry, promulgated July 10, 1937.
25. Part 124—Toliet Brush Manufacturing Industry, promulgated December 31, 1937.
26. Part 125—Popular Priced Dress Manufacturing Industry, promulgated December 31, 1937.
27. Part 126—House Dress and Wash Frock Manufacturing Industry, promulgated December 31, 1937.
28. Part 127—Metal Clad Door and Accessories Manufacturing Industry, promulgated January 20, 1938.
29. Part 129—Carbon Dioxide Manufacturing Industry, promulgated March 19, 1938.
30. Part 133—Tomato Paste Manufacturing Industry, promulgated September 3, 1938.
31. Part 134—Oleomargarine Manufacturing Industry, promulgated September 27, 1938.
32. Part 137—Infants' and Children's Knitted Outerwear Industry, promulgated June 28, 1939.
33. Part 139—Wine Industry, promulgated June 29, 1939.
34. Part 140—Putty Manufacturing Industry, promulgated June 30, 1939.
35. Part 143—Curled Hair Industry, promulgated January 12, 1940.
36. Part 147—Folding Paper Box Industry, promulgated April 5, 1940.
37. Part 148—Ripe Olive Industry, promulgated June 14, 1940.
38. Part 149—Resistance Welder Manufacturing Industry, promulgated August 16, 1940.
39. Part 155—Rayon and Silk Dyeing, Printing, and Finishing Industry, promulgated December 12, 1941.
40. Part 163—Button Jobbing Industry, promulgated June 30, 1945.
41. Part 164—Low Pressure Refrigerants Industry, promulgated June 30, 1945.
42. Part 166—Piston Ring Industry, promulgated July 12, 1946.
43. Part 167—Construction Equipment Distributing Industry, promulgated July 20, 1946.
44. Part 168—Wholesale Confectionery Industry (Philadelphia Trade Area), promulgated July 30, 1946.
45. Part 171—Household Fabric Dye Industry, promulgated May 29, 1947.
46. Part 172—Vertical Turbine Pump Industry, promulgated June 17, 1947.
47. Part 173—Doll and Stuffed Toy Industry, promulgated June 28, 1947.

48. Part 179—Trade Pamphlet Binding Industry of the New York City Trade Area, promulgated December 31, 1948.

49. Part 180—Rayon, Nylon, and Silk Converting Industry, promulgated February 11, 1949.

50. Part 183—Oil Heating Industry of the New England States, promulgated June 30, 1949.

51. Part 188—Tie Fabrics Industry, promulgated March 16, 1950.

52. Part 189—Fine and Wrapping Paper Distributing Industry, promulgated May 16, 1950.

53. Part 190—Shoe Finders Industry, promulgated June 22, 1950.

54. Part 193—Slide Fastener Industry, promulgated June 21, 1958.

55. Part 211—Set-up Paper Box Industry, promulgated April 2, 1952.

56. Part 212—Public Refrigerated Storage Industry, promulgated April 4, 1952.

57. Part 213—Industrial Bag and Cover Industry, promulgated August 4, 1953.

58. Part 218—Photoengraving Industry of the South-Eastern States (Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi), promulgated December 18, 1953.

59. Part 219—Waterproof Paper Industry (Asphaltic Type), promulgated July 2, 1954.

60. Part 220—Library Binding Industry, promulgated August 20, 1954.

61. Part 225—Tobacco Smoking Pipe, and Cigar and Cigarette Holder Industry, promulgated January 14, 1955.

Interested persons, including consumers, are invited to file written data, views and arguments concerning proposed rescissions with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C. 20580 by July 14, 1975. Statements submitted will be available to the public for examination during regular business hours in the Commission's first floor office of Legal and Public Records, Room 130. All such statements will be considered by the Commission before final action is taken.

Issued: May 15, 1975.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc 75-12776 Filed 5-14-75; 8:45 am]

[16 CFR Part 438]

PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Proposed Advertising, Disclosure, Cooling Off and Refund Requirements

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning Proprietary Vocational and Home Study Schools. Previous notice of proposed rule-making was given on August 15, 1974 and publication of the proposed Trade Regulation Rule was made on that date at 39 FR 29385. Public hearings were held in Boston, Massachusetts, New York, New York and Washington, D.C.

Accordingly, the Commission proposes the following Trade Regulation Rule and to amend Subchapter D, Trade Regulation Rules, Chapter I of 16 CFR by adding a new Part 438:

Sec.
438.1 Definitions.
438.2 The Rule.

AUTHORITY: 38 Stat. 717, as amended (15 U.S.C. 41, et seq.).

§ 438.1 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) *Seller*. (1) Any individual, firm, corporation, association or organization engaged in the operation of a privately owned school, studio, institute, office or other facility which offers residence or correspondence courses of study, training, or instruction purporting to prepare or qualify individuals for employment or training in any occupation, trade, or in work requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills or purporting to enable a person to improve his skills in any of the above designated categories.

(2) Nothing in this part shall be construed to affect in any way those engaged in the operation of not-for-profit residence or correspondence, public or private institutions of higher education which offer students at least a two year program of accredited college level instruction which is generally acceptable for credit toward a bachelor's degree.

(b) *Buyer*. Any individual who purchases any correspondence or residence course of study, training, or instruction from any seller purporting to prepare or qualify individuals for employment or training in any occupation, trade, or work requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills or purporting to enable a person to improve his skills in any of the above designated categories.

(c) *Total contract price*. The total price paid or to be paid by the buyer for the property or services including any and all equipment; ancillary services, such as but not limited to, charges for room and board which are the subject of the contract; and any finance charges determined in accordance with the Federal Reserve Regulation Z (12 CFR 226.4).

(d) *Course*. The term "course" means, but is not limited to education, training, or instruction consisting of a series of lessons or classes sold collectively, including lessons or classes which consist of several parts and are coordinated, arranged, or packaged to constitute a curriculum or program of instruction and sold collectively.

(e) *Combination course*. Any course that consists of both correspondence lessons and residence classes shall be treated as a residence course for the purpose of applying the advertising and disclosure requirements of this part.

(f) *Enrollee*. A buyer who has affirmed his enrollment contract, whether or not he completes his course of study.

(g) *Failure to complete a course of study*. Includes any enrollee who drops out, is expelled, fails for academic reasons or does not complete a course within the time that is scheduled for that course's completion, including any enrollee who takes a leave of absence.

(h) *New course*. Any course of study which has substantially different course content and occupational objectives from any course of study previously offered by seller and which has been offered for a period of time less than three (3) months after the graduation of one class, if offered by a residence school, or less than three (3) months after the completion of one fiscal year, if offered by a correspondence school.

(i) *New school*. Any school that has been in operation for a period of time less than three (3) months after the graduation of one class if a residence school or less than three (3) months after the completion of one fiscal year, if a correspondence school.

§ 438.2. The Rule.

In connection with the sale or promotion of any course of instruction by a proprietary home study or residence vocational school in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice for any such seller to fail to comply with the following requirements:

(a) *Employment and earnings claims*.

(1) No written or broadcasted claim, direct or indirect, whether disseminated through the media, mails, or in any other manner shall be made with respect to:

(i) The general conditions or employment demand in any employment market now or at any time in the future; and

(ii) The amount of salary or earnings generally available to persons employed in any occupation.

(2) Unless it is substantiated according to the standards and confined to the format prescribed herein, no written or broadcasted claim, direct or indirect, disseminated through the media, mails or in any other manner, shall be made with respect to:

(i) The specific employment opportunities available or demand for buyers who purchase seller's course of study; and

(ii) The specific amount of salary or earnings available to buyers who purchase seller's course of study.

(3) Written or broadcasted claims subject to the exception in paragraph (a) (2) of this section shall be limited to claims substantiated by the seller's actual knowledge of his buyers' experiences in obtaining placement at specific salary levels in the employment positions for which seller's course of study prepares buyers. Actual knowledge shall be verified, at a minimum, by a list including the following information for each enrolled person who meets the requirements of paragraph (a) (4) of this section.

(i) His name, address and telephone number;

(ii) The name, address and telephone number of the firm or employer who hired each enrollee;

(iii) The name or title of the job position obtained;

(iv) The date on which the job position was obtained;

(v) His monthly or annual salary.

(4) Employment and earnings claims covered by paragraph (a) (2) of this section shall be confined to the following statements and no others, for each course for which such claims are made and if any one permitted statement is made, it shall be accompanied by the others:

(i) For correspondence courses of study, a statement of the total number of buyers whose enrollment terminated during the school's last fiscal year and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries obtained by such buyers; a statement of the percentage ratio of such buyers by salary ranges, to the total number of graduates who graduated from seller's course during the last fiscal year. For purposes of this subdivision (i), the last fiscal year shall be the most recent fiscal year that terminated at least three (3) months before the claim is made.

(ii) For the residence course of study, a statement of the total number of buyers whose enrollment terminated during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries earned by such buyers; a statement of the percentage ratio of such buyers by salary ranges to the total number of buyers who were enrolled in the seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class; and a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of graduates who graduated from seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class. However, these statements must be based on the experiences of enrollees who resided at the time of their enrollment in the metropolitan area or State where the statements are made. For purposes of this subdivision (ii) the most recent graduating class shall be that class which graduated at least three (3) months before the claim is made.

Provided however, That where an employment or earnings claim covered by this paragraph (a) is made, the written or broadcasted claim must be presented

so that each of the permitted statements appears in the same portion of the written or broadcasted claim and each is made in precisely the same form and with the same emphasis, including, but not limited to, the same size type or print, as all other statements covered by this paragraph (a).

(5) The foregoing (paragraph (a) (1) to (4)) of this section shall not apply to any new course of instruction offered by seller or a course of study offered by seller at a new school. In lieu thereof seller shall confine any advertisement or any representation covered by paragraph (a) of this section to actual job commitments made in writing by businesses and other prospective employers, wherein such prospective employers indicate that they will offer a specific number of jobs at specific salaries to buyers who complete seller's course of study.

Provided further, That seller's advertisements and representations shall be limited to the following statements:

THIS SCHOOL HAS NOT BEEN IN OPERATION LONG ENOUGH OR THIS COURSE OF STUDY HAS NOT BEEN OFFERED LONG ENOUGH TO INDICATE HOW MANY ENROLLED STUDENTS WILL OBTAIN EMPLOYMENT IN POSITIONS FOR WHICH THIS COURSE TRAINS THEM. HOWEVER, [NUMBER] EMPLOYERS HAVE INDICATED THAT THEY WILL MAKE AVAILABLE [NUMBER] JOBS TO STUDENTS WHO COMPLETE THIS COURSE OF STUDY. [NUMBER] JOBS REPRESENT [%] OF OUR EXPECTED TOTAL ENROLLEES WHICH WILL BE [NUMBER].

(b) *Affirmative disclosure of drop-out rate and placement record.*¹ (1) After buyer has signed an enrollment contract seller shall make the following disclosures to buyer in the manner and method prescribed by paragraph (c) of this section:

(i) The total number of buyers who fail to complete the full course of study for the seller's most recent graduating class² if a residence school or the seller's most recent fiscal year³ if a correspondence school.

(ii) The percentage of buyers who fail to complete the full course of study, expressed as the percentage ratio of the number of buyers who fail to complete the full course of study as defined in paragraph (b) (1) (i) of this section to the total number of buyers who enrolled in that course of study for the seller's most recent graduating class² if a residence school or seller's most recent fiscal year³ if a correspondence school.

(2) If seller has made any oral, written or broadcasted earnings or employment representations to buyer then, after buyer has signed the enrollment contract, seller shall make the following disclosures to buyer in the manner and method prescribed by paragraph (c) of this section:

¹ See Appendices A and B for illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

² As most recent graduating class is defined in paragraph (a) (4) (ii).

³ As most recent fiscal year is defined in paragraph (a) (4) (i).

(i) For correspondence courses of study a statement of the total number of buyers whose enrollment terminated during the school's last fiscal year and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries obtained by such buyers; a statement of the percentage ratio of such buyers, by salary ranges, to the total number of buyers who were enrolled in seller's course during the last fiscal year; and a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of buyers who graduated from seller's course during the last fiscal year. For purposes of this subdivision (i) the last fiscal year shall be the most recent fiscal year that terminated at least three (3) months before the claim is made.

(ii) For residence courses of study a statement of the total number of buyers whose enrollment terminated during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class and who obtained positions of employment within three (3) months of leaving the school in job positions for which seller's course of study prepared them; a statement of the monthly or yearly range of salaries obtained by such buyers; a statement of the percentage ratio of such buyers, by salary ranges, to the total number of buyers who were enrolled in seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class; and a statement of the percentage ratio of such buyers who graduated, by salary ranges, to the total number of buyers who graduated from seller's course during the period that begins with the entrance and ends with the graduation of the school's most recent graduating class. However, this disclosure must be based on the experiences of enrollees who resided at the time of their enrollment in the metropolitan area or State where the disclosure is being made. For purposes of this subdivision (ii) the most recent graduating class shall be that class which graduated at least three (3) months before the claim is made.

(3) For each of the disclosures covered by paragraph (b) of this section, seller shall maintain complete records as provided in paragraph (a) (3) of this section.

(c) *Method of making disclosure of drop-out rate and placement record.*⁴

(1) After buyer signs an enrollment contract, seller shall mail to buyer, by certified mail, return receipt requested, a written form, in duplicate, containing the following information, and none other, except the Affirmation Statement required by paragraph (e) of this section, in bold face type of at least ten (10)

⁴ See Appendices A and B for illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

points for each course of study offered to the buyer.

or.

Disclosure and Affirmation Form for
[Name of School]

Drop Out and Placement Record for [Course]
for Period [Date] to [Date]

(1) Total enrollments [number].
(2) Total who failed to complete the course [number]. (as provided in paragraph (b) (1) (i) above.)

(3) Percentage who failed to complete the course [%]. (as provided in paragraph (b) (1) (ii) above.)

(Seller shall use number (4) below if no oral, written or broadcasted earnings or employment representations have been made. If seller has made oral, written or broadcasted earnings or employment representations to buyer, seller shall use numbers (5), (6), (7), (8), and (9) below.)

(4) This school has no information on the number or percentage of its students who obtain jobs in the occupation for which we train them. Consequently, this school and its representatives have no basis on which to make any representations or claims about job opportunities available to students who take [name of course]. Prospective students are advised that enrollment in this course should not be considered vocational training that will result in employment in job positions for which this course offers instruction.

(5) Total number of students who obtained employment in the position for which this course of study trained them [number]. (as provided in paragraph (b) (2) above.)

(6) Percentage of students who obtained employment in the position for which this course of study trained them [%]. (as provided in paragraph (b) (2) above.)

(7) Number and percentage of total enrollees who obtained employment in the following salary ranges [expressed in \$100 increments for monthly salaries or \$1,000 increments for yearly salaries]. [dollars] to [dollars] per [month or year]: [number] students which is [%] of total enrollees. (as provided in paragraph (b) (3) above.)

(8) Percentage of graduates who obtained employment in the position for which this course of study trained them [%]. (as provided in paragraph (b) (2) above.)

(9) Number and percentage of graduates who obtained employment in the following salary ranges [expressed in \$100 increments for monthly salaries or \$1,000 increments for yearly salaries]. [Dollars to dollars] per [month or year]: [number] students which is [%] of total graduates. (as provided in paragraph (b) (2) above.)

(2) Where seller has instituted a new course of instruction or where seller has established a new school, the seller's disclosure as required by paragraph (b) of this section shall contain the following information, and none other, except the Affirmation Statement required by paragraph (e) of this section, in bold face type of at least ten (10) points:

IMPORTANT INFORMATION

This school has not been in operation long enough or this course of study has not been offered long enough to indicate how many enrolled students will complete their course of study or to indicate how many students who take this course of study will obtain employment in positions for which this course trains them.

Except that where the seller has received actual written job commitments from businesses and other prospective employers, seller may add the following statement to the disclosure required above:

However, [number] employers have indicated that they will make available [number] jobs to students who complete this course of study. [Number] jobs represent [%] percent of our expected total enrollees which will be [number].

(d) *Ten day affirmation and cooling-off period.*² An enrollment contract between a seller and buyer will not be effective unless the buyer affirms that enrollment contract by signing and returning to seller the Disclosure and Affirmation Form specified in paragraph (e) of this section within ten (10) days of his receipt of that Form. If the buyer fails to affirm the enrollment contract within the ten (10) day period, seller shall consider the contract null and void, and within ten (10) business days of the expiration of the affirmation period, shall refund all monies paid by the buyer and cancel and return to buyer any evidence of indebtedness.

(e) *Disclosure and operation of ten (10) day cooling-off period.*³ (1) After receiving from the buyer his signed enrollment contract, seller shall mail to buyer, by certified mail return receipt requested, a one page form, in duplicate, that contains the placement and drop out disclosures required by paragraphs (b) (1) and (2) of this section, in the form required by paragraph (c) of this section; and at the bottom of the same form the following unsigned Affirmation Statement printed in bold face type of at least ten (10) points:

NOTICE TO THE BUYER

The enrollment contract that you signed with [name of school] on [date] to enroll in [name of course] is not effective or valid unless you first sign this statement and return it to the above named school within ten (10) days from the time that you received this statement. You are free to cancel your enrollment and receive a full refund of any monies you have paid to the school by not signing or mailing this statement within ten (10) days. At the expiration of this ten (10) day period the school has ten (10) business days to send you your refund (if any) and to cancel and return to you any evidence of indebtedness that you signed.

However, if you do want to enroll in the above named school, you should sign your name below and mail this statement to the school within ten (10) days. Keep the duplicate copy for your own records.

(Date)

(Signature)

(2) The Disclosure and Affirmation Form shall not contain any information or representations other than the drop

² See Appendices A and B for illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

³ See Appendices A and B for illustrations of Disclosure and Affirmation Forms for Correspondence and Residence Schools.

out and placement disclosures provided by paragraphs (b) (1) and (2) of this section, and the Affirmation Statement in paragraph (b) (1) of this section. Seller shall not send any document or material to buyer other than the Disclosure and Affirmation Form during the ten (10) day affirmation and cooling-off period that commences with buyer's receipt of the Disclosure and Affirmation Form.

(3) Sellers who are subject to the provisions of this section are exempted from compliance with the Federal Trade Commission's Trade Regulation Rule concerning a Cooling-Off Period for Door-to-Door Sales effective June 7, 1974.

(f) *Refund upon cancellation.* (1) Upon cancellation of an affirmed contract the seller shall not receive, demand or retain more than a pro rata portion of the total contract price, plus a registration fee of five percent (5%) of the total contract price but not to exceed twenty-five dollars (\$25).

(2) The pro rata refund shall be determined by dividing the number of classes attended by buyer or held up to the time of buyer's cancellation or, for correspondence courses, the number of correspondence lessons submitted by the buyer prior to cancellation, by the total number of classes or lessons contained in the course, and then by multiplying the total contract price by the result thereof. This amount shall constitute the buyer's total obligation. The difference between this amount and the amount the buyer has already paid the seller shall constitute either the buyer's refund or the amount of the buyer's remaining obligation to the seller.

(3) Within ten (10) business days of the date of notification of cancellation, the seller must provide the buyer with his correct refund payment, if any, and must cancel that portion of the buyer's indebtedness that exceeds the amount due the seller under the refund formula of this section.

(g) *Disclosure of cancellation and refund.* (1) The seller shall furnish the buyer with a fully completed copy of the buyer's enrollment contract and in close proximity to the space reserved in the contract for the buyer's signature, and in bold face type of at least ten (10) points, include the following statement:

Notice to the buyer: Do not sign this contract before reading the provisions under the caption "Cancellation and Refund".

(2) For correspondence courses of study, the seller shall include in the contract in bold face type of at least ten (10) points the following provision:

CANCELLATION AND REFUND

You are free to cancel this contract at any time. You will have to pay only for lessons submitted to the school plus a registration fee of five percent (5%) of the total contract price, not to exceed twenty-five dollars (\$25).

You may cancel the contract by mailing or delivering to the school a signed and dated copy of the "Notice of Cancellation" sent to you by the school or by mailing or delivering to the school your own written letter of cancellation. Cancellation will be effective on the

date of mailing or delivery. You may also cancel by failing to submit a lesson for ninety (90) days.

The amount you will have to pay for the lessons submitted will be determined by dividing the number of lessons submitted up to the time of your cancellation by the total number of lessons contained in the course. If, prior to cancellation, you have paid more than this amount plus the registration fee, the excess will be refunded to you within ten (10) business days.

(3) For residence courses of study, the seller shall include in the contract in bold face type of at least ten (10) points the following provision:

CANCELLATION AND REFUND

You are free to cancel this contract at any time. You will have to pay only for those classes the school has held prior to your cancellation plus a registration fee of five percent (5%) of the total contract price, not to exceed twenty-five dollars (\$25).

You may cancel the contract by mailing or delivering to the school a signed and dated copy of the "Notice of Cancellation" sent to you by the school or by mailing or delivering to the school your own written letter of cancellation. Cancellation will be effective on the date of mailing or delivery. You may also cancel by not attending scheduled classes nor in any other manner utilizing the school's facilities for thirty (30) days.

The amount you will have to pay for those classes the school has held will be determined by dividing those classes held up to the time of your cancellation by the total number of classes contained in the course. If, prior to cancellation, you have paid more than this amount plus the registration fee, the excess will be refunded to you within ten (10) business days.

(4) For a combination correspondence and residence course of study, the seller shall include in the contract in bold face type of at least ten (10) points the following provisions:

CANCELLATION AND REFUND

You are free to cancel this contract at any time. You will have to pay only for those correspondence lessons you submitted to the school and those residence classes held by the school prior to your cancellation plus a registration fee of five percent (5%) of the total contract price, not to exceed twenty-five dollars (\$25).

You may cancel the contract by mailing or delivering to the school a signed and dated copy of the "Notice of Cancellation" sent to you by the school or by mailing or delivering to the school your own written letter of cancellation. Cancellation will be effective on the date of mailing or delivery.

You may also cancel by failing to submit a correspondence lesson for ninety (90) days or by not attending scheduled classes nor in any other manner utilizing the school's facilities for thirty (30) days.

The amount you will have to pay for the lessons submitted and the classes held will be determined by dividing those correspondence lessons submitted and those residence classes held up to the time of your cancellation by the total number of correspondence lessons and residence classes contained in the course. If, prior to cancellation, you have paid more than this amount plus the registration fee, the excess will be refunded to you within ten (10) business days.

(h) *Method of cancellation.* (1) After buyer has signed and affirmed an enroll-

ment contract, seller shall furnish buyer with a postage pre-paid card, plus duplicate card, addressed to seller and captioned:

NOTICE OF CANCELLATION
I HEREBY CANCEL THIS CONTRACT

(Date)

(Buyer's Signature)

The buyer's cancellation is effective on the date that the buyer mails or delivers to the seller a signed and dated copy of the above described cancellation notice or any other written notice or, in the alternative; (2) The buyer's cancellation is effective on the date that buyer gives the seller constructive notice of his intention to cancel his contract by failing to attend residence classes or failing to utilize residence instructional facilities for such a period of time, of 30 days or less, that the seller should reasonably conclude that the buyer has cancelled the contract; or for correspondence courses of instruction, by failing to submit a lesson for any period of 90 days.

(i) *Packaged courses and/or services.* Where seller offers a course of instruction involving two or more segments, and sells them together as a unit at a single price, then seller shall add the segments together and use the entire period in calculating buyer's refund, even if one or more of the segments is offered as "free". Where seller offers a course of instruction consisting of both correspondence lessons and residence classes, the total number of lessons and classes shall be added together for the purpose of calculating the refund.

APPENDIX A—DISCLOSURE AND AFFIRMATION FORM

(For Correspondence Schools That Have Made Earnings or Employment Representations)

(Name of School)

Drop out and placement record for air conditioning and refrigeration course for the period January 1, 1973 to December 31, 1973.

1. Total enrollees—1500.
2. Total who failed to complete the course—1050.
3. Percentage who failed to complete the course—70%.
4. Total number of students who obtained employment in the position for which this course of study prepared them—60.
5. Percentage of students who obtained employment in the position for which this course of study prepared them—4% of total enrollees.
6. Percentage of graduates who obtained employment in the position for which this course of study trained them—11% of graduates.
7. Number and percentage of total enrollees and graduates who obtained employment in the following salary ranges: \$5,000-\$5,999 per year: 30 students which is 2% of total enrollees and 7% of total graduates. \$6,000-\$6,999 per year: 30 students which is 2% of total enrollees and 7% of total graduates.

Notice to the Buyer

The enrollment contract that you signed with (name of school) on (date) to enroll in (name of course) is not effective or valid unless you first sign this statement and

return it to the above named school within ten (10) days from the time that you received this statement. You are free to cancel your enrollment and receive a full refund of any monies you have paid to the school by not signing or mailing this statement within ten (10) days. At the expiration of this ten (10) day period the school has ten (10) business days to send you your refund (if any) and to cancel and return to you any evidence of indebtedness that you signed. However, if you do want to enroll in the above named school, you should sign your name below and mail this statement to the school within ten (10) days. Keep the duplicate copy for your own records.

(Date)

(Signature)

APPENDIX B—DISCLOSURE AND AFFIRMATION FORM

(For Residence Schools That Have Made Earnings or Employment Representations)

(Name of School)

Drop out and placement record for computer programming course for the last graduating class (January 2, 1973 to June 29, 1973).

1. Total enrollees—200.
2. Total who failed to complete the course—150.
3. Percentage who failed to complete the course—75%.
4. Total number of students who obtained employment in positions for which this course of study prepared them—20.
5. Percentage of students who obtained employment in the positions for which this course of study prepared them—10% of total enrollees.
6. Percentage of graduates who obtained employment in the position for which this course of study trained them—35% of graduates.
7. Number and percentage of total enrollees and graduates who obtained employment in the following salary ranges: \$5,000-\$5,999 per year: 10 students which is 5% of total enrollees and 17% of total graduates. \$6,000-\$6,999 per year: 10 students which is 5% of total enrollees and 17% of total graduates.

Notice to the Buyer

The enrollment contract you signed with (name of school) on (date) to enroll in (name of course) is not effective or valid unless you first sign this statement and return it to the above named school within ten (10) days from the time that you received this statement. You are free to cancel your enrollment and receive a full refund of any monies you have paid to the school by not signing or mailing this statement within ten (10) days. At the expiration of this ten (10) day period the school has ten (10) business days to send you your refund (if any) and to cancel and return to you any evidence of indebtedness that you signed. However, if you do want to enroll in the above named school, you should sign your name below and mail this statement to the school within ten (10) days. Keep the duplicate copy for your own records.

(Date)

(Signature)

STATEMENT OF REASON FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its

reason for proposing this rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. In this proceeding, we have determined that meaningful comment by the public will be best facilitated by presenting (1) a statement describing the basic factual premises upon which the Commission has determined to propose the rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission presently deems particularly pertinent and on which comment is especially solicited.

The Commission emphasizes that neither the statement of factual premises nor the questions should be interpreted as designating disputed issues of specific fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's procedures and rules of practice.

STATEMENT

The Commission has reason to believe that vocational school consumers are not fully and adequately informed of the material facts necessary for an intelligent choice in the area of career training. Further, the Commission has reason to believe that certain business and marketing practices engaged in by proprietary schools hamper the consumer's ability to make informed decisions. These practices include false, deceptive or unfair representations concerning the nature of training facilities, the qualifications of instructors, admissions procedures or standards, the status or qualifications of sales representatives, consumers' obligation under federal grant and loan programs, the school's cancellation and refund policy, the ability of the school to place consumers in job positions for which they are trained, earnings available to enrollees, and the potential for each enrollee to complete the full course of study. In some instances, these practices are caused by a system of quotas and commissions used by the vocational school industry which provide strong economic incentives for false, deceptive and unfair acts or practices. The Commission has reason to believe that these practices lead consumers to purchase courses in which they do not have a genuine interest and about which they do not have a full and accurate understanding.

In addition, the Commission has reason to believe that the vocational school consumer is susceptible to generalized advertising and related claims that emphasize job opportunities or earnings potential. These claims tend to mislead consumers by inducing them to believe that the advertiser is aware of conditions in the industry for which it offers training and is able to prepare its students to earn the stated salary or to find employment in a particular industry, and by inducing them to ignore other factors integral to obtaining jobs, such as local conditions of labor supply and demand,

union membership requirements, state licensing or testing requirements, employer preferences for training their own entry level personnel or for promoting only their existing employees, and the school's graduation rate.

The Commission has further reason to believe that many schools fail to make tuition refunds that bear a reasonable relationship to the actual services rendered, that the amount retained is sufficiently large to amount to a penalty for the consumer's change of mind or career plans, and that refund policies influence the type of advertising, screening, and recruiting practices utilized by schools.

The Commission determined it has reason to believe the above assertions after it was presented with information compiled by the staff during an extensive investigation of the marketing and business practices used by proprietary vocational and home study schools throughout the United States. In the course of this investigation the Commission's staff has received documentary evidence of these practices and has conducted interviews with consumers, school operators, federal and state officials, representatives of accrediting organizations and other interested parties. In addition, the staff has evaluated pertinent state and federal statutes, regulations and judicial rulings. The Commission has not adopted any findings or conclusions of the staff. All findings in this proceeding shall be based solely on matter in the rulemaking record.

Furthermore, the Commission has for some years undertaken extensive adjudicative efforts in an attempt to remedy false, deceptive and unfair acts or practices engaged in by some schools. The Commission, having reason to believe that adjudication alone is inadequate to establish well defined standards of enforcement for the guidance of consumers and school operators, undertakes herewith to define with specificity some acts or practices which may be unfair or deceptive and to prescribe requirements for the purpose of preventing such acts or practices.

QUESTIONS

1. Section 438.2(a) presently prohibits the use of generalized employment and/or earnings claims. Are there any types of generalized employment and earnings claims that should not be prohibited by the proposed Rule? Would such types of exempted claims still implicitly or explicitly represent to prospective vocational school students that they will be able to obtain employment in the advertised field and/or at a particular salary level? If so, would such exempted generalized claims adequately inform a prospective student as to the success an enrollee of a particular course of study at a particular school will in fact have in obtaining a position in the advertised job and/or at the advertised salary level?

2. Would a student survey based on a statistically valid sample be more feasible and less costly than the Rule's proposed data gathering requirements? How would

the accuracy and adequacy of such a survey be independently evaluated? Would this alternate method discourage or penalize schools who conduct more extensive student follow-up efforts?

3. Should those graduates of a course of study (or of a survey sample) for whom no follow-up data is obtainable be treated in placement and earning disclosures as the Trade Regulation Rule proposes, or should they be excluded from placement percentage calculations? If they were so excluded, would this result in higher placement ratios for schools who were less diligent in their follow-up efforts? How would the propriety of these exclusions be independently audited?

4. Should graduates who were not seeking entry level jobs when they enrolled be excluded from placement percentage calculations? Could this be accurately or meaningfully determined? Should students who considered their course of training useless in obtaining course-related employment not be counted by the schools as obtaining such employment for purposes of the placement disclosures? Could this be accurately or meaningfully determined? Should drop outs who obtained course-related employment be presumed to consider their training useless in obtaining course-related employment? Should enrollees who already have entry level positions be excluded from the calculations?

5. Even if a school makes no job or earning claims, would prospective vocational school students find implicit in the offering of a vocationally oriented course of study certain employment representations? If so, does the disclosure mandated by paragraph (4) of the Disclosure and Affirmation Form required by § 438.2(c) (1) sufficiently warn the prospective student that the school is not making any such representation, while at the same time accurately describing on what terms the school is offering the course of study? If not, what alternative disclosures would achieve these two results?

6. Section 438.2(d) requires that each student reaffirm his enrollment contract within ten days of receipt of the Disclosure Form. Should there be more than the ten day limit (or no limit at all) within which a prospective student must affirm an enrollment contract? How do schools holding down-payments affect this? After what period of time should a school be able to contact a consumer who has not affirmed his enrollment contract? What procedures should accompany second contact? How does the existing reaffirmation requirement for veterans affect the type of reaffirmation to be considered by the Commission?

7. As presently drafted, § 438.2(e) (2) requires the school to refrain from sending any documents or materials to the student during the affirmation period. Should oral contact be proscribed as well during the ten day period? Should written reminder notices or discussions on the school grounds be permitted? What provision should be made for students who actually start their course work during the affirmation period?

8. Should the registration fee allowed under § 438.2(f) be increased to permit recoupment of a school's actual acquisition costs? Does allowing a school to retain acquisition costs encourage random recruitment and misrepresentation of the nature and value of the course of study? If schools reasonably predict their dropout rates, would fixed expenditures be based on the size of the expected graduating class or on the number of initial enrollees? Should residence schools have a different refund policy and/or a different registration fee than correspondence schools?

9. Should the refund provisions of the Rule make special allowances for the costs of equipment and supplies given to students as part of the course of instruction? Should the equipment be returned? Should the wholesale (or retail) value of the equipment be kept by the school? What types of equipment cannot be given to the student on a staggered basis throughout the course? How can a provision be framed to allow for a special equipment allowance without at the same time permitting a school to avoid its refund obligations?

10. What will be the cost of compliance with the proposed Rule? What effect will compliance have on tuition costs, enrollment, and the availability of particular courses of study? Do the answers to these questions depend on the type of course offered, length of the course, cost of the course, size of the school, or whether the course is correspondence or residence? What is the economic effect of the Rule on small business?

11. What is the economic effect of the Rule on consumers?

12. Will the Rule effectively prevent unfair and deceptive advertising, sales practices, enrollment practices, and refund policies? Would some less restrictive Rule equally or more effectively prevent such unfair and deceptive practices? Does the advisability of such changes in the Rule depend: on the subject or nature of the course offered; the course cost, length or size; whether the course is correspondence or residence; how extensively other government agencies regulate the course; the type of sales activities used to enroll students in the course; or the extent of abuses found in similar courses?

13. Since the Commission's jurisdiction now reaches to acts or practices "affecting commerce" and not simply "in commerce", should certain schools be excluded from the proposed Trade Regulation Rule? If so, what exclusion criteria should be used—e.g., gross sales, tuition cost, class size? How would persons or corporations that own more than one school be treated? Should schools be excluded from the final Rule entirely or only in part?

14. In what specific ways does the Rule put proprietary vocational schools at a competitive disadvantage with public vocational schools? Do proprietary vocational schools have the same degree of independent review and accountability to governmental bodies that public voca-

tional schools do? How do the advertising, sales techniques, enrollment policies, drop out and placement rates, cost, refund policies, and length of public and proprietary vocational courses compare? Does the existence of the profit motive require more consumer safeguards than when it is missing?

15. Do state educational agencies and private accrediting associations effectively prevent unfair and deceptive acts or practices in private vocational school sales transactions? Is there a need to establish national guidelines? Can state government effectively deal with courses in interstate commerce? In what specific ways should the Trade Regulation Rule accommodate existing Veterans Administration and Office of Education requirements?

16. The Commission requests comment on both the prevalence of the challenged practices set forth in the Statement and the manner and context in which such acts or practices may or may not be unfair or deceptive.

INVITATION TO PROPOSE ISSUES OF SPECIFIC FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of specific fact, in contrast to legislative fact, which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with section 18(c) of the Federal Trade Commission Act as amended by Pub. L. 93-637, and rules promulgated thereunder. Proposals shall be accepted until July 14, 1975, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Specific Fact—Proprietary Vocational and Home Study Schools," and submitted, when feasible and not burdensome, in five copies. The times and places of public hearings will be set forth in a Notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of specific fact, will be accepted until ten days before commencement of public hearings, but at least until July 14, 1975. To assure prompt consideration of a comment, it should be identified as a "Proprietary Vocational and Home Study School Comment," and submitted, when feasible and not burdensome, in five copies.

Interested persons should also be advised that the Commission will consider all data, views, arguments or any other relevant information previously submitted on the public record in this matter since notice of publication in the FEDERAL REGISTER on August 15, 1974 (39 FR 29385). Resubmission of previously filed data, views, arguments or other relevant information is not required.

Issued: May 15, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-12777 Filed 5-14-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Reduction and Discontinuance of Awards

The Administrator of Veteran's Affairs proposes to amend § 3.500 of Title 38, Code of Federal Regulations, to delete obsolete material and insert clarifying language.

Benefits under the Federal Employees' Compensation Act which were formerly administered by the Bureau of Employees' Compensation are now administered by the Office of Workers' Compensation Programs in the Employment Standards Administration, Department of Labor. The proposed revisions in § 3.500(e) reflect this change in jurisdiction. These amendatory changes are editorial in nature and no change in Veterans Administration benefits entitlement is effected.

Paragraph (g) of § 3.500 provides effective dates for reduction or termination of awards of compensation, dependency and indemnity compensation, and pension because of death of a payee or dependent. Paragraph (n) provides effective dates for reduction or termination of awards because of marriage or remarriage of a payee or dependent. The proposed amendments to paragraphs (g) (1) and (n) (1) insert specific references to "apportionees" to clarify that awards to apportionees are reduced or terminated in accordance with the provisions relating to payees and not the provisions relating to dependents. These changes are for clarification only and do not effect any change in entitlement or procedures.

Section 3.500(p) (1), Title 38 of the Code of Federal Regulations relating to benefits awarded based on service in the military forces of the Philippine Commonwealth, provides for terminating awards of pension effective February 17, 1946, and changing compensation awards from dollars to pesos effective February 17, 1946. These provisions were originally incorporated in the regulations during implementation of Pub. L. 301, 79th Congress.

Following enactment of Pub. L. 301, 79th Congress, all affected Philippine cases were reviewed and the necessary

terminations and adjustments were effected. Therefore, the provisions in § 3.500(p)(1) which it is now proposed to delete no longer have any application.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420. All relevant material received before June 16, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed change would be effective the date of final approval.

In § 3.500, paragraphs (b)(1), (e), (g)(1), (n)(1) and (4), and (p) are revised to read as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in the paragraphs of this section unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit.

(38 U.S.C. 3012(b))

(b) *Error; payee's or administrative* (38 U.S.C. 3012(b) (9), (10)). (1) Effective date of award or day preceding act, whichever is later, but not prior to the date entitlement ceased, on an erroneous award based on an act of commission or omission by a payee or with his or her knowledge.

(e) *Federal employees' compensation* (§ 3.708). End of month following the month in which there is received from Office of Workers' Compensation Programs notice that payee has elected bene-

fits under the Federal Employees' Compensation Act. If children on rolls and widow or widower has primary title, award to children discontinued same date as widow's or widower's award.

(g) *Death* (38 U.S.C. 3012(a), (b))—(1) *Payee (includes apportionee)*. Last day of month before death.

(n) *Marriage (or remarriage)* (38 U.S.C. 101(3), 3012 (b))—(1) *Payee (includes apportionee)*. Last day of month before marriage.

(4) *Conduct of widow or widower*. Last day of month before inception of relationship.

(p) *Philippines* (38 U.S.C. 107(a)(3); § 3.8). Date of last payment when recognition of service withdrawn.

Approved: May 9, 1975.

By direction of the Administrator.

(SEAL) ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc. 75-12809 Filed 5-14-75; 8:45 am]

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regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended, together with any limitations specified below:

AUTHORITY IN SPECIFIED MATTERS

Sec. 3.3 Fiscal Affairs. The Area Manager may take all action on:

(d) Trespass. Determine liability for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof, when actual damages do not exceed \$1,000.00. Accept payment in full where actual damages do not exceed \$1,000.00.

Sec. 3.7 Range Management. The Area Manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation.

(e) Controlled brush burning. In accordance with plans and specifications approved by the State Director.

Sec. 3.8 Forest Management. The Area Manager may take all actions on:

(a) Dispose of or permit the use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR. This authority does not include sales of forest products exceeding 250,000 board feet in volume.

Sec. 3.9 Land Use. The Area Manager may take all actions on:

(g) Material other than forest products not exceeding \$1,000.00 in value.

(m) Grant rights-of-way (Tram Road Permits) over public and acquired land pursuant to 43 CFR Part 2811.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective on May 25, 1975.

JOHN F. FIELDS,
District Manager.

[FR Doc.75-12832 Filed 5-14-75; 8:45 am]

[NM 25434, 25436, 25437, 25438, 25439, 25486]

NEW MEXICO

Applications

MAY 7, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 35, S½SE¼.
T. 29 N., R. 8 W.,
Sec. 6, SW¼SE¼;
Sec. 11, N½NE¼.
T. 30 N., R. 8 W.,
Sec. 4, S½NW¼;
Sec. 21, SW¼NW¼ and N½SW¼.
T. 30 N., R. 9 W.,
Sec. 7, Lot 3.
T. 30 N., R. 10 W.,
Sec. 12, Lots 9, 15 and 16.

These pipelines will convey natural gas across 1.114 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-12833 Filed 5-14-75; 8:45 am]

SALMON DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Salmon District Multiple Use Advisory Board will be held beginning at 9:00 a.m., June 3, 1975, at the Salmon District Office, Salmon, Idaho.

The Advisory Board was established to advise the Salmon District Manager on matters relating to the use, management, protection, and disposition of lands and resources administered by the Bureau of Land Management within its Salmon District of Idaho.

The purpose of the meeting is to (1) outline the responsibilities of the board members; (2) orient new members to the B.L.M. organization; (3) orient new members to the resource areas and planning system progress; (4) orient new members to the present resource situation; (5) discuss regulation changes; and (6) other appropriate items.

The meeting is open to the public. It is expected that 10 persons will be able to attend the session in addition to the committee members. Interested persons may make written presentations to the committee or file written statements. Such requests should be made to the official listed below at least 10 days prior to the meeting.

Further information concerning this meeting may be obtained from Harry R. Finlayson, District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467—(208) 756-2201. Minutes of the meeting will be available for public inspection and copying 2 weeks

after the meeting at the Salmon District Office, Highway 93 South, Salmon, Idaho.

HARRY R. FINLAYSON,
District Manager.

[FR Doc.75-12782 Filed 5-14-75; 8:45 am]

[Wyoming 50689]

WYOMING Application

MAY 7, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Belle Fourche Pipeline Corporation has applied for an oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 68 W.,
Sec. 2, lot 4.

The pipeline will connect the Davis Chambers Federal No. 1 well in the NW¼NW¼, Sec. 2, T. 33 N., R. 68 W. with an existing pipeline in the SE¼NE¼, Sec. 3, T. 33 N., R. 69 W. all in Converse County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.75-12781 Filed 5-14-75; 8:45 am]

National Park Service

ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will be held June 9-20, 1975, during field inspections of areas in Alaska which are being proposed for inclusion in the National Park System, and other Systems.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System, and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Mr. Peter C. Murphy, Jr. (Chairman), Springfield, Oregon
Mr. Steven Rose (Vice Chairman), La Canada, California
Dr. William G. Shade (Secretary), Bethlehem, Pennsylvania
Hon. E. Y. Berry, Rapid City, South Dakota
Mr. Laurence W. Lane, Jr., Menlo Park, California

Dr. A. Starker Leopold, Berkeley, California
 Mr. Linden C. Pettys, Ludington, Michigan
 Mrs. Nancy A. Rennell, Greenwich, Connecticut
 Capt. Walter M. Schirra, Jr., Englewood, Colorado
 Dr. Douglas W. Schwartz, Santa Fe, New Mexico
 Dr. Edgar A. Toppin, Petersburg, Virginia

The Advisory Board will begin its inspection of various areas with a briefing meeting in Anchorage, Alaska, June 10, and will depart from Anchorage on June 11 on an inspection tour by airplane/bus/train of the areas recommended for addition to the National Park, Wildlife Refuge, Wild and Scenic Rivers, and Forest Systems; concluding its inspection trip on June 20 in Anchorage.

The meetings will be open to the public. However, members of the public wishing to participate in the inspection trip must provide their own transportation, food, and accommodations, which are generally available on a commercial basis. Any member of the public may file with the Advisory Board a written statement concerning the matters to be considered. Person desiring further information concerning this field inspection, or who wish to file written statements, may contact Miss Shirley Luikens, National Park Service, Washington, D.C. 20240 (telephone: 202-343-2012), or Pacific Northwest Regional Director John A. Rutter, National Park Service, 523 Fourth and Pike Building, Seattle, Washington 98101 (telephone: 206-442-5565).

A summary report of the activities will be available for inspection by members of the public on or about August 1, 1975, at Room 3123, Secretary's Advisory Board, National Park Service, Department of the Interior, Washington, D.C., and the Pacific Northwest Regional Office, address above.

Dated: May 5, 1975.

ROBERT M. LANDAU,
*Liaison Officer, Advisory
 Commissions, National Park Service.*
 [FR Doc.75-12735 Filed 5-14-75;8:45 am]

Office of the Secretary

[INT DES 75-33]

PROPOSED REHABILITATION OF NATIONAL MALL, WASHINGTON, D.C.

Availability of Draft Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the proposed rehabilitation of the National Mall, Washington, D.C.

This statement describes the project to rehabilitate the Mall in Washington, D.C., between Madison Drive and Jefferson Drive, from Third Street to 14th Street. The project includes the construction of four pedestrian/bike paths between Third Street and 14th Street and crosswalks at each of the Mall museum buildings, plus reconstruction of walks along Third, Fourth, Seventh, and 14th Streets. It also includes the in-

stallation of park benches, drinking fountains, curb ramps for handicapped persons, street lights, telephones, refreshment and information kiosk foundations, bike racks, additional plantings in the tree panels, and necessary utility services. Two of the walks would replace Adams and Washington Drives and two walks will replace Sixth and 13th Streets between Madison and Jefferson Drives. A part of the project, but outside the boundaries of the project area, is the establishment as a demonstration project, of fringe parking at the Robert F. Kennedy Stadium with a visitor shuttle bus system between the stadium and the Mall. From the stadium, the shuttle buses would travel along East Capitol Street to First Street, then south to Independence Avenue, stopping at a designated bus stop, then west to Seventh Street, and then north to the terminus at Madison Drive. The return trip would leave the terminus going north on Seventh Street to Constitution Avenue, then proceed east to First Street, stopping at a designated bus stop on the Capitol Grounds, then south to Independence Avenue, and then east to the stadium parking lot.

Copies of the draft statement are available from or for inspection at the following locations:

National Capital Parks
 Room 201
 1100 Ohio Drive, SW.
 Washington, D.C. 20242
 Martin Luther King Memorial Library
 901 G Street, NW.
 Washington, D.C. 20001
 National Park Service
 Department of the Interior
 Room 1210
 18th and C Streets, NW.
 Washington, D.C. 20240

Dated: May 12, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the
 Interior.*
 [FR Doc.75-12854 Filed 5-13-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Order No. 905]

SHIPPERS ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on June 10, 1975.

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 analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: May 12, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-12853 Filed 5-14-75;8:45 am]

Forest Service

TIMBER MANAGEMENT PLAN, WHITE MOUNTAIN NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the White Mountain National Forest, USDA-FS-R9-FES-(Adm)-75-1.

The environmental statement concerns the proposed plans for timber harvest, reforestation, timber stand improvement, tree improvement, and transportation development on the White Mountain National Forest in parts of Carroll, Coos, and Grafton Counties in New Hampshire and parts of Oxford County in Maine.

This final environmental statement was transmitted to CEQ on May 6, 1975.

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, D.C. 20250

USDA, Forest Service
 Eastern Region
 633 West Wisconsin Avenue
 Milwaukee, Wisconsin 53203

USDA, Forest Service
 White Mountain National Forest
 Federal Building
 719 Main St., P.O. Box 638
 Laconia, New Hampshire 03246

A limited number of single copies are available upon request to Forest Supervisor, White Mountain National Forest, Federal Building, 719 Main Street, P.O. Box 638, Laconia, New Hampshire 03246.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: May 6, 1975.

JOHN A. SANDOR,
*Deputy Regional Forester
 for Resources, Eastern Region.*

[FR Doc.75-12826 Filed 5-14-75;8:45 am]

Office of the Secretary
ECONOMIC MANAGEMENT SUPPORT
CENTER

Organization, Functions, and Availability
of Information

Pursuant to the authority of the Director, Economic Management Support Center (EMSC), appearing at 7 CFR 2.88, the following statement of Organization, Functions, and Availability of Information is made.

PART I—ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* EMSC was created by the Director of Agricultural Economics on April 16, 1974 (39 FR 13625).

SEC. 2. *Organization.* The central and only office of EMSC is located in the South Building of the Department of Agriculture, 14th Street and Independence Avenue, Washington, D.C. and consists of the Director, Deputy Director, and three Division Directors as follows:

Director
Deputy Director
Director, Administrative Services Division
Director, Budget and Finance Division
Director, Personnel Division

SEC. 3. *The Director.* The Director, under the direction of the Director of Agricultural Economics, formulates, directs and supervises the execution of EMSC policies, programs and activities. The Director is authorized to provide to other agencies reporting to the Director of Agricultural Economics, and to the Packers and Stockyard Administration, management support services as agreed upon by these agencies. He is also authorized to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction deemed by him to be necessary and proper to the discharge of the functions assigned to EMSC, and to delegate and provide for redelegation of his authority to appropriate officers and employees consistent with his personal responsibilities for the proper discharge of functions assigned to EMSC. Delegations are stated in Sections 4, 5, 6, and 7.

SEC. 4. *Deputy Director.* The Deputy Director is hereby delegated the authority to perform all the duties, and exercise all the functions and the powers, which are now, or which may be in the future, vested in the Director. He is also authorized to act for the director in his absence, or when he is temporarily unavailable.

SEC. 5. *Director, Administrative Services Division.* The Director, Administrative Services Division, is hereby delegated authority to perform all the duties, and to exercise all the functions and powers, which are now, and which may be in the future, vested in the Director relating to actions required by law concerning procurement and contracting, real and personal property management, paperwork management, records management, and related functions.

SEC. 6. *Director, Budget and Finance Division.* The Director, Budget and Finance Division, is hereby delegated authority to perform all the duties, and to exercise all the functions and powers, which are now, and which may be in the

future, vested in the Director relating to actions required by law or regulation concerning discharge of the budget, accounting, and related financial management functions.

SEC. 7. *Director, Personnel Division.* The Director, Personnel Division, is hereby delegated authority to perform all the duties, and to exercise all the functions and powers, which are now, and which may be in the future, vested in the Director relating to actions required by law or regulation concerning employment, classification, organization, employee relations, and related functions.

PART II—AVAILABILITY OF INFORMATION

SEC. 8. *General.* This part is issued in accordance with the regulations of the Secretary of Agriculture in Part I, Subpart A, of Subtitle A of Title 7, CFR (7 CFR 1.1-1.16), and Appendix A thereto, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by this part, govern the availability of records of EMSC to the public.

SEC. 9. *Public Inspection and Copying.* 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying, and that a current index of these materials be published quarterly or otherwise made available. EMSC does not maintain any materials within the scope of these requirements.

SEC. 10. *Requests for Records.* Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to: Chief, Records Systems and Analysis Branch, Administrative Services Division, Economic Management Support Center, U.S. Department of Agriculture, Washington, D.C. 20250. Authority is hereby delegated to this official to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

SEC. 11. *Appeals.* Any person whose requests for records above is denied shall have the right to appeal that denial in accordance with 7 CFR 1.3(e) and 1.7. All appeals shall be addressed to: Director, Economic Management Support Center, U.S. Department of Agriculture, Washington, D.C. 20250.

Effective date. This notice shall be effective on May 15, 1975.

Issued at Washington, D.C., this 5th day of May 1975.

WILLIAM E. McELHANON,
Director, Economic Management
Support Center.

[FR Doc. 75-12786 Filed 5-14-75; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

INDUSTRY POLICY ADVISORY COMMITTEE
FOR MULTILATERAL TRADE NEGOTIATIONS

Determination for Closing of Meeting

The Industry Policy Advisory Committee for Multilateral Trade Negotiations ("IPAC") will meet on June 20,

1975. By memorandum of May 6, 1975, the Deputy Assistant Secretary for Domestic and International Business has requested that this Committee meeting be closed to the public in order to protect the security classified information to be reviewed and discussed thereat.

The IPAC, consisting of 19 members, was established on February 6, 1974 in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), by the Secretary of Commerce and the Special Representative for Trade Negotiations. All members of the Committee have appropriate security clearances.

The Committee's activities are conducted in accordance with the provisions of the Federal Advisory Committee Act, and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public and to public participation unless the head of the agency (or his delegate) to which the committee reports determines in writing that all or portions of the agenda of the meeting is concerned with matters listed in 5 U.S.C. 552(b).

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy of the United States and are in fact properly classified pursuant to such Executive Order.

The agenda items for this IPAC meeting are:

I. Review and Discussion of Classified Information and Advisory Input Relating to the Current Status of the MTN and the Overall U.S. Policy Positions Relating Thereto

II. Review of Classified Information and IPAC Advisory Input Regarding the Following Specific MTN Issues:

A. Possible Groundrules for an International Code Covering Export Subsidies and the Trade Effects of Domestic Aids to Industry.

B. Formulation of a U.S. Government Policy on the Nature and Extent of Possible International Rules Governing the Question of Raw Materials Supply in World Trade.

C. Consideration of an International Code on Government Procurement.

III. Discussion Regarding the Classified Reports of the Industry Sector Advisory Committees (ISACs).

The information to be reviewed and discussed at the meeting will concern the classified sector data and advice of the members of the Industry Sector Advisory Committees (ISACs) provided to assist the U.S. negotiators in formulating their negotiating positions in the current MTN, as well as other information concerning overall U.S. policy positions, projected negotiating tactics, etc. This information will be properly classified "Confidential" pursuant to Executive Order 11652 and specifically required by the said Executive Order to be kept secret in the interests of the national security (i.e., the conduct of the foreign relations) of the United States.

Accordingly, I hereby determine, pursuant to section 10(d) of Pub. L. 92-463, that this meeting of the IPAC to be held on June 20, 1975 shall be exempt from the open meeting and public participation provisions of the Federal Advisory Committee Act because it deals with matters exempt from public disclosure under section 552(b) (1) of Title 5, U.S.C.

Dated: May 6, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

B. PARRETTE,
Department General Counsel.

[FR Doc. 75-12796 Filed 5-14-75; 8:45 am]

FLORIDA HOSPITAL ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 4, 1975.

Amended regulations issued under cited Act, as published in the March 18, 1975 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00459-33-90000. Applicant: Florida Hospital, 601 E. Rollins Street, Orlando, Florida 32803. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for examination of the skull and its contents, primarily the brain, to depict differences in tissue density which are not possible by conventional radiographic film combinations. Application received by Commissioner of Customs: March 31, 1975.

Docket Number: 75-00487-00-80050. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2015 Ivy Road, Charlottesville, Virginia 22903. Article: Three (3) Waveguide Signal Distributors. Manufacturer: Hitachi Shibaden Corp., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelengths radiation received from extraterrestrial objects to recording apparatus.

The study of this radiation enables astronomers to study the sources of energy, origin and evaluation of the universe. Application received by Commissioner of Customs: April 22, 1975.

Docket Number: 75-00488-99-03400. Applicant: Students International Meditation Society, P.O. Box 186, Livingston, Manor, N.Y. 12758. Article: Autocue 700 Direct Vision Script Promoter System. Manufacturer: Autocue Ltd., United Kingdom. Intended use of article: The article is intended to be used to produce video tape courses for use in teaching programs all over the world. Application received by Commissioner of Customs: April 22, 1975.

Docket Number: 75-00489-33-46040. Applicant: University of Minnesota, School of Dentistry, Health Sciences Unit A, 515 Delaware St. SE., Minneapolis, Minnesota 55455. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in studies of the structure and morphogenesis of the small *Bacillus subtilis* phage 029 which are designed to define and analyze the steps involved in *in vivo* morphogenesis of this virus. The article will also be used to teach the basics of electron microscope methods of application of these methods to the microscopic study of the healthy and diseased oral tissues. Application received by Commissioner of Customs: April 22, 1975.

Docket Number: 75-00490-33-43400. Applicant: Northwestern University, Auditory Physiology Laboratory, Frances Searle Building, Evanston, Illinois 60201. Article: Automatic Stepping Micro-manipulator and Electron Control Unit. Manufacturer: AB Transvertex Co., Sweden. Intended use of article: The article is intended to be used in experiments concerned with the study of bioelectric phenomena in the auditory system. Specifically, the electrical activity generated in response to sound by the sensory receptor cells and fibers of the auditory nerve are investigated. The overall purpose of these experiments is to delineate the energy conversion processes that take place in the inner ear which mediate hearing. Application received by Commissioner of Customs: April 22, 1975.

Docket Number: 75-00495-33-46040. Applicant: The George Washington University, Department of Pathology, 2300 Eye Street, NW., Washington, D.C. 20037. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in fine structural studies of brain tissue from Rhesus monkey fetuses infected with live influenza virus. These ultrastructural studies are part of a broader investigation of the teratogenic potential of viruses for man using a primate model. The article will also be used to conduct a basic course entitled "Introduction to Electron Microscopy" in which students are to be provided with a working knowledge in the basic techniques of electron microscopy,

including the actual operation of the transmission electron microscope. In addition, the article will be used in the field of diagnostic pathology. Application received by Commissioner of Customs: April 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director.

Special Import Programs Division.

[FR Doc. 75-12807 Filed 5-14-75; 8:45 am]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00251-65-90000. Applicant: Northwestern University, 619 Clark Street, Evanston, Illinois 60201. Article: Rotating Anode X-Ray Diffraction Unit. Manufacturer: Rigaku Denki Co., Ltd., Japan. Intended use of article: The article is intended to be used for topographical studies of dislocation contents in deformed metals and atomic arrangements in crystalline polymers, ceramics and metals to determine the relation of dislocation content to strength; and to provide a quantitative comparison of theoretical models of the structure with diffraction patterns. The article will also be used in the course Crystallography and Diffraction "diffraction methods" for undergraduates and graduate work.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (point foci 0.1 x 0.1 millimeters squared) and a rotating anode target for maximum x-ray brilliance and intensity. The National Bureau of Standards (NBS) advised in its memorandum dated April 17, 1975 that the capabilities described above are pertinent to the applicant's intended uses. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.75-12806 Filed 5-14-75; 8:45 am]

UNIVERSITY OF CINCINNATI, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 4, 1975.

Amended regulations issued under cited Act, as published in the March 18, 1975 issue of the *FEDERAL REGISTER*, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00491-33-46500. Applicant: University of Cincinnati, College of Medicine, Bethesda Avenue, Cincinnati, Ohio 45627. ARTICLE: Ultramicrotome, Model Om U3, Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for sectioning of biological materials in preparation for observation by light and electron microscopy. Specific research projects for which the article is intended to be used are: (a) Morphological and histochemical observations on the fore stomach of the mouse, (b) morphologic changes in testicular interstitial tissue of the rat after cryptorchidism or x-irradiation, (c) ultrastructural studies on embryonic chick connective tissues. In addition, the article is intended to be used for educational purposes in the courses Microanatomy (Histology) and Research Techniques in which students will be trained to use the article by individual instruction and manipulation of the article. Application received by Commissioner of Customs: April 24, 1975.

Docket Number: 75-00492-33-46040. Applicant: Iowa State University of Science and Technology, Ames, Iowa 50010. ARTICLE: Electron Microscope, Model HU-12A, Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in a variety

of studies which will include the following:

- (1) Ultrastructural studies of the hypophysis in stress prone pigs.
- (2) Examination of the fine structure of nuclear chromatin and of the rough endoplasmic reticulum and its contents in as great detail as possible, particularly in adrenocorticotrophs.
- (3) Correlation of ultrastructural studies of hepatocytes with biochemical and histochemical studies.
- (4) Comparative study of the fine structure of the adrenal glands and skeletal muscles from normal and stress-susceptible swine.
- (5) Localization of pathogens with relation to lesion production in swine dysentery and salmonellosis.
- (6) Resolution of virus particles and agglutinating globulins.
- (7) Identification and characterization of viruses involved in pseudorabies and transmissible gastroenteritis of swine.
- (8) Identification of unknown isolates of viruses by determining morphological features.
- (9) Study of the ultrastructure of various cell cultures injected with various bovine viruses.
- (10) Studies of subcellular damage caused by the turbulent flow in the femoral arteries of dogs, and
- (11) Studies of the effects of metabolic inhibitors on ultrastructural responses of steroid-secreting ovarian cells to gonadotropins.

The article will also be used to train faculty and graduate students in techniques of electron microscopy.

Application received by Commissioner of Customs: April 24, 1975.

Docket Number: 75-00493-33-70700. Applicant: Veterans Administration Hospital, 1030 Jefferson Avenue, Memphis, Tennessee 38104. ARTICLE: Specialized Electronic Analysis Instruments consisting of UV Recorder, Electro Aerometer, Electro-Photograph Intensity Meter, and Fundamental Frequency Meter. Manufacturer: F-J Electronic A/S, Denmark. Intended use of article: The article is intended to be used for studies of a number of acoustic/physiologic correlates of perceptual speech dimensions in order to determine objective measurement parameters that can be used in differential diagnosis and therapy planning for individuals who exhibit a wide range of speech/voice disorders. The article will also be used to instruct student clinicians as well as practicing clinicians in the practical, clinical applications of the principles of speech/hearing science. Application received by Commissioner of Customs: April 24, 1975.

Docket Number: 75-00494-88-58300. Applicant: State University College, Postdam, New York 13676. ARTICLE: Thin-Laminated Multiplate Grinder. Manufacturer: G. Brot, France. Intended use of article: The article is intended to be used in geology courses in which thin-section study is fundamental. The article will be used for teaching students the techniques of thin-section preparation from field samples and for maintaining and upgrading the thin section collection by students and faculty alike. Application received by Commissioner of Customs: April 25, 1975.

Docket Number: 75-00496-33-46500. Applicant: Harvard Medical School, Dept. of Microbiology & Molecular Gen., 25 Shattuck Street, Bldg. D-1, Boston, Massachusetts 02115. ARTICLE: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the structure and morphogenesis of bacterial and animal viruses. In addition, bacterial cells, animal cells, proteins such as enzymes, nucleic acids and samples of animal tissue such as brain from virus-infected animals, will be studied by members of the Department of Microbiology and Molecular Genetics. The article will also be used in a graduate course for medical and graduate students in the Theory and Techniques of Electron Microscopy. Application received by Commissioner of Customs: April 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.75-12808 Filed 5-14-75; 8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, June 25, 1975 from 9 a.m. to 5 p.m., and Thursday, June 26, 1975 from 8:30 a.m. to 12 noon, in Conference Room 1107, Radio Building, Boulder, Colorado.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

1. Overview of the Boulder Laboratories
 - o National Bureau of Standards
 - o Office of Telecommunications
 - o National Oceanic and Atmospheric Administration
2. Follow up on the commercialization of Federally-funded R&D programs.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 967-5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

MAY 9, 1975.

[FR Doc.75-12793 Filed 5-14-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PEDIATRIC SUBCOMMITTEE OF PSYCHOPHARMACOLOGICAL AGENTS ADVISORY COMMITTEE

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. D), 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
Pediatric Subcommittee of Psychopharmacological Agents Advisory Committee.	May 23 and 24, 6 p.m., Royal Biscayne Hotel, Key Biscayne, Fla.	Open May 23, 6 p.m. to 7 p.m., closed May 23 after 7 p.m.; closed May 24, Jay Cinque, (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of psychiatry and related fields.

Agenda. Open session: Review of data available on the efficacy of phenothiazines in the treatment of disturbed behavior in less-than-psychotic populations. Closed session: Review of above data and formulation of recommendations.

Less than 15 days' notice is being given for this meeting since the date was established at the April 25 meeting of the subcommittee and some delay was encountered in obtaining agency clearance for an out-of-town meeting.

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 nonconfiden-

tial 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: May 9, 1975.

A. M. SCHMIDT,

Commissioner of Food and Drugs.

[FR Doc. 75-12783 Filed 5-14-75; 8:46 am]

National Institutes of Health MINORITY ACCESS TO RESEARCH CAREERS Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Minority Access to Research Career, National Institute of General Medical Sciences on May 30-31, 1975, 9 a.m., National Institutes of Health, Building 31B, Conference Room 5. This meeting will be open to the public on May 30 from 9 a.m. to 10 a.m. for opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b) (4), 552(b) (5), and 552(b) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 30 from 10 a.m. to 5 p.m. and on May 31

from 9 a.m. to 5 p.m., for the review, discussion and evaluation of individual applications under the National Research Services Awards Program (42 U.S.C., 4321-1). The closed portion of the meeting involves solely the internal expression of views and judgments of such applications which contain detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301, 496-5676, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Mr. Elward Bynum, Executive Secretary, Westwood Building, Room 9A18, Bethesda, Maryland 20014, Telephone: 301, 496-7357.

(Catalog of Federal Domestic Assistance Program 13-859, 13-860, 13-861, 13-862, 13-863, General Medical Sciences)

Dated: May 12, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-12861 Filed 5-14-75; 8:45 am]

MINORITY ACCESS TO RESEARCH CAREERS REVIEW COMMITTEE Establishment

The National Institutes of Health announces the establishment on April 25, 1975, of the Public Advisory Committee, Minority Access to Research Careers Review Committee, under the authority of section 443 of the Public Health Service Act, as amended, 42 U.S.C. 289f. This advisory committee shall be governed by the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, setting forth standards governing the establishment and use of advisory committees.

This committee shall advise the Secretary, DHEW; the Assistant Secretary for Health; the Director, NIH; and the Director, NIGMS on the status of biomedical science education for minority group students at the pregraduate and graduate levels, as well as on related activities covering the development of minority group institutions. It will provide a primary review of applications for grants-in-aid for research projects, and applications for grants and awards for research and training activities.

Dated: May 12, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-12860 Filed 5-14-75; 8:45 am]

Office of Education TEACHER CORPS Meeting

Notice is hereby given pursuant to the authority contained in Part B-1 of the

Education Professions Development Act of 1965, as amended (79 Stat. 1255-1258 as amended, 20 U.S.C. 1101-1107a), that the Teacher Corps will hold general orientation meetings for officials from Institutions of Higher Education and State and Local Education Agencies who are interested in submitting application for Teacher Corps grants to be awarded for the school year 1976-1977 (to begin July 1, 1976).

A meeting will be held between 9:00 a.m. and 5:00 p.m. on June 23, 1975 at the Hilton Inn, Atlanta Airport, Post Office Box 691, Atlanta, Georgia 30320, phone: 404-767-0281 and repeated between those times on the dates and locations listed:

June 24, 1975. Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202, phone: 703-521-5500.

June 25, 1975. O'Hare Hilton, O'Hare International Airport, Post Office Box 66414, Chicago, Illinois 60666, phone: 312-686-8000.

June 26, 1975. The Plaza Inn, Denver Airport, 7201 East 49th Street, Commerce City, Denver, Colorado 80022, phone: 303-287-7548.

June 27, 1975. Hilton Inn, San Francisco International Airport, San Francisco, California 94128, phone: 415-589-0770.

The orientation meeting shall be opened to the public. The proposed agenda includes:

1. Review of current legislative authority including changes under Pub. L. 93-380, Teacher Corps Funding Criteria, and Guidelines promulgated since the amendments.

2. Preapplication and application procedures, including the specifications for the preparation of program and fiscal information.

3. Discussions of the development of demonstrations of training and retraining within the context of Teacher Corps mission and objectives.

4. Information on the development of joint Teacher Corps/NIE proposals for the development and demonstration of research-oriented programs of training and retraining.

5. Description of application review criteria as established under the Office of Education's General Provisions.

The choice of meeting place together with names of officials expected to attend such sessions should be mailed to: Teacher Corps, U.S. Office of Education, Washington, D.C. 20202, Attention: Conference Coordinator.

(Catalog of Federal Domestic Assistance Number 13.489—Teacher Corps)

Dated: May 8, 1975.

T. H. BELL,
U.S. Commissioner of Education,
[FR Doc.75-12798 Filed 5-14-75; 8:45 am]

Office of the Secretary SOCIAL SECURITY ADMINISTRATION Statement of Organization, Functions, and Delegations of Authority

Part 4 (Social Security Administration) in the Statement of Organization, Functions, and Delegations of Authority

for the Department of Health, Education, and Welfare (34 FR 6986, dated April 26, 1969) as amended, including, as pertinent here, the additional amendments made at 35 FR 7033-34, dated May 2, 1970, and at 38 FR 15648, dated June 14, 1973, is hereby further amended by adding the following new subdivision under subsection a. of section 4-D.2., Delegations of Authority to the Bureau of Hearings and Appeals:

(8) By individuals from determination made, under Section 1876(f) of the Social Security Act, and which affect such individual's right to receive items and services, without additional cost, from a health maintenance organization, where the amount in controversy is \$100 or more.

This delegation of authority is effective on May 15, 1975.

Dated: May 8, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for
Administration and Management.

[FR Doc.75-12814 Filed 5-14-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-275; FDAA-467-DR]

NEBRASKA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority; Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 7, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms and tornadoes occurring on May 6, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Nebraska.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Francis X. Tobin, HUD Region VII, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Nebraska to have been adversely affected by this declared major disaster:

The Cities of:

Magnet
Omaha

Ralston

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: May 8, 1975.

THOMAS P. DUNNE,
Administrator, Federal
Disaster Assistance Administration.

[FR Doc.75-12779 Filed 5-14-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

OCCUPANT CRASH PROTECTION

Meeting Agenda

On March 26, 1975, a notice was published (40 FR 13330), announcing a public meeting to be held in Washington, D.C., beginning on May 19, 1975, on the subject of requirements for occupant crash protection under Standard No. 208. Occupant crash protection, 49 CFR 571.208. Interested persons were invited to attend and to make a presentation at the meeting.

Sufficient interest has been shown in making oral presentations that the NHTSA has decided to schedule the meeting for five days. All requests for time have been granted. The meeting will be held in the Commerce Auditorium on May 19, 20, and 21, but must be shifted to the Departmental Auditorium on May 22 and 23, 1975.

Because of the widespread interest in attending and participating in the meeting, and in order to enable interested persons to schedule their attendance, the agenda for the meeting is set forth below. Those making presentations are advised of the possibility that the schedule may be advanced as presentations are made and that they may be called on somewhat earlier than scheduled.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 12, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

OCCUPANT CRASH PROTECTION REQUIREMENTS MEETING

DEPARTMENT OF COMMERCE AUDITORIUM, 14TH
AND E STREETS, N.W., WASHINGTON, D.C.

Monday, May 19

- 9:00-9:15 Senator Vance Hartke, U.S. Senate
- 9:15-9:30 NHTSA
- 9:30-10:15 Insurance Institute for Highway Safety
- 10:15-11:00 Allstate Insurance Company
- 11:00-11:45 John Z. DeLorean Corporation
- 11:45-12:30 American Safety Belt Council

Lunch

- 1:35-2:15 Economics and Science Planning
- 2:15-3:00 American Mutual Insurance Alliance
- 3:00-3:45 Dr. Charles Y. Warner
- 3:45-4:30 Thielkol Corporation
- 4:30-5:15 Mercedes-Benz

Tuesday, May 20

- 9:00-9:15 Representative James M. Collins, U.S. Congress
- 9:15-10:00 General Motors Corporation
- 10:00-10:45 British Leyland UK, Ltd.
- 10:45-11:30 Ford Motor Company
- 11:30-12:15 Nissan Motor Company, Ltd.

Lunch

- 1:15-2:00 Chrysler Corporation
- 2:00-2:45 Volkswagen
- 2:45-3:30 American Motors Corporation
- 3:30-4:15 Volvo
- 4:15-4:45 Motor Vehicle Manufacturers Association
- 4:45-5:15 Advanced Design Development Company

Wednesday, May 21

- 9:00-9:15 NHTSA
- 9:15-10:00 Allied Chemical Corporation
- 10:00-10:45 Olin Corporation
- 10:45-11:30 Control Laser Corporation
- 11:30-12:15 Breed Corporation

Lunch

- 1:15-2:00 Explosive Technology, Inc.
- 2:00-2:45 Rocket Research Corporation
- 2:45-3:30 Asahi Chemical Industry Company, Ltd.
- 3:30-4:15 Societe Nationale des Poudres et Explosifs (SNPE)
- 4:15-4:45 Takata-Kojyo Company, Ltd.

DEPARTMENTAL AUDITORIUM, CONSTITUTION AVE-
NU, N.W. (BETWEEN 12TH AND 14TH
STREETS), WASHINGTON, D.C.

Thursday, May 22

- 9:00-9:15 NHTSA
- 9:15-9:45 Nationwide Insurance
- 9:45-10:00 Ms. Susan P. Baker, MPH
- 10:00-10:45 Humanoid Systems
- 10:45-11:00 Action for Child Transportation Safety
- 11:00-11:45 Professor Lawrence M. Patrick
- 11:45-12:15 Citizens for Highway Safety

Lunch

- 1:15-2:00 American Automobile Association
- 2:00-2:45 Center for Auto Safety
- 2:45-3:00 Alderson Research Laboratories, Inc.
- 3:00-3:30 Consumers Union
- 3:30-4:00 Mr. Benjamin Redmond
- 4:00-4:15 Mr. Richard L. Fidler
- 4:15-4:30 International Mobil Air Conditioning Association, Inc.

Friday, May 23

- 9:00-9:15 NHTSA
- 9:15-10:00 American Safety Belt Council
- 10:00-10:45 Allstate Insurance Company
- 10:45-11:30 General Motors Corporation
- 11:30-12:15 Insurance Institute for Highway Safety

Lunch

- 1:15-1:45 Council on Wage and Price Stability

[FR Doc.75-12730 Filed 5-14-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27828]

OZARK AIR LINES, INC.

Application for Amendment of Certificate of Public Convenience and Necessity

MAY 9, 1975.

Notice is hereby given that the Civil Aeronautics Board on May 9, 1975, received an application, Docket 27828, from

Ozark Air Lines, Inc. for amendment of its certificate of public convenience and necessity for route 107 to provide non-stop service between Louisville, Kentucky and Nashville, Tennessee.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-12820 Filed 5-14-75; 8:45 am]

COMMISSION ON CIVIL RIGHTS

MASSACHUSETTS

Hearing; Amendment

Notice of a hearing given April 25, 1975, 40 FR 18213, is hereby amended. New language is indicated by underlining.

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on June 16, 1975, at the John F. Kennedy Federal Building, Room 2003A, Government Center, Boston, Massachusetts. An Executive Session, if appropriate, may be convened at any time during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin particularly concerning public school desegregation and equal educational opportunity; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin particularly concerning public school desegregation and equal educational opportunity; and to disseminate information with respect to denials of equal protection of the law under the Constitution because of race, color, religion, sex, or national origin particularly concerning public school desegregation and equal educational opportunity.

Dated at Washington, D.C., May 13, 1975.

ARTHUR S. FLEMING,
Chairman.

[FR Doc.75-13015 Filed 5-14-75; 9:56 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL AND MAN-MADE FIBER
TEXTILES AND TEXTILE PRODUCTS
PRODUCED OR MANUFACTURED IN
THE REPUBLIC OF CHINA

Visas and Certifications for Exempt Textile Items

MAY 12, 1975.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20745) a letter dated September 27, 1972 from the

Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products produced or manufactured in the Republic of China and exported from the Republic of China for which the Republic of China had not issued a visa. One of the requirements is that each visa include the signature of an official authorized by the Government of the Republic of China to issue visas.

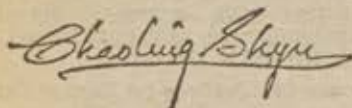
Further, on April 24, 1973, there was published in the FEDERAL REGISTER (38 FR 10132) a letter dated April 19, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, announcing an administrative mechanism to certify for exemption from the levels of restraint established under the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, certain wool and man-made fiber textile products comprising Annex C of that agreement. To qualify for exemption each shipment of exempt textile items must be accompanied by a signed certification in addition to the visa described in the letter of September 27, 1972.

The purpose of this notice is to announce that at the request of the Government of the Republic of China, Mr. Chao-ling Shyu, Chief, Second Section, Second Department, Board of Foreign Trade, is authorized to issue export visas and certifications for exempt textile items, replacing Mr. C. S. Pan.

Accordingly, there is published below a letter of May 12, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. Chao-ling Shyu be authorized to issue visas and certifications for exempt textile items exported to the United States from the Republic of China. A facsimile of Mr. Shyu's signature is filed as part of the original document with the Office of the Federal Register.

ALAN POLANSKY,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance.

Official Designated to Sign Visas and Certifications for Exempt Textile Items Exported from the Republic of China to the United States.



Chao-ling Shyu

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

MAY 12, 1975.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of September 27, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in categories 1-64; wool textile products in Categories 101-126, 128 and 131-132; and man-made fiber textile products in Categories 200-243 produced or manufactured in the Republic of China for which the Government of the Republic of China had not issued a visa. The directive of September 27, 1972 was previously amended by directive of July 30, 1973.

The present directive also further amends, but does not cancel, the directive of April 19, 1973, which established a certification requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of certain wool and man-made fiber textile products, produced or manufactured in the Republic of China, which are exempt from the levels of restraint of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China. The directive of April 19, 1973 was also previously amended by a directive of July 30, 1973.

One of the requirements is that the visa and the certification each include the signature of an official authorized by the Government of the Republic of China.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements of December 30, 1971, as amended, between the Governments of the United States and the Republic of China and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directives of September 27, 1972 and April 19, 1973 are hereby further amended to authorize Mr. Chao-ling Shyu to issue visas, replacing Mr. C. S. Pan. The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Imple-
mentation of Textile Agreements,
and Deputy Assistant Secretary for
Resources and Trade Assistance
U.S. Department of Commerce.

[FR Doc. 75-12845 Filed 5-14-75; 8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[FRL 367-8]

MARINE SANITATION DEVICE STANDARD
FOR THE STATE OF MISSOURI

Receipt of Petition

Notice is hereby given that a petition has been received from the State of Missouri that the Administrator, by regulation, prohibit the discharge from a vessel of any sewage (whether treated or not) into the waters of the State of Missouri, with the exception of those boats engaged in interstate commerce on the Missouri and Mississippi Rivers. This action is requested pursuant to section 312(f) (3) of Pub. L. 92-500.

The petitioners certify that pump-out facilities are currently available on any waters of the State of Missouri where the need for such services could reasonably be anticipated; that sewage from any pump-out facilities serving marine sanitation devices would be required to receive the same adequate treatment as domestic sewage in the State of Missouri; and that legislative hearings, which were open to the public, were held before the adoption of State statutes providing the same constraints on the discharge of vessel sewage.

Comments and views regarding this requested action may be filed on or before June 30, 1975. Such communications, or requests for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-451), Office of Water Planning and Standards, OWHM, Room 737, East Tower, Waterside Mall, Washington, D.C. 20460.

Dated: May 9, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc. 75-12737 Filed 5-14-75; 8:45 am]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket Nos. 20464, 20465; File Nos.
BP-19699, 19820]

ALEXANDER CITY BROADCASTING, INC.
AND KOWALIGA BROADCASTING, INC.

Order Designating Applications for Con-
solidated Hearing on Stated Issues

In reference to applications of Alexander City Broadcasting, Inc., Alexander City, Alabama, Requests: 1590 kHz, 1 kW, Day, Docket No. 20464, File No. BP-19699, Kowaliga Broadcasting, Inc., Alexander City, Alabama, Requests: 1590 kHz, 1 kW, Day, Docket No. 20465, File No. BP-19820; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they

seek the same frequency in the same community.

2. Because of the failure of Alexander City Broadcasting, Inc., to indicate the method by which the people contacted in the general public survey were selected, the Commission is unable to determine whether a random sample of the general public was achieved. In addition, since the students contacted in the general public survey were interviewed by the principal's daughter, a person not identified as a prospective employee, the survey does not comply with the Commission's requirements. See "Primer on the Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971). Accordingly, an appropriate issue will be added.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Alexander City Broadcasting, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 6, 1975.

Released: May 9, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 75-12802 Filed 5-14-75; 8:45 am]

[Docket No. 20457; File No. BR-4133; FCC
75-464]

BERLIN COMMUNICATIONS, INC.

Apparent Liability

In re Application of Berlin Communications, Inc. (WBRL) Berlin, New Hampshire, For Renewal of License.

1. The Commission has before it for consideration the captioned application and its inquiries into the operation by Berlin Communications, Inc., of Station WBRL, Berlin, New Hampshire.

2. Information before the Commission raises serious question as to whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, it is ordered, That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the applicant engaged in fraudulent billing practices in the operation of Station WBRL in violation of § 73.1205 of the Commission's rules; and

(b) To determine, in light of the evidence adduced under the preceding issue, whether the applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. It is further ordered, That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issue (a).

5. It is further ordered, That, if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for Station WBRL it shall also be determined whether the applicant has willfully or repeatedly violated § 73.1205 of the Commission's rules.¹ If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser amount, should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

6. It is further ordered, That this document constitutes a Notice of Apparent Liability for forfeiture for violation of § 73.1205 of the Commission's rules. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of

¹ See Bill of Particulars for specific dates of each alleged violation.

section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

7. It is further ordered, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issue (a), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

8. It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. It is further ordered, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. It is further ordered, That the Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to Berlin Communications, Inc., licensee of WBRL, Berlin, New Hampshire.

Adopted: April 23, 1975.

Released: May 8, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 75-12803 Filed 5-14-75; 8:45 am]

[Docket No. 20439, File No. BPH-8781; Docket
No. 20440, File No. BPH-8989]

INLAND RADIO, INC. AND SAWTOOTH RADIO CORP.

Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Inland Radio, Inc., Twin Falls, Idaho, Requests: 95.7 MHz, #239; 50 kW (H&V); 590 feet, Sawtooth Radio Corp., Twin Falls, Idaho, Requests: 95.7 MHz, #239; 100 kW (H&V); 658 feet, For Construction Permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications which are

mutually exclusive in that they seek the same channel in Twin Falls, Idaho.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Inland Radio, Inc. (Inland), has apparently failed to interview any representatives of the manufacturing or agricultural interests in Twin Falls. Since it appears from Inland's demographic description of the community that these are significant groups in Twin Falls, Inland's ascertainment efforts are apparently not in compliance with question and answer 13(a) of the Commission's "Primer on the Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971). Accordingly, an appropriate issue will be specified.

4. The financial portion of the application of Sawtooth Radio Corp. (Sawtooth), indicates that it will require a total of \$79,414 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

One-quarter down payment on equipment valued at \$103,244.....	\$25,811
Twelve months' payments on equipment balance.....	19,358
Twelve months' interest on equipment balance at 8 percent.....	6,195
Land.....	350
Buildings.....	1,200
Miscellaneous.....	12,000
Working capital.....	14,500
Total.....	79,414

To meet this requirement, Sawtooth relies on existing capital, loans from two shareholders, and profits from the existing operation of standard broadcast station KLIX, Twin Falls, of which Sawtooth is the licensee.¹ However, the applicant has not submitted a current balance sheet to support its claim of available existing capital.² With respect to the claimed loans from shareholders, Sawtooth asserts that "Mr. (Fred) Plankey has agreed to loan or raise \$50,000 and Mr. (Charles) Tuma \$10,000." In support of this statement Sawtooth has submitted a letter from Plankey, as well as his financial statement. However, the letter merely indicates a willingness to co-sign a \$50,000 note. No documents sup-

¹The assignment of the KLIX license to Sawtooth was granted by the Commission on December 3, 1974.

²Sawtooth does attempt to incorporate by reference financial material contained in its application for assignment of the KLIX license. However, the balance sheet so incorporated is outdated, and thus ineffective for the purpose of this application. See FCC Form 301, section I, p. 1, instruction E.

porting the availability of such a note have been submitted. In addition, Plankey's financial statement does not reflect adequate liquidity with which to make a \$50,000 personal loan. With respect to Tuma's asserted willingness to loan \$10,000, Sawtooth has failed to submit any current documentation of either his willingness or ability to make such a loan. As a result, no funds may be considered available from either of these shareholders. Finally, analysis of the financial data available to the Commission indicates that the revenues earned by KLIX during its first year of operation under Sawtooth's control would be insufficient to cover the costs of construction and operation of the proposed FM station, in addition to the payments for the assignment of the AM license. In light of all the above, Sawtooth has failed to establish the availability of any funds with which to construct and operate the station as proposed. Accordingly, a general financial issue will be specified.

5. With respect to Sawtooth's ascertainment efforts, Sawtooth has failed to indicate when its general public surveys were conducted. It is thus impossible to determine whether these interviews are in compliance with the requirements of question and answer 15 of the Primer. In addition, Sawtooth has interviewed no student leaders, only one religious leader from Twin Falls, and only one representative of the Twin Falls educational system. In light of these defects, an appropriate issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered. That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Inland Radio, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

2. To determine whether Sawtooth Radio Corp. is financially qualified to construct and operate its proposed station.

3. To determine the efforts made by Sawtooth Radio Corp. to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. It is further ordered. That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written

appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. It is further ordered. That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 29, 1975.

Released: May 9, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 75-12804 Filed 5-14-75; 8:45 am]

[Docket No. 20441-20443; File No. BPH-8450;
File No. BPH-8616; File No. BPH-8803]

KSIG BROADCASTING CO., INC., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In regard to applications of KSIG Broadcasting Company, Inc., Crowley, Louisiana, Requests: 102.9 MHz, #275; 29.2 kW (H&V); 141 feet, Rice Capital Broadcasting Company, Inc., Crowley, Louisiana, Requests: 102.9 MHz; #275; 100 kW (H&V); 368 feet, Southwest Louisiana Radio Broadcasting Co., Inc., Crowley, Louisiana, Requests: 102.9 MHz, #275; 100 kW (H&V); 440 feet, for Construction Permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. Rice Capital Broadcasting Company, Inc. (Rice), will require a total of \$80,710 to construct and operate the proposed facility for one year, itemized as follows:

Down payment on equipment.....	\$9,980
First-year payments on equipment, with interest.....	10,180
Miscellaneous.....	8,150
Working capital (first-year).....	54,400
	80,710

To meet this requirement, Rice relies on "income projection." However, the exhibit submitted by Rice does not show the source of the funds. Thus, the financial showing, as documented, is unacceptable. Accordingly, a financial issue will be specified.

4. Southwest Louisiana Radio Broadcasting Co., Inc. [Southwest], will require \$106,000 to construct and operate the proposed facility for a period of one year, itemized as follows:

Lease payments on equipment.....	\$29,500
Building	2,500
Miscellaneous expenses.....	13,500
Interest on bank loan.....	8,400
Working capital.....	52,100

Total 106,000

To meet this requirement, Southwest proposes to rely on \$10,000 existing capital, a \$70,000 bank loan, and \$23,000 in stockholder loans. Since these amounts total only \$103,000, Southwest has not established its financial qualifications. In addition, the eight stockholders who have proposed to loan \$2,875 each, did not file personal balance sheets, thereby establishing that they have sufficient net liquid assets to meet their respective commitments. Accordingly, an appropriate financial issue will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Rice Capital Broadcasting Company, Inc., is financially qualified to construct and operate as proposed.

2. To determine, with respect to the application of Southwest Louisiana Radio Broadcasting Co., Inc.:

(a) Whether its stockholders have sufficient net liquid assets to meet their respective commitments;

(b) Whether the applicant has sufficient additional funds to construct and operate as proposed; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 29, 1975.

Released: May 9, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 75-12805 Filed 5-14-75; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

REFINERS BUY-SELL LIST Crude Oil Allocation

Pursuant to the authority of the Emergency Petroleum Allocation Act of 1973 and E.O. 11790, 39 FR 23185, and in accordance with the provisions of 10 CFR 211.65, the notice specified in § 211.65(e) is hereby published. The notice lists the sales obligations and purchase opportunities for refiners for the allocation quarter commencing June 1, 1975.

The buy-sell list is set forth as an appendix to this notice. Included as part of the list, as required by § 211.65(e), are: The quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner seller is obligated to offer for sale to refiner-buyers. The sales obligation of each refiner-seller reflects the adjustments provided for by § 211.65(d)(3).

The buy-sell list is applicable for the period June 1, 1975 to August 31, 1975. The provisions of 10 CFR Part 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Under § 211.65, (a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

The procedures of 10 CFR Part 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon on or before May 30, 1975, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made on or before June 16, 1975. Upon such request, FEA may direct one or more refiner-sellers that have not com-

pleted their required sales to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of 10 CFR Part 211, Subpart C. Refiner-buyers making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries and price.

4. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (1-74) immediately upon completion of arrangements for the transaction. Each refiner-buyer and refiner-seller is required to report promptly every such transaction to which it is a party.

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing September 1, 1975, with respect to future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity and provide all necessary information required to enable FEA to evaluate the factors set forth in 10 CFR 211.65(b)(1) no later than June 30, 1975.

All reports and applications made under this notice should be addressed to:

Director, Crude Operations
Crude Oil Buy-Sell Program
20th Street Postal Station
P.O. Box 19326
Washington, D.C. 20036

Issued in Washington, D.C., May 9, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period June 1, 1975, through August

31, 1975, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

Federal Energy Administration crude oil allocation program for the period June through August 1975—Sales

	Share	Barrels
Amoco Oil Co.	.009	6,418,591
Atlantic Richfield	.072	4,807,652
Cities Service Oil	.023	1,607,416
Continental Oil Co.	.084	746,093
Exxon Corp.	.112	11,545,311
Gulf Oil Corp.	.086	11,202,289
Marathon Oil Co.	.022	1,373,606
Mobil Oil Corp.	.089	7,823,410
Phillips Petroleum	.039	2,560,632
Shell Oil Co.	.107	13,364,200
Soconal/Chevron	.096	8,734,794
Sun Oil Co.	.052	5,436,136
Texas Inc.	.107	15,538,906
Union Oil Co. of California	.043	3,417,477
Total Sales		98,028,722

PURCHASES		Barrels
Allied Materials Corp.		93,383
Amerasia Hess Corp.	10,085,883	
American Petrofina	1,012,167	
Arco Oil Corp.	1,284,883	
Arizona Fuels Corp.	0	
Ashland Oil Inc.	7,826,385	
Axel Johnson	528,564	
Bay/Dow	136,950	
Bayou State Oil Corp.	0	
Beacon Oil Company	184,465	
C & H Refining	26,827	
Calumet Industries	0	
Canal Refining Co.	0	
Caribou Four Corners	0	
Champion Petroleum	1,018,876	
Charter Oil Company	805,982	
Claiborne Gas Co.	0	
Clark Oil & Refining	1,418,366	
Coastal States Gas	6,129,128	
Commonwealth Oil Refinery	2,525,750	
CRA-Farmland Ind. Inc.	2,087,111	
Cross Oil & Ref-Ark	95,091	
Crown Central Petro.	2,070,550	
Crystal Oil Refining	0	
Crystal Refining Co.	135,500	
Delta Refining Co.	1,473,990	
Diamond Shamrock Corp.	209,832	
Dingman Oil & Refining Co.	55,159	
Dorchester Gas	0	
Eddy Refining Co.	0	
Edgington Oil Co.	152,323	
Edgington Oxnard Refinery	0	
Evangeline Refining	0	
Famariss Oil Corp.	2,053,634	
Farmers Union Exchange	1,239,969	
Fletcher Oil and Refining	182,560	
Flint Chemical Corp.	0	
Gary Operating Co.	677,328	
Giant Industries	0	
Gladieux Refinery	225,058	
Golden Eagle Refining Co.	467,250	
Good Hope Refineries	304,847	
Guam Oil & Refining	739,451	
Gulf States	35,108	
HILL	519,375	
Howell Corp.	931,701	
Hunt Oil Co.	492,066	
Husky Oil Co.	1,630,370	
Indiana Farm Bureau	259,245	
J & W Refining Inc.	568,156	
John Wight, Inc.	0	
Kentucky Oil Refining Co.	0	
Kerr McGee Corp.	3,335,316	
Koch Refining Co.	664,621	
La Gloria Oil-Gas Co.	525,983	

Lakeside Refining Co.	0
Laketon Asphalt Refining	9,114
Little America Refining	719,940
MacMillan RF Oil Co.	330,270
Marion Corporation	0
Mid America Refining	10,000
Mid-Tex Refinery	238,847
Midland Cooperative Inc.	765,392
Mohawk Petroleum Co.	349,903
Monsanto Co.	337,250
Morrison Petroleum	0
Mountaineer Refinery	15,096
Murphy Oil Corp.	2,738,707
National Cooperative Refinery	1,644,786
National Oil Recovery	238,847
Navajo Refining Co.	164,013
Newhall Refining Co.	377,486
North American Petroleum	341,839
Northland Oil & Refinery	398,078
Oil Shale Corp.	2,165,441
OKC Corp.	0
Oriental Refining Co.	0
Pasco Inc.	131,166
Pennzoil Co.	343,380
Pioneer Refining	33,925
Plateau Inc.	155,359
Powerline Oil Co.	1,699,718
Pride Refining Inc.	1,130,238
Quaker State Oil Refining Co.	0
Road Oil Sales Inc.	5,750
Rock Island Refining	0
Saber Refining Co.	21,322
Sage Creek Refining Co.	67,250
San Joaquin Refining	0
Seminole Asphalt Refining	187,500
Sigmor Corp.	9,843
Somerset Refinery	0
Sound Refining Inc.	19,635
South Hampton	1,257,415
Southland Oil Co.	124,618
Southwestern Refining Co.	0
Standard Oil of Ohio	13,955,472
Sunland Refining Co.	263,724
Tenneco Oil Co.	1,564,750
Tesoro Petroleum Co.	739,261
Texas Asphalt & Refining	367,694
Texas City Refining	3,521,750
Thagard Oil	9,680
The Refinery Corp.	373,643
Thriftway Oil Co.	77,983
Thunderbird Resources	20,741
Tonkawa Refining Co.	49,822
Toro Petroleum	3,091,163
Total Leonard Inc.	317,269
Union Texas Petroleum	0
United Independent Oil Co.	31,298
United Refining Co.	701,047
U.S. Oil & Refining Co.	364,167
V-1 Oil Co.	2,787
Vickers Petroleum Co.	608,895
Vulcan Asphalt Refining	97,989
Warrior Asphalt Corp.	73,035
West Coast Oil Co.	0
Western Refining Co.	720,156
Wickett Refining	0
Winston Refining Co.	46,458
Wireback Oil Co.	8,095
Witco Chemical Corp.	522,375
Yetter Oil Co.	1,000
Young Refining Corp.	257,147
Total Purchases	98,028,722

[FR Doc.75-12724 Filed 5-9-74; 4:43 pm]

FEDERAL POWER COMMISSION

[Docket No. CI75-636]

APPALACHIAN EXPLORATION & DEVELOPMENT, INC.

Application

MAY 7, 1975.

Take notice that on April 25, 1975, Appalachian Exploration & Development, Inc. (Applicant), P.O. Box 628, Charles-

ton, West Virginia 25322, filed in Docket No. CI75-636 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cabot Corporation (Cabot) from the Panther State No. 5 well, McDowell County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell, pursuant to a contract dated January 23, 1975, an estimated monthly sales volume of 2,500 Mcf of gas to Cabot at a total price of 57.0 cents per Mcf of gas (15.325 psia). Applicant states that the proposed price is all inconclusive in the contract and that the contract does not further provide for tax reimbursements, Btu adjustment or other pricing mechanisms which would increase said price. Applicant alleges that the contract price proposed is 5.606 cents per Mcf less than the maximum allowable price which would be permitted under § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a). Applicant states that it will deliver the subject gas into existing facilities of Cabot at or near the well.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,
Secretary.

[FR Doc.75-12747 Filed 5-14-75; 8:45 am]

[Docket No. RP75-95]

ARKANSAS LOUISIANA GAS CO.

Proposed Rate Increase

MAY 7, 1975.

Take notice that on April 30, 1975, Arkansas Louisiana Gas Company (Arkla) tendered for filing a proposed change in rates for service to Cities Service Gas Company, the one customer served on the rate schedule filed. The proposed increase would raise the price to Cities Service from 24.27¢ per Mcf to 54.29¢ per Mcf.

Arkla states that a copy of this filing was mailed to Cities Service Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants

parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-12748 Filed 5-14-75; 8:45 am]

[Docket No. RP75-131]

CHEVRON OIL CO., WESTERN DIVISION

Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject To Refund

APRIL 25, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that

the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission:

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RP75-131	Chevron Oil Co., Western Division,	3	11	Mountain Fuel Supply Co. (Wyoming) (Rocky Mountain).		3-27-75	4-27-75	Accepted			
	do.		12	do.	\$201,509	3-27-75		(6)	18.27	427.442	

* Unless otherwise stated, the pressure base is 15.025 lb/in².

1 Accepted, to be effective as of the date set forth in the "Effective Date Unless Suspended" column.

2 The proposed rate increase is accepted as of Apr. 27, 1975 insofar as it does not ex-

ceed the Opinion No. 658 ceiling and is suspended until Sept. 27, 1975, insofar as it exceeds the Opinion No. 658 ceiling rate.

3 A mandatory agreement dated Dec. 9, 1974.

4 Btu adjustment for 1121 Btu gas calculated from a base of 1,000 Btu.

The proposed rate increase of Chevron Oil Company, is accepted as of April 27, 1975 insofar as it does not exceed the applicable area rate of 24.48 cents per Mcf at 15,025 psia, subject to Btu adjustment below 1,000 Btu and above 1050 Btu, provided in Opinion No. 658, and is suspended until September 27, 1975 insofar as it exceeds the applicable area rate in Opinion No. 658.

[FR Doc. 75-12771 Filed 5-14-75; 8:45 am]

[Docket No. RP75-27]

CITIES SERVICE GAS CORP.

Further Extension of Procedural Dates

MAY 8, 1975.

On May 5, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 22, 1974, as most recently modified by notice issued February 28, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, October 28, 1975.
Service of Intervenor's Testimony, November 11, 1975.

Service of Company Rebuttal, December 2, 1975.

Hearing, December 16, 1975 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-12749 Filed 5-14-75; 8:45 am]

[Docket Nos. RP74-82, RP74-81]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GAS TRANSMISSION CO.

Further Extension of Procedural Dates

MAY 8, 1975.

On April 28, 1975, Columbia Gas Transmission Corporation and Columbia Gas Transmission Company filed a motion to extend the procedural dates fixed by order issued May 31, 1974, as most recently modified by notice issued March 28, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, June 2, 1975.

Service of Company Rebuttal, June 16, 1975.

Hearing, July 8, 1975 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-12750 Filed 5-14-75; 8:45 am]

[Docket No. E-9407]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Filing of Rate Schedule

MAY 8, 1975.

Take notice that Columbus and Southern Ohio Electric Company (C&S), on April 29, 1975 tendered for filing proposed changes in its FPC Electric Service Tariff contained in FPC Docket No. E-8650. The proposed changes would increase revenues from jurisdictional sales and service by \$826,425 based on the twelve-month period ending December 31, 1974. The fuel adjustment clause contained in the proposed rate schedule has been prepared to conform with present Commission

regulations concerning the form of such clauses.

C&S requests an effective date of June 1, 1975, for the proposed tariff. The Company serves the Cities of Westerville and Jackson, and the Village of Glouster, all in Ohio, at wholesale rates which were accepted for filing April 30, 1974 in FPC Docket No. E-8650. The fuel cost adjustment clause became effective May 1, 1974 with respect to Westerville and June 30, 1974 with respect to Glouster and Jackson. The rates became effective, subject to refund, on May 2, 1974 with respect to Westerville and July 1, 1974 with respect to Glouster and Jackson.

The Company requests waiver of the sixty-day provision contained in §§ 35.13(b)(4)(i) and 35.13(b)(5)(i) of the Commission's regulations and asks that the rate schedule be made effective June 1, 1975 for all affected service. The Company states that the additional revenue is needed to help to offset increases in the cost of providing electric service as well as increases in the cost of facilities and capital required to provide such services.

C&S states that a copy of the filing has been served upon the Cities of Westerville and Jackson and the Village of Glouster.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12751 Filed 5-14-75;8:45 am]

[Docket No. RP75-8; PGA75-3a]

COMMERCIAL PIPELINE CO., INC.

PGA Filing

MAY 8, 1975.

Take notice that on April 21, 1975, Commercial Pipeline Company, Inc. (Commercial) tendered for filing Fifth and Sixth Revised Sheets No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
Substitute 6th revised.	\$0.0421	\$0.1045	Apr. 23, 1975

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such peti-

tions or protests should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12752 Filed 5-14-75;8:45 am]

[RP72-157, PGA75-5 etc.]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Rehearing Amending Prior Order

MAY 5, 1975.

Docket Nos.

Consolidated Gas Supply Corp.	RP72-157, PGA75-5
Tennessee Natural Gas Lines, Inc.	RP71-11, PGA75-3
Granite State Gas Transmission, Inc.	RP73-17, PGA75-4
East Tennessee Natural Gas Co.	RP71-15, PGA75-4
Alabama-Tennessee Natural Gas Co.	RP73-77, PGA75-5
Texas Gas Transmission Corp.	RP72-156, PGA75-3
Mid Louisiana Gas Co.	RP73-43, PGA75-3
Cities Service Gas Co.	RP72-142, PGA75-4
Tennessee Gas Pipeline Co.	RP73-114, PGA75-2
Mississippi River Transmission Corp.	RP72-149, PGA75-7
North Penn Gas Co.	RP73-8, PGA75-5
Texas Eastern Transmission Corp.	RP74-41, PGA75-6
United Gas Pipe Line Co.	RP72-133, PGA75-2
Lawrenceburg Gas Transmission Corp.	RP73-23, PGA75-3
Panhandle Eastern Pipe Line Co.	RP73-36, PGA75-3
Trunkline Gas Co.	RP73-35, PGA75-2
Sea Robin Pipeline Co.	RP73-89, PGA75-2
Arkansas Louisiana Gas Co.	RP74-61, PGA75-2

On April 7, 1975, the Commission issued in the above-referenced dockets an order accepting for filing a number of PGA rate increases to track increased gas costs resulting from Opinion No. 699-H. The order found that the increases comply with the PGA clauses in the respective pipeline tariffs and with Opinion 699-H.

On April 14, 1975, Tennessee Gas Pipeline Company filed a motion for clarification of the subject order, pointing out that under ordering paragraph (B) of the order, the PGA increases are made subject to refund. Tennessee claims ordering paragraph (B) is inconsistent with the previous findings of compliance with Tariff and Opinion 699-H requirements. Tennessee requests that the refund requirement be eliminated.

Upon consideration of the instant pleading we shall amend our April 7, 1975 order as hereinafter provided.

The Commission orders. (A) Ordering paragraph (B) of the order issued in these dockets on April 7, 1975 is hereby amended to read as follows:

(B) To the extent a company's underlying rates are subject to refund, the rates herein accepted for filing and permitted to become effective shall also be subject to refund.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12753 Filed 5-14-75;8:45 am]

[Docket No. E-9392]

DUKE POWER CO.

Filing Contract Supplement

MAY 8, 1975.

Take notice that on April 21, 1975, Duke Power Company (Duke) tendered for filing a supplement to the Company's Electric Power Contract with the State of North Carolina through the University of North Carolina at Chapel Hill.

The filing amends the present contract demand and calls for regulation of the secondary bus voltage.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such peti-

tions or protests should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12754 Filed 5-14-75;8:45 am]

[Rate Schedule Nos. 63, etc.]

GULF OIL CORP., ET AL.

Rate Change Filings

MAY 8, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintage concepts set forth by the Com-

mission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Apr. 24, 1975...	Gulf Oil Corp., P.O. Box 1580, Tulsa, Okla. 74102.	63	El Paso Natural Gas Co....	Permian basin.
Apr. 25, 1975...	do	8	do	Do.
Do	do	12	do	Do.
Do	do	58	do	Do.
Do	do	59	do	Do.
Do	do	64	do	Do.
Do	do	236	do	Do.
Apr. 28, 1975...	do	9	do	Do.
Do	do	60	do	Do.
Do	do	118	do	Do.
Do	Pennell Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	282	United Gas Pipe Line Co....	Other Southwest.
Do	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	355	Tennessee Gas Pipeline Co....	Texas Gulf Coast.
Do	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	10	do	Do.

[FR Doc.75-12772 Filed 5-14-75;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Proposed Changes in Rates and Charges

MAY 8, 1975.

Take notice that Hampshire Gas Company, (Hampshire), on April 30, 1975, tendered for filing proposed changes in its PPC Gas Tariff, Original Volume No. 1. The proposed changes will increase Hampshire's revenues from storage service sales by \$268,000 for the 12 month period ending December 31, 1974. In accordance with Hampshire's request, Hampshire has asked for an effective date of May 1, 1975. Copies of the filing were served upon Hampshire's sole customer, Washington Gas Light Company, (Washington), the parent company of Hampshire.

Hampshire states that the increased revenues to be derived will be due to an increase in rate of return from 8 percent to 9.25 percent, increased depreciation rates and the method of computing income taxes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12755 Filed 5-14-75;8:45 am]

[Docket No. CP74-292]

INTERSTATE TRANSMISSION ASSOCIATES (ARCTIC) ET AL.

Supplement To Application

MAY 7, 1975.

Take notice that on April 23, 1975, Interstate Transmission Associates (Arc-

tic) (ITAA), Pacific Interstate Transmission Company (Pacific Interstate), 720 West Eighth Street, Los Angeles, California 90017, and Northwest Alaska Company (Northwest Alaska), 315 East Second South, Salt Lake City, Utah 84111 (Applicants), filed in Docket No. CP74-292 the third supplement to their application filed in the subject docket on May 14, 1974, as supplemented on November 15, 1974, and February 26, 1975, pursuant to section 7(c) of the Natural Gas Act by which supplement Applicants offer an alternative to their currently proposed 877-mile 30- and 36-inch gas transmission system and provide alternative exhibits F, F-1, G, K, L, N, and P¹ in support of the alternative pipeline proposal, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By their application of May 14, 1974, as supplemented, Applicants seek authorization for the construction and operation, by ITAA as a contract carrier of natural gas,² of an 877-mile gas transmission system, as one in a series of interrelated projects, to make available to markets in the lower 48 states volumes of natural gas from northern Alaska and the Mackenzie Delta area of northern Canada. Applicants proposed to transport the gas delivered to them by Canadian Arctic Gas Pipeline Limited for the account of Pacific Interstate and Northwest Alaska from a point near Kingsgate, British Columbia, to appropriate delivery points through the States of Idaho, Washington, Oregon and Nevada to a point on the California-Nevada border near Oasis, California.

Applicants state that the alternative pipeline system contemplates the construction of a high pressure (1680 psia) 30-inch pipeline from the point of gas delivery at Kingsgate to a point near Stanfield, Oregon, a distance of 277 miles. From Stanfield, Applicants suggest, they could utilize existing pipeline transmission capacity or loop existing systems to transport their contract volumes of gas. It is said that the proposed alternative pipeline would run adjacent to the existing pipeline of Pacific Gas Transmission Company (PGT) and would have the capability of transporting at least 1.2 million Mcf of gas per day. To move additional volumes beyond Stanfield Applicants state that they could expand and reinforce existing pipeline systems or extend the proposed 277-mile pipeline to the Nevada-California border as contemplated in their application prior to the instant alternative proposal. The supplement states that Pacific Interstate has received letters from Northwest Pipeline Company and El Paso Natural Gas Company stating that technical data

¹ Required by § 157.14 of the regulations under the Natural Gas Act (18 CFR 157.14).

² Applicants state that while ITAA presently consists of Pacific Interstate and Northwest Alaska, it is contemplated that ITAA will be owned by the shippers of Alaskan and Canadian gas to western United States markets.

and assistance related to their systems will be provided as may be required for a full review of this alternative pipeline system.

The supplement states that the alternative proposal would greatly reduce the capital requirements needed to bring Alaskan and Canadian natural gas to western United States markets, would minimize possible environmental disruptions by paralleling and/or utilizing existing facilities, would provide expansion capability for the transportation of additional gas as it becomes available, and would provide shippers ownership and control of a pipeline connecting to several existing transmission systems in the United States.

Applicants estimate the cost of the proposed alternate facilities to be \$163,908,000 (including allowance for funds used during construction). Applicants state that interim financing for such facilities would be derived from bank construction loans and equity contributions from Pacific Interstate and Northwest Alaska. Applicants estimate that permanent financing would require issuance by ITAA for private sale of \$124.5 million in first mortgage bonds and equity investment by Pacific Interstate and Northwest Alaska of \$41.5 million.

Applicants state that the proposed transportation service would be rendered by means of the alternative facilities on a cost-of-service basis. Based on annual delivery volumes of 219 million Mcf during the first three years of operations, Applicants estimate return on equity to average approximately \$6.5 million per year.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before May 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene, notices of intervention or protests in the instant docket or in the consolidated proceeding in Docket No. CP75-96, et al., need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12756 Filed 5-14-75; 8:45 am]

[Docket No. RI75-135]

NELSON JANSSEN

Petition for Special Relief

MAY 7, 1975.

Take notice that on April 24, 1975, Nelson Janssen (Petitioner), 207 Dundee

St., Victoria, Texas 77901, filed a petition for special relief in Docket No. RI75-135, seeking a rate above the applicable area ceiling. Petitioner seeks a price of 60 cents per Mcf plus a one cent per Mcf annual escalation for the sale of gas to United Gas Pipe Line Company under its FPC Gas Rate Schedule No. 1 from certain lands and leaseholds located in Goliad and DeWitt Counties, Texas. The petition is based upon the need for a complete overhaul of a compressor so as to continue to sell gas. Petitioner further states that the current rate of 19.0 cents per Mcf has proven to be uneconomical, and that if relief is not granted he will be forced to plug this well and salvage the well and equipment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12757 Filed 5-14-75; 8:45 am]

[Docket No. RP75-98]

McCULLOCH INTERSTATE GAS CORP.

Proposed Changes in Rates and Charges

MAY 8, 1975.

Take notice that on April 30, 1975, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing Sixth Revised Sheet No. 32 to its FPC Gas Tariff, Original Volume No. 1. The proposed effective date of such revised tariff sheet is June 1, 1975. McCulloch proposes to increase its presently effective Rate Schedule PL-1 rates by 10.43¢ per MMBTU in order to provide an annual estimated increase in revenues of approximately \$398,458. McCulloch states that this proposed change in rates is made to cover increases in the cost of transporting gas through its facilities to Colorado Interstate Gas Company and to insure a reasonable rate of return. McCulloch states further that this rate request will be applicable to sales of gas in Montana-Wyoming area. According to McCulloch, its total net operating revenue for 1974 was \$4,828,128.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1975. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12758 Filed 5-14-75; 8:45 am]

[Docket No. E-0422]

MISSOURI UTILITIES CO.

Proposed Change in Rates

MAY 8, 1975.

Take notice that on May 2, 1975, Missouri Utilities Company of Cape Girardeau, Missouri (Missouri), pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations thereunder, tendered for filing a change in rates applicable to wholesale electric service rendered to the Board of Public Works of the City of California, Missouri. This change in rates is proposed to become effective as of June 1, 1975. The proposed change in rates is to compensate Missouri for increases in its costs of supplying the service.

Missouri states that its current wholesale contract rate is deficient by \$112,372 annually based on sales volumes set forth in the statements accompanying its notice of change in rates.

Missouri states further that copies of the proposed rate schedules and their revenue effect have been served on the one Missouri wholesale customer affected by the filing.

Any person desiring to be heard or to protest said notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions of protest should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Missouri's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12759 Filed 5-14-75; 8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE CO. OF AMERICA

Further Extension of Procedural Dates

MAY 8, 1975.

On April 30, 1975, Natural Gas Pipeline Company filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently

modified by notice issued March 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal May 27, 1975.
Hearing, June 24, 1975 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-12760 Filed 5-14-75; 8:45 am]

[Docket No. E-9140]

NEW ENGLAND POWER CO.

Filing of Contract

MAY 8, 1975.

Take notice that on April 28, 1975, New England Power Company, (NEPCO), tendered for filing copies of a contract dated April 24, 1975, between NEPCO and its affiliate, Narragansett Electric Company, (Narragansett). NEPCO states that the purpose of the contract is to allow Narragansett to recoup a loss which it would otherwise sustain by virtue of the switch from one month lagging to current month billing of its fuel costs to NEPCO under its Integrated-Facilities Contract with NEPCO. NEPCO requests an effective date of June 1, 1975, since the proposed switch in billing is to take place on that date, which is the date when the tariff changes contained in NEPCO's R-9 filing become effective. NEPCO states that the approximate amount of loss is \$1.4 million, and that this amount is to be recovered over a two month period beginning with the first month during which the contract is effective.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-12761 Filed 5-14-75; 8:45 am]

[Docket No. E-9413]

NORTHERN INDIANA PUBLIC SERVICE CO.

Changes in Electric Tariff

MAY 8, 1975.

Take notice that on April 30, 1975, Northern Indiana Public Service Company (Northern Indiana PSC), ten-

dered for filing the following proposed changes in its FPC Electric Tariff, First Revised Volume No. 1:

Third Revised Sheet No. 3 (Superseding Second Revised Sheet No. 3)—Map

Exhibit B-6, Supplement to Service Agreement between Northern Indiana Public Service Company and Jasper County Rural Electric Membership Corporation, covering supply of electric energy for resale at the Carpenter Delivery Point located in Carpenter Township, Jasper County, Indiana.

Northern Indiana states that the map has been revised to include the Carpenter Delivery Point to Jasper County Rural Electric Membership Corporation. Northern Indiana PSC further states that the supplement to the service agreement provides for service to be furnished under Rate VA11 of Northern Indiana PSC's FPC Electric Service Tariff.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before May 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-12762 Filed 5-14-75; 8:45 am]

[Docket No. E-9408]

OHIO POWER CO.

Proposed Changes in Rates and Charges

MAY 8, 1975.

Take notice that American Electric Power Service Corporation (AEP), on April 29, 1975, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Company), Modification No. 3 dated April 1, 1975, to the Interconnection Agreement dated July 6, 1951, among Appalachian Power Company, Kentucky Power Company, Ohio Power Company, Indiana & Michigan Electric Company, and American Electric Power Service Corporation (Agent). According to the AEP filing Modification No. 3 provides for the replacement of the presently-used capacity rate of \$1.00 per kilowatt per month, constituting a component of the primary capacity equalization charge used in the monthly settlements for receipts and deliveries of primary capacity among the parties, with a rate that is based on up-to-date embedded capacity costs and on embedded fixed charge rates reflecting current conditions.

AEP states that the \$1.00 per kilowatt per month component of the primary capacity equalization charge was predicated on an installed cost of generating

capacity of \$100 per kilowatt and an annual fixed charge rate of 12 percent. According to AEP these figures do not reflect current conditions and do not allow for equitable settlement of power interchange transactions among the parties.

Other changes, according to AEP, incorporated in Modification No. 3 are (i) provision allowing any party, upon concurrence of the other parties, to receive capacity credit for capacity made available to such party through interconnection arrangements with other systems, subject to review and approval of the Federal Power Commission, (ii) elimination of the System Secondary Capacity and System and Secondary Energy classifications, due to their very limited applicability, (iii) elimination of a constraint on equal sharing of savings associated with economy energy transactions among the parties, to conform to standard industrial practice; and (iv) elimination of a lag in production cost recovery; to match more closely revenues and associated costs.

AEP states that copies of the filing were served upon the public service commissions in the states of Ohio, Kentucky, Indiana, Michigan, Virginia, and West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-12763 Filed 5-14-75; 8:45 am]

[Docket No. E-9412]

PENNSYLVANIA POWER & LIGHT CO.

Adjustments Within Rate Schedule

MAY 8, 1975.

Take notice that Pennsylvania Power & Light Company (PP&L) tendered for filing on April 30, 1975, adjustments within its Rate Schedule FPC No. 62, according to PP&L.

PP&L states that the Commission, by letter dated November 16, 1973, accepted for filing an Agreement designated as Pennsylvania Power & Light Company Rate Schedule FPC No. 62. PP&L states that the rate schedule provides for the sale of electric capacity and energy by PP&L to Metropolitan Edison Company (Met-Ed) during the months of June through September of the years 1973, 1974, and 1975. PP&L states that the Commission noted the provisions of the

rate schedule relating to possible adjustments of the carrying charges and the operation and maintenance expense factor. PP&L states that the Commission pointed out that adjustment of the specified numerical values for such items constituted a change in rate schedule, requiring a timely filing with the Commission.

PP&L states that no adjustments were made in the carrying charges for the 1974 and 1975 service period.

PP&L states that the operation and maintenance expense factor was adjusted for the 1974 service period and will be further adjusted for the 1975 service period.

PP&L states that under the terms and conditions of Rate Schedule FPC No. 62, Paragraph 9(d) (2), the factor is subject to adjustment as follows:

The \$2.45 rate shall be subject to increase in the 1974 and 1975 service periods by 90% of the normal percent wage increases, if any, contracted by PP&L with respect to those years.

PP&L states that the 1974 adjustment, shown in Docket No. E-8759, with an 8.5 percent wage increase, was derived as follows:

$$\$2.45 \times 1 + (90\% \times 8.5\%) = \$2.64$$

PP&L states that the contracted wage increase for 1975 is 8 percent. PP&L states that the operation and maintenance expense rate for the 1975 service period is therefore derived as follows:

$$\$2.64 \times 1 + (90\% \times 8.0\%) = \$2.83$$

PP&L states that Met-Ed is in accord with the foregoing. PP&L states that a copy has been delivered to Met-Ed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12765 Filed 5-14-75; 8:45 am]

[Docket No. E-9416]

PENNSYLVANIA POWER & LIGHT CO AND UGI CORP.

Filing of Tariff Change

MAY 8, 1975.

Take notice that on May 1, 1975 Pennsylvania Power & Light Company (PP&L) and UGI Corporation (UGI) tendered for filing a Supplement, dated

April 22, 1975, proposing changes in the Operating Principles and Practices issued in accordance with the Interconnection Agreement, dated August 1, 1935, between the two companies (Pennsylvania Power & Light Company Rate Schedule FPC No. 46 and UGI Corporation Rate Schedule FPC No. 3).

The applicants state that UGI has entered into an agreement with Public Service Electric and Gas Company (PSE&G) to become effective June 1, 1975, providing for the sale by PSE&G to UGI of 25,000 kw of capacity and energy. The proposed Supplement provides for the accommodation of such sale with the aforesaid Operating Principles and Practices and for the delivery of said capacity and energy through the PP&L System.

The Commission has been requested to accept the Supplement for filing effective June 1, 1975, coinciding with the proposed effective date of the agreement between UGI and PSE&G.

The applicants further state that the Supplement also provides for changes in the method of determining and accounting for UGI's installed capacity and operating capacity obligations, making the practices of the parties in this regard consistent with those effective in the Pennsylvania-New Jersey-Maryland Interconnection (PNJM). PP&L and UGI operate their systems as the PP&L Group in PNJM.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12764 Filed 5-14-75; 8:45 am]

[Docket No. E-8882]

PUBLIC SERVICE COMPANY OF COLORADO

Further Extension of Procedural Dates

MAY 8, 1975.

On April 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued April 22, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, June 10, 1975.
Service of Intervenor's Testimony, June 17, 1975.
Service of Company Rebuttal, June 24, 1975.
Hearing, July 8, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12766 Filed 5-14-75; 8:45 am]

[Docket No. E-9421]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Filing of Superseding Contract

MAY 8, 1975.

Take notice that on May 1, 1975, Public Service Company of New Hampshire (PSC) tendered for filing a contract between PSC and Central Maine Power Company (Central Maine). The proposed contract would supersede the present contract and reflects certain revisions filed by Yankee Atomic Electric Company.

PSC requests an effective date of June 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12767 Filed 5-14-75; 8:45 am]

[Docket No. C175-340]

SKYLINE OIL CO. ET AL.

Consolidating Proceedings, Modifying Previously Issued Orders, and Setting Hearing and Prescribing Procedures

APRIL 25, 1975.

On March 17, 1975, the Commission issued an order designating the application of Skyline Oil Company, Joseph Oil Corporation and Joseph S. Gruss (Applicants) in Docket No. C175-340 for a formal hearing to commence on April 29, 1975. Applicants pursuant to section 7(c) of the Natural Gas Act filed (on November 22, 1974) for a limited term certificate of public convenience and necessity with pre-granted abandonment, authorizing the sale of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia) from the Sweet Lake Land and Oil Company Wells Nos. 1 and 2 located in Chalkley Field, Cameron Parish, South Louisiana. Applicants proposed to sell the subject gas at a rate of \$1.00 per MMBtu at 15.025 psia.

On April 8, 1975, original Applicants and Eymar Oil Corporation filed an amendment to the application in the above-captioned docket. This amendment was noticed on April 14, 1975. The amendment provides that Applicants seek authorization to sell gas from Well No. 4 which is also located in Chalkley Field, Cameron Parish, South Louisiana, which is the subject acreage of the original application.

The November 22, 1974 application indicates that sales of gas by the original Applicants to Columbia commenced on November 18, 1974, within contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR § 157.29) from Wells No. 1 and 2 in the Chalkley Field. The application also indicates that such sales are continuing within contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at a rate of \$1.00 per MMBtu at 15.025 psia since the expiration of the 60 day emergency period.

In the amendment, Applicants propose to include the gas production from the Well No. 4 in the Chalkley Field as an additional source of gas for the proposed sale to Columbia. Applicants state that they have commenced sales and deliveries of gas to Columbia from Well No. 4 on March 26, 1975, pursuant to § 157.29 of the regulations. Applicants state that there will be no change in the price. However, there will be an additional 2,500 Mcf per day produced from Well No. 4 which Applicants propose to sell to Columbia. This is in addition to the 2,500 Mcf per day which is the subject of the contract covering the No. 1 and 2 Wells in the original application. Therefore, Skyline is seeking a limited term certification of sales in interstate commerce totalling 5,000 Mcf per day.

By our order issued on March 17, 1975, we designated the original application for hearing to determine whether the rate and terms of Applicant's proposed sale were in the public interest and justified by substantial evidence. In view of the fact that the Well No. 4 sales are from the same field and are at identical terms and rates as those made in the original application, we will consolidate the amendment into the instant proceeding under the same issues and procedures as heretofore established in our order of March 17, 1975.

The Commission finds. The above noted application and amendment contain common questions of fact and law that require consolidation in the above-captioned proceeding for purposes of hearing and decision.

The Commission orders. The amendment to the original application filed in the above-captioned docket is hereby consolidated into the instant proceeding designated for hearing on April 29, 1975. All procedures heretofore established by our order of March 17, 1975 in this docket

shall be deemed to apply to the amendment.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc.75-12768 Filed 5-14-75;8:45 am]

[Docket No. E-9414]

UNION ELECTRIC CO.

Filing of Participation Power Transaction

MAY 8, 1975.

Take notice that on May 1, 1975 Union Electric Company (Union) tendered for filing Participation Power Transaction No. 1 under the Interchange Agreement between Union and Iowa Southern Utilities Company dated December 27, 1965.

Union states that the proposed Transaction provides for the sale of 100 mW of Participation Power during the twelve-month period beginning May 1, 1975.

Union further states that inasmuch as this filing was delayed pending determination of actual costs as the basis for a component of the rate, it is requesting a waiver of the notice provisions of the Commission's rules and regulations to allow an effective date of May 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12769 Filed 5-14-75;8:45 am]

[Docket No. R-467]

UTILIZATION AND CONSERVATION OF NATURAL RESOURCES

Order Terminating Proceeding

APRIL 28, 1975.

On January 8, 1973, the Commission issued a notice of a proposed statement of policy to amend § 2.78 of the Commission's regulations (18 CFR 2.78). The proposed statement of policy would have added a new § 2.78(b), which would have required jurisdictional pipeline companies to recognize and implement the same priority-of-service categories found in § 2.78(a) when proposing to make new and/or additional sales to customers under section 7(c) of the Natural Gas Act.

The Commission received 285 responses to its notice and request for comments from all segments of the gas industry. Reaction toward the proposal was mixed. Fifty-one respondents requested a staff conference. Thirty requested a hearing or oral argument before the Commission.

We believe that the events of the last two years have diminished the usefulness of the proposed policy statement. Virtually all of the major interstate pipelines are unable to meet the contractual requirements of their customers for natural gas. Under these conditions the addition of new customers or of increased sales to present customers has been minimal. The few applications for new or increased service which are filed can easily be treated on a case-by-case basis.

On the basis of the foregoing considerations, there appears to be no reason to continue this proceeding, and Docket No. R-467 will be terminated.

The Commission finds. It is appropriate and necessary for carrying out the provisions of the Natural Gas Act that the proceeding in Docket No. R-467 be terminated.

The Commission orders. The proceeding in Docket No. R-467 is terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12770 Filed 5-14-75;8:45 am]

FEDERAL RESERVE SYSTEM COMMUNITY BANCORPORATION

Acquisition of Bank

Community Bancorporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 94.6 per cent or more of the voting shares of Community National Bank, Flushing, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 9, 1975.

Board of Governors of the Federal Reserve System, May 6, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-12827 Filed 5-14-75;8:45 am]

INTERNATIONAL BANCSHARES, INC. Formation of Bank Holding Company

International Bancshares, Inc., Gladstone, Missouri, has applied for the

Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 82.76 percent or more of the voting shares of the First National Bank of Gladstone, Gladstone, Missouri ("Gladstone Bank"), and of 96.10 percent or more of the voting shares of Citizens Bank and Trust Company of Smithville, Smithville, Missouri ("Smithville Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company through acquisition of Gladstone Bank (about \$20.5 million in deposits)¹ through an exchange of shares and of Smithville Bank (about \$6.0 million in deposits) through an assumption of debt from the principals of Applicant. Upon consummation of the proposed transaction, Applicant would become the 66th largest bank holding company in Missouri and would control approximately 0.2 of 1 percent of the total commercial bank deposits in Missouri.

Gladstone Bank is the 52nd largest banking organization in the Kansas City banking market,² where it controls approximately 47 per cent of the total deposits in commercial banks in that market. Smithville Bank is the 117th largest banking organization in the Kansas City banking market, where it controls approximately 14 per cent of market deposits. The proposed transaction would result in the combination of two small banks into an organization controlling approximately .61 per cent of the market deposits. The five largest banking organizations in the market control approximately 44.0 per cent of market deposits. While Gladstone Bank and Smithville Bank are located in the same banking market, both banks are under common control and do not appear to be in significant competition with one another. Accordingly, consummation of the subject proposal would not have an adverse effect on competition in any relevant area. On the basis of the facts of record, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial, managerial resources and future prospects of Applicant and banks are considered generally satisfactory, and consistent with approval. Applicant proposes, as part of this application, to expand banking services and

the amount of credit available to community residents. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record,³ the application is approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors, effective May 5, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc. 75-12828 Filed 5-14-75; 8:45 am]

PEOPLES STATE HOLDING CO.

Formation of a Bank Holding Company

Peoples State Holding Company, Westhope, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 95.94 percent of the voting shares of Peoples State Bank, Westhope, North Dakota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. The proposed transaction essentially involves the transfer of ownership from individuals to a corporation owned by the same individuals with no change in Bank's management or operations. Bank, with deposits of \$10.1 million controls 0.4 percent of commercial bank deposits in the State.¹ Two of the three Principals of Applicant are also shareholders in Western State Agency, Inc., a one-bank holding company controlling the Western

¹ Dissenting Statement of Governor Mitchell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20561, or to the Federal Reserve Bank of Kansas City.

² Voting for this action: Chairman Burns and Governors Bucher, Holland, Wallich, and Coldwell. Voting against this action: Governor Mitchell. Absent and not voting: Governor Sheehan.

³ All banking data as of June 30, 1974.

State Bank, Devils Lake, North Dakota. However, that bank is located approximately 115 miles southeast of Bank in a separate market area and does not compete with Bank. Since the subject proposal represents merely a restructuring of existing ownership interests, its consummation would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

Considerations relating to the financial and managerial resources and future prospects are satisfactory and support approval. Since the proposal represents only a change in the form of ownership, considerations relating to the convenience and needs of the community involved, although consistent with approval, are not a major factor. It has been determined that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority.

By order of the Acting Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective May 5, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc. 75-12829 Filed 5-14-75; 8:45 am]

SYB CORP.

Formation of Bank Holding Company

SYB Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Stock Yards Bank, Oklahoma City, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the express purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank, Applicant would control approximately 0.6 per cent of the total deposits in commercial banks in Oklahoma.¹ Bank holds deposits of ap-

¹ All banking data are as of June 30, 1974.
² The Kansas City banking market is approximated by Clay, Jackson, Platte and the northern part of Cass Counties in Missouri and Johnson and Wyandotte Counties in Kansas.

³ All banking data are as of June 30, 1974.

proximately \$48 million, representing 1.7 per cent of the total deposits in the Oklahoma City banking market, and thereby ranks as the ninth largest of 66 banks operating therein.² One of the principals of Applicant has a substantial voting interest in three other banks and another of the principals has a voting interest and acts as a director of a fourth bank, all of which are located within the relevant market. It appears that consummation of the proposal would not materially alter the competitive relationship between Bank and the other five banks in the market in which principals of Applicant have interests. Moreover, since Applicant has no present subsidiaries and the proposal involves the transfer of control of Bank from individuals to a corporation owned by the same individuals, consummation of the transaction would not have a significantly adverse effect on existing or potential competition, nor would it increase the concentration of banking resources in any relevant area. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The future prospects of Applicant are primarily dependent upon the financial resources of Bank. In this regard, Applicant proposes to service the debt which it assumes as an incident to this proposal over a 12 year period through dividends from Bank. In light of Bank's past earnings and its anticipated growth, the projected earnings of Bank appear to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements while maintaining Bank's capital at an acceptable level. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the considerations relating to the banking factors are consistent with approval of the application. Although consummation of the proposal would effect no immediate changes in the services offered by Bank, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.³

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

²The relevant geographic market is approximated by the Oklahoma City SMSA.

By order of the Board of Governors,⁴ effective May 6, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc. 75-12830 Filed 5-14-75; 8:45 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of South Platte National Bank, LaSalle, Colorado ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the second largest banking organization and multibank holding company in Colorado by virtue of its control of 16 banks with aggregate deposits of \$918.6 million, representing approximately 13.7 percent of the total commercial bank deposits in the State.¹ Acquisition of Bank would increase Applicant's share of commercial bank deposits in the State by approximately one-tenth of one per cent while Applicant's rank among Colorado banking organizations would remain unchanged.

Bank (deposits of \$6.1 million) is the seventh largest of twelve commercial banks in the Weld County banking market and controls approximately 2.4 percent of the total deposits in that market.²

¹Under a trust arrangement, shareholders of Bank are the beneficial owners of 20 percent of the shares of Oklahoma Bankers Life Insurance Company, Oklahoma City, Oklahoma ("OBLIC"). Under sections 2(g)(1) and 2(g)(2) of the Act, control of these shares would be attributed to Applicant upon its acquisition of Bank. The activities of OBLIC have not been determined to be permissible under section 4(c)(8) of the Act and, therefore, the indirect control of these shares by Applicant would be prohibited by section 4 of the Act. Accordingly, upon the acquisition of Bank, Applicant is required to divest itself of its indirect interest in OBLIC within the applicable time period provided in section 4(a)(2) of the Act.

²Voting for this action: Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governors Mitchell and Coldwell.

³All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved through January 31, 1975.

⁴The Weld County banking market is defined as Weld County less the northern and northeastern sections as well as the southern one-quarter of the county.

Bank is situated in the small community of LaSalle, which is five miles south of Greeley, Colorado, and is presently the sole banking subsidiary of Greeley-LaSalle Investment Company, LaSalle, Colorado ("Company"), a registered one-bank holding company. With one subsidiary bank in Greeley, Applicant already operates in the Weld County banking market and is the third largest banking organization in that market by virtue of its control of approximately 17.9 per cent of total market deposits. Inasmuch as one of Applicant's subsidiary banks and Bank operate in the same market, consummation of the proposal would eliminate some competition between the two organizations. However, upon consummation of the proposal herein, Applicant would remain the third largest banking organization in the market, with the first and second largest banking organizations (both of which are multibank holding companies) controlling much larger percentages of the total deposits in the market. In addition, subsidiaries of two other large multibank holding companies would continue as competitors in the relevant market. Accordingly, on the basis of the record and, given the present structure of banking in the market, the Board does not view the effects of the proposal on competition as being significant. Moreover, the competitive effects of the proposal must be examined in light of the financial, managerial, and convenience and needs considerations discussed below.

The financial and managerial resources and future prospects of Applicant and of its subsidiaries are regarded as generally satisfactory. While the management of Bank appears capable, the capital ratios of Bank have declined recently due to the need for Bank to declare dividends to retire an outstanding debt of Bank's parent holding company. Affiliation of Bank with Applicant should strengthen Bank's overall financial condition and assure that its capital ratios will be maintained at acceptable levels. These considerations relating to financial factors lend weight toward approval of the application. With respect to convenience and needs considerations, the Weld County market is primarily an agriculturally-oriented community, as is evidenced by the large volume of agricultural loans made by banks in the area. Bank's ability to serve the financial needs of its immediate service area is limited, and affiliation with Applicant should enhance Bank's overall ability to meet the expanding financial needs of that area. Accordingly, convenience and needs considerations also lend weight toward approval of the application. Therefore, on the basis of the facts of this case, the Board is of the view that the convenience and needs factors, considered with the financial factors discussed above, outweigh in the public interest any adverse effects the proposal may have on competition. It is the Board's judgment that

consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record,² the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,³ effective May 5, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-12831 Filed 5-14-75;8:45 am]

FEDERAL TRADE COMMISSION TEXTILE MILL PRODUCTS INDUSTRY

Rescission of Enforcement Policy

Notice is hereby given that the Federal Trade Commission has rescinded its "Enforcement Policy with Respect to Mergers in the Textile Mill Products Industry" originally issued on November 22, 1968, published in the FEDERAL REGISTER (33 FR 17708, November 27, 1968), and subsequently reaffirmed and clarified by press release of August 18, 1969. This action by the majority of the Commission (with Commissioners Paul Rand Dixon and Stephen Nye voting in the negative) was taken following a reevaluation of the current structure and performance of the textile mill products industry which indicated that special treatment for mergers in that industry is no longer warranted. Among the factors which the Commission considered in reaching this decision were the impact on domestic commerce of imported textiles, the level of recent merger activity, the trends in concentration, and the financial health of industry participants, especially smaller mills.

At the time of the original issuance of the policy statement, the Commission stated that it was not attempting to draw precise legal boundaries for every prospective merger in the field of textile mill products but rather that its objective was to delineate the types of such future mergers which would warrant close attention and consideration. In rescinding the policy statement, the Commission cautioned that its announcement should not be interpreted to mean that mergers in the textile products industry will not be scrutinized by the Commission in the future for possible anticompetitive impact. The Commission believes, however,

that its present case-by-case merger screening techniques, which are based upon assessment of the current state of the law and relevant economic factors, can effectively detect anticompetitive mergers in the textile, as well as other industries. Recent legislative extensions of its injunctive powers, moreover, permit the Commission to take prompt action against impending mergers in appropriate cases.

The Commission will also continue to provide advisory opinions, as provided by its rules of practice (16 CFR 1.1-1.4), regarding the legality of particular mergers, and invites those contemplating mergers to avail themselves of this program in any situation where they are uncertain as to the legality of a prospective merger.

Issued by direction of the Commission of March 11 and 25, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-12775 Filed 5-14-75;8:45 am]

GENERAL ACCOUNTING OFFICE REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 9, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 2, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of a new FEA form U505-S-0 entitled "The Carpool Survey." This voluntary questionnaire, prepared by FEA, Office of Transportation Research in the Office of Energy Conservation and Environment, is to be filled out by approximately 900 workers in the urbanized area of three SMSA's, in order to determine consumer attitudes toward carpooling. The burden is expected to be less than one hour per respondent.

The Federal Energy Administration has requested clearance from GAO for

a new form G-101-Q-0 entitled "Alternative Fuel Demand Due to Natural Gas Curtailments." This form will be completed by all intrastate companies who supply natural gas to end users. Beginning with April 1974, quarterly data will be required on actual and projected curtailments to end users and their alternative fuel requirements. The number of respondents is estimated to be approximately 1500 firms. The average time to complete each form each quarter has been estimated to be 355 hours.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.75-12797 Filed 5-14-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY) W & B COAL CO.

Application for Renewal Permit, Electric Face Equipment Standard; Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4261-000, W & B COAL Company, Elkhorn Seam No. 3 and No. 3 Mine, Mine ID No. 15 02307 0, Mouse, Kentucky, ICP Permit No. 4261-002-R-2 (Kersey Rubber Tired Mining Scoop, Ser. No. 691C7).

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 on or before May 30, 1975. 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.

MAY 12, 1975.

[FR Doc.75-12780 Filed 5-14-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE MARINE AND ATMOSPHERIC SCIENCE AND SERVICE PROGRAMS ET AL.

Open Meeting

MAY 12, 1975.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, June 16 and 17, 1975. Both sessions will

² Dissenting Statement of Governor Holland filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

³ Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Coldwell. Voting against this action: Governor Holland. Absent and not voting: Governors Bucher and Wallich.

be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution and E, NW., Washington, D.C., beginning at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

On Monday the Committee will be briefed by representatives of the National Marine Fisheries Service on the status and content of the draft National Fisheries Plan. The balance of the meeting will be devoted to discussion of the draft Fourth Annual Report of NACOA and other Committee work in progress. A more detailed agenda will be published when plans become firm.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-12821 Filed 5-14-75; 8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATRE ADVISORY PANEL

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 Theatre Advisory Panel to the National Council on the Arts will be held on May 30, 31, 1975 from 9:15 a.m.-5:00 p.m. On May 30, the meeting will be held in the 13th floor conference room and on May 31, the meeting will be held in the 14th floor conference room, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on May 31 from 9:15 a.m.-5:00 p.m. on a space available basis. Accommodations are limited. During the open session, there will be a general policy discussion.

The remaining session of this meeting on May 30 from 9:15 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) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National
Endowment for the Arts, Na-
tional Foundation on the Arts
and the Humanities.

[FR Doc.75-12850 Filed 5-14-75; 8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SYSTEMATIC BIOLOGY

Meeting

The Advisory Panel for Systematic Biology will meet on June 2 and 3, 1975, at 9 a.m. in rm. 543 at 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific research proposals that have been assigned to the Systematic Biology Program. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. R. Jack Schultz, Program Director, Systematic Biology Program, rm. 331, National

Science Foundation, Washington, D.C. 20550, telephone (202) 632-5846.

FRED K. MURAKAMI,
Committee Management Officer.

MAY 12, 1975.

[FR Doc.75-12792 Filed 5-14-75; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1534; 1457, 1330-A]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

The National Transportation Safety Board announces the issuance last week of two safety recommendations and the receipt of two letters responsive to recommendations previously made.

Single copies of the recommendations may be obtained without charge. However, a \$4.00 user-service charge will be made for each letter response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

SAFETY RECOMMENDATIONS

P-75-5 and 6, issued May 8, 1975, to the Office of Pipeline Safety, Department of Transportation, after investigation of a crude oil fire which erupted on January 17, 1975, in the terminal facilities of the Mid Valley Pipeline Company in Lima, Ohio. The Safety Board recommends that OPS (1) require Mid Valley to review all their pump stations and terminal facilities to determine whether conditions exist, similar to those at Lima, which could cause additional accidents on their system; and (2) urge Mid Valley to utilize a total systems approach to pipeline safety in redesigning and reconstructing the destroyed Lima facility so that single failures and frequent combination of failures do not escalate to leaks or over pressures. Both recommendations are Class I, for urgent followup.

RESPONSES TO SAFETY RECOMMENDATIONS

The Federal Aviation Administration responded April 16, 1975, to recommendations A-75-2 through 5 issued January 10, 1975, following investigation of the crash of Trans World Airlines Flight 841 into the Ionian Sea on September 8, 1974. The Safety Board had found that detonation of a high order explosive had taken place in the aircraft's aft cargo compartment. FAA states in its April 16 response that it has undertaken renewed efforts in all facets of its Civil Aviation Security Program and discusses activities under its Aviation Security Technical Assistance Program. FAA indicates that it has initiated action to establish a civil aviation security capability in the Europe, Africa and Middle East Region similar to that currently existing in all other FAA regions; further, FAA's explosive detection research and development

program is continuing and aircraft security programs of U.S. air carriers, responsive to high risk situations in international as well as domestic operations, are under review.

The Federal Highway Administration responded April 29, 1975, to Safety Board recommendation H-74-27, noting that creation of a specific standard to cover all T-intersection situations would be inappropriate. FHA states: "The type treatment that would be satisfactory for a major T-intersection would be different than that required for one in a residential area. The design should be in keeping with the type facility and the nature of traffic using it." The recommendation was contained in the Board's highway accident report, "Automobile Intrusion Onto the Long Island Railroad Electrified Tracks and Fire, Garden City, New York, August 8, 1973." (Report No. NTSB-HAR-74-3, released October 9, 1974.)

(Sec. 307, Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 12, 1975.

[FR Doc. 75-12844 Filed 5-14-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' COMBINED SUBCOM- MITTEES ON LOFT AND REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittees on LOFT and Reactor Safety Research will hold a meeting on May 30, 1975 at the Sheraton Airport Hotel, 9750 Airport Boulevard, Los Angeles, California 90045. The purpose of this meeting will be to develop information for consideration by the ACRS regarding the LOFT Program and other aspects of reactor safety research.

The agenda for the subject meeting shall be as follows:

Friday, May 30, 1975, 8:30 a.m. until the conclusion of business. The combined Subcommittees will hear presentations by representatives of the NRC Staff and will discuss with them items pertinent to reactor safety research.

In connection with the above agenda item, the Subcommittees will hold Executive Sessions, not open to the public, at 8:00 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views, recommendations, and internal deliberations of members and consultants of the Subcommittees and for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will

consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Acting Chairman of the combined Subcommittees is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than May 23, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Mr. Thomas G. McCreless.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the combined Subcommittees. To the extent that the time available for the meeting permits, the combined Subcommittees will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 2:00 p.m. and 3:00 p.m.

(c) Requests for the opportunity to make oral statements shall be ruled on by the acting Chairman of the combined Subcommittees who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 29, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5:00 p.m., e.t.

(e) Questions may be propounded only by members of the Subcommittees and their consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installa-

tion and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 3, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, N.E., Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after Aug. 29, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: May 13, 1975.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 75-12936 Filed 5-14-75; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON THE JOSEPH M. FARLEY NUCLEAR POWER PLANT, UNITS 1 & 2

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Joseph M. Farley Nuclear Power Plant, Units 1 and 2, will hold a meeting on May 30, 1975 at the Sheraton Motor Inn, Ross Clark Circle, Dothan, Alabama 36301.

The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Alabama Power Company for a license to operate this nuclear power plant. The facility will be located on the Chattahoochee River. The plant is approximately 16.5 miles East of Dothan, Alabama, off Alabama State Route 95.

The agenda for the subject meeting shall be as follows:

Friday, May 30, 1975, 9:00 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the Alabama Power Company and will hold discussions with these groups pertinent to its review of the application of the Alabama Power Company for a license to operate the Joseph M. Farley Nuclear Power Plant, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion

of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than May 23, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Mr. R. Muller. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 1:00 p.m. and 2:00 p.m. on May 30, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 28 to the Office of the Executive Secretary of the Committee (telephone 202/634-1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 3, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and within approximately nine days at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after September 1, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: May 13, 1975.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 75-12935 Filed 5-14-75; 8:45 am]

[Docket Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO. (BRUNSWICK STEAM ELECTRIC PLANT UNITS 1 AND 2)

Order Granting Extension of Time in Which To Respond to Order to Show Cause

On April 10, 1975 the Acting Director of the Office of Nuclear Reactor Regulation issued an Order to Carolina Power and Light Company (licensee) requiring it to show cause why its license Nos. DPR-62 and CPPR-68 should not be amended to require installation of a seismograph network and the conduction of an appropriate relieving program to determine whether dilatancy was occurring in the vicinity of the Brunswick plant. The licensee requested an extension of time in which to respond on May 5, 1975 in order to develop a detailed written study proposal. The licensee also indicated it would implement the study within six months after May 10, 1975 if agreement was reached on its study proposal but argued that relieving would not represent the best use of resources in the program.

In view of the licensee's proposal to submit a detailed study plan and its agreement to implement the program if accepted by the NRC within the time frame envisioned by the original order and in view of the extensive planning and study which is involved in developing a program of the type proposed, it is believed that good cause has been shown for the requested extension. The licensee will be expected to prepare a detailed, written proposal describing the investigations which will be undertaken to resolve the issue of whether dilatancy (or other earthquake precursory phenomena) is occurring in the vicinity of Brunswick. If the licensee continues to believe a relieving program is inappropriate it is expected that it will state its reasons and that alternate programs and methods, e.g. tiltmeters, which might resolve the nature of any continuing level changes in the Brunswick area will be addressed. These detailed written proposals will be submitted to NRC Staff on or before June 10, 1975 in order that meetings may be held between the parties to discuss the program which will ultimately be implemented.

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 50 and 100: It is hereby ordered, That:

The time for responding to the Order to Show Cause dated April 10, 1975 is enlarged until July 9, 1975 provided the above specified proposals are submitted on or before June 10, 1975. Within the same time any person whose interest may be affected by the April 10, 1975 Show Cause Order may request a hearing. If a hearing is requested, the Commission will issue an order designating the time and place for hearing. Upon failure of the licensee to file an answer including the above specified proposals within the time specified, the Director of Nuclear Reactor Regulation, will, without further notice, issue an order modifying license

Nos. DPR-62 and CPPR-68 to require a monitoring program to be initiated by November 10, 1975.

In the event that a hearing is requested, the issue to be considered shall be the same as was specified in the April 10, 1975 order.

Dated at Bethesda, Md., this 9th day of May 1975.

BEN C. RUSCHE,
Director, Office of Nuclear
Reactor Regulation.

[FR Doc.75-12819 Filed 5-14-75;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT
Issuance of Amendment to Facility
Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-40 issued to the Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment incorporates operating limits in the Technical Specifications for the facility based on an acceptable evaluation model that conforms with the requirements of § 50.46 of 10 CFR Part 50. The amendment also: (1) Modifies certain operating limits and instrument set points to reflect the result of the licensee's cycle 2 core performance analysis, (2) modifies the surveillance acceptance criterion for the charcoal filter in the containment air filtering system, and (3) makes various editorial changes to incorporate interim specifications into the main body of the Technical Specifications.

The applications for the amendment comply 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 Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on March 21, 1975 (40 FR 12859). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the applications for amendment dated February 3, March 3 and 7, 1975, and Supplements dated March 26 and 31, April 2, 9, 10, 11, 16, 22, and 23, 1975, (2) Amendment No. 5 to License No. DPR-40, with Change No. 11, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated April 18, 1975, (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal. All of these

items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of April 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch #3, Division of Re-
actor Licensing.

[Docket No. 50-285]

**NEGATIVE DECLARATION REGARDING PROPOSED
CHANGES TO THE TECHNICAL SPECIFICATIONS
OF LICENSE DPR-40, FORT CALHOUN STATION
UNIT 1**

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-40. These changes would authorize the Omaha Public Power District, (OPPD) (the licensee) to operate the Fort Calhoun Station Unit 1 (located in Washington County, Nebraska) with changes to the limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with a reactor refueling for core cycle 2.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-40, Fort Calhoun Unit 1, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Fort Calhoun Station Unit 1 published in August 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska.

Dated at Rockville, Md., this 18th day of April 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects
Branch 2, Division of Reactor
Licensing.

[FR Doc.75-12816 Filed 5-14-75;8:45 am]

[Docket Nos. 50-514, 50-515]

**PORTLAND GENERAL ELECTRIC CO.,
(PEBBLE SPRINGS NUCLEAR PLANT,
UNITS 1 AND 2)**

**Assignment of Atomic Safety and Licensing
Appeal Board**

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as

the Atomic Safety and Licensing Appeal Board for these proceedings:

John B. Farmakides, Chairman
Dr. Lawrence R. Quarles, Member
Richard S. Salzman, Member

Dated: May 8, 1975.

ROMAYNE M. SKRUTSKI,
Secretary to the
Appeal Board.

[FR Doc.75-12818 Filed 5-14-75;8:45 am]

[Docket No. 50-376]

**PUERTO RICO WATER RESOURCES AU-
THORITY (NORTH COAST NUCLEAR
PLANT, UNIT NO. 1)**

**Order Setting Second Prehearing
Conference**

The purpose of this Notice and Order is to schedule the Second Prehearing Conference in the above-captioned proceeding which involves the application by the Puerto Rico Water Resources Authority for a construction permit for the electrical facility identified as North Coast Nuclear Plant Unit 1. At the Second Prehearing Conference, the Atomic Safety and Licensing Board will cover the following matters:

1. All amended petitions to intervene;
2. All outstanding motions;
3. The need for discovery and the time required therefor;
4. The status of issuance of the relevant U.S. Nuclear Regulatory Commission Staff documents; and
5. Any other matters that may aid in the orderly disposition of this proceeding, including consideration of schedule of further proceedings.

Accordingly, please take note that the Second Prehearing Conference in the above-captioned proceeding is scheduled for 10:00 a.m. local time on Tuesday, June 10, 1975 at the U.S. District Court, Courthouse Building, Recinto Sur Street, Old San Juan, San Juan, Puerto Rico 00904.

Members of the public are invited to attend this Second Prehearing Conference and all further proceedings that will be held in connection with this case.

Dated at Bethesda, Md., this 9th day of May 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75-12817 Filed 5-14-75;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 May 12, 1975 (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(s), 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.

Requests for extension which appear to raise no significant issues 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 and other:

Urgent Data Requests, on occasion, all participating GIDEP activities, Lowry, R. L., 395-3772.

General Report Summary Form, on occasion, business firms, Lowry, R. L., 395-3772.

Failure Rate Data Summary, on occasion, failure analysis laboratories, Lowry, R. L., 395-3772.

Metrology Data Summary, on occasion, metrology engineering laboratories, Lowry, R. L., 395-3772.

Test Report Summary Sheet, on occasion, government and industrial testing laboratories, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Provider Cost Reporting Forms for Hospitals and Hospital-Skilled Nursing Facility Complexes Having More Than 99 Beds, SSA-2552, SSA-2552A, SSA, 2552B, SSA 2552C, SSA 2552D, SSA-2552E, SSA-2552F, SSA-2552G, annually, hospitals, Caywood, D. P., 395-3443.

Office of Education, Statistical Survey of Elementary Schools, 1975-76, OE 2369, 2369-1, 2369-2, 2369-3, single-time, Lea's, schools, teachers, Planchon, P., 395-3898.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development:

Satisfaction of conditional approval, HUD 7015.14, single-time, units of general local government, Community and Veterans Affairs Division, Lowry, R. L., 395-3532.

Request for Release of Funds and Certification, single-time, units of general local government, Community and Veterans Affairs Division, Lowry, R. L. 395-3532.

DEPARTMENT OF THE INTERIOR

National Park Service:

Grand Canyon User Survey, single-time, river runners in the Grand Canyon, Planchon, P., 395-3898.

Biscayne National Monument, Visitor Use Data, single-time, park visitors, Planchon, P., 395-3898.

Visitor Perception of the Floating Experience Grand Teton National Park, single-time, individual visitors, Grand Teton National Park, Planchon, P., Lowry, R. L., 395-3898.

REVISIONS

VETERANS ADMINISTRATION

Application for Burial Allowance, 21-530, on occasion, funeral directors, Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

Rural Water Survey Questionnaire, ECA-62, on occasion, State and county agency personnel, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Cranberry Grower Inquiries, other (see SF-83), cranberry growers, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Mushroom Processor Inquiry, annually, mushroom processors, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:

Social Service Report, SR SNCS-115, quarterly, Marsha Traynham, 395-4529.

Social Services Expenditures Report, SRSNCS 112, semiannually, Marsha Traynham, 395-4529.

Report on Methods of Dealing With Questions of Recipient Fraud in State Public Assistance Programs, SRSNCS110, annually, Marsha Traynham, 395-4529.

Annual Statistical Report on Cost Standards and Maximums and Other Limitations on Money Payments, SRS NCSS 1, annually, Marsha Traynham, 395-4529.

Statistical Data Report—Title IV—A State Agency Planning Activities—FY 1974, quarterly, Marsha Traynham, 395-4529.

Report on Children Served by Public and Voluntary Child Welfare Agencies, SR SNC SS107, annually, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-12896 Filed 5-14-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 06/06-5177]

BUSINESS CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Business Capital Corporation (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1975).

The officers, directors and stockholders of the applicant are as follows:

David R. Burrus, 5109 Bissonet Drive, Metairie, Louisiana 70003, President, Director, 50 Percent Stockholder.

Darryl D. Berger, 4007 Saint Charles Avenue, New Orleans, La. 70115, Sec./Treas., Director, 50 Percent Stockholder.

The applicant, a Louisiana corporation, with its principal place of business located at 1732 Canal Street, New Orleans, Louisiana 70112, will begin operations with \$500,000 of paid-in capital and paid-in surplus, derived from the sale of 5,000 shares of common stock to its two shareholders.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and

chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, on or before May 30, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New Orleans, Louisiana.

Dated: May 8, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-12835 Filed 5-14-75;8:45 am]

[License No. 04/04-0009]

HANOVER SMALL BUSINESS INVESTMENT CO.

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of Small Business Administration (SBA) rules and regulations governing Small Business Investment Companies (13 CFR 107.105 (1975)), Hanover Small Business Investment Company (Hanover), 5710 Old Concord Road, Charlotte, North Carolina 28201, incorporated under the laws of the State of North Carolina, has surrendered its license No. 04/04-0009, issued by the SBA on July 22, 1959.

Hanover has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above-cited Regulation, the license of Hanover is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company, effective as of March 31st, 1975.

Dated: May 8, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-12836 Filed 5-14-75;8:45 am]

[Notice of Disaster Loan Area 1134, Amdt. 1]

ALABAMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama, as a major disaster area following severe storms and flooding beginning about April 9, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional county: Elmore and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 40 FR 19547)

Applications may be filed at the:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than July 7, 1975. EIDL applications will not be accepted subsequent to February 2, 1976.

Dated: May 7, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-12837 Filed 5-14-75; 8:45 am]

[Declaration of Disaster Loan Area 1138]

MAINE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April, because of the effects of a certain disaster, damage resulted to property located in the State of Maine;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Cumberland County and adjacent affected areas, suffered damage or destruction resulting from high winds combined with rain and snow which occurred April 3-4, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office:

Small Business Administration
District Office
40 Western Avenue
Augusta, Maine 04330

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 7, 1975. EIDL applications will not be accepted subsequent to February 9, 1976.

Dated: May 8, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-12838 Filed 5-14-75; 8:45 am]

[Notice of Disaster Loan Area 1136]

MISSOURI

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Missouri, as a major disaster area following tornadoes, hail and heavy winds beginning on April 23, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties: Caldwell, Macon, Newton and Shelby and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
911 Walnut Street—24th Floor
Kansas City, Missouri 64106

Small Business Administration
District Office
210 North 12th Street—Room 520
St. Louis, Missouri 63101

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than July 7, 1975. EIDL applications will not be accepted subsequent to February 5, 1976.

Dated: May 7, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-12839 Filed 5-14-75; 8:45 am]

[Declaration of Disaster Loan Area 1137]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of Virginia;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of

the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Halifax County, and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred March 19-22, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office:

Small Business Administration
District Office
Federal Building, Room 3015
400 North Eighth Street
Richmond, Virginia 23240

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 7, 1975. EIDL applications will not be accepted subsequent to February 9, 1976.

Dated: May 8, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-12840 Filed 5-14-75; 8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Intent To Publish Proposal To Defer Certain Reporting and Disclosure Requirements, and To Extend Postponement of Effective Date of Certain Fiduciary Requirements

1. *Background.* On December 4, 1974, notice was published in the FEDERAL REGISTER of proposed regulations concerning reporting and disclosure under the Employee Retirement Income Security Act of 1974 (the Act). On May 5, 1975, a regulation was published (40 FR 19469; see also 40 FR 20628, May 12, 1975) that deferred to August 31, 1975, the requirement that plan administrators file with the Secretary of Labor, and furnish to plan participants and beneficiaries, copies of a summary plan description; and that plan administrators file a plan description with the Secretary.

On May 6, 1975, a notice was published (40 FR 19715) that the Department of Labor had begun mailing to plan administrators copies of the official plan description form, EBS-1, and that certain final regulations concerning covered plans, plan descriptions and summary plan descriptions would appear in the FEDERAL REGISTER on or before May 15, 1975.

On November 21, 1974, a regulation was published (39 FR 40853) under section 414(b)(2) of the Act setting forth guidelines for the submission of applications by plans for postponement to June 30, 1975 of the effective date of sections 402, 403 (other than 403(c)), 405 (other than 405(a) and (d)) and 410(a) of the Act. In accordance with the guidelines, timely applications are being processed by the Office of Employee Benefits for approval or denial.

2. *Discussion.* Upon further consideration, the Department believes that it would be in the best interest of plan participants and beneficiaries to further defer the dates by which these reporting, disclosure, and fiduciary requirements must be met. Extension of the fiduciary deadlines appears necessary in order to enable plan administrators to revise plan documents with the guidance of materials, not now available, that the Department would publish in advance of the new due date. Deferral of the reporting and disclosure requirements will ease the severe pressures that would otherwise be placed on plan administrators by the need to prepare plan descriptions and summary plan description on or before August 31, 1975. Considering the timing of the distribution of EBS-1 plan description forms and the proposed May 15, 1975 date for promulgation of final reporting and disclosure regulations, the fact that professional consultants and contract administrators are often responsible for preparing a great number of descriptions for their clients with limited resources, and the special difficulties and uncertainties that exist because this is the first application of provisions of a complex new law, the Department believes that a deferral of the August 31, 1975 deadline is necessary.

The Department further believes that the deferrals offer an opportunity to harmonize different provisions of the Act and to provide the most useful presentation of plan information to participants and beneficiaries. The new dates have been chosen with these goals in mind. First, the first two pages of the EBS-1 form would still be filed with the Secretary on or before August 31, 1975, but filing of the entire EBS-1 plan description form is deferred. Data from these first two pages will aid the Department in making judgments about plan coverage and reporting and disclosure requirements. Second, the additional postponement of the effective date of certain fiduciary requirements should permit plans, by the end of the extended period, to make permanent amendments to plan instruments to satisfy those requirements. The deferred reporting and disclosure dates come 150 days later, so that plan descriptions and summary plan descriptions could include the amendments to plan instruments. The result should be up-to-date, useful reports that would not have to be amended soon after they were issued.

The deferrals also would remove the immediate need for final regulations. The Department intends to take advantage of this opportunity to issue regulations dealing with plan coverage and reporting and disclosure requirements in proposal form. On the basis of comments received during the official comment period for the December 4, 1974 proposals, later comments, and our own analysis, the Department believes that various matters not directly dealt with in the earlier proposal should be treated in the final regulations. Use of the proposal form will insure that interested parties are

aware of all the issues involved and may comment on them.

3. *Notice.* The Department of Labor hereby gives notice of intent to publish in the near future:

(a) An extension from June 30, 1975 to December 31, 1975 of the postponement granted to certain plans under section 414(b)(2) of the Act from specified fiduciary requirements of sections 402, 403 and 405. No extension beyond June 30, 1975 of the postponement of effectiveness of section 410(a) is contemplated.

(b) Proposed regulations concerning plan coverage and reporting and disclosure requirements under Part 1 of Title I of the Act, including a proposal to defer until May 30, 1976 the deadline for filing the entire EBS-1 plan description and a copy of the summary plan description with the Secretary of Labor, and furnishing summary plan descriptions to plan participants and beneficiaries. The proposed regulations will retain the August 31, 1975 deadline for filing the first two pages of the EBS-1 (but not the schedules referred to in those pages).

Signed at Washington, D.C. on May 13, 1975.

JAMES D. HUTCHINSON,
*Acting Administrator of Pension
and Welfare Benefit Programs.*

[FR Doc. 75-12934 Filed 5-14-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 766]

ASSIGNMENT OF HEARINGS

MAY 12, 1975.

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.

MC 117815 Sub-238, Pulley Freight Lines, Inc., now assigned June 17, 1975, at St. Louis, Missouri will be held in Courtroom No. 2, 5th Floor, 1114 Market St.

MC 51146 Sub-403, Schneider Transport, Inc., now assigned June 19, 1975 at St. Louis, Missouri will be held in Courtroom No. 2, 5th Floor, 1114 Market St.

MC-F 12359, Charles N. Harris—Investigation of Control—L. A. Tucker Truck Lines, Inc. and Sam Tanksley Trucking, Inc., now assigned June 23, 1975, at St. Louis, Missouri will be held in Courtroom No. 2, 5th Floor, 1114 Market St.

MC 116325 Sub-66, Jennings Bond dba Bond Enterprises, and MC 123407 Sub-212, Sawyer Transport, Inc., now assigned June 25, 1975, at St. Louis, Missouri will be held in Courtroom No. 2, 5th Floor, 1114 Market St.

MC 41432 Sub-143, East Texas Motor Freight Lines, Inc.; MC 48958 Sub-121, Illinois-California Express, Inc. and MC 108461 Sub-123, Whitfield Transportation, Inc., continued to June 24, 1975 (4 days), at Tri-Arc Travelodge, Salt Lake City, Utah.

MC 135687 Sub-3, Midwestern Transportation, Inc., continued to July 8, 1975 (4 days), at the Clinton Chamber of Commerce Conference Room, 401 Gary Freeway, Clinton, Okla., and July 15, 1975 (4 days), at the Ramada Inn, I-40 at Nelson Road Exit, Amarillo, Tex.

MC 138896 Sub-6, Ajax Transfer Company, now assigned June 9, 1975, at St. Paul, Minnesota is postponed to July 21, 1975 (2 weeks), at St. Paul, Minnesota; in a hearing room to be designated later.

MC 138557 (Sub-No. 7), Walt Keith Trucking, Inc., now being assigned July 15, 1975, at Kansas City, Missouri; in a hearing room to be designated later.

MC 111231 Sub-189, Jones Truck Line, Inc., now being assigned July 18, 1975, at Kansas City, Missouri; in a hearing room to be designated later.

MC 113908 Sub-241, Erickson Transport Corp., now being assigned July 21, 1975 (1 week), at Kansas City, Missouri; in a hearing room to be designated later.

MC 139527 Sub-2, M.E.M. Enterprises, Inc., now being assigned September 9, 1975 (1 day), at Seattle, Washington, in a hearing room to be later designated.

MC 140163, Post & Sons Transfer Co., now being assigned September 10, 1975 (3 days), at Seattle, Washington, in a hearing room to be later designated.

MC 140054, Z & S Construction Co., Inc., now being assigned September 15, 1975 (1 week), at Denver, Colorado, in a hearing room to be later designated.

MC 95876 Sub-163, Andesson Trucking Service, Inc., now being assigned September 22, 1975 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 76032 Sub-284, Navajo Freight Lines, Inc., now being assigned September 24, 1975 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 76032 Sub-273, Navajo Freight Lines, Inc., now being assigned September 25, 1975 (2 days), at Denver, Colo. In a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 75-12547 Filed 5-14-75; 8:45 am]

[I.C.C. Order No. 140; Rev. Service Order No. 994]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Burlington Northern Inc., (BN) is unable to transport traffic over its line between Jamestown, North Dakota, and Oakes, North Dakota, because of high water and flooding.

It is ordered, That:

The BN being unable to transport traffic over its line between Jamestown, North Dakota, and Oakes, North Dakota, because of high water and flooding, that line and the Chicago and North Western Transportation Company, are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:30 p.m., May 1, 1975.

(g) Expiration date: This order shall expire at 11:59 p.m., May 15, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 1, 1975.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[FR Doc. 75-12848 Filed 5-14-75; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MAY 9, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d) (2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before June 16, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 5470 (Sub-No. 86G), filed June 4, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc and zinc dross*, in dump vehicles, from Dravosburg and Josephstown, Pa., to Spelter, W. Va. The purpose of this filing is to eliminate the gateway of North Lima, Ohio.

No. MC 5470 (Sub-No. 87G), filed June 4, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, from Brilliant, Ohio, to Flat Rock and Saginaw, Mich. The purpose of this filing is to eliminate the gateways of North Lima, Ohio and Erie, Pa.

No. MC 15821 (Sub-No. 15G), filed May 31, 1974. Applicant: GRAF BROS., INC., 180 Main Street, Salisbury, Mass. 01950. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in New Hampshire on, south, and east of U.S. Highway 202, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 32775 (Sub-No. 17G), filed June 4, 1974. Applicant: HERMANN FORWARDING COMPANY, a Corporation, P.O. Box 1, North Brunswick, N.J. 08902. Applicant's representative: Maxwell A. Howell, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, com-

modities requiring special equipment and those injurious or contaminating to other lading), between points in Philadelphia, Delaware, Chester, Bucks, and Montgomery Counties, Pa., and New Castle County, Del., on the one hand, and, on the other, points in New Jersey except those in Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway of North Brunswick, N.J.

No. MC 34485 (Sub-No. 2G), filed June 4, 1974. Applicant: CLARK & REID COMPANY, INC., Great Meadow Road, P.O. Box 307, Burlington, Mass. 01803. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. 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 Indiana, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont; and (2) between points in New Jersey, on the one hand, and, on the other, points in Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate all gateway points within New Jersey and all gateway points within Pennsylvania.

No. MC 42137 (Sub-No. 2G), filed June 4, 1974. Applicant: VICTORY VAN LINES, INC., 6 Van Duzer Street, Staten Island, N.Y. 10301. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, points in Connecticut and New Jersey, points in that part of New York south of U.S. Highway 6, and points on Long Island, N.Y. and points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 220 to Hughesville, Pa. thence along unnumbered highway to the Susquehanna River, and thence along the east bank of the Susquehanna River to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59271 (Sub-No. 11-G), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First Street, Cambridge, Mass. 02142. Applicant's representative: Francis E. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated furniture frames*, and *uncrated new home furnishings*, between points in Massachusetts, Connecticut, Rhode Island, New

Hampshire, Maine, Vermont, New Jersey, Pennsylvania, Delaware, Maryland, New York, and the District of Columbia. The purpose of this filing is to eliminate gateways at points in Massachusetts; Boston, Mass. and points within 25 miles thereof; and points in New York on and east of a line beginning at the Pennsylvania-New York State Boundary line near Riverside, N.Y. and extending along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 57 to Oswego, N.Y., and thence along the shores of Lake Ontario and the St. Lawrence River to the International Boundary line between the United States and Canada; (2) *new furniture*, uncrated, between points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Maine, Vermont, New Jersey, Pennsylvania, Delaware, Maryland, New York, the District of Columbia, Illinois, Indiana, Michigan, Ohio, Virginia, Wisconsin, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate gateways at points in Massachusetts; Brookline, Mass.; Cambridge, Mass.; Boston, Mass. and points within 25 miles thereof; points in the Boston, Mass. Commercial Zone as defined by the Commission in 31 M.C.C. 405; New York, N.Y.; and points in New York on and east of a line beginning at the Pennsylvania-New York State Boundary line near Riverside, N.Y. and extending along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 57 to Oswego, N.Y., and thence along the shores of Lake Ontario and the St. Lawrence River to the International Boundary line between the United States and Canada; and (3) *new furniture*, between Chicago, Ill.; Detroit, Mich.; Baltimore, Md.; Milton, Del.; New York, N.Y.; the District of Columbia, and points in Connecticut, Massachusetts, Rhode Island, New Jersey, Virginia, Ohio, and Pennsylvania. The purpose of this filing is to eliminate gateways at New York, N.Y.; Baltimore, Md.; Philadelphia, Pa.; Chicago, Ill.; Wilmington, Del.; Detroit, Mich.; and the District of Columbia.

No. MC 107515 (Sub-No. 953G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration, (a) from the plantsite of Shapiro Packing Company at or near Augusta, Ga., to points in Illinois and Michigan. The purpose of this filing is to eliminate the gateways of Phoenix City, Ala. and Madison, Tenn. (b) from the plantsite of Shapiro Packing Company at or near Augusta, Ga., to points in Ohio. The purpose of this filing is to eliminate the gateways of Phoenix City, Ala., Bristol, Tenn. and Louisville, Ky. (c) from the plantsite of Shapiro Pack-

ing Company at or near Augusta, Ga., to Baltimore, Md. The purpose of this filing is to eliminate the gateways of Phoenix City, Ala., Ayden or Gatesville, N.C.

No. MC 109692 (Sub-No. 27G), filed June 4, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, A Corporation, 625 Livestock Exchange Building, Kansas City, Mo. 64105. Applicant's representative: Tom B. Kretzinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, perishable commodities, liquid commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), (a) between Kansas City and St. Joseph, Mo., and their respective Commercial Zones, on the one hand, and, on the other, points in Kansas and Nebraska and (b) between points in Kansas, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of Lanham, Nebr. and Hollenberg, Kans.

No. MC 109821 (Sub-No. 36G), filed June 4, 1974. Applicant: H. W. TAYN-TON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Steel and tin cans and tinplate and materials, supplies and equipment* used in the manufacture, packaging, sale or distribution of steel and tin cans and tin plate, between Lyons, N.Y., on the one hand, and, on the other, Somerville and Sucasanna, N.J. The purposes of this filing is to eliminate the gateway of Wellsboro, Pa. (2) *manufactured glass products and commodities and equipment* used in the manufacture, sale, and shipment of manufactured glass products, (a) between Central Falls, R.I., on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Boyertown, Pa. (b) between Dale Summit, Pa., on the one hand, and, on the other, New York, N.Y., points in New Jersey within 20 miles of New York, N.Y. and Philadelphia, Pa. The purpose of this filing is to eliminate the gateways of Wellsboro and Westfield, Pa. (3) *manufactured glass products*, from points in Connecticut, Indiana, Kentucky, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, to points in New York and that part of New Jersey on and north of U.S. Highway 40, and to Central Falls, R.I., Lynn, Newburyport, Newton, Salem, and Waltham, Mass., Charleroi, Lancaster, Lansdale, Montoursville, Weatherly, Hoyertown, Wellsboro, and Port Allegany, Pa., Cleveland, Warren, and Youngstown, Ohio, and Fairmont and Parkersburg, W. Va. (except that no traffic shall be trans-

ported from Bradford and Port Allegany, Pa., to points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y. and thence along U.S. Highway 11 to the New York-Pennsylvania State line.) The purpose of this filing is to eliminate the gateway of Horseheads, N.Y.

No. MC 109891 (Sub-No. 24G), filed June 4, 1974. Applicant: INFINGER TRANSPORTATION COMPANY, INC., P.O. Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from Savannah, Ga., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Spartanburg, S.C. (2) from Charleston, S.C., and points within 10 miles thereof, to points in Georgia. The purpose of this filing is to eliminate the gateway of Belton, S.C.

No. MC 127196 (Sub-No. 16G), filed June 4, 1974. Applicant: KLINE TRUCKING, INC., R. D. #1, P. O. Box 355, Millville, Pa. 17846. Applicant's representative: S. Berne Smith, 100 Pine Street, P. O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes (except commodities in bulk and those which, because of size or weight, require the use of special equipment), (1) from points in Pennsylvania, to points in Arkansas, California, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Texas, Virginia, West Virginia, and Ocala, Fla., (2) from points in Arkansas, California, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Texas, Virginia, West Virginia, and Ocala, Fla., (3) from points in Arkansas, California, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Missouri, New Jersey (except points in Bergen, Essex, Hudson, and Union Counties, points in that part of Passaic and Morris Counties south and east of U.S. Highway 202, points in that part of Middlesex County north of the Raritan River, and the plant site of Flint-Kote Company in Camden), New York (except New York, N.Y.), North Carolina, Ohio, Texas, Virginia, and West Virginia, to points in Pennsylvania.

(3) from points in Arkansas, California, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, and Texas, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Virginia and West Virginia, (4) from points in Delaware, Maryland, New Jersey (except points in Bergen, Essex, Hudson, and Union Counties, points in that part of Passaic and Morris Counties south and east of U.S. Highway 202, points in that part of Middlesex County north of the Raritan River, and the plant site of Flint-Kote Company in Camden), New York (except New York, N.Y.), North

Carolina, Virginia, and West Virginia, to points in Arkansas, California, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, and Texas. (5) from points in California, Idaho, Illinois, Indiana, Iowa, Kansas, and Missouri, to Ocala, Fla., and to points in Georgia. (6) between points in California, Idaho, and Texas, on the one hand, and, on the other, points in Michigan and Ohio. (7) between points in Delaware, Maryland, North Carolina, and Virginia, on the one hand, and, on the other, points in Ohio and Michigan. (8) between points in New York (except New York, N.Y.), on the one hand, and, on the other, points in Delaware, Maryland, Michigan, New Jersey, North Carolina, Ohio, Virginia, and West Virginia. (9) between points in New Jersey (except points in Bergen, Essex, Hudson, and Union Counties, points in that part of Passaic and Morris Counties south and east of U.S. Highway 202, points in that part of Middlesex County north of the Raritan River, and the plant site of Flint-Kote Company in Camden), on the one hand, and, on the other, points in Delaware, Maryland, Michigan, New York, North Carolina, Ohio, Virginia, and West Virginia. (10) from points in Texas, to Elkhart, Ind., and (11) from Elkhart, La Porte, and South Bend, Ind., to points in Texas. Restriction: The above operations in paragraphs 1-11 are restricted against the transportation of (a) lumber and plywood from points in Arkansas, Louisiana, and Texas, (b) flakeboard and particleboard from Gifford, Ark., and Pineland and Silsbee, Tex., and (c) aluminum from points in California. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC 113336 (Sub-No. 87G), filed June 4, 1974. Applicant: PETROLEUM TRANSIT CO., INC., P.O. Box 921, Lumberton, N.C. 28358. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) *Lubricating oils and greases*, in containers, (a) from Emlenton and Farmers Vally, Pa., to points in Alabama north of U.S. Highway 278, points in Florida, Georgia, Kentucky, and Tennessee and to points in Mississippi north of Interstate Highway 20 and (b) from St. Marys, W. Va., to points in Georgia, Tennessee, North Carolina, South Carolina, and to points in Florida north of Florida Highway 50; (2) *petroleum and petroleum products* in containers, from points in Hancock County, W. Va., to points in Duval County, Fla., that part of Georgia east of U.S. Highway 441 and points in South Carolina, and (3) *petroleum and petroleum products*, as defined in Appendix XIII in the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in containers, (a) from points in North Carolina and South Carolina, to points in Alabama, Florida, Georgia, Louisiana, and Tennessee; (b) from points in Georgia, to points in Mississippi, Alabama, Louisiana, and Tennessee, and (c) from points in

Florida, to points in Alabama, Tennessee, Mississippi, Kentucky, and Louisiana. The purpose of this filing is to eliminate the gateway of Guntersville, Ala.

MC 115554 (Sub-No. 13G), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INCORPORATED, P.O. Box 1136, Cedar Rapids, Iowa 52406. Applicant's representative: James R. Madler, 1255 North Sandburg, Chicago, Ill. 60610. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Appliances: refrigerators, refrigeration, cooling, heating and electrical equipment; and parts, materials, and supplies used in the manufacture, repair, and distribution of such commodities* (a) between points in Illinois, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio); (b) between points in Iowa, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio); (c) between points in Indiana, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio); (d) between points in Michigan, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio); (e) between points in Wisconsin, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio); (f) between points in Minnesota, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio); (g) between points in Nebraska, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio); and (h) between points in Ohio, on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Illinois, Iowa, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, and Ohio). The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC 136277 (Sub-No. 2G) filed June 4, 1974. Applicant: PRIORITY FREIGHT SYSTEMS, INC., P.O. Box 8308, Charlotte, N.C. 28208. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, classes A and B explosives, com-

modities in bulk, commodities requiring special equipment, tobacco, liquor, those injurious or contaminating to other lading, and those of unusual value), between points in Ohio, points in that part of West Virginia on, north, and west of a line beginning at the Ohio-West Virginia State line and U.S. Highway 35 and extending along U.S. Highway 35 to junction West Virginia Highway 2; thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to Buckhannon, and thence along U.S. Highway 119 to the West Virginia-Pennsylvania State line, and points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line and U.S. Highway 119 and extending along U.S. Highway 119 to Greensburg, thence along Pennsylvania Highway 66 to junction U.S. Highway 22; thence along U.S. Highway 22 to junction Interstate Highway 80-S (Pennsylvania Turnpike); thence along Interstate Highway 80-S to junction Pennsylvania Highway 8; thence along Pennsylvania Highway 8 to junction Interstate Highway 80; thence along Interstate Highway 80 to junction Interstate Highway 79; and thence along Interstate Highway 79 to Erie, Pa., including points on the indicated portions of the highways specified, on the one hand, and, on the other, Augusta and Savannah, Ga., and points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va.

MAY 7, 1975.

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 Part 1065), 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 May 27, 1975. 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 22182 (Sub-No. E1), (CORRECTION), filed June 4, 1974, published in the *FEDERAL REGISTER* February 13, 1975. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: (F) *New automobiles and new trucks*, in truckaway and driveaway service, in initial and secondary movements, (3) from Detroit, Mich., to points in that part of Pennsylvania in and east of Tioga, Lycoming, Clinton, Centre, Huntingdon, and Bedford Counties, Pa., points in that part of Maryland on and east of unnumbered highway running through Piney Grove and Little Orleans, Md., points in the District of Columbia, and points in Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va., and points in that part of Virginia in and east of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Bedford, and Pittsylvania Counties, Va. (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *;

(H) *New automobiles and new trucks*, in truckaway and driveaway service, in initial and secondary movements, (2) from Toledo, Ohio, to points in Connecticut, those points in Florida on and east of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 95 to junction Interstate Highway 4, thence along Interstate Highway 4 to junction Interstate Highway 75 to Tampa Bay, those in New York on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 37 to junction New York Highway 185, thence along New York Highway 185 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 365, thence along New York Highway 365 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 329, thence along New York Highway 329 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, points in New Jersey, Delaware, those in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along the Rockingham-Caswell County line to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, and points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 501 to junction South Carolina Highway 41A, thence along South Carolina Highway 41A to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-Georgia State line (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna,

na, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *;

(J) *New automobiles and new trucks*, in truckaway and driveaway service, in initial and secondary movements, (3) from Buffalo, N.Y., to points in that part of New York on, east, and south of a line beginning at the Massachusetts-New York State line and extending along Interstate Highway 90 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 52, thence along New York Highway 52 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, points in that part of Pennsylvania in and east of Wayne, Susquehanna, Wyoming, Sullivan, Lycoming, Union, Snyder, Mifflin, Juniata Counties, and that portion of Huntingdon County east of U.S. Highway 522, and Fulton County, points in Maryland, the District of Columbia, Virginia, and points in West Virginia in Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, Grant, Pendleton, Randolph, Webster, Pocahontas, Greenbrier, Monroe, and Summers Counties and those portions of Nicholas, Fayette, Raleigh, and Mercer Counties on and east of U.S. Highway 19 (points in Berks, Bucks, Carbon, Chester, Columbia, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial description in (F) (3), (H) (2), and (J) (3) above. The remainder of this letter-notice remains as previously published.

No. MC 33093 (Sub-No. E4), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabot, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Oklahoma on and east of U.S. Highway 69, on the one hand, and, on the other, points in Texas on and south of a line beginning at the Red River to U.S. Highway 62 to junction U.S. Highway 80, thence along U.S. Highway 80 to El Paso, Tex. The purpose of this filing is to eliminate the gateway of Atoka County, Okla.

No. MC 33093 (Sub-No. E5), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabot, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Texas on and north of U.S. Highway 66,

on the one hand, and, on the other, points in Florida on and north of U.S. Highway 90. The purpose of this filing is to eliminate the gateways of Choctaw County, Okla., Columbia County, Ark., and New Orleans, La.

No. MC 33093 (Sub-No. E6), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabot, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Oklahoma on and south of Interstate Highway 40, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of McIntosh County, Okla.

No. MC 33093 (Sub-No. E8), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabot, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Kansas, on the one hand, and, on the other, points in Arkansas on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Le Flore County, Okla.

No. MC 50069 (Sub-No. E10), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals and liquefied petroleum gas), in bulk, in tank vehicles, from River Rouge, Mich., to points in Virginia, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and New Jersey. The purpose of this filing is to eliminate the gateways of Midland, Pa., and Congo, W. Va.

No. MC 50069 (Sub-No. E11), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins and liquid paint primers*, in bulk, in tank vehicles, from the plant site of the Ford Motor Company in Mt. Clemens, Mich., (1) to points in Kentucky, Pennsylvania, West Virginia, Wisconsin, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont; (2) to points in Iowa; (3) to points in Missouri; (4) to points in Alabama, Kansas, Nebraska, Mississippi, Oregon, and South Dakota, restricted against the transportation of acetone, ethyl, acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and

choline chloride. The purpose of this filing is to eliminate the gateways of Toledo, Ohio, in (1) above, Peoria, Ill., in (2) above, Terre Haute, Ind., and Peoria, Ill., in (3) above, and Swanton, Ohio, in (4) above.

No. MC 61592 (Sub-No. E116), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, and agricultural implements in mixed loads with tractors (except truck tractors and commodities which because of size or weight require the use of special equipment)*, from New Orleans, La., to points in Illinois on and north of U.S. Highway 50, Iowa, Missouri on and north of a line beginning at St. Louis, along Interstate Highway 44 to junction U.S. Highway 63 at Rolla, Mo., thence along U.S. Highway 63 to junction U.S. Highway 50 at Jefferson City, Mo., thence along U.S. Highway 50 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of O'Fallon Park, Mo.

No. MC 64373 (Sub-No. E5), filed January 14, 1975. Applicant: CLARKSON BROTHERS, INC., P.O. Box 25, Cowpens, S.C. 29330. Applicant's representative: Paul F. Sullivan, Suite 711, 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cotton mill machinery*, between points in that part of North Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 1 to Rockingham, thence along U.S. Highway 220 to the North Carolina-Virginia State line, on the one hand, and, on the other, points in that part of Alabama on and south of a line beginning at Columbus, Ga., and extending along U.S. Highway 280 to Birmingham, Ala., thence along U.S. Highway 78 to Guin, and thence along U.S. Highway 278 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Gastonia, N.C., or points in Rowan and Rockingham Counties, N.C., and Columbus, Ga.

No. MC 73365 (Sub-No. E3), filed June 4, 1974. Applicant: MAIN TRUCKING & RIGGING CO., INC., P.O. Box 236, Elmwood Park, N.J. 07407. Applicant's representative: Mark Polsky (same as above). 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 New York City, Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia, Florida, Washington, D.C., Ohio, Illinois, Michigan, Connecticut, Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island;

(2) between points in Westchester County, N.Y., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, Ohio, Illinois, Michigan, Rhode Island, and those points in New York west of U.S. Highway 15 and those points in Maine north of U.S. Highway 2; (3) between points in Rockland County, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, Rhode Island, Vermont, Massachusetts, New Hampshire, Maine, Ohio, Michigan, Illinois, and those points in Connecticut west of U.S. Highway 5; (4) between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Georgia, and Florida; (5) between points in Essex, Morris, Passaic, Hudson, and Union Counties, N.J., on the one hand, and, on the other, points in the District of Columbia, Virginia, North Carolina, South Carolina, and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction N.E. Extension of the Pennsylvania Turnpike, thence along to junction Pennsylvania Highway 320, thence along Pennsylvania Highway 320 to the Pennsylvania-Delaware State line;

(6) between points in Bergen County, N.J., on the one hand, and, on the other, points in Pennsylvania; (7) between points in Essex, Morris, Passaic, Hudson, Union, Mercer, Middlesex, Hunterdon, Monmouth, Somerset, Burlington, Camden, Cape May, Cumberland, Gloucester, Atlantic, Ocean, and Salem Counties, N.J., on the one hand, and, on the other, points in Ohio, Michigan, Illinois, and those points in New York on and north of a line beginning at Lake Ontario and extending along New York Highway 12 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line; (8) between points in Connecticut, on the one hand, and, on the other, points in New York City, Nassau and Suffolk Counties, N.Y., and those points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Vermont State line; (9) between points in Massachusetts, on the one hand, and, on the other, points in New York City, Nassau, Suffolk Counties, N.Y., New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Florida, Ohio, Michigan, and Illinois; (10) between points in Rhode Island, on the one hand, and, on the other, points in New York City, Nassau, Suffolk Counties, N.Y., New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia,

Ohio, Michigan, and Illinois; (11) between points in Maine, on the one hand, and, on the other, points in New York City, Nassau, Suffolk Counties, N.Y., New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, Ohio, Michigan, and Illinois; (12) between points in Vermont, on the one hand, and, on the other, points in New York City, Nassau, Suffolk Counties, N.Y., New Jersey, Maryland, Delaware, Virginia, the District of Columbia, Ohio, Michigan, and Illinois; (13) between points in New Hampshire, on the one hand, and, on the other, points in New York City, Nassau, Suffolk Counties, N.Y., New Jersey, Delaware, Maryland, Virginia, the District of Columbia, Ohio, Michigan, and Illinois; and (14) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to the Susquehanna River, thence along to the Pennsylvania-Maryland State line. The purpose of this finding is to eliminate the gateway of New York, N.Y.

No. MC 75840 (Sub-No. E13), filed May 6, 1974. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products (except those requiring special equipment)*, from points in Mississippi and points in that part of Alabama on and west of a line beginning at the Alabama-Tennessee State line, and extending along U.S. Highway 231 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line; points in that part of Tennessee on, west, and south of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line, to points in Rhode Island, Massachusetts, and Connecticut. The purpose of this filing is to eliminate the gateway of Sheffield or Listerhill, Ala.

No. MC 75840 (Sub-No. E14), filed May 6, 1974. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and*

aluminum products (except those requiring special equipment), from points in Mississippi and points in that part of Alabama on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 31 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Gulf of Mexico, to points in West Virginia. The purpose of this filing is to eliminate the gateways of Sheffield or Listerhill, Ala.

No. MC 75840 (Sub-No. E17), filed May 6, 1974. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, dangerous explosives, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in that part of Tennessee on, east, and south of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 11W, thence along U.S. Highway 11W to junction U.S. Highway 19E, thence along U.S. Highway 19E to the Tennessee-North Carolina State line, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Pennsylvania-Maryland State line, and points in that part of New York on and south of a line beginning at Lake Ontario and extending along U.S. Highway 104 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 2, thence along New York Highway 2 to the New York-Massachusetts State line (except points west of U.S. Highway 62). The purpose of this filing is to eliminate the gateways of Elkin or Stateville, N.C.

No. MC 75840 (Sub-No. E20), filed May 6, 1974. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Pastell, 3384 Peach-

tree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Twine, machinery, plumbing supplies, building materials, bags, bagging, steel, seeds, soap, shortening compounds, cotton lint, and steel tanks, restricted against the transportation of commodities in bulk and those requiring special equipment, from Florence, Ala., and points in Alabama within 25 miles thereof, to that part of Arkansas on, north, and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 88368 (Sub-No. E81), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Conn. Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, (1) from points in Mississippi to points in Florida in, east, and south of Columbia, Alachua, Marion, Sumter, and Pasco Counties, (2) from points in and north of Lowndes, Oktibbeha, Winston, Leake, Madison, Rankin, Hinds, and Warren Counties, Miss., to points in Georgia on and north of a line beginning at the Georgia-Alabama State line near Tallapoosa, Ga., and extending along U.S. Highway 20 to the Georgia-South Carolina State line, (3) from points in Mississippi to Valdosta, Ga., (4) from points in Mississippi to points in New Mexico in, north, and west of Roosevelt, Chaves, and Otero Counties, (5) from points in Mississippi to points in New York in, east, and south of Orange, Ulster, Greene, Albany, Schenectady, Saratoga, Warren, Essex, and Clinton Counties, (6) from points in and south of Warren, Hinds, Rankin, Scott, Newton, and Lauderdale Counties to points in Oklahoma, (7) from points in Mississippi to points in Tennessee in and east of Lawrence, Maury, Williamson, Davidson, and Sumner Counties, (8) from points in Mississippi to points in Texas on and north of U.S. Highway 80 and points in and west of Clay, Archer, Throckmorton, Shackelford, and Taylor Counties, and (9) from points in Mississippi to points in Oklahoma in and west of Kay, Noble, Logan, Oklahoma, Grady, Stephens, and Jefferson Counties. The purpose of this filing is to eliminate the gateways of (1) Ft. Deposit, Ala., Valdosta, Ga., (2) Tusculumbia, Ala., (3) Ft. Deposit, Ala., Birmingham, Ala., (4) Ridgedale, Mo., El Reno, Okla., Turnertown, Tex., (5) Florence, Ala., Bledsoe, Ky., Steubenville, Ohio, Philadelphia, Pa., Huntsville, Ala., (6) Noel, Mo., Troup, Tex., Jacksonville, Tex., (7) Florence Ala., (8) Jacksonville, Tex., Terral, Okla. Troup, Tex., and (9)

Jacksonville, Tex., Noel, Mo., Florence, Ala., and Little Rock, Ark.

No. MC 106920 (Sub-No. E54), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER April 17, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities classified as dairy products under Section B in the Appendix to the report in Modification of Permits of Motor Contract Carriers of Packing House Products, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 67 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 350, thence along Texas Highway 350 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line to points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 74 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct the docket number, previously published as MC 114019.

No. MC 107002 (Sub-No. E38), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Nitric acid and fertilizer solutions, in bulk, in tank vehicles, from the plant of Mississippi Chemical Corporation near Yazoo City, Miss., to points in West Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Monsanto Chemical Company in Anniston, Ala.

No. MC 107002 (Sub-No. E39), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid nitric acid and fertilizer solutions, in bulk, in tank vehicles, from the plant site of the Mississippi Chemical Corporation near Yazoo City, Miss., to points in South

Carolina. The purpose of this filing is to eliminate the gateway of Fox, Ala.

No. MC 107002 (Sub-No. E40), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer, fertilizer ingredients, liquid hydrogen, liquid oxygen, and liquid nitrogen), from Jackson, Miss., to points in Michigan. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E41), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer, fertilizer ingredients, liquid hydrogen, liquid oxygen, and liquid nitrogen), from Jackson, Miss., to points in Indiana. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E42), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer and fertilizer ingredients), from Jackson, Miss., to those points in Missouri on, north, and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E43), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

Liquid chemicals, in bulk, in tank vehicles (except fertilizer, fertilizer ingredients, and hydrogen peroxide), from Jackson, Miss., to those points in Missouri on, south, and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Collierville, Tenn.

No. MC 107002 (Sub-No. E44), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the plant of Mississippi Chemical Corporation near Yazoo City, Miss., to points in Kentucky. The purpose of this filing is to eliminate the gateways of Barfield, Miss., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E45), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer, fertilizer ingredients, liquid hydrogen, liquid oxygen, and liquid nitrogen), from Jackson, Miss., to points in Iowa. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E46), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer, fertilizer ingredients, liquid hydrogen, liquid oxygen, and liquid nitrogen), from Jackson, Miss., to points in Ohio. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E47), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer, fertilizer ingredients, liquid

hydrogen, liquid oxygen, and liquid nitrogen), from Jackson, Miss., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E48), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer, fertilizer ingredients, liquid hydrogen, liquid oxygen, and liquid nitrogen), from Jackson, Miss., to points in Illinois. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E49), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer and fertilizer ingredients), from Jackson, Miss., to those points in Kansas on, north, and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen, when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E50), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except fertilizer and fertilizer ingredients), from Jackson, Miss., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC 107002 (Sub-No. E51), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and acids, liquids, in bulk, and ammonium nitrate, urea, fertilizer and fertilizer ingredients, liquid, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in South Carolina, restricted to the transportation of shipments originating at the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark. The purpose of this filing is to eliminate the gateway of Fox, Ala.*

No. MC 107002 (Sub-No. E52), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and acids, in bulk, and ammonium nitrate, urea, fertilizer and fertilizer ingredients, liquid, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Indiana, restricted to the transportation of shipments originating at the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark. The purpose of this filing is to eliminate the gateways of Barfield, Ark., and points within 10 miles thereof.*

No. MC 107002 (Sub-No. E53), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and acids, in bulk, and ammonium nitrate, urea, fertilizer and fertilizer ingredients, in bulk, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Iowa, restricted to the transportation of shipments originating at the plant and storage facilities of Arkla Chemical Corporation in Phillips County, Ark.*

No. MC 107002 (Sub-No. E54), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and acids, liquids, in bulk, and ammonium nitrate, urea, fertilizer and fertilizer ingredients, liquid, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in North Carolina, restricted to the transportation of shipments originating at the plant and storage facilities of Arkla Chemical Corporation in Phillips County, Ark. The purpose of this filing is to eliminate the gateway of Fox, Ala.*

No. MC 107295 (Sub-No. E195), (Correction), filed May 14, 1974, published in

the FEDERAL REGISTER May 10, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wallboard; (1) from Phillips, Wis., to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont; and (2) from Phillips, Wis., to points in Mississippi. The purpose of this filing is to eliminate the gateways of (1) points in Lucas County, Ohio, and (2) Trumann, Ark. The purpose of this correction is to correct the docket number, previously published as MC 107515.*

No. MC 107515 (Sub-No. E608), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, in vehicles equipped with mechanical refrigeration, from points in Du Page, Lake, and Will Counties, Ill., to points in California on and south of a line beginning at San Francisco and extending along Interstate Highway 80 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 4, thence along California Highway 4 to Stockton, Calif., and the junction of California Highway 99, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to the junction of Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateways of any point in Tennessee-Covington, Tenn.*

No. MC 108449 (Sub-No. E82), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. G. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products, in bulk, in tank vehicles, from St. Paul, Minn., to points in Iowa. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.*

No. MC 110420 (Sub-No. E15), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Liquid animal fats, in bulk, in tank vehicles, (1) from Waterloo, Iowa, to points in Tennessee in and east of Weakly, Gibson, Madison, and Hardeman Counties, (2) from Cedar Rapids, Iowa, to Lititz, Pa., Charlotte, N.C., points in Indiana and Ohio, points in Kentucky on and east of U.S. Highway 41, points in Jefferson, Waukesha, Milwaukee, Walworth, Racine, and Kenosha Counties, Wis., and*

points in Emmet, Cheboygan, and Presque Isle, Mich., (3) from Des Moines, Iowa, to Lititz, Pa., Charlotte, N.C., and points in Kentucky on and east of U.S. Highway 41, (4) from Cudahy, Wis., to points in Missouri and Tennessee, (5) from Louisville, Ky., to points in Wisconsin, points in Illinois in and north of Mercer, Henry, Stark, Marshall, La Salle, Grundy, and Kankakee Counties, and points in Michigan in and north of Berrien, Van Buren, Allegan, Kent, Ionia, Montcalm, Gratiot, Saginaw, and Bay Counties (points in Indiana in the Chicago, Ill., commercial zone)*, (6) from Boston, Mass., to points in Iowa, Minnesota, Missouri, and Nebraska, (7) from Boston, Mass., to points in Butler, Warren, Hamilton, and Clermont Counties, Ohio (points in Indiana in the Louisville, Ky., commercial zone)*, (8) from Peabody, Mass., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, points in that part of Indiana west of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 31 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, points in Kentucky on and west of U.S. Highway 231, and points in Berrien, Cass, and Van Buren Counties, Mich., and points in the Upper Peninsula thereof.

(9) From Salem, Mass., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, points in that part of Indiana on and west of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 231 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, and points in Berrien, Cass, and Van Buren Counties, Mich., and points in the Upper Peninsula thereof, (10) from Newark, N.J., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, points in Indiana in and west of St. Joseph, Marshall, Starke, Pulaski, White, Tippecanoe, Fountain, and Vermillion Counties, points in Kentucky in and west of Livingston, Lyon, and Trigg Counties, points in Michigan in and west of Allegan, Kalamazoo, and St. Joseph Counties, and points in the Upper Peninsula, (11) from Amsterdam, N.Y., to points in Iowa, Minnesota, and points in Illinois on and north of U.S. Highway 80 (Cudahy, Wis.)*, and points in Missouri (except points in and east of Butler, Wayne, Bollinger, and Cape Girardeau Counties) (Cudahy, Wis., and Chicago, Ill.)*, (12) from Rochester, N.Y., to points in Iowa, Minnesota, points in Jo Daviess, Stephenson, Winnebago, Ogle, Carroll, Whiteside, and Lee Counties, Ill. (Cudahy, Wis.)*, and points in Missouri on and north of U.S. Highway 36 (Cudahy, Wis., and Chicago, Ill.)*, (13) from Conshohocken, Pa., to points in Nebraska, Wisconsin, Minnesota, Missouri, Iowa, points in Lake, Porter, LaPorte, Starke, Pulaski, Jasper, and Newton Counties, Ind., and points in Berrien, Cass, and Van Buren Counties,

Mich., and points in the Upper Peninsula thereof; (14) from Jeffersonville, Ind., to points in Minnesota, Nebraska, Wisconsin, Iowa (except Wayne, Appanoose, Davis, Van Buren, Lee, Jefferson, Henry, and Des Moines Counties), and points in Michigan in and north of Leelanau, Antrim, Otsego, Montmorency, and Alpena Counties; and (15) from Hammond, Ind., to points in Iowa, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, and Michigan (except in and south of Mason, Newaygo, Moncalm, Ionia, Eaton, Jackson, and Lenawee Counties); (B) *Animal fats*, in bulk, in tank vehicles, (1) from Waterloo, Iowa, to Litz, Pa., Charlotte, N.C., and points in Kentucky; and (2) from Cudahy, Wis., to Litz, Pa., and Charlotte, N.C.; and (C) *Animal oils*, in bulk, in tank vehicles, from Peabody and Salem, Mass., Newark, N.J., and Conshohocken, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and those indicated by asterisks above.

No. MC 110420 (Sub-No. E28), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles; (A) from points in Nebraska to Downingtown, Pa., Green Bay, Wis., and points in Ohio, the Lower Peninsula of Michigan, and points in Lake, Cook and DuPage Counties, Ill. (Cudahy, Wis.) *; (B) from points in that part of Nebraska on and north of a line beginning at the South Dakota-Nebraska State line extending along Nebraska Highway 2 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line, to Louisville, Ky., and points in Indiana (Cudahy, Wis.) *; (C) from points in Nebraska to points in the Lower Peninsula of Michigan, Litz, Pa., and Charlotte, N.C. (Cudahy, Wis., and Chicago, Ill.) *; (D) from points in Nebraska on and west of U.S. Highway 183 to points in Walworth, Racine and Kenosha Counties, Wis. (Cudahy, Wis., and Chicago, Ill.) *; (E) from points in that part of Nebraska on, north and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 34 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line, to points in Tennessee on and east of U.S. Highway 231 (Cudahy, Wis., and Chicago, Ill.) *; and (F) from points in that part of Nebraska on, north and west of a line beginning at the Nebraska-South Dakota State line extending along Nebraska Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line, to points in Kentucky (except in and west of Jefferson, Spencer, Anderson, Mercer, Garrard, Lincoln, Casey, Adair and Cumberland Counties), Cudahy, Wis., and Chicago, Ill.) *. The purpose of this

filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-E29), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles; (A) from points in Ohio to points in Minnesota and those in that part of Iowa on, north and west of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 34 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Minnesota State line (Cudahy, Wis.) *. (B) from points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 33 to junction U.S. Highway 71, thence along U.S. Highway 71 to Lake Erie, to points in Carroll County, Ill. (Cudahy, Wis.) *. (C) from points in that part of Ohio on, north and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 62 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line to points in Ashland County, Wis., and points in Clay County, Iowa (Cudahy, Wis., and Chicago, Ill.) *. (D) from points in Ohio on and south of U.S. Highway 50 to points in the Upper Peninsula of Michigan (Cudahy, Wis., and Chicago, Ill.) *. and (E) from points in Ohio to points in Minnesota (Cudahy, Wis., and Chicago, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E104), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Roby, Ind.; (1) to points in Alabama, Georgia, Louisiana, Oklahoma, Texas, and points in South Carolina in and south of Georgetown, Williamsburg, Clarendon, Sumter, Richland, Lexington, Saluda, and Edgefield Counties (Pekin, Ill.) *; and (2) to points in Utah (North Kansas City, Mo.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E183), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Fruit*

juice, in bulk, in tank vehicles, from points in Berrien County, Mich., to Inwood, W. Va., Spartanburg, S.C., and Vincentown, N.J. (Chicago, Ill.) *; and (B) *Vinegar*, in bulk, in tank vehicles, from points in Berrien and Van Buren Counties, Mich., to points in South Dakota (Chicago, Ill., and Minneapolis Minn.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E12), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Inedible animal oils and blends thereof*, in bulk, in tank vehicles, from Waterloo, Cedar Rapids, and Des Moines, Iowa and Cudahy, Wis., to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except Litz, Pa.), Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Bedford Park, Ill.

No. MC 110420 (Sub-No. E14), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Inedible vegetable oils*, in bulk, in tank vehicles; (a) from Cudahy, Wis., and Waterloo, Iowa, to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except Litz, Pa.), Virginia, West Virginia, and the District of Columbia (Bedford Park, Ill.) *; (b) from points in Iowa (except points in and south and east of Clinton, Cedar, Johnson, Iowa, Keokuk, Mahaska, Monroe, Lucas, and Wayne Counties), points in Minnesota, and points in Illinois in and north and west of Henderson, Warren, Knox, Stark, Marshall, Putnam, Bureau, Lee, Ogle, and Winnebago Counties, to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except Litz, Pa.), Virginia, West Virginia, and the District of Columbia (Cudahy, Wis., and Bedford Park, Ill.) *; (c) from points in Iowa in and south and east of Clinton, Cedar, Johnson, Iowa, Keokuk, Mahaska, Monroe, Lucas, and Wayne Counties; to points in Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except Litz, Pa.), the District of Columbia, and points in Virginia in and east of Fairfax, Prince William, Stafford, Spotsylvania, Louisa, Fluvanna, Buckingham, Prince Edward, Charlotte, and Halifax Counties (Cudahy, Wis., and Bedford Park, Ill.) *; (d) from points in Boone, McHenry, Lake, Cook, Kane, De Kalb, LaSalle, Kendall, Grundy, Kankakee, Will, and DuPage Counties, Ill., to points in Delaware, Maine, Massachusetts, New Hampshire,

New Jersey, points in New York in and east of Oswego, Onondaga, Cortland, and Broome Counties, points in Wayne and Pike Counties, Pa., and points in Virginia in and east of King George, Caroline, Hanover, Henrico, Chesterfield, Dinwiddie, and Brunswick Counties (Cudahy, Wis., and Bedford Park, Ill.) *; (e) from points in Illinois in and west of Hancock, McDonough, Fulton, Peoria, Woodford, Livingston, Ford, Champaign, Douglas, Coles, Shelby, Montgomery, Bond, Clinton, Washington, Perry, and Jackson Counties, Ill., to points in Maine, Massachusetts, and New Hampshire (Cudahy, Wis., and Bedford Park, Ill.) *; and (f) from points in Illinois in and east of Massac, Johnson, Williamson, Franklin, Jefferson, Marion, Fayette, Effingham, Cumberland, and Clark Counties to points in Somerset, Piscataquis, Penobscot, Hancock, Washington, and Aroostook Counties, Maine (Cudahy, Wis., and Bedford Park, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E163), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Idaho in and north of Owyhee, Elmore, Custer, and Lemhi Counties, and points in Montana in and north of Beaverhead, Silver Bow, Jefferson, Lewis and Clark, Cascade, Judith Basin, Fergus, Petroleum, Garfield, McCone, and Roosevelt Counties. The purpose of this filing is to eliminate the gateways of Clinton, Iowa, and Janesville, Wis.

No. MC 110420 (Sub-No. E164), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Beet sugar*, *cane sugar*, and *corn products* (except starch), dry, in bulk, from Clinton, Iowa, to points in Pennsylvania, West Virginia, New York, North Carolina, Virginia, Georgia, Maryland, Alabama, South Carolina, and Mississippi. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E165), filed June 4, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Beet sugar*, *cane sugar*, and *corn products* (except starch), dry, in bulk, in tank vehicles, from Clinton, Iowa, to points in West Virginia, North Carolina, Virginia,

Georgia, Alabama, Mississippi, Arkansas, Kansas, South Carolina, Oklahoma, and points in Hayes, Hitchcock, Frontier, Red Willow, Gosper, and Furnas Counties, Nebr. (Pekin, Ill.) *; and (B) *Corn products* (except starch), dry, in bulk, in tank vehicles, from Clinton, Iowa, to points in New Jersey, Massachusetts, Maryland, Pennsylvania, Connecticut, Rhode Island, points in Tennessee on and east of U.S. Highway 65, and points in New York on and east of New York Highway 30 (Indianapolis, Ind.) *. The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC 110420 (Sub-No. E166), filed June 4, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Beet sugar*, *cane sugar*, and *corn products* (except starch), dry, in bulk, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Michigan, Wisconsin, points in Ohio on, north and west of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 70 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, points in Illinois on and north of U.S. Highway 80, and points in Indiana on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 110420 (Sub-No. E179), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry, in bulk, from Cedar Rapids, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, points in Tennessee on and east of U.S. Highway 65, and points in that part of New York beginning at Lake Ontario, extending along New York Highway 57 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 110420 (Sub-No. E180), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry, in bulk, from Clinton, Iowa; (a) to points in Massachusetts, New Jersey, Pennsylvania, Rhode Island, Connecticut, Maryland, points in Tennessee on and east of U.S. Highway 65, and points in that part of New York on

and east of a line beginning at Lake Ontario extending along New York Highway 57 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line (Indianapolis, Ind.) *; and (b) to points in Maine, New Hampshire, North Dakota, Texas, Vermont, Colorado, California, Delaware, District of Columbia, Florida, and Louisiana (Cedar Rapids, Iowa) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111320 (Sub-No. E23), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles*, (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveway and truck-away service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 21 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to Lake Ontario, and on, west and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 11 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to the New York-Vermont State line, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 113855 (Sub-No. E14), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Loaders, conveyors, screens, grizzlies, attachments and accessories therefor*, from Sioux Falls, S. Dak., to points in California (except points in Imperial County and those points in Riverside and San Bernardino Counties east of U.S. Highway 395). The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC 113855 (Sub-No. E19), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New construction, road-building,*

earth-moving, excavating, loading, maintenance, logging and mining machinery and equipment, tractors (not including truck-tractors), and pipelayers and, when moving in combination loads on the same vehicle from the same consignor or consignors, of the above-specified commodities, generators, internal combustion engines, and generators and engines combined (except aircraft and missile engines), and attachments, accessories, and parts of or for the above-specified equipment and machinery, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts, and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *Self-propelled articles* described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers, and further restricted against the transportation of iron and steel articles); (a) from points in Ohio, West Virginia, and points in Kentucky in, and north of Breckenridge, Hardin, LaRue, Taylor, Casey, Pulaski, Laurel, Clay, Leslie, and Harlan Counties, to points in Arizona (Elgin, Ill.); (b) from points in Indiana to points in Arizona (except Apache and Greenlee Counties) (Elgin, Ill.);

(c) From points in New York (except points in Chautauqua and Cattaraugus Counties), Connecticut, Rhode Island, Massachusetts, to points in Arizona (Elgin, Ill., and those points in Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, that are in the area bounded by points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway to junction U.S. Highway 15, thence

along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E41), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Farm implements and parts, and tractors and attachments used for road construction, from points in that part of Minnesota on and north of a line beginning at East Grand Forks, Minn., extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada Boundary line near International Falls, Minn., including points named and points on the indicated portions of the highways specified, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Washington, D.C., Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. The purpose of this filing is to eliminate the gateway of Gwinner or Fargo, N. Dak.

No. MC 113855 (Sub-No. E66), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New construction, road-building, earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors (not including truck-tractors), and pipelayers and, when moving in combination loads on the same vehicles from the same consignor or consignors of the above-specified commodities, generators, internal combustion engines, and generators and engines combined (except aircraft and missile engines), and attachments, accessories, and parts of or for the above-specified equipment and machinery, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts and related contractors' materials and*

supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *self-propelled articles* described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith, from points in New Jersey, Delaware, Maryland (except Garrett and Allegany Counties) and points in Virginia, on and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 11 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-North Carolina State line, to points in Arizona.

The purpose of this filing is to eliminate the gateways of Elgin, Ill.; and those points in Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania on, south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, that are contained in the area bounded by points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 113855 (Sub-No. E69), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Stump cutting and tree moving equipment and (2) parts and attachments for the commodities described in (1) above, from Pomona, Calif., to points in South Carolina, North Carolina, Georgia on and east of a line beginning at the Georgia-Alabama State line extending along Georgia Highway 6 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Georgia-Florida State line; Florida on, east and south of the line beginning at the Georgia-Florida State line extending along U.S. Highway 19 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico.* The purpose of this filing is to eliminate the gateway of Pella, Iowa.

No. MC 113855 (Sub-No. E81), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New construction, road-building, earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors, (not including truck-tractors), and pipelayers and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, generators, internal combustion engines, and generators and engines combined (except aircraft and missile engines), and attachments, accessories, and parts of or for the above-specified equipment and machinery, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts, and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) Self-propelled articles described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith; from points in New Jersey, Delaware, the District of Columbia, Maryland (except points west of U.S. Highway 11), points in the North Carolina Counties of Currituck, Camden, Pasquotank, Perquimans, Gates, and Chowan, and points in Virginia on and east and north of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 522 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean, to points in Arizona.*

The purpose of this filing is to eliminate the gateways of Elgin, Ill., and those points in Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified that are within the area bounded by points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 113855 (Sub-No. E82), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electrical transformers, voltage regulators, circuit breakers, switch gears, insulators, and parts of the above-named commodities, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts, and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, from points in Pennsylvania on and east of a line beginning at the Maryland-Penn-*

sylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., to points in Kansas, New Mexico, and Arizona. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC 113855 (Sub-No. E86), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts, and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers); between points in Nebraska, on the one hand, and, on the other, points in Ohio and Pennsylvania.* The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E89), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts, and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) Self-propelled articles each weighing 15,000 pounds or more and related machinery,*

tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers); (a) between points in North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to Lakota, N. Dak., thence points on and west of North Dakota Highway 1 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Minnesota (except that portion north and west of a line beginning at the North Dakota-Minnesota State line extending in an easterly direction along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to the United States-Canada International Boundary line; and (b) between points in North Dakota, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E91), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *Self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Colorado, on the one hand, and, on the other, points in Iowa (except points located in Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties); and (b) between points in Colorado (except points located in Logan, Washington, Lincoln, Crowley, Otero, Sedwick, Phillips, Yuma, Kit Carson, Cheyenne, Kiowa, Bent, Prowers, and Baca Counties, on the one hand, and, on the other, points in Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E92), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of the size or weight, require the use of special equipment, and

related machinery, parts and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Wyoming, on the one hand, and, on the other, points in North Dakota (except points in Divide, Williams, McKenzie, Dunn, Golden Valley, Billings, Stark, Slope, Hettinger, Bowman, and Adams Counties); (b) between points in Weston, Crook, Campbell, Sheridan, Johnson, Big Horn, Washakie, Hot Springs, Park, Yellowstone, and Teton Counties, Wyo., on the one hand, and, on the other, points in Nebraska on and east of U.S. Highway 281; (c) between points in Niobrara, Converse, Natrona, Fremont, and Sublette Counties, Wyo., on the one hand, and, on the other, points in Washington, Douglas, Sarpy, Dodge, Saunders, Lancaster, Cass, and Otoe Counties, Nebr.; (d) between points in Wyoming in and north of Teton, Park, Hot Springs, Washakie, Johnson, Campbell, and Weston Counties, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81; (e) between points in Sublette, Fremont, Natrona, Converse, and Niobrara Counties, Wyo., on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 75; (f) between points in Wyoming (except Laramie County), on the one hand, and, on the other, points in Missouri; and (g) between points in Laramie County, Wyo., on the one hand, and, on the other, points in Missouri on and east of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of South Dakota east of the Missouri River.

No. MC 113855 (Sub-No. E93), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight require the use of special equipment (except boats and iron and steel articles) and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Wyoming, on the one hand, and, on the other, points in Maryland (except Garrett and Allegany Counties), and the District of Columbia; (b) between points in Wy-

oming (except Crook, Weston, Campbell, Niobrara, Converse, Albany, Platte, Goshen, and Laramie Counties), on the one hand, and, on the other, points in Garrett and Allegany Counties, Md.; (c) between points in Wyoming, on the one hand, and, on the other, points in Virginia in, east, and north of Rockingham, Albemarle, Fluvanna, Goochland, Powhatan, Chesterfield, Dinwiddie, and Greensville Counties; (d) between points in Wyoming (except points in Goshen, Platte, Laramie, Albany, and Carbon counties), on the one hand, and, on the other, points in and east of Caswell, Alamance, Orange, Wake, Johnson, Sampson, Pender, and Brunswick Counties, N.C.; (e) between points in Goshen, Platte, Laramie, Albany, and Carbon Counties, Wyo., on the one hand, and, on the other, points in North Carolina in and east of Carteret, Jones, Lenoir, Greene, Wilson, Nash, Halifax, and North Hampton Counties; and (f) between points in Wyoming, on the one hand, and, on the other, points in New York (except points in Niagara, Orleans, Genesee, Wyoming, Erie, Chautauqua, and Cattaraugus Counties). The purpose of this filing is to eliminate the gateways of South Dakota east of the Missouri River, and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Toga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 113855 (Sub-No. E109), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason

of size or weight require special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers), between points in Colorado (except points in Kit Carson, Cheyenne, Kiowa, Prowers, Bent, Baca Counties, and points in Las Animas County east of Interstate Highway 25), on the one hand, and, on the other, points in Illinois, that part of Illinois on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. (except points in Adams, Brown, Cass, Schuyler, Hancock, and McDonough Counties). The purpose of this filing is to eliminate the gateway of South Dakota, and Davenport, Iowa.

No. MC 113855 (Sub-No. E127), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm tractors and parts and farm machinery and parts*; (a) from (1) those points on U.S. Highway 10 between Moorhead, Minn., and Fargo, N. Dak., including Moorhead and Fargo; (2) Sykeston, Logan, and Heaton, N. Dak., and points on U.S. Highway 52 between Jamestown, N. Dak., and Minot, N. Dak., including Jamestown and Minot; (3) those points on U.S. Highway 281 between Carrington, N. Dak., and New Rockford, N. Dak., and those on North Dakota Highway 15 between New Rockford and Fessenden, N. Dak., including the named points; (4) Buxton, Reynolds, Thompson, McVie, Northwood, Finley, Page, Erie, Galesburg, Cooperstown, and West Fargo, and points on U.S. Highway 81 between Fargo, N. Dak., and Grand Forks, N. Dak., including Fargo and Grand Forks; (5) those points on U.S. Highway 83 between Bismarck and junction North Dakota Highway 41 and those on North Dakota Highway 41 between said junction and Velva, including Bismarck, Velva, and the described junction; (6) Garrison, N. Dak., and points on U.S. Highway 83 between junction North Dakota Highway 41 and U.S. Highway 83 and Minot, N. Dak., and those on U.S. Highway 52 between Minot and Portal, including the named points, to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Connecticut, South Carolina, Tennessee,

Vermont, Virginia, West Virginia, the Lower Peninsula of Michigan, Arizona, California, Arkansas, Illinois on and south of Illinois Highway 9, Kansas on and east of U.S. Highway 75, Missouri, and points in Texas on and east of U.S. Highway 81 (Grand Forks, N. Dak., and Gwinner, N. Dak.); (b) from Grand Forks, N. Dak., to points in Colorado, Idaho, and Montana (Gwinner, N. Dak.); and (c) from points in Illinois north of Illinois Highway 9, Iowa on and east of U.S. Highway 71, Kansas on and west of U.S. Highway 75, Minnesota on and south of U.S. Highway 12, Nebraska, Oklahoma, Wisconsin, Nevada, New Mexico, Oregon, and Wyoming, to those points on U.S. Highway 52, between Minot and Portal, N. Dak., including the named points (Grand Forks and Gwinner, N. Dak.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E145), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hay balers and parts*, the transportation of which, because of their size or weight, require the use of special equipment, and (2) *self-propelled articles* described in (1) above which do not require special equipment for their transportation each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers) from points in (A) Oregon, Washington, Idaho (except points in Bannock, Caribou, Franklin, Bear Lake, Power and Oneida Counties), to points in Oklahoma on and east of U.S. Highway 75: (Utah, Pella, Iowa*); (B) from points in Oregon on, west and north of a line extending from U.S. Highway 97 from Oregon-Washington State line in a southerly direction to junction U.S. Highway 20, thence along U.S. Highway 20 in a westerly direction to the Pacific Ocean, to points in Texas on, east and north of a line beginning at the Texas-Oklahoma State line extending in a southerly direction along U.S. Highway 75 to junction U.S. Highway 80, thence along U.S. Highway 80 in an easterly direction to the Texas-Louisiana State line; (Utah and Pella, Iowa*); (C) from points in Washington and points in Boundary County, Idaho, to points in Texas on and east of a line beginning along Interstate Highway 35 from the Texas-Oklahoma State line extending along to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico (Utah and Pella, Iowa*); (3) *hay balers and parts*,

(4) *Irrigation sprinklers and winches* designed for use with irrigation sprinklers, (5) *stump-cutting, cable-laying,*

trench-digging, trench-backfilling, and tree-moving equipment, (6) *parts and attachments* for the commodities named in (4) and (5) above, and (7) *trailers* designed for the transportation of commodities named in (4) and (5) above, the transportation of which, because of their size or weight, require the use of special equipment, and (8) *self-propelled articles* described in (3) and (5) above which do not require special equipment for their transportation each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers), (D) from points in Colorado to points in Maine, Vermont and New Hampshire (South Dakota and Pella, Iowa*), (E) from points in Colorado on and north of U.S. Highway 24 to points in Georgia and those in Florida in and east of Leon and Wakulla Counties (South Dakota and Pella, Iowa*), (F) from points in Colorado on, west and north of a line beginning at the New Mexico-Colorado State line along U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, to points in South Carolina (South Dakota and Pella, Iowa*), (G) from points in Colorado on and north of U.S. Highway 6, to points in Alabama on and east of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 82, thence along U.S. Highway 82 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line; and points in Tennessee on and east of a line beginning at the Mississippi-Tennessee State line along U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 45E, thence along U.S. Highway 45E to the Kentucky-Tennessee State line. (South Dakota and Pella, Iowa*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-12849 Filed 5-14-75; 8:45 am]

[Notice 287]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 15, 1975.

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

[Notice 38]

a petition seeking reconsideration of the following numbered proceedings on or before June 4, 1975. 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-75736. By order of May 8, 1975, the Motor Carrier Board approved the transfer to Rich's South Shore Express, Inc., Hull, Mass., of the operating rights in Certificate No. MC 69043, issued December 21, 1972 to Pauline E. Richardson, doing business as Rich's South Shore Express, Hull, Mass., authorizing the transportation of general commodities, with exceptions, over regular routes between Boston and Scituate, Mass., serving all intermediate points and Certificate of Registration No. MC 69043 (Sub-No. 4), issued December 21, 1972, evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 3462 issued by the Massachusetts Department of Public Utilities. Francis P. Barrett, 60 Adams St., Milton, Mass., 02187, attorney for applicants.

No. MC-FC-75774. By order of May 7, 1975, the Motor Carrier Board approved the transfer to R & E Hauling, Inc., Baltimore, Md., of a portion of the operating rights in Certificate No. MC 43706 (Sub-No. 3), issued May 7, 1970 to Atkinson Freight Lines, Inc., Cornwells Heights, Pa., authorizing the transportation of general commodities, with exceptions, over regular routes between Alexandria, Va. and Baltimore, Md., serving certain specified intermediate and off route points. M. Bruce Morgan, 201 Azar Bldg., Glen Burnie, Md., 21061 Attorney for transferee. Maxwell A. Howell, 1511 K St., NW., Washington, D.C., 20005, attorney for transferor.

No. MC-FC-75780. By order of May 7, 1975 the Motor Carrier Board approved the transfer to John Cheeseman Trucking, Inc., Fort Recovery, Ohio, of the operating rights in Permits No. MC 117851 (Sub-No. 2), MC 117851 (Sub-No. 3), MC 117851 (Sub-No. 4), MC 117851 (Sub-No. 6), MC 117851 (Sub-No. 7), MC 117851 (Sub-No. 8), MC 117851 (Sub-No. 9), MC 117851 (Sub-No. 10), MC 117851 (Sub-No. 11), MC 117851 (Sub-No. 13), and MC 117851 (Sub-No. 14), issued June 4, 1968, August 29, 1969, September 2, 1970, January 8, 1971, June 29, 1971, March 29, 1972, July 7, 1972, September 6, 1972, February 9, 1973, December 19, 1972, and March 15, 1974 respectively to John R. Cheeseman, Fort Recovery, Ohio, authorizing the transportation of various commodities from, to and between specified points and areas in the 48 contiguous states and the District of Columbia. Earl N. Merwin, 85 East Gay St., Columbus, Ohio, 43215, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 75-12846 Filed 5-14-75; 8:45 am]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 9, 1975.

The following applications are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 200 (Sub-No. 274), filed April 10, 1975. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Ave., Kansas City, Mo. 64106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Mineral wool, mineral wool products, insulating material, insulated air duct, and fibrous glass products; and (2) products, utilized in the installation of the above described commodities, from points in California, to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Kansas City, Mo.

No. MC 1328 (Sub-No. 15) filed April 15, 1975. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Roll paper stock, from Cleve-Pak Corp. located at Piermont, N.Y., to Cleve-Pak located at Eaton, Ind., under a continuing contract or contracts with Cleve-Pak Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or New York, N.Y.

No. MC 2428 (Sub-No. 28), filed April 14, 1975. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular

routes, transporting: *Such commodities as are dealt in by a manufacturer of pipe, conduit, wire, cable, cord sets, plastic materials, and materials, and supplies used in the conduct of such business, between plants and warehouses of Triangle Industries, Inc., Subsidiary Triangle PWC, Inc., located in Jewett City and Montville, Conn., on the one hand, and, on the other, points in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, New York, and New Jersey, under a continuing contract or contracts with Triangle Industries, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on consolidated record with the application of Triangle Trucking Co., MC 129759 (Sub-No. 8), at Washington, D.C.

No. MC 10343 (Sub-No. 27), filed April 7, 1975. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fibrous glass products and materials, insulating products and materials, and materials, supplies and equipment used in the production, and distribution thereof, from the plant site and storage facilities of Johns-Manville Products Corp., at or near McPherson, Kans., to points in Missouri, points in Iowa on and west of U.S. Highway 65, and points in Illinois on and south of U.S. Highway 40; and (2) mineral wool, mineral wool products, insulating materials, and installation materials, from Kansas City and Pauline, Kans., to points in Illinois on and south of U.S. Highway 40, and points in Missouri on and north of U.S. Highway 50.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 16550 (Sub-No. 7) (Correction), filed March 10, 1975, published in the FEDERAL REGISTER issue of April 17, 1975, and republished as corrected this issue. Applicant: WALTER POTTER, Route 4, Goodlettsville, Tenn. 37072. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Movie films, theatre supplies, and automotive parts, supplies and accessories, between Princeton, Ky., and Morganfield, Ky., serving all intermediate points: From Princeton, Ky., over U.S. Highway 62 or Western Kentucky Parkway to junction with U.S. Highway 641, thence over U.S. Highway 641 to junction with U.S. Highway 60, thence over U.S. Highway 60 to Morganfield, Ky., and return over the same route.*

NOTE.—The purpose of this partial republication is to correct the territorial description in part (3) of application to U.S. Highway 62 in lieu of U.S. Highway 621. The rest of the application remains as previously published. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 22139 (Sub-No. 15), filed April 9, 1975. Applicant: ROBERT ZAPORA, doing business as R. F. ZAPORA MOTOR TRANS., 22 Auburn Road, Hooksett, N.H. 03104. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products, in bulk, in tank vehicles, from Portsmouth and Newington, N.H., to points in Windsor and Orange Counties, Vt., and points in Essex and Middlesex Counties, Mass.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 25798 (Sub-No. 273), filed April 14, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburn-dale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, from Lake City, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Texas.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Tampa, Fla.

No. MC 30844 (Sub-No. 538), filed April 14, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Catalogs, books, magazines, periodicals, and printed matter, from Atlanta, Ga., to points in the United States in and east of Colorado, Montana, New Mexico, and Wyoming.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 30844 (Sub-No. 539), filed April 14, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Candy and confectionery, from St. Louis, Mo., to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to shipments originating at the plantsite and facilities of Switzer Licorice Co.-Division of Beatrice Foods Co. at the above named origin and destined to the above named states; and (B) Candy and confectionery, from St. Louis, Mo., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to shipments originating at the plantsite*

and facilities of The Sunmark Companies at the above named origin and destined to the above named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 30844 (Sub-No. 540), filed April 14, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chinaware, earthenware or pottery, from Lancaster, Ohio, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 38320 (Sub-No. 17), filed April 10, 1975. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer C, Campbellsville, Ky. 42718. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and storage facilities of the Firestone Tire & Rubber Co., located in Rutherford County, Tenn., near Nashville, Tenn., as an off-route point in connection with carrier's existing authorized operations at Nashville, Tenn.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 59117 (Sub-No. 48), filed April 14, 1975. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, in bulk, from points in Rogers County, Okla., to points in Iowa, Illinois, and Nebraska; and (2) fertilizer and fertilizer ingredients, in bulk, from points in Oklahoma (except Pryor, Tulsa, and Port of Catoosa), to points in Nebraska, Iowa, and Illinois.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 61592 (Sub-No. 351), filed April 14, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture and*

accessories, from points in North Carolina, Tennessee, and Virginia, Montgomery, Ala., Miami, Fla., Rome, Ga., Baldwin and New Albany, Miss., and Sumter, S.C. to points in Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 61623 (Sub-No. 17), filed April 15, 1975. Applicant: GATE CITY TRANSPORT COMPANY, a Corporation, 13401 Eldon Avenue, Detroit, Mich. 48234. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, (1) from Albany, N.Y., to points in Ohio and Kentucky; and (2) from Toledo and Columbus, Ohio, to points in Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 67996 (Sub-No. 9), filed April 11, 1975. Applicant: DISTILLERY TRANSFER SERVICE, INC., Depot St., P.O. Box 516, Bardstown, Ky. 40004. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Lotus, Ky., and Summersville, Ky., serving all intermediate points, and off-route points within three miles of the following specified routes: From Lotus over Kentucky Highway 245 to Bardstown, Ky., thence over U.S. Highway 150 to Springfield, Ky., thence over Kentucky Highway 55 to Lebanon, Ky. (also from Bardstown over Kentucky Highway 49 to Lebanon), thence from Lebanon over U.S. Highway 68 to Campbellsville, Ky. (also from Lebanon over Kentucky Highway 208 to Campbellsville), thence from Campbellsville over U.S. Highway 68 to Greensburg, thence over Kentucky Highway 61 to Summersville, and return over the same route; (2) between Loretto, Ky., and Lebanon, Ky., serving all intermediate points and off-route points within three miles of the following specified routes: From Loretto over Kentucky Highway 52 to junction with Kentucky Highway 527, thence over Kentucky Highway 527 to junction with Kentucky Highway 84, thence via Kentucky Highway 84 to Lebanon, and return over the same route; (3) between Campbellsville, Ky., and Mannsville, Ky., serving all intermediate points and off-route points within three miles of the following specified route: From Campbellsville over Kentucky Highway 70 to Mannsville, and return over the same route; (4) between Boston, Ky., and Bardstown, Ky., serving all intermediate points and off-route

points within three miles of the following specified route: From Boston over U.S. Highway 62 to Bardstown, and return over the same route; (5) between Boston, Ky., and Loretto, Ky., serving all intermediate points and off-route points within three miles of the following specified route: From Boston over Kentucky Highway 52 to Loretto, and return over the same route; and (6) between Athertonville, Ky., and Bardstown, Ky., serving all intermediate points and off-route points within three miles of the following specified route: From Athertonville over U.S. Highway 31E to Bardstown, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Bardstown, Ky.

No. MC 77482 (Sub-No. 23), filed January 8, 1975. Applicant: THE PETER H. MORTENSEN-VINCI COMPANY, a Corporation, 1004 Newfield Street, Middletown, Conn. 06457. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Air-floated coarse ground ball clay*, in bulk, in tank vehicles, from Sledge, Miss., to Portland, Conn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 88905 (Sub-No. 20), filed April 9, 1975. Applicant: TUSK TRANSPORTATION, INC., Charles Street, P.O. Box 233, Montgomery, N.Y. 12549. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Dutchess, Orange, Rockland, Ulster, Broome, Sullivan, and Albany Counties, N.Y., to points in Berks, Bucks, Chester, Lancaster, Lehigh, Northumberland, Philadelphia, and Schuylkill Counties, Pa., and points in Connecticut, Delaware, Massachusetts, and New Jersey.

NOTE.—Applicant holds contract carrier authority in MC 109864, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95510 (Sub-No. 4), filed February 19, 1975. Applicant: D. C. COTNER, Salem, Mo. 65560. Applicant's representative: William E. Seay, 104A West Fourth Street, Salem, Mo. 65560. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Wood chips*, between the plantsite and facilities of Ozark Oak Flooring Co. at or near Salem, Mo., and the plantsite and facilities of West Daco Company at or near Wickliffe, Ky.: From the plantsite and facilities of Ozark Oak Flooring Co. at or near Salem, Mo., over Missouri Highway 32 and 72 to junction Missouri Highway 21, thence over Missouri Highway 21 to junction U.S. Highway 60, thence over

U.S. Highway 60 to the plantsite and facilities of West Daco Company at or near Wickliffe, Ky., serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo. or Jefferson City, Mo.

No. MC 97699 (Sub-No. 44), filed April 11, 1975. Applicant: BARBER TRANSPORTATION CO., a Corporation, Deadwood Avenue, Rapid City, S. Dak. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), Serving Colony, Wyo., as an off-route point in connection with carrier's authorized regular route operations to and from Belle Fourche, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak.

No. MC 99339 (Sub-No. 7), filed April 11, 1975. Applicant: A & B GARMENT DELIVERY OF SAN FRANCISCO, 1309 Custer Avenue, San Francisco, Calif. 94124. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. 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, automobiles, trucks, and busses, and commodities in bulk), (1) Between San Rafael, Calif., and San Jose, Calif., serving all intermediate points: From San Rafael over U.S. Highway 101 to San Jose and return over the same route; Service is authorized to the off-route points of Tiburon, Mill Valley, Larkspur, San Anselmo, Fairfax, Los Gatos, and Saratoga; (2) Between San Rafael, Calif., and San Jose, Calif., serving all intermediate points: From San Rafael over California Highway 17 to San Jose and return over the same route; Service is authorized to the off-route points of Dublin, San Pablo, Castro Valley, Niles, and Mission San Jose; (3) Between San Francisco, Calif., and Oakland, Calif., serving all intermediate points: From San Francisco over Interstate Highway 80 to Oakland and return over the same route; (4) Between junction between California Highway 17 and Interstate Highway 680 near Warm Springs, Calif., and Pleasant Hill, Calif., serving all intermediate points: From junction between California Highway 17 and Interstate Highway 680 over Interstate Highway 680 to Pleasant Hill and return over the same route; (5) Between Oakland, Calif., and Walnut Creek, Calif., serving all intermediate points: From Oakland, Calif., over California Highway 24 to Walnut Creek, Calif., and return over the same route; Service is authorized to the off-route point of Moraga. Common

control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 100109 (Sub-No. 7), filed April 16, 1975. Applicant: HERMAN STUMPF, JAMES STUMPF and ROBERT STUMPF, doing business as H. STUMPF & SONS, Route 3, Worthington, Minn. 56187. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, between Worthington, Minn., on the one hand, and, on the other, points in South Dakota, and points in Iowa located on and west of U.S. Highway 65 and on and North of U.S. Highway 30; and (2) *animal health products*, from Worthington, Minn., to points in South Dakota, and points in Iowa located on and west of U.S. Highway 65 and on and north of U.S. Highway 30.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105007 (Sub-No. 32), filed April 14, 1975. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs*, from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the above-named origin and destined to the named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment, and supplies*, from points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted to traffic originating at the above-named states and destined to the named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 107002 (Sub-No. 470), filed April 14, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*,

in bulk, in tank vehicles, (1) from points in Santa Rosa County, Fla., to points in Alabama, Georgia, Louisiana, and Mississippi; and (2) from points in Escambia County, Ala., to points in Florida, Georgia, Louisiana, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Mobile, Ala.

No. MC 107403 (Sub-No. 938), filed April 15, 1975. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite of Georgia Pacific Corporation located at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the named origin and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107555 (Sub-No. 4), filed April 9, 1975. Applicant: CLARENCE ALLEN, JR., doing business as BROWN'S TRANSFER, 531 East Main Street, Ronceverte, W. Va. 24970. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *chromatographic process stream analyzers*, uncrated, and parts and accessories for such equipment, new, and used, between points in Greenbrier County, W. Va., on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.; Roanoke, Va.; or Washington, D.C.

No. MC 108053 (Sub-No. 127), filed April 11, 1975. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Raymond W. Pritzke (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in California, Idaho, Nevada, Oregon, Utah and Washington, restricted to traffic originating at

named origin and destined to named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in California, Idaho, Nevada, Oregon, Utah, and Washington, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at the named states and destined to named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108461 (Sub-No. 124), filed March 31, 1975. Applicant: WHITFIELD TRANSPORTATION, INC., 300-316 North Clark Road, El Paso, Tex. 79989. Applicant's representative: James E. Sneed, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Denver, Colo., and Albuquerque, N. Mex.; From Denver over Interstate Highway 25 to Albuquerque, N. Mex., and return over the same route; (2) between junction of Interstate Highway 25 and U.S. Highway 56 at or near Springer, N. Mex., and Roswell, N. Mex.; From Springer over U.S. Highway 56 to junction New Mexico Highway 39 at or near Abbott, N. Mex., thence over New Mexico Highway 39 to junction New Mexico Highway 18 at or near Grady, N. Mex., thence over New Mexico Highway 18 to junction U.S. Highway 70 at or near Clovis, N. Mex., thence over U.S. Highway 70 to Roswell, and return over the same route, serving the intermediate points of Clovis and Portales, N. Mex., and serving the junction of Interstate 25 and U.S. Highway 56 for joinder purposes only in connection with Carrier's otherwise authorized regular route; and (3) serving Hobbs, N. Mex., as an intermediate point and Lovington, N. Mex., as an off-route point, in connection with carrier's presently authorized regular route between Snyder, Tex., and Carlsbad, N. Mex., in Docket MC 108461 Sub No. 116.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at (1) Roswell and (2) Albuquerque, N. Mex., and (3) Denver, Colo.

No. MC 108973 (Sub-No. 13), filed April 14, 1975. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, Saint Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Bldg., Saint Paul, Minn. 55101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and plastic bags and materials and supplies*, used in the manufacture and distribution of paper, paper products and plastic bags, between

the plantsites of Hoerner Waldorf Corporation, at Des Moines, Iowa, and Clarksdale, Miss., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Ohio, Michigan, Kentucky, Tennessee, Mississippi, and Iowa; and (2) *materials and supplies*, used in the manufacture and distribution of paper, paper products and plastic bags (except commodities in bulk, and those which because of size or weight require the use of special equipment), from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Louisiana, Wisconsin, Indiana, Illinois, Ohio, Michigan, Kentucky, Tennessee, Mississippi, and Iowa, to the plantsites and storage facilities of Hoerner Waldorf Corporation, in Iowa and Mississippi, under contract with Hoerner Waldorf Corporation, restricted to a continuing contract with Hoerner Waldorf Corporation, and to interstate traffic only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 111045 (Sub-No. 124), filed April 16, 1975. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 3301. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from points in Santa Rosa County, Fla., to points in Alabama, Georgia, Louisiana, and Mississippi; and (2) from points in Escambia County, Ala., to points in Florida, Georgia, Louisiana, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Montgomery, Ala.

No. MC 111656 (Sub-No. 7), filed April 14, 1975. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, N.Y. 10018. Applicant's representative: Edward M. Alfano, 550 Mamaronck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as dealt in by a distributor of radio receiving sets, talking machines, electronic equipment and materials, parts and supplies thereof*, (1) from Moonachie, N.J., to points in New York, N.Y., and the Counties of Nassau, Suffolk and Westchester, N.Y.; (2) *returned shipments of the above-specified commodities*, from New York, N.Y., and the Counties of Nassau, Suffolk and Westchester, N.Y., to Moonachie, N.J.; and (3) from Harbor of New York, N.Y., as defined in 49 CFR 1070.1 to Moonachie, N.J., under a continuing contract or contracts with U.S. Pioneer Electronics Corporation of Moonachie, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 111729 (Sub-No. 524), filed March 11, 1975. 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) *Whole human blood and blood derivatives*, from Buffalo, N.Y., to Cleveland, Ohio; (2) *business papers, records, audit and accounting media of all kinds*, (a) between Willard, Ohio and Cleveland, Ohio, (b) between Newark, N.J., and New York, N.Y., (c) between Boston, Mass., on the one hand, and, on the other, Framingham, Mass., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, and (d) between points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, originating from or destined to Framingham, Mass.; (3) *Daily telephone addenda and listings*, between Willard, Ohio, on the one hand, and, on the other, Elkhart and South Bend, Ind., and points in Michigan; and (4) *proofs, cuts, copy, artwork, and advertising material*, (a) between Willard, Ohio, and Cleveland, Ohio, and (b) between points in Newark, N.J., and New York, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 112750 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 534), filed April 11, 1975. 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) *Live laboratory specimens*, (a) from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio; (b) between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and the District of Columbia, restricted to the transportation of traffic having an immediately prior movement by air; (2) *business papers, records, audit and accounting media of all kinds*, between Toledo, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, and Michigan; (3) *press plates, proofs, cuts, copy and artwork*, between Toledo, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, and Michigan;

and (4) *electronic components, data processing machinery, parts for computers and small business machines, materials and supplies*, restricted against the transportation of packages or articles weighing more than 100 pounds from one consignee to one consignee on any one day, (a) between Holland, Ohio, on the one hand, and, on the other, Sioux Falls, S. Dak.; Wilmington, Del.; and points in Alabama, Connecticut, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (b) between points in Arkansas, Louisiana, Oklahoma, and Texas, restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 536), filed April 16, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cut flowers, decorative greens, and florist supplies*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation: (a) from Streamwood, Ill., to points in Indiana and Wisconsin; and (b) from Boston, Mass., to points in Connecticut, Maine, New Hampshire, and Rhode Island; and (2) *business papers, records, and audit and accounting media of all kinds*, between Streamwood, Ill., on the one hand, and, on the other, points in Indiana and Wisconsin.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Boston, Mass., or Chicago, Ill.

No. MC 112822 (Sub-No. 373), filed April 17, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, trims and accessories*, used in the installation thereof, from Dothan, Ala., to points in the United States (except Alaska, Hawaii, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Maine, Massachusetts, Vermont, New Hampshire, Alabama, Florida, Georgia, and the District of Columbia).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 113528 (Sub-No. 25), filed April 11, 1975. Applicant: MERCURY FREIGHT LINES, INC., 67 Midtown Park East, P.O. Box 1247, Mobile, Ala. 36601. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Missouri, Mississippi, and Alabama.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 114789 (Sub-No. 45), filed April 15, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, to points in the lower peninsula of Michigan, restricted to traffic originating at points in the named origin and to the facilities of S. S. Kresge Company at points in the named destinations, under a continuing contract or contracts with S. S. Kresge Company.*

NOTE.—Applicant holds common carrier authority in MC 117940 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 115218 (Sub-No. 1), filed April 9, 1975. Applicant: ALLAN D. GIBSON, 1915 Main Street, Eldorado, Ill. 62930. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, flourspar, and barite, from the facilities of Allied Chemical Corporation located in Harden County, Ill., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, West Virginia, and Wisconsin, restricted to the transportation of traffic moving under a continuing contract or contracts with Allied Chemical Corporation of Morristown, N.J.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or St. Louis, Mo.

No. MC 115841 (Sub-No. 502), filed April 10, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing-houses, as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) foodstuffs, when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116142 (Sub-No. 24), filed April 14, 1975. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box 423, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages and related advertising materials, from Radisson (Lysander Township), N.Y., to points in Pennsylvania.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Washington, D.C.; or (2) Harrisburg, Pa.

No. MC 116273 (Sub-No. 192), filed April 11, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, Ill. 60650. Applicant's representative: Mr. William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products, in bulk, in tank vehicles, from the plantsite of Great Lakes Asphalt, Inc., located at or near Rosston, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116273 (Sub-No. 193), filed April 14, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products, dry, in bulk, in tank or hopper-type vehicles; and (2) Soybean products, dry, in bulk, in tank or hopper-type, from Danville, Ill., to points in the United States (except Alaska, Hawaii, and Illinois).*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116273 (Sub-No. 194), filed April 14, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, in bulk, in tank vehicles, from Schaumburg, Ill., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117344 (Sub-No. 244), filed April 9, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stivers, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and blends of sugar and corn syrup, in bulk, from Cincinnati, Ohio, to points in Detroit, Mich., and Pittsburgh, Pa.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Columbus, Ohio.

No. MC 117765 (Sub-No. 192), filed April 14, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed granite, in bags (except commodities in bulk), (1) from Lithonia, Ga., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and (2) incinerators, refuse handling equipment, parts and supplies, from Washington County, Okla., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 118202 (Sub-No. 48), filed April 14, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia;* and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies (except hides and commodities in bulk), from points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted in (1) and (2) to traffic originating at named origin, and destined to named destination.*

NOTE.—Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 118535 (Sub-No. 65), filed April 14, 1975. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect Street, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potash, potash products, and potash by-products, from points in Lea and Eddy Counties, N.M., to points in Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, and Tennessee.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119789 (Sub-No. 248), filed April 11, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities (except Classes A and B explosives, commodities in bulk, used automobiles, and commodities which because of size or weight require the use of special equipment), from New York, N.Y., to Oklahoma City, Okla., and Dallas and Houston, Tex., restricted to (1) traffic originating at the named origin and destined to the named destinations; and (2) restricted to traffic, moving on bills of lading issued by Freight Forwarders regulated under Section IV of the Interstate Commerce Act.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 121726 (Sub-No. 1), filed April 11, 1975. Applicant: DADSON, INC., doing business as BILL'S CANNONBALL EXPRESS & GATEWAY EXPRESS, P.O. Box 67, Anderson, Mo. 64831. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *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 Jasper, McDonald, Newton, and Barry Counties, Mo., and Grove, Okla.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, or Springfield, Mo.

No. MC 123255 (Sub-No. 51), filed April 14, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fencing, aluminum or steel, separate or combined and parts and accessories necessary for installation thereof, from the plantsite and warehouse facilities of Anchor Post Products, Inc. located at or near Fremont, Ind., to points in Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin; and (2) materials, equipment, and supplies used in the manufacture and shipping of fencing, aluminum or steel, separate or combined and parts and accessories necessary for installation thereof, from points in Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, to Anchor Post Products, Inc. located at or near Fremont, Ind.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 124739 (Sub-No. 4), filed April 10, 1975. Applicant: ZELFER, INC., P.O. Box 263, R.R. 1, Colby, Kans. 67701. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Irrigation pipe and irrigation equipment, from Plainview, Tex., to points in Nebraska west of U.S. Highway 83 and south of U.S. Interstate Highway 80; points in Colorado north of Colorado Highway 96, east of Colorado Highway 71 and south of U.S. Interstate Highway 80; and points in Kansas north of Kansas Highway 96 and west of U.S. Highway 83.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 124947 (Sub-No. 39), filed April 11, 1975. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled draglines, shovels, and drills, and accessories, attachments, and parts, for self-propelled draglines, shovels, and drills; and (2) materials, equipment and supplies, used or useful in the manufacture, sale, or distribution of the commodities in (1) above, between points in the United States including Alaska, but excluding Hawaii, restricted to shipments originating at or destined to plants, warehouses, storage, and other facilities owned, operated, or used by Marion Power Shovel Co., Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 126605 (Sub-No. 3), filed April 17, 1975. Applicant: J. M. BEAVER, doing business as, BEAVER'S DUMP TRUCK SERVICE, Route 3, Box 10, Live Oak, Fla. 32060. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building and construction aggregates, and limestone and limestone products, in bulk (except in tank vehicles), between points in Florida, Georgia, and Alabama.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 127042 (Sub-No. 156) (Correction), filed February 18, 1975, published in the FEDERAL REGISTER issue, April 3, 1975, and republished as corrected this issue. Applicant: HAGEN, INC., 3232 Hwy. 75 North, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* in vehicles equipped with mechanical refrigeration, from Columbus Grove and Ottawa, Ohio and Hoopeston, Ill., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming.

NOTE.—The purpose of this republication is to correct the origin point, to include Columbus Grove, Ohio in lieu of Cottage Grove, Ohio as previously published. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 128273 (Sub-No. 164) (Amendment), filed December 6, 1974, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as amended this issue. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber products, and such other commodities*, as are manufactured, processed, and dealt in by rubber manufacturers (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), from Topeka, Kans., to points in Michigan, Wisconsin, New Mexico, Minnesota, Arkansas, Louisiana, Oklahoma, Texas, South Dakota, North Dakota, Montana, Wyoming, Utah, Arizona, Idaho, Nevada, California, Oregon, and Washington; and (2) *tires, equipment, materials, and supplies*, used in the manufacture and distribution of rubber and rubber products, and *such other commodities* as are manufactured, processed and dealt in by rubber manufacturers (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), from points in Michigan, Wisconsin, Minnesota, Arkansas, Louisiana, Texas, Oklahoma, New Mexico, North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington, to Topeka, Kans.

NOTE.—The purpose of this republication is to indicate that applicant seeks to perform service to all points in Louisiana and Minnesota as applicable with respect to (1) and (2) above, and (b) to indicate the deletion of a twelve state destination territory and twelve state origin territory as applicable with respect to (1) and (2) above. If a hearing is deemed necessary, the applicant requests it be held at Akron, Ohio.

No. MC 128497 (Sub-No. 19), filed April 9, 1975. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except commodities in bulk), from the plantsite and storage facilities of or utilized by Roman Meal Company located at or near Decatur, Ind., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South

Dakota, and Wisconsin, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 124807, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 129222 (Sub-No. 4), filed April 16, 1975. Applicant: MARVIN FORD, doing business as FORD TRUCK LINE, Tipton, Iowa. 52772. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, from the plantsites and storage facilities utilized by Twin-State Engineering & Chemical Co. located in Cedar County, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 129600 (Sub-No. 21), filed April 14, 1975. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, restaurant supplies and equipment* (except in bulk), plastic articles, games, toys, notions, novelties, costume jewelry, chinaware, earthenware and pottery, from Bedford, Pa., to points in Illinois, Indiana, Maryland, Michigan, and Ohio. (2) *Foodstuffs, restaurant supplies and equipment*, (except in bulk), (a) from Baltimore, Md., to points in Delaware, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (b) from Chicago, Ill., to points in California, Georgia, Florida, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Texas, and Montana; and (c) from Miami Fla., to points in California, Georgia, Illinois, Maryland, New Jersey, Massachusetts, New York, Ohio, Pennsylvania, and Texas; (4) *potatoes, frozen*, (a) from points in Maine, to points in Georgia and Maryland; and (b) from Grand Forks, Nebr., to points in Georgia, Maryland, and Massachusetts; (5) *sugar, beet or can*, (except raw and except in bulk), from points in Ohio, to points in California, Georgia, Florida, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Texas; (6) *foodstuffs*, except in bulk, from Harrison and Saddlebrook, N.J., and Biglerville, Pa., to points in Georgia, Illinois, Maryland, Ohio, and Texas;

(7) *Carbonated beverages*, from Garfield, N.J., to points in Georgia, Illinois, Maryland, Ohio, and Texas; (8) *chemicals, cleaners, detergents, cleaners and*

wax (except in bulk), from Avenel, N.J., to points in Georgia, Maryland, Ohio, Illinois, and Pennsylvania; (9) *boxes*, cylindrical, fibreboard, paper or pulpboard, other than corrugated, with tops or bottoms of same or other materials, with tops and bottoms detached from bodies and bottoms enclosed in tops, bodies nested in boxes, (a) from Fulton, N.Y., to points in Florida, Illinois, Maryland, and Massachusetts; and (b) from Kansas City, Kans., to points in Florida, Illinois, Maryland, and Massachusetts; (10) *glassware*, from Dunkirk, Ind., to points in California, Florida, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Texas; and (11) *returned and rejected shipments* of the commodities described in (1) through (10) above, from the destination points described in (1) through (10) above, to the origins respectively set forth in (1) through (10) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 133419 (Sub-No. 9), filed April 14, 1975. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, N.Y. 14225. Applicant's representative: Edward B. Murphy, 1103 Liberty Bank Building, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quartzite, chrome and manganese ores, and lignite coal*, in bulk, in dump vehicles, from Port of Buffalo (Erie County), N.Y., to the City of Niagara Falls, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 133916 (Sub-No. 3), filed April 14, 1975. Applicant: O'NAN TRANSPORTATION COMPANY, P.O. Box 308, Carrollton, Ky. 41008. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 Sparta, Ky. and Lexington, Ky.: From Sparta, Ky. over Kentucky Highway 35 to its junction with U.S. Highway 127, thence over U.S. Highway 127 to its junction with U.S. Highway 227, thence over U.S. Highway 227 to its junction with Kentucky Highway 22, thence over Kentucky Highway 22 to its junction with Interstate Highway 75, thence over Interstate Highway 75 to Lexington, Ky. and return over the same route, serving no intermediate points, except service at the junction of U.S. Highway 127 and U.S. Highway 227 for the purposes of joinder.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Frankfort or Lexington, Ky.

No. MC 134922 (Sub-No. 121), filed April 15, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from North Little Rock, Ark., to points in Arizona, California, New Mexico, Nevada, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 134922 (Sub-No. 122), filed April 14, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles, parts, equipment and supplies*, used in the manufacture and distribution thereof, from Mansfield, Ohio, to points in California, Florida, Georgia, Idaho, Montana, Texas, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio, or Little Rock, Ark.

No. MC 135072 (Sub-No. 8), filed April 3, 1975. Applicant: HEATER TRUCKING, INC., 6887 Versailles Rd., North Evans, N.Y. 14112. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Asphalt emulsions*, in shipper owned tank vehicles, from Cheektowaga, N.Y., to points in Illinois, Indiana, Maryland, New York, Ohio, and points in Pennsylvania (except points in the Counties of Bradford, Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean, Potter, Tioga, Venango, and Warren), and returned shipments on return; (B) *Asphalt emulsion*, in drums, from Cheektowaga, N.Y., to points in Lorain, Ohio and Erie, Pa., returned shipments on return; (C) *Base stock asphalt*, from Marcus Hook and Pittsburgh, Pa., Bayonne, N.J., Baltimore, Md., Detroit, Mich., and Toledo, Ohio to points in Cheektowaga, N.Y., and points in Pennsylvania, and returned shipments on return; (D) *Solvent type asphalt*, in bulk, from Bayonne, N.J., and Baltimore, Md., to points in Cheektowaga and Niagara Falls, N.Y., and returned shipments on return; (E) *Tar*, from Youngstown, Ohio, to Cheektowaga, N.Y., and returned shipments on return; and (F) *Wax*, from Titusville and Bradford, Pa., to Cheektowaga, N.Y., and returned shipments on return, restricted in parts (A) through (F) to shipments for the accounts of Allied Bitumens, Inc., or Allied Emulsions, Inc. under a continuing contract, or contracts with Allied Bitumens, Inc., and Allied Emulsions, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 135430 (Sub-No. 1), filed April 14, 1975. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Ore. 97477. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in California, to points in Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC 116474 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 136008 (Sub-No. 52), filed April 11, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk in tank vehicles), from points in Kansas, to points in Garfield County, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 136008 (Sub-No. 54), filed April 15, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble*, from the plantsite and facilities of Twin Mountain Rock Company, located 8 miles north of Des Moines, N. Mex., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 136220 (Sub-No. 18), filed April 16, 1975. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 N.E. Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk, in tank vehicles), from points in Kansas, to points in Garfield County, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136273 (Sub-No. 3), filed April 14, 1975. Applicant: KENNETH G.

MAY & ORVILLE L. HOWARD, doing business as CORONADO TRUCKING CO., 307 Old Country Road, Edgewater, Fla. 32032. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pottery*, from Chula Vista, Corona, La Verne and Los Angeles, Calif.; Doraville, Gillsville, and Lizella, Ga.; Zanesville, Ohio; and Marshall, Tex., to Daytona Beach, Fla., under a continuing contract with Tony's Pottery, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Daytona Beach, Fla. or Washington, D.C.

No. MC 136711 (Sub-No. 21), filed April 11, 1975. Applicant: DAVID G. MCCORKLE, doing business as MCCORKLE TRUCK LINE, 2780 S. High, P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk, in tank vehicles), (1) from points in Kansas, to points in Garfield County, Okla.; (2) from Texas City, Tex., to points in Garfield County, Okla.; and (3) from Texas City, Texas, to Port Arthur, Tex., restricted in (3) above to traffic having a subsequent interstate movement.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 138177 (Sub-No. 4), filed March 3, 1975. Applicant: BROWN TRUCKING, INC., 7622 Apple Valley Road, Germantown, Tenn. 38138. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale cinders, lightweight aggregate*, from points in Leno and Crittenden Counties, Ark., to points in Tennessee, Mississippi, Illinois, Kentucky, Missouri, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 138240 (Sub-No. 1) (Correction), filed April 9, 1975, published in the FR issue of May 8, 1975, and republished as corrected, this issue. Applicant: J. J. YODER, doing business as J. J. YODER TRUCKING, 206 Wineland Street, Martinsburg, Pa. 16662. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bags, from Dundee, Ill., to points in Pennsylvania (except Taylor Township), New Jersey, and Blair County, N.Y., restricted to the transportation to be performed under a continuing contract or contracts with Milk Specialties Company of Dundee, Ill.

NOTE.—The purpose of this republication is to clarify the territorial description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 138382 (Sub-No. 2), filed March 5, 1975. Applicant: PATTERSON COASTAL TRANSPORT, INC., 20607 S. LaGrange Road, Frankfort, Ill. 60423. Applicant's representative: Daniel C. Sullivan, 327 S. La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gym equipment, sports equipment and parts, attachments and accessories for gym equipment and sports equipment*, from Fresno and Los Angeles, Calif., to Frankfort, Ill., under a continuing contract or contracts with Swartz Associates, Inc.; and (2) (a) *cleaning, maintenance and janitorial compounds* (except commodities in bulk), and (b) *applicators and utensils for the commodities in (a) above*, from Frankfort, Ill., to points in New Mexico, Arizona, California, Nevada, Utah, Washington, Oregon, Colorado, Virginia, Maryland, Florida, New York, the District of Columbia, Minneapolis, Minn., and Lima, Ohio, under a continuing contract or contracts with Dorex, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138469 (Sub-No. 14), filed April 15, 1975. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, petroleum and petroleum wax in containers*, from Tulsa, Okla., to points in Illinois, Iowa, and Nebraska.

NOTE.—Applicant holds contract carrier authority in MC 136375 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 138536 (Sub-No. 1), filed March 20, 1975. Applicant: METROPOLITAN VAN & STORAGE, INC., 635 Escobar Street, Martinez, Calif. 94553. Applicant's representative: Keith V. Estes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Solano, San Joaquin, Santa Cruz, Monterey, Sonoma, Napa, Marin, Sacramento, Contra Costa, Alameda, San Mateo, Santa Clara, Merced, Yolo, and Stanislaus Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, 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.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Oakland, Calif.

No. MC 138841 (Sub-No. 4), filed March 17, 1975. Applicant: BLACK HILLS TRUCKING CO., a Corporation, Box 3104, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, between Rapid City, S. Dak., on the one hand, and, on the other, points in Florida, Louisiana, and Mississippi. Restriction: The operations authorized herein are restricted to the transportation of (1) traffic originating at Rapid City and destined to points in the specified States, and (2) of traffic originating at points in the specified States and destined to Rapid City, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 138896 (Sub-No. 12), filed April 11, 1975. Applicant: AJAX TRANSFER COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C in Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Minneapolis and Owatonna, Minn., to points in Minnesota; (2) *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) between Minneapolis, Minn., on the one hand, and, on the other, points in Minnesota, that part of Taylor County, Wis., on and west of Wisconsin Highway 73, that part of Clark County, Wis., on and west of Wisconsin Highway 73 and on and north of Wisconsin Highway 95, and points in Buffalo, Trempealeau, Jackson, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, Grant, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn (except Menomonie, Wis.), Chippewa (except Chippewa Falls, Wis.), Eau Claire (except Eau Claire, Wis.), Pepin, and Pierce Counties, Wis., and Howard, Winneshiek, Allamakee (except Postville, Iowa), Clayton, Fayette, Chickasaw, Worth, Cerro Gordo, Mitchell, and Floyd Counties, Iowa; (b) between Marshfield, Wis., on the one hand, and, on the other, points in that part of Taylor County, Wis., on and east of Wisconsin Highway 73, that part of Clark County, Wis., on and east of Wisconsin Highway 73 and on and south of Wisconsin Highway 95, and points in Price, Oneida, Vilas, Forest, Florence, Marinette, Langlade, Shawano, Lincoln, Marathon, Wood, and Portage Counties, Wis.;

(c) between Winona, Minn., on the one hand, and, on the other, points in Howard, Winneshiek, Allamakee, Clayton, Fayette, and Chickasaw Counties, Iowa; Wabasha, Winona, Fillmore, Houston, and Olmsted Counties, Minn., and Buffalo, Trempealeau, Jackson, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, and Grant Counties, Wis.; (d) between Green Bay, Wis., on the one hand, and, on the other, points in Marinette, Oconto, Shawano, Waupaca, Outagamie, Brown, Kewaunee, Door, Calumet, Winnebago, Fond du Lac, Sheboygan, and Manitowoc Counties, Wis., and Menominee County, Mich.; (e) between Milwaukee, Wis., on the one hand, and, on the other, points in Waushara, Winnebago, Green Lake, Marquette, Fond du Lac, Sheboygan, Columbia, Dodge, Washington, Ozaukee, Waukesha, Milwaukee, Racine, Kenosha, and Walworth Counties, Wis.; (f) between Madison, Wis., on the one hand, and, on the other, points in Sauk, Columbia, Iowa, Dane, Jefferson, Walworth, Rock, Green, and Lafayette Counties, Wis., and Winnebago, Boone, McHenry, Lake, and Stephenson Counties, Ill.; (g) from Minneapolis, Minn., to Eau Claire, Chippewa Falls, and Menomonie, Wis., and Postville, Iowa; and (3) *Returned, and damaged shipments*, from Eau Claire, Chippewa Falls, and Menomonie, Wis., and Postville, Iowa, to Minneapolis, Minn.;

(4) *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Minneapolis-Saint Paul, Minn., to points in Minnesota; points in Ontonagon and Gogebic Counties, Mich.; points in Vilas, Iron, Ashland, Bayfield, Douglas, Burnett, Washburn, Sawyer, Price, Taylor, Bush, Barron, Polk, Saint Croix, Dunn, Chippewa, Clark, Wood, Eau Claire, Pepin, Pierce, Buffalo, Jackson, Trempealeau, La Crosse, Monroe, Juneau, Vernon, Crawford, Richland, and Sauk Counties, Wis., and points in that part of Marathon County, Wis., on and west of Wisconsin Highway 97; and points in Cass and Grand Forks Counties, (5) *Meat, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), and *frozen foodstuffs*, (a) between Eau Claire, Wis., on the one hand, and, on the other, Fairmont, Minn.; (b) from Portage, Wis., to Fairmont, Minn., and Minneapolis, Minn.;

(6) *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Minneapolis, and St. Paul, Minn.,

to points in Ontonagon, Gogebic, and Houghton Counties, Mich.; Taylor, Clark, Buffalo, Trempealeau, Jackson, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, Grant, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Eau Claire, Pepin, Pierce, Wood, Marathon, Portage, Columbia, Marquette, Wausau, Lincoln, Price, Langlade, Oneida, Vilas, Iron, Ashland, Forest, Winnebago, Outagamie, Brown, Shawano, Waupaca, Fond du Lac, Dodge, Dane, Douglas, and Bayfield Counties, Wis.; Cherokee, Lyon, Dubuque, Wapello, Polk, Story, Worth, Cerro Gordo, Franklin, Hardin, Black Hawk, Chickasaw, Mitchell, Floyd, Winnebago, Webster, Emmet, Clay, Plymouth, Woodbury, Fayette, and Allamakee Counties, Iowa; Grand Forks, Walsh, Cass, Stutsman, Barnes, Burleigh, Morton, and Ward Counties, N. Dak., and Brown, Beadle, Codington, Brookings, Minnehaha, and Union Counties, S. Dak.

NOTE.—Applicant holds contract carrier authority in MC 119391 Sub 1 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139843 (Sub-No. 2), filed April 11, 1975. Applicant: VERNON G. SAWYER, P.O. Box 847, Bastrop, La. 71220. Applicant's representative: Paul Caplinger, P.O. Box 7114, 1129 Grimmer Drive, Shreveport, La. 71107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed* (except in bulk, in tank vehicles), between points in Morehouse Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Mississippi, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or New Orleans, La.

No. MC 140530 (Sub-No. 1), filed April 14, 1975. Applicant: FREEWAY TRANSPORT, INC., 635 S.E. 11th Avenue, Portland, Ore. 97214. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Washington and Oregon and Lewiston, Idaho, to points in Arizona, California, and Nevada, under a continuing contract or contracts with North Pacific Cannery & Packers, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 140580 (Sub-No. 1), filed April 14, 1975. Applicant: EARL HAINES, INC., P.O. Box 841, Winchester, Va. 22601. Applicant's representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from Winchester and Timberville,

Va., and Martinsburg, W. Va., to points in Lincoln County, N.C.; (2) *canned and preserved foodstuffs*, from points in Lincoln County, N.C., to points in Alabama, Arkansas, Delaware, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, the District of Columbia, and West Virginia, and (3) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities named in (1) and (2) above, from points in Alabama, Arkansas, Delaware, Georgia, Florida, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, the District of Columbia, and West Virginia to points in Lincoln County, N.C., under a continuing contract with the National Fruit Product Co., Inc. of Winchester, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140600 (Sub-No. 2), filed March 27, 1975. Applicant: DENNIS NASCA, doing business as H & H RAMSEY TOWING, P.O. Box 1271, Blythe, Calif. 92225. Applicant's representative: William J. Monheim, 15942 Whittier Boulevard, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, (1) from points in Yuma County, Ariz., and that portion of Mohave County, Ariz., on and south of U.S. Highway 66, to Blythe, Calif.; and (2) from points in California in a territory described as follows: beginning at the Arizona-California State Boundary line and extending southerly along Interstate Highway 40 to intersection unnumbered highway (formerly U.S. Highway 66), thence along unnumbered highway to Fenner, Calif., thence along unnumbered highways to Essex, Calif., thence along unnumbered highway to Amboy, Calif., thence along unnumbered highway to Twentynine Palms, Calif., thence along California Highway 62 to intersection Interstate Highway 10, thence along Interstate Highway 10 to Indio, Calif., thence along California Highway 111 to intersection California Highway 98, thence along California Highway 98 to intersection Interstate Highway 8, thence along Interstate Highway 8 to the California-Arizona State Boundary line, and thence along said boundary line to the point of beginning, to Glendale and Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Blythe or Los Angeles, Calif.

No. MC 140655 (Sub-No. 2), filed April 9, 1975. Applicant: EARL J. RUCKDASCHER, doing business as EARL J. RUCKDASCHER TRUCKING, 265 East Greene Street, Postville, Iowa 52162. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to oper-

ate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Insulation and equipment* used in the installation thereof, from the plant site and warehouse facilities of Iowa Excel Corporation at or near Postville, Iowa, to points in Illinois on and west of U.S. Highway 66 and on and north of U.S. Highway 24, and points in Minnesota, and Missouri on and north of Interstate Highway 70 and points in Nebraska on and east of U.S. Highway 281, and points in Wisconsin; and (2) *scrap paper*, from points in Illinois on and west of U.S. Highway 66, and on and north of U.S. Highway 24, points in Minnesota, and points in Missouri on and north of Interstate Highway 70, points in Nebraska on and east of U.S. Highway 281, and points in Wisconsin, to the plant site and warehouse facilities of Iowa Excel Corporation at or near Postville, Iowa, under a continuing contract or contracts with Iowa Excel Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wisc., or Des Moines, Iowa.

No. MC 140823, filed April 1, 1975. Applicant: LYDEN HAULING COMPANY, a corporation, 739 Andrews Avenue, Youngstown, Ohio 44505. Applicant's representative: George M. Jones, 900 City Centre One, Youngstown, Ohio 44503. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Gasoline and distillates*, in tank vehicles, from Youngstown and Toledo, Ohio, to points in Michigan, Pennsylvania, and West Virginia, under a continuing contract or contracts with Lyden Oil Company and its wholly owned subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 140831, filed April 7, 1975. Applicant: ASHAWK TRANSPORT, INC., Box 535, Ponchatoula, La. 70454. Applicant's representative: Byard Edwards, Jr. (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from the plant site of Batson Lumber Company, Inc., at Natlabany, La., to points in Louisiana, Mississippi, those in Texas east of a line beginning at the Texas-Oklahoma State Boundary line and extending northerly along U.S. Highway 81 to intersection U.S. Highway 77, thence along U.S. Highway 77 to its southern terminus, those in Arkansas south of U.S. Highway 64, those in Tennessee west of U.S. Highways 45 and 45E, those in Alabama south of U.S. Highway 278, and those in that part of Florida west of U.S. Highway 231, under a continuing contract or contracts with Batson Lumber Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Jackson, Miss.

No. MC 140854, filed April 14, 1975. Applicant: MICHAEL TARANTINO, doing business as M. TARANTINO TRUCKING,

P.O. Box 602, Bound Brook, N.J. 08805. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Soap, in tank vehicles, from points in Middlesex County, N.J., to the facilities of the Lehigh Valley RR Co., at Middlesex, N.J., restricted to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140857 (Sub-No. 1), filed April 14, 1975. Applicant: EMMETT L. BARRICK, doing business as B & B HOT SHOT SERVICE, P.O. Box 479, Oklahoma City, Okla. 73102. Applicant's representative: George Miller, 417 Couch Drive, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Oil field equipment and supplies, including pipe, tanks, and tank materials, weighing 7,000 pounds or less, between points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, or Tulsa, Okla.

No. MC 140861, filed April 7, 1975. Applicant: FRANK SILBERNAGEL, doing business as CONTINENTAL CATTLE CARRIERS, P.O. Box 66, Sub Station No. 69, Calgary, Alberta, Canada. Applicant's representative: Frank Silbernagel (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Livestock, other than ordinary, between points in the Provinces of Alberta, British Columbia, Saskatchewan, and Manitoba, Canada, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), through ports of entry on the International Boundary line between the United States and Canada, located at Sweetgrass and Port of Morgan, Mont.; Eastport, Idaho; Sumas, Wash.; Portal, N. Dak.; and Noyes, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Montana.

No. MC 140873, filed April 11, 1975. Applicant: DOWNEAST MOVING & STORAGE CORPORATION, a corporation, 9 Moulton Street, Portland, Maine 04111. Applicant's representative: Earle W. Noyes, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between Portland, Maine, on the one hand, and, on the other, points in Maine, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

PASSENGER APPLICATIONS

No. MC 100853 (Sub-No. 15), filed April 11, 1975. Applicant: PINKETT'S SHORE LINES, INC., P.O. Box 451, Denton, MD 21629. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in special operations, in round trip sight-seeing and pleasure tours, beginning and ending at points in Delaware, and points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Md., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salisbury, Md.

No. MC 127120 (Sub-No. 2), filed April 10, 1975. Applicant: STANLEY BOLLMAN, doing business as BOLLMAN CHARTER SERVICE, R.D. No. 1, Route 1, Everett (Bedford County), Pa. 15537. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Bedford County, Pa., and extending to points in Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 140526 (Sub-No. 2), filed March 19, 1975. Applicant: JIM EUBANKS doing business as JIM'S CAB SERVICE, P.O. Box 34, Siloam Springs, Ark. 72761. Applicant's representative: Georgia K. Elrod, P.O. Box 580, Siloam Springs, Ark. 72761. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Passengers who are crews of the Kansas City Southern Railway and their baggage, between the duty sites of the Kansas City Southern Railway located in Oklahoma, Kansas, Missouri, and Arkansas, under a continuing contract or contracts with the Kansas City Southern Railway Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fayetteville, or Fort Smith, Ark.

No. MC 140818, filed March 31, 1975. Applicant: GRAY LINE OF SEATTLE,

INC., 415 Seneca Street, Seattle, Wash. 98101. Applicant's representative: E. O. Cedergren, 3511 South Dearborn Street, Seattle, Wash. 98144. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage (1) in round-trip special operations; and (2) in one-way and round-trip charter operations, between points in King, Pierce, and Snohomish Counties, Wash., and points on the International Boundary line between the United States and Canada located in Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

BROKER APPLICATIONS

No. MC 130304 (Amendment), filed March 5, 1975, published in the FEDERAL REGISTER issue of April 3, 1975, and republished as amended this issue. Applicant: ARTELIA T. BRYANT, GLORIA A. MCNEILL, AND LOLA I. RIDDICK, a partnership, doing business as G. A. L.'s TRAVEL AGENCY, 618 Bernice Street, Durham, N.C. 27703. Applicant's representative: Mrs. Artelia T. Bryant (same address as applicant). Authority sought to engage in operations, in interstate or foreign commerce, as a broker at Durham, N.C., to sell or offer to sell the transportation of individual passengers and groups of passengers, and their baggage, in round trip sightseeing and pleasure tours, by motor, rail, water and air carriers, beginning and ending at points in Durham, Wilson, and Wake Counties, N.C., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—The purpose of this republication is to indicate the round trip nature of the proposed operations. If a hearing is deemed necessary, the applicant requests it be held at Raleigh or Greensboro, N.C.

No. MC 130314, filed April 14, 1975. Applicant: MELODY TOURS, INCORPORATED, 4506 Penn Avenue, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Pittsburgh, Pa., to sell or offer to sell the transportation of individual passengers and groups of passengers, and their baggage, in charter and special operations, in round-trip all-expense sightseeing, pleasure or educational tours, by motor, air, water, and rail carriers, beginning and ending at points in Allegheny County, Pa., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 75-12716 Filed 5-14-75; 8:45 am]

THURSDAY, MAY 15, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 95

PART II



U.S. RAILWAY ASSOCIATION

■

PRELIMINARY SYSTEM PLAN

Invitation for Comments

U.S. RAILWAY ASSOCIATION

PRELIMINARY SYSTEM PLAN

Invitation for Comments

The material which follows this notice supplements the Preliminary System Plan published March 4, 1975, as Part II, Volume 40, Number 43 (40 FR 9323 through 10163). It has been prepared on the basis of information and reports submitted to the United States Railway Association ("Association") and the Association's own investigations, consultations, research, evaluation and analysis, and is issued pursuant to section 4 of the Regional Rail Reorganization Act Amendments of 1975.

As noted in the notice accompanying the publication of the Preliminary System Plan, the Association will adopt and submit to the Congress on or before July 26, 1975, a Final System Plan reflecting an evaluation of all responses from interested persons, testimony at public hearings to be conducted by the Rail Services Planning Office and the results of its own additional study and review.

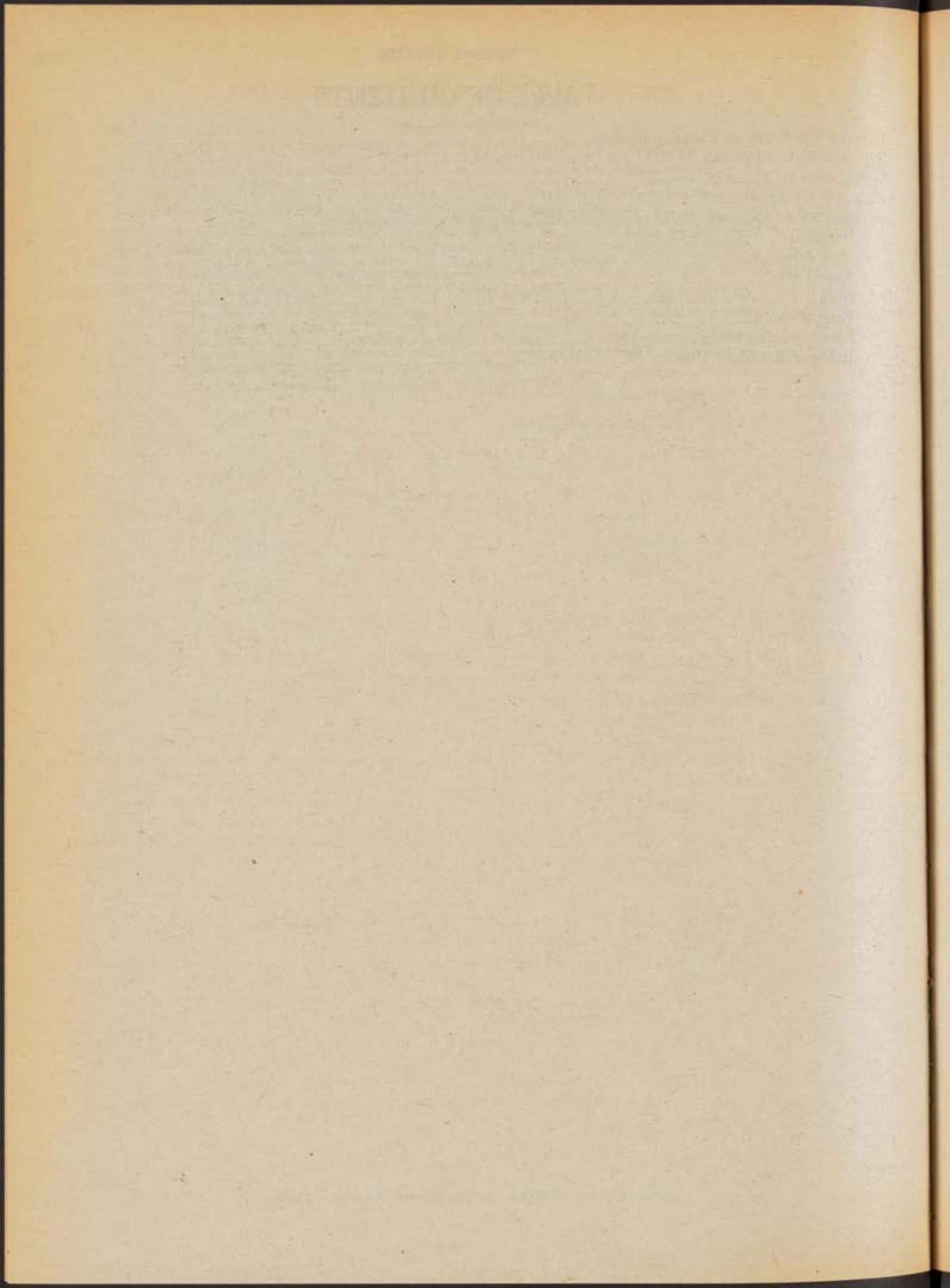
The Association invites all interested persons to submit comments on this supplement to the Preliminary System Plan for its consideration in connection with the preparation of the Final System Plan. In order to be so considered, comments must be submitted by June 23, 1975; they should be addressed to the Preliminary System Plan Comment Office, United States Railway Association, 2100-2nd Street SW., Washington, D.C. 20595, and should identify by chapter and page references, the portions of the supplement to which the comment is addressed.

Dated at Washington, D.C. this 8th day of May 1975.

EDWARD G. JORDAN,
President,
United States Railway Association.

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PURPOSE AND SCOPE OF THIS SUPPLEMENT

The purpose of this supplement is to expand Volumes I and II of the Preliminary System Plan (issued February 26, 1975) to include an analysis of the light-density lines of the Erie Lackawanna Railway, to include reference in Appendix D-2 to those lines not recommended for inclusion in the MARC-EL or ConRail Systems, and to include reference in Appendix D-3 to major market extension proposals of the solvent carriers. The following material *does not* deal with the industry structure implication of the restructuring of the Erie Lackawanna. These implications were addressed in chapters 3 and 4 of the Preliminary System Plan and will be fully dealt with in the Final System Plan. The individual line recommendations do reflect, however, the industry structure recommendation's contained in the Preliminary System Plan.

Of the 2,932 miles of line operated by the Erie Lackawanna Railway, more than 1,800 miles were identified for continued operation in the restructured system. This supplement deals with the 1,091.1 miles of line identified as requiring further analysis. It should be noted that there are numerous solvent carrier acquisitions of major portions of the Erie Lackawanna which were presented in the Preliminary System Plan and which are still under consideration. These range from the purchase of all profitable lines of the Erie Lackawanna to specific line requests that may involve some segments that otherwise would be excluded from the restructured system. The Interstate Commerce Commission currently is reviewing these proposals and the Rail Services Planning Office has gathered and reported public testimony concerning them. These inputs and continuing railroad interest ultimately will determine which of these projects will be implemented under the Final System Plan.

A detailed discussion of the policies and procedures followed in the analysis of the light-density lines is contained in Volume II, chapters 16 and 17 of the Preliminary System Plan. The analyses which follow are concerned with the financial self-sufficiency of the individual line segments based on the traffic originated or terminated on each segment, and the revenues generated and costs incurred by the provision of service to the line. Lines required for through service have not been analyzed as light-density lines. However, where analysis indicated that through or overhead traffic now using a given line would be rerouted and that, as a result, the line would be classified as a light-density line by virtue of its low traffic generation, it has been subjected to

analysis. The analysis considers only freight service in those cases where lines are used both for freight and publicly subsidized passenger service. Passenger service will not be impacted by the recommendations made in such cases. The results of this analysis are that, of the mileage studied, 192.3 miles are recommended for inclusion in the restructured system, 828.4 miles are recommended for exclusion and 70.4 miles are out-of-service either due to track conditions or the lack of demand for service.

The analytic results which follow are based largely on data and information supplied by the Erie Lackawanna. In some cases, these data were adjusted before they were used in the analysis. For example, in most cases a five-man crew currently is used in providing service to the branch line but no crew larger than four was used in costing the service. Similarly, where the service frequency appeared excessive, it was reduced to a more economical level.

The analysis which follows reflects testimony provided at the RSPO hearings held during 1974 concerning the Report issued by the Department of Transportation and the testimony concerning the Erie Lackawanna provided at the hearings conducted during March of this year concerning the Preliminary System Plan. The results of the future hearings concerning the EL will be evaluated in the preparation of the Final System Plan.

BACKGROUND

On January 2, 1974 the Regional Rail Reorganization Act of 1973 (the Act) became law. It was passed in response to a threat to the Nation's transportation system posed by the bankruptcy of eight railroads in the Northeast and Midwest, including the Nation's largest transportation company, the Penn Central Transportation Co. The Act reflected a growing conviction that the ordinary processes of individual railroad reorganizations under Section 77 of the Bankruptcy Act were inadequate to assure a continuing rail system in the Northeast and Midwest region (the Region). The Penn Central bankruptcy occurred in June 1970, just 2 years after the merger of the Pennsylvania and New York Central railroads. Other bankrupt carriers are the Ann Arbor, Erie Lackawanna, Boston & Maine, Central of New Jersey, Lehigh Valley, Reading and the Lehigh & Hudson River.

It was the Penn Central's collapse which focused the Nation's attention on the Northeast rail situation. Penn

PURPOSE AND SCOPE OF THIS SUPPLEMENT

Central alone employed over 90,000 people and operated some 20,000 miles of railroad covering 16 states, the District of Columbia and two Canadian provinces. Included in the Penn Central's territory are 55 percent of the Nation's manufacturing plants and 60 percent of its manufacturing employees. An integral part of the Nation's transportation system, the Penn Central handles more than 20 percent of all the freight cars loaded in the United States. Over 70 percent of its traffic interchanges with the other railroads. It is the Nation's leading carrier for the transportation of automobiles, chemicals, metals, coal and manufactured consumer products. Moreover, the eight bankrupt carriers employed almost 120,000 persons, a quarter of all rail employees in the United States.

Most of the Region's railroad bankruptcies differ from earlier railroad insolvencies in one essential respect.

Until the 1960's, railroad bankruptcies typically were the result of an inability of the railroads to carry debt costs. There were multiple reasons for such financial difficulties, but the point is that reorganization of the debt structure of the bankrupt railroads was adequate to reestablish an ongoing corporate structure and insure continuing rail service. The causes of the present railroad bankruptcies are more complex and the consequences more severe. The bankrupt roads today are unable to pay taxes or cover operating expenses in spite of the fact that they often drastically curtailed maintenance of their physical plant. This deferred maintenance expense results in even further revenue loss and increased operating expenses. The problems of Penn Central and other bankrupt railroads require more than traditional reorganization procedures.

The reasons underlying the current reorganization difficulties of the Region's carriers are discussed at some length in Volume I of the Preliminary System Plan. Essentially, the current bankruptcies are the result of fundamental forces affecting the profitability of the entire rail industry—forces which have had their greatest adverse impact in the Northeast and Midwest Region. It is generally agreed that management had some responsibility for the failure of the Penn Central. But to put the primary responsibility on management would wrongly conceal the underlying problem. It would mask the need to deal with the broader issues which will adversely affect the long-term financial condition of the industry as a whole, including ConRail and the restructured eastern roads envisioned by the Act. A Senate Commerce Committee special staff report prepared in 1972 stated that:

While a study of the Penn Central results in a strong indictment of its management, it would be a mistake to end the examination with the conclusion that management failures were the principal reasons for the railroad's downfall . . .

(T)he environmental circumstances (economic and competitive) surrounding the Pennsylvania Railroad, the New York Central Railroad, and the Penn Central Railroad were so burdensome that it is not easy, nor perhaps valid, to conclude that a different management would have prevented the collapse of the Penn Central.¹

During the first 3 years of the Penn Central bankruptcy, it was believed that the carrier's financial problems could be overcome within the existing framework of Section 77 of the Bankruptcy Act. Early in 1973, however, the Penn Central trustees reported to their reorganization court that substantial government assistance would be needed to upgrade Penn Central's plant and equipment so as to permit obtaining the increased traffic necessary for a successful Section 77 reorganization. This amount later was estimated at between \$600 and \$800 million.

Congress responded to the bleak Penn Central situation by passing a joint resolution in February 1973 directing the Secretary of Transportation to submit, within 45 days, a "report which . . . provides a full and comprehensive plan for the preservation of essential rail transportation services of the Northeast. . . ." Before such a report could be drafted, the presiding judge in the bankruptcy proceeding, Judge Fullam, issued an Order on March 6, 1973 expressing his concern that continued operation of the Penn Central would violate the Fifth Amendment rights of creditors. This Order directed the Penn Central trustees to file either a plan of reorganization or a proposal for liquidating the railroad.

Faced with a possible liquidation of the Penn Central, Congress undertook the extensive deliberations which led to the passage of a new reorganization act tailored to the needs of the bankrupt carriers.

The Regional Rail Reorganization Act of 1973 is what its name specifically implies. It shortens the normal bankruptcy process by giving special powers and responsibilities to the United States Railway Association (USRA), to the Rail Services Planning Office (RSPO) of the Interstate Commerce Commission (which it created), to the Secretary of Transportation and to the newly created Special Court. These powers are in addition to those available to a normal Section 77 Bankruptcy Court, and indeed the purposes of the Act are considerably broader than those of previous bankruptcy statutes. A basic goal of the Act is to take the several bankrupt railroads found to be incapable of individual reorganization under Section 77 and reorganizing and consolidating their essential rail properties into a financially self-sustaining rail company. In turn, securities of the new company and other benefits are to be provided to creditors of the bankrupt railroads in

¹ U.S. Congress, Senate, Committee on Commerce, *The Penn Central and Other Railroads*, Committee Print, 92d Cong., 2d sess., 1972 p. 185.

PURPOSE AND SCOPE OF THIS SUPPLEMENT

exchange for those rail properties designated for use in continued rail service under the reorganization plan. A successful reorganization requires creation of an ongoing rail company with earning ability (combined with other benefits available under the Act) sufficient to underwrite the securities of the new company and hence to compensate the creditors adequately for properties transferred to the planned system. The transfer of designated property is mandatory following acceptance of the Association's Final System Plan by Congress.

The claimants of the Penn Central already have tested the constitutionality of the Act. They contended that the ultimate value of the stock or securities of ConRail would not be equal to the "constitutional minimum" value of their property. Following an expedited appeal schedule, the Supreme Court of the United States upheld the constitutionality of the Act. The Court held, in effect, that should the securities and benefits of the Act be inadequate, the creditors could then bring an action against the United States Government in the Court of Claims for any deficiencies. In addition, the Special Court established by the Act has found that the Act, in conjunction with a Court of Claims remedy, provides a fair and equitable process for compensating the creditors.

The Act provides for many imaginative and innovative solutions in the effort to avoid the catastrophe that would result from cessation of most of the railroad operations in the Northeast. These provisions include reduction of the delays and uncertainties characteristic of Section 77 proceedings, mergers and discontinuances of uneconomic rail service. The Act also provides governmental assistance in meeting labor protection costs. Most important, it provides funds for rehabilitation and modernization of neglected physical plant and subsidy of rail lines which generate too little traffic to warrant continuation with purely private financial backing. The Act also provides subsidies to continue operation of the bankrupt carriers during the planning process until a successor operation could take over.

The Erie Lackawanna Railway

The Act, Section 207(b), provides that a railroad in reorganization can only be excluded from reorganizing under the Act if the court having jurisdiction finds:

(1) that the railroad is reorganizable on an income basis within a reasonable time under section 77 of the Bankruptcy Act (11 U.S.C. 205) and that the public interest would be better served by such a reorganization than by a reorganization under this act, or (2) finds that this Act does not provide a process

which would be fair and equitable to the estate of the railroad in reorganization in which case it shall dismiss the reorganization proceeding. If a court does not enter an order or make a finding as required by this subsection, the reorganization shall be proceeded with pursuant to this Act.

Early in 1974, two of the bankrupt railroads in the Region, the Boston & Maine and the Erie Lackawanna, were determined, under this provision, to be reorganizable on an income basis. Since the decisions were not appealed to the Special Court, they became binding. The decisions to proceed under section 77 of the Bankruptcy Act effectively prevented these two railroads from being reorganized under the Act.

The court order authorizing the income-based reorganization of the Erie Lackawanna, entered on April 30, 1974, was predicated on a stable economy.² Contrary to this underlying assumption, substantial declines were experienced in economic activity, both regionally and nationally, during the ensuing 8 months. Under these circumstances, the Erie Lackawanna Trustees concluded that their railroad could not reorganize on an income basis.

In connection with its consideration of amendments to the Act during February 1975, Congress concluded that the opportunity should be given to the Erie Lackawanna's bankruptcy court to reconsider its previous decision, and to order its reorganization under the Act, if appropriate. On February 28, 1975, the amendment to the Act became effective, allowing the court to reconsider previous orders on the reorganization process to be employed. On March 3, the Erie Lackawanna Trustees petitioned the court to allow the reorganization to proceed under the Act.

In its order on that petition, the U.S. District Court noted that the relevant amendment to the RRR Act "was directed to the Erie Lackawanna and other railroads similarly situated whose good faith attempts to reorganize have become frustrated . . .". The court reconsidered its previous order and on March 18, 1975, issued an order that the Erie Lackawanna reorganization proceed under the RRR Act. In issuing this order, the court concluded that:

1. The Erie Lackawanna no longer had the ability to reorganize on an income basis.
2. The process of the RRR Act is fair and equitable to the Erie Lackawanna estate.
3. The continued reorganization of the Erie Lackawanna pursuant to the RRR Act is in the public interest.

The Special Court affirmed the District Court decision on April 11, 1975.

² In the matter of Erie Lackawanna Ry. Co., Debtor Order No. 234, (N.D. Ohio No. B72-2838, April 30, 1974).

SUPPLEMENT TO APPENDIX D-2

LIGHT-DENSITY LINES

This supplement to Appendix D-2 shows light-density line segments of the Erie Lackawanna which are not recommended for inclusion in the ConRail System and which are connected to or crossed by one or more solvent railroads. USRA has determined that acquisition of all or any one of them by any solvent

railroad will not materially impair, either singly or cumulatively, the profitability of ConRail or any other railroad in the Region provided that such acquisitions are not used for the purpose of establishing an additional competitive mainline route. Traffic involved is relatively small when compared to all traffic in the Region.

Appendix D-2 (*Light-Density Lines of the Erie Lackawanna Offered for Sale to Connecting Solvent Railroads Under Section 206(d)(3)*)

Acquisition of these lines by solvent railroads will *not* materially impair the profitability, either singly or cumulatively, of any railroad in the Region or ConRail

USRA line number	Terminal
------------------------	----------

INDIANA

Intrastate

1262 Huntington to Hammond

Interstate

1261 Huntington, Ind. to Lima, Ohio

NEW JERSEY

Intrastate

1207 Great Notch to Essex Fells

NEW YORK

Intrastate

1239 Bath to Wayland
1240 North Alexander to Avon
1246 Buffalo (BC Junction) to Dayton
1247 Dayton to Dunkirk

USRA line number	Terminal
------------------------	----------

Interstate

1253 Limestone, N.Y. to Bradford, Pa.

OHIO

Intrastate

1260 Marion to Lima
1263 Marion to Richwood
1266 Bowlsville to Fairborn

PENNSYLVANIA

Intrastate

1222 At Bath
1224 Avoca to Pittston (Thompson Street)
1252 Howard to Crenshaw
1254 Jefferson Junction Connection to D&H at Lanesboro

SUPPLEMENT TO APPENDIX D-3

Major Market Extension Proposals Reviewed Under Section 206(d)(3)

PART II

Major market extension proposals that will not materially impair the profitability, either singly or cumulatively, of any railroad in the Region or ConRail

Project ID	Location	Description of Project
USRA-6.....	Wilkes-Barre, Pa.-Hagerstown, Md.....	Norfolk & Western and/or Delaware and Hudson to acquire the Erie Lackawanna (ConRail) line from Wilkes-Barre (Plymouth Junction) to Northumberland, Pa., and trackage rights on Penn Central (ConRail) from Northumberland to Hagerstown. Penn Central (ConRail) and D & H to negotiate a new interchange to replace Wilkes-Barre interchange at either Sunbury or Enola (Harrisburg).
USRA-7.....	Allentown, Pa.-Scranton, Pa.....	Chesle or N & W to acquire trackage of or trackage rights over the Lehigh Valley from Scranton (Pittston Junction) to Allentown in the event that either of those railroads acquire both the Erie Lackawanna and Reading routes to east coast markets. (See the Preliminary System Plan, Volume I, Appendix D-3, Projects CS-3 plus either USRA-1 or USRA-3; or USRA-4 plus either N & W-15 or USRA-2.)
USRA-8.....	Binghamton, N.Y.-Buffalo, N.Y.....	Delaware & Hudson to acquire trackage of or trackage rights over Erie Lackawanna (ConRail) from Binghamton to Buffalo in the event that neither Chesle nor N & W acquires the Erie Lackawanna route between Binghamton and Buffalo.

In addition to the above proposals, there are additional projects involving the Erie Lackawanna that were presented on pages 273-274 of the Preliminary System Plan, Appendix D-3.

MAP KEY FOR APPENDIX K →

The following symbols are used on the individual maps accompanying the following line analyses:

- The line segment under discussion
- Other lines of the same railroad
- . - . Lines of other potential ConRail railroads
- • • • Solvent railroads
- End-point of line segment under discussion
- Other towns or junction points

SUPPLEMENT TO APPENDIX K

INDIANA

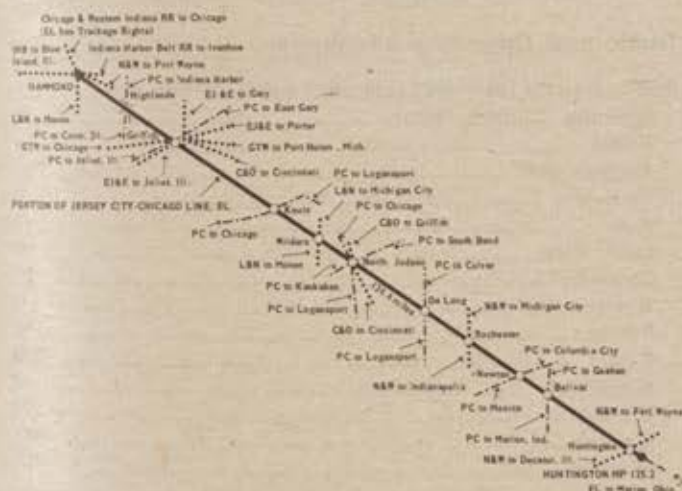
ERIE LACKAWANNA

USRA line number	Terminal
Intrastate	
Indiana	
1262	Huntington to Hammond
Interstate	
Indiana-Ohio	
1261	Huntington, Ind. to Lima, Ohio

PORTION OF JERSEY CITY-TO-CHICAGO LINE

USRA Line No. 1262

Erie Lackawanna



This portion of the Jersey City-Chicago line extends from *Huntington* (Milepost 125.2) to *Hammond, Ind.* (Milepost 249.6), a distance of *124.4 miles*, in *Huntington, Wabash, Fulton, Pulaski, Starke, Porter and Lake* Counties, *Ind.* This line continues westward to *Chicago* via trackage rights over the *Chicago & Western Indiana RR* and eastward to *Marion, Ohio* and beyond. The easterly continuation is also under study in this Report. At *Bolivar*, the line connects with the *Michigan Branch*, at *North Judson* and *Kouts* with the *Columbus-Chicago line*, and at *North Judson* with the *Kankakee Branch*, all *PC*. *Highlands* is also served by the *PC*

Danville Branch. The line connects with the following *PC* lines also under study: at *Newton* with the *Columbia City Secondary Track*, at *DeLong* with the *Culver Secondary Track* and at *Griffith* with the *Joliet Branch*. It also connects with the *N&W's Fort Wayne-Decatur, Ill. line* at *Huntington* and *Michigan City-Indianapolis line* at *Rochester*, with the *C&O Cincinnati-Hammond line* at *North Judson* and *Griffith*, with the *L&N* to *Michigan City* and *Monon* at *Wilders*, and at *Griffith* with the *GTW Chicago-Port Huron* and the *Elgin, Joliet & Eastern Ry* to *Joliet, Porter and Gary*. At *Hammond* it connects with several lines, including the *N&W Chicago-Fort Wayne*, the *L&N Chicago-Monon* and the *Indiana Harbor Belt RR* to *Blue Island, Ill.* and *Ivanhoe*.

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Huntington	4,073
Bippus	2
Servia	214
Bolivar	2
Newton	0
Laketon	0
Disko	1
Akron	488
Athens	25
Rochester	456
Leiter's	114
DeLong	0
Monterey	1,054
Ora	4
Bass Lake	0
Aldine	1
North Judson	13
Lomax	0
Wilders	0
Clanricarde	0
Kouts	9
Boone Grove	124
Palmer	0
Crown Point	33
Griffith	29
Highlands	154
Hammond	301

Total carloads generated by the line..... 7,097

Average carloads per week..... 136.5

Average carloads per mile..... 57.0

Average carloads per train..... 45.5

1973 operating information:

Number of round trips per year..... 156

Estimated time per round trip (hours)..... 21.5

Locomotive horsepower..... 1,600

Train crew size..... 4

1262, 1261

Indiana

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report." However, at the March 1975 hearings held by RSPO, Cuneo Press expressed concern over the possible loss of the Erie Lackawanna TOFC/COFC ramp at Huntington, Ind.

Information for Line Retention Decision

Revenue received by EL.....	\$2,100,553
Average revenue per carload.....	\$296
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Available (avoidable) cost of continued service:	
Cost incurred on the branch line.....	1,404,390
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line.....	1,384,832
<hr/>	
Total variable (avoidable) cost.....	2,789,222
<hr/>	
Net contribution (loss): total.....	(688,669)
Average per carload.....	(97)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Huntington, where the majority of the traffic on this line is located, is also served by the Norfolk & Western Ry. Service to this traffic can be continued by the Norfolk & Western.

Preliminary Recommendation

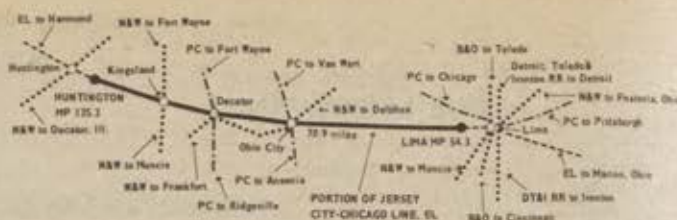
It is *not* recommended that this portion of the Jersey City-to-Chicago line be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$688,669 or \$97 per carload. Recovery of costs would require approximately a 100-percent increase in traffic or a 33-percent rate increase over the 1973 levels.

PORTION OF JERSEY CITY-TO-CHICAGO LINE

USRA Line No. 1261

Erie Lackawanna

This portion of the Jersey City-to-Chicago line extends from *Lima, Ohio* (Milepost 54.3) to *Huntington, Ind.* (Milepost 125.2), a distance of 70.9 miles, in Allen



and Van Wert Counties, Ohio and Adams, Wells and Huntington Counties, Ind. This line continues westward to Hammond and eastward to Marion, Ohio; both continuations are also under study in this report. At Decatur, Ind. this line connects with the PC Decatur and Ridgeville Secondary Tracks and at Ohio City with the PC Northern Branch, all also under study. The N&W Decatur Ill.-to-Fort Wayne line crosses at Huntington, the Fort Wayne-Muncie line at Kingsland, the Delphos-Frankfort line at Decatur, Ind. and Ohio City, and the Fostoria-Muncie line at Lima. Also serving Lima are the PC Pittsburgh-Chicago line, the B&O Toledo-Cincinnati line and the Detroit, Toledo & Ironton RR Main Line from Detroit to Ironton. This line was not described as potentially excess in the U.S. DOT Report (see Zones 111 and 117).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Hercules Torpedo Spur.....	0
Kemp.....	0
Spencerville.....	106
Converse.....	0
Elgin.....	299
Ohio City.....	6
Glenmore.....	13
Wren.....	0
Preble.....	14
Toeslin.....	100
Kingsland.....	3
Uniondale.....	174
Markle.....	333
Simpson.....	178
<hr/>	
Total carloads generated by the line.....	1,226
Average carloads per week.....	23.6
Average carloads per mile.....	17.3
Average carloads per train.....	7.9
<hr/>	
1973 operating information:	
Number of round trips per year.....	156
Estimated time per round trip (hours).....	12.0
Locomotive horsepower.....	1,600
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" revealed that many shippers are displeased with the Erie Lackawanna

Indiana

1261

wanna service. The Elgin Grain and the Flexible Foam Products companies claimed that they would have shipped an additional 96 and 288 carloads of freight in 1973, respectively, had sufficient cars been available. The rail car shortage also affected the Farm Service Center, forcing them to ship 338 truckloads of freight via motor carriers in 1973.

The Elgin Grain Co. stated that the loss of rail service would force the purchase of 100 tractors and semi-trailers, an estimated cost of \$4 million. They would also have to hire an appropriate number of drivers. This company, which serves approximately 300 farmers, must ship its fertilizer in insulated rail cars.

Information contained in the testimony indicated that the Elgin Grain Co. shipped 516 carloads in 1973; the Farm Service Center, 113 carloads; the Flexible Foam Co., 78; and the Spencerville Farmers' Union shipped 25 carloads in 1973.

Information for Line Retention Decision

Revenue received by EL.....	\$372,046
Average revenue per carload.....	\$304
<hr/>	
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	697,993

Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	210,879

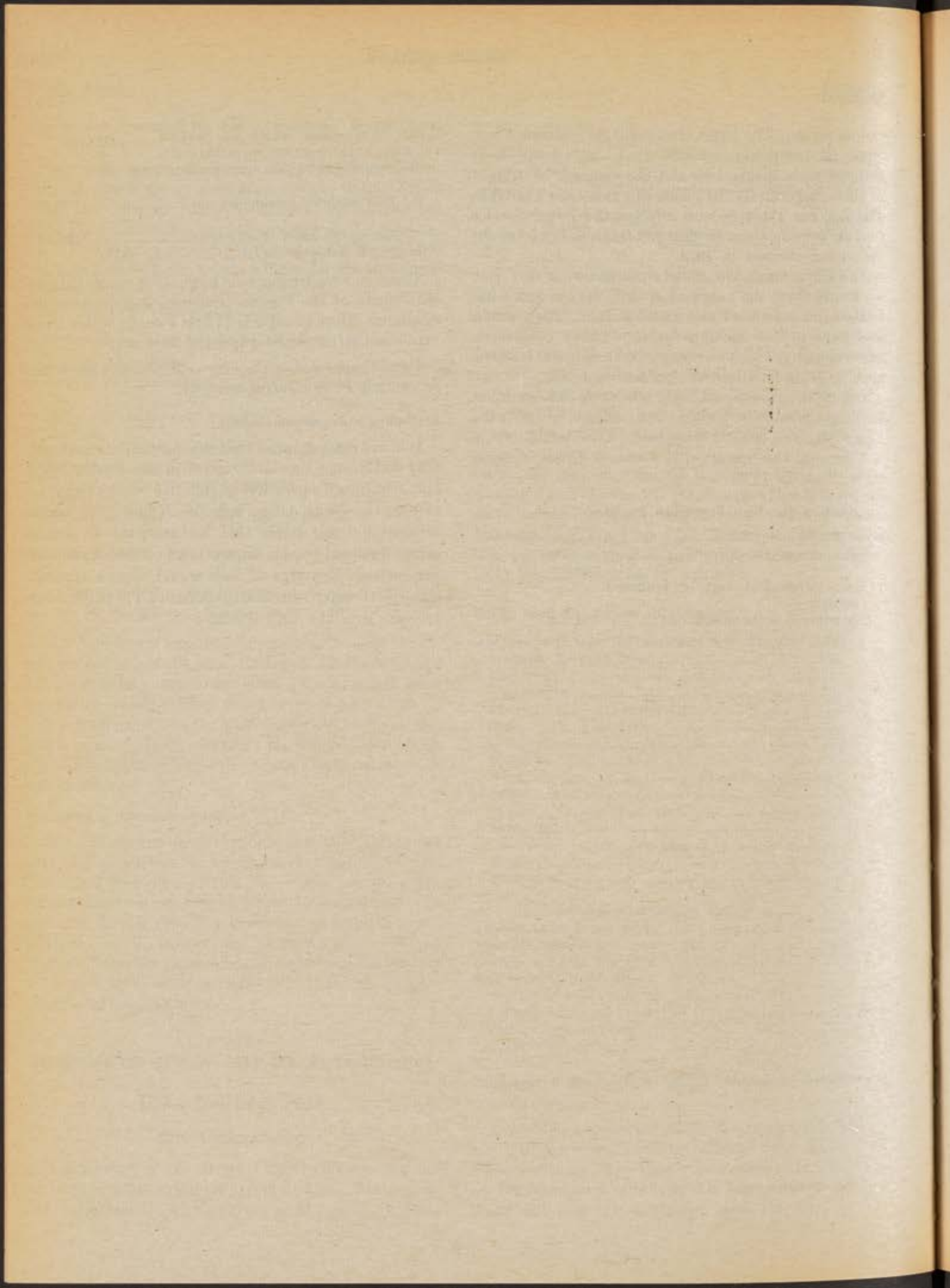
Total variable (avoidable) cost.....	908,872
Net contributions (loss): total.....	(536,826)
Average per carload.....	(438)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 mph).

Traffic generated at Decatur will continue to receive service via Penn Central trackage.

Preliminary Recommendation

It is *not* recommended that this portion of the Jersey City-to-Chicago line be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$536,826, or \$438 per carload. Recovery of costs would require approximately a threefold increase in traffic or a 145-percent rate increase over the 1973 levels.



NEW JERSEY

USRA
line number

Terminal

Intrastate

New Jersey

1200 ¹	Newark to Orange
1201 ¹	Orange to Summit
1202 ¹	Summit to Morristown
1203 ¹	Denville Junction to Morristown
1204 ¹	Summit to Gladstone
1205 ¹	Newark (Roseville Avenue) to Montclair
1206	Bloomfield to West Orange
1207	Great Notch to Essex Fells
1208	Mountain View to Pompton Junction
1210	Chester Junction to Succasunna
1212	Washington to Phillipsburg

Interstate

New Jersey-New York

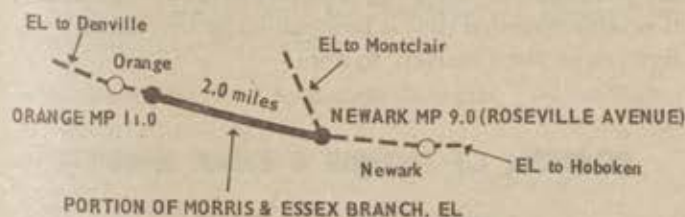
1215 ¹	North Hackensack, N.J. to Nanuet Junction, N.Y.
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¹ Analysis covers freight service only (excludes commuter operation).

PORTION OF MORRIS & ESSEX BRANCH

USRA Line No. 1200

Erie Lackawanna



This portion of the Morris & Essex Branch extends from Newark (Roseville Avenue) (Milepost 9.0) to Orange, N.J. (Milepost 11.0), a distance of 2.0 miles, in Essex County, N.J. This line continues eastward from Newark (Roseville Avenue) to Hoboken and westward from Orange to Denville. The latter continuation is also under study in this report as is the EL Montclair Branch, extending northward from Newark (Roseville Avenue). This line was not described as potentially excess in the U.S. DOT Report (see Zone 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Newark ¹	383
Brick Church	0
Orange	0

Total carloads generated by the line	383
Average carloads per week	7.4
Average carloads per mile	191.5
Average carloads per train	3.7
1973 operating information:	
Number of round trips per year	104
Estimated time per round trip (hours)	1.5
Locomotive horsepower	1,000
Train crew size	4

¹ Includes only traffic on this segment, including traffic generated at Brick Church and Orange.

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$176,966
Average revenue per carload	\$462

Variable (avoidable) cost of continued service:

Cost incurred on the branch line ¹	15,050
Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	130,733

Total variable (avoidable) cost	145,792
Net contribution: total	31,174
Average per carload	81

¹ Excludes maintenance and ownership costs due to the use of the line for commuter services.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Recommendation

It is recommended that freight service continue to be provided over this portion of the Morris & Essex Branch by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If

1200, 1201, 1202

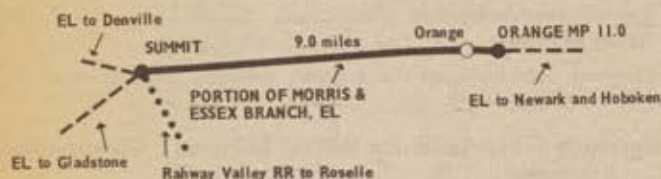
New Jersey

this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.

PORTION OF MORRIS & ESSEX BRANCH

USRA Line No. 1201

Erie Lackawanna



This portion of the Morris & Essex Branch extends from Orange (Milepost 11.0) to Summit, N.J. (Milepost 20.0), a distance of 9.0 miles, in Essex and Union Counties, N.J. This line continues eastward from Orange to Newark and northwestward from Summit to Denville. The EL Gladstone Branch diverges at Summit. All of these lines are also under study in this report. The Rahway Valley RR connects at Summit. This line was not described as potentially excess in the U.S. DOT Report (see Zone 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Highland Avenue	0
Mountain Station	0
South Orange	19
Maplewood	30
Millburn	1
Short Hills	0
Summit	1

Total carloads generated by the line	51
Average carloads per week	1.0
Average carloads per mile	5.7
Average carloads per train	1.0
1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	5.0
Locomotive horsepower	1,000
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$18,618
Average revenue per carload	\$365

Variable (avoidable) cost of continued service:

Cost incurred on the branch line ¹	17,545
Cost of upgrading branch line to FRA Class I (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	13,770

Total variable (avoidable) cost 31,315

Net contribution (loss) total	(12,697)
Average per carload	(249)

¹ Excludes maintenance and ownership costs due to the use of the line for commuter services.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Although this line generates a loss amounting to \$12,697, it is required to serve line segment 1204 which generates a contribution of \$67,999.

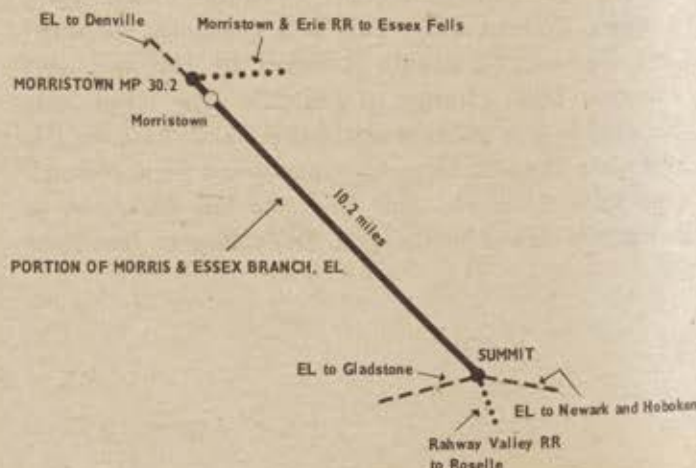
Recommendation

It is recommended that freight service continue to be provided over this portion of the Morris & Essex Branch by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.

PORTION OF MORRIS & ESSEX BRANCH

USRA Line No. 1202

Erie Lackawanna



New Jersey

1202, 1203

This portion of the Morris & Essex Branch extends from *Summit* (Milepost 20.0) to *Morristown, N.J.* (Milepost 30.2), a distance of 10.2 miles, in Union and Morris Counties, N.J. This line continues eastward from Summit to Newark and northward from Morristown to Denville. The EL Gladstone Branch diverges at Summit. All these lines are also under study in this report. At Summit the Rahway Valley RR connects, as does the Morristown & Erie RR at Morristown. This line was not described as potentially excess in the U.S. DOT Report (see Zone 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Chatham	416
Madison	7
Convent	0

Total carloads generated by the line	423
Average carloads per week	8.1
Average carloads per mile	41.5
Average carloads per train	4.1
1973 operating information:	
Number of round trips per year	104
Estimated time per round trip (hours)	1.7
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$99,787
Average revenue per carload	\$236

Variable (avoidable) cost of continued service:

Cost incurred on the branch line ¹	22,414
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	80,174

Total variable (avoidable) cost

102,588

Net contribution (loss): total

(2,801)

Average per carload

(7)

¹ Excludes maintenance and ownership costs due to the use of the line for commuter services.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

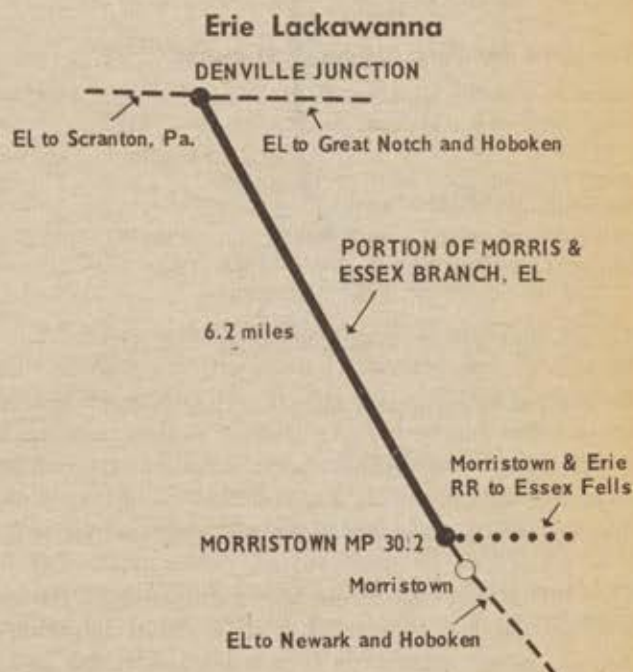
Although this line generates a loss amounting to \$2,801 or \$7 per carload, a 14 percent increase in traffic or a 3 percent increase in rates over the 1973 levels would enable financial self-sufficiency.

Recommendation

It is recommended that freight service continue to be provided over this portion of the Morris & Essex Branch by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.

PORTION OF MORRIS & ESSEX BRANCH

USRA Line No. 1203



This portion of the Morris & Essex Branch extends from *Morristown* (Milepost 30.2) to *Denville Junction, N.J.* (Milepost 36.4), a distance of 6.2 miles, in Morris County, N.J. This line continues eastward from Morristown to Newark, and this continuation is also under study in this Report. At Denville Junction it connects with EL lines westward to Scranton and eastward to Great Notch. At Morristown, it connects with the Morristown & Erie RR. This line was not described as potentially excess in the U.S. DOT Report (see Zone 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Morristown ¹	2,148
Morris Plains	235
Mount Tabor	0

Total carloads generated by the line	2,383
Average carloads per week	45.8
Average carloads per mile	384.4
Average carloads per train	9.5

1203, 1204

New Jersey

1973 operating information:

Number of round trips per year	250
Estimated time per round trip (hours)	2.8
Locomotive horsepower	1,000
Train crew size	4

¹ Includes traffic interchanged with the Morristown & Erie RR, at both Morristown and Essex Fells.

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$456,885
Average revenue per carload	\$192
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Variable (avoidable) cost of continued service:	
Cost incurred on the branch line ¹	\$1,887
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	335,452
<hr/>	
Total variable (avoidable) cost	417,339
<hr/>	
Net contribution: total	39,546
<hr/>	
Average per carload	17

¹ Excludes maintenance and ownership costs due to the use of the line for commuter services.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Interchange with the Morristown & Erie RR now occurs at both Morristown and Essex Fells, but it all can be handled at Morristown.

Recommendation

It is recommended that freight service continue to be provided over this portion of the Morris & Essex Branch by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.

GLADSTONE BRANCH

USRA Line No. 1204

Erie Lackawanna

The Gladstone Branch extends from Summit (Milepost 20.0) to Gladstone, N.J. (Milepost 42.3), a distance



of 22.3 miles, in Union, Morris and Somerset Counties, N.J. This line connects with the EL Morris & Essex Branch at Summit, also under study in this Report, and with the Rahway Valley RR. The portion of this line in Somerset County was described as potentially excess in the U.S. DOT Report (see Zones 60 and 62).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

New Providence	3
Murray Hill	41
Berkeley Heights	323
Stirling	18
Millington	394
Lyons	0
Bernardsville	25
Mine Brook	0
Far Hills-Bedminster	6
Peapack	30
Gladstone	47

Total carloads generated by the line	882
Average carloads per week	17.0
Average carloads per mile	39.6
Average carloads per train	5.7

1973 operating information:

Number of round trips per year	156
Estimated time per round trip (hours)	4.0
Locomotive horsepower	1,000
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" revealed that New Jersey DOT opposes the abandonment of this line. The Institute of Public Transportation declared that any rail line with existing or possible future passenger service should not be designated potentially excess.

The Kemline-Sanderson Engineering Corp. generated 30 carloads of freight in 1973 and projected a need for 50 rail cars in 1974. They state that their equipment is too large to be shipped intact via truck.

Armour-Dial, Inc., which generated 339 carloads of freight in 1973, stated that switching to motor carriers would not be economically feasible. They would have to close down their plant, thereby losing a great deal of

New Jersey

1204, 1205

investment capital and decreasing land values in the Berkeley Heights area.

Information for Line Retention Decision

Revenue received by EL.....	\$332,221
Average revenue per carload.....	\$377

Variable (avoidable) cost of continued service:

Cost incurred on the branch line.....	\$54,343
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	209,879
Total variable (avoidable) cost.....	264,222
Net contribution: total.....	67,999
Average per carload.....	77

¹ Excludes maintenance and ownership costs due to use of the line for commuter service.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.)

Although service to the entire line generates a contribution, service to the line from milepost 30.0 to milepost 42.3 (serving shippers at Lyons, Bernardsville, Mine Brook, Far Hills-Bedminster, Peapack and Gladstone, who generated 108 carloads in 1973) would generate \$38,935 in revenue and \$45,546 in costs with a resulting loss of \$6,611 or \$61 per carload.

Recommendation

It is recommended that freight service continue to be provided over the portion of the Gladstone Branch from Milepost 20.0 to Milepost 30.0 by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.

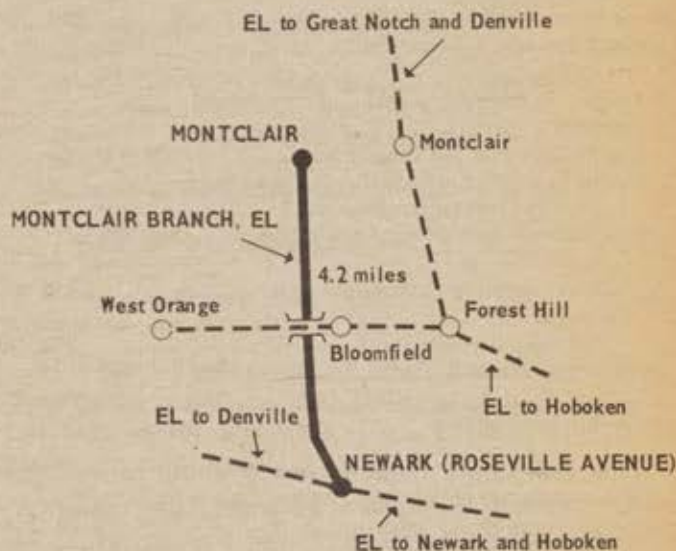
Preliminary Recommendation

It is *not* recommended that freight service be provided over that portion of the Gladstone Branch from Milepost 30.0 to Milepost 42.3 by the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$4,971, or \$46 per carload. Recovery of costs would require approximately a 42-percent increase in traffic or a 13-percent rate increase over the 1973 levels. Passenger service is not affected by this recommendation.

MONTCLAIR BRANCH

USRA Line No. 1205

Erie Lackawanna



The Montclair Branch extends from *Newark (Roseville Avenue)* (Milepost 9.0) to *Montclair, N.J.* (Milepost 13.2), a distance of 4.2 miles, in Essex County, N.J. This line connects with the EL Morris & Essex Branch at Newark (Roseville Avenue), part of which is also under study in this Report. At Bloomfield, it crosses under the Orange Branch of the EL, a portion of which is also under study in this Report. Montclair is also served by the EL's Boonton Line. This line was not described as potentially excess in the U.S. DOT Report (see Zone 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Ampere	429
Watsessing Avenue	0
Glen Ridge	0
Montclair	0
Bloomfield ¹	382

Total carloads generated by the line.....	811
Average carloads per week.....	15.6
Average carloads per mile.....	193.1
Average carloads per train.....	5.2
1973 operating information:	
Number of round trips per year.....	156
Estimated time per round trip (hours).....	2.0
Locomotive horsepower.....	1,000
Train crew size.....	4

¹ Includes only traffic on this segment.

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services

1205, 1206

New Jersey

Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL.....	\$331,750
Average revenue per carload.....	\$409
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Variable (avoidable) cost of continued service:	
Cost incurred on the branch line ¹	33,506
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	184,394
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Total variable (avoidable) cost.....	217,900
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Net contribution: total.....	113,850
Average per carload.....	140

¹ Excludes maintenance and ownership costs due to the use of this line for commuter services.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

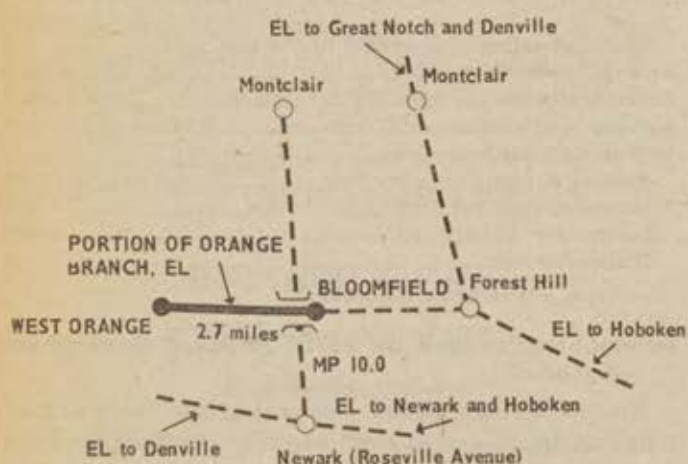
Recommendation

It is recommended that freight service continue to be provided over the Montclair Branch by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.

PORTION OF ORANGE BRANCH

USRA Line No. 1206

Erie Lackawanna



This portion of the Orange Branch extends from Bloomfield (Milepost 10.0) to West Orange, N.J. (Milepost 12.7), a distance of 2.7 miles, in Essex County, N.J.

This line continues eastward from Bloomfield to Forest Hill. At Bloomfield it passes over the EL's Montclair Branch, also under study in this Report.

This line was described as potentially excess in the U.S. DOT Report (see Zone 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
East Orange.....	155
West Orange.....	118
<hr/>	
Total carloads generated by the line.....	273
Average carloads per week.....	5.2
Average carloads per mile.....	101.1
Average carloads per train.....	2.6
1973 operating information:	
Number of round trips per year.....	104
Estimated time per round trip (hours).....	2.0
Locomotive horsepower.....	1,000
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL.....	\$91,118
Average revenue per carload.....	\$334
<hr/>	
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	37,328
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	72,570
<hr/>	
Total variable (avoidable) cost.....	109,898
<hr/>	
Net contribution (loss): total.....	(18,780)
Average per carload.....	(69)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Bloomfield traffic will continue to receive service.

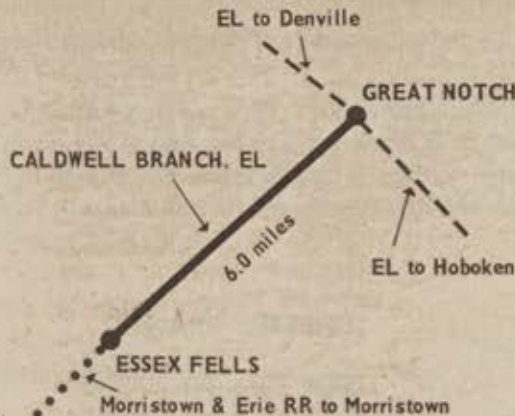
Preliminary Recommendation

It is *not* recommended that this portion of the Orange Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an

New Jersey

1206, 1207, 1208

annual excess financial burden amounting to \$18,780, or \$69 per carload. Recovery of costs would require approximately a 100-percent increase in traffic or a 20-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the frequency of service, this alone will *not* make the line financially self-sufficient.

CALDWELL BRANCH**USRA Line No. 1207****Erie Lackawanna**

The Caldwell Branch extends from *Great Notch* (Milepost 16.5) to *Essex Fells, N.J.* (Milepost 22.5), a distance of 6.0 miles, in Passaic and Essex Counties, N.J. This line connects with the EL's Boonton Line at Great Notch and with the Morristown & Erie RR at Essex Fells. This line was not described as potentially excess in the U.S. DOT Report (see Zone 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Overbrook	2
Verona	35
Caldwell	37
Essex Fells ¹	1

Total carloads generated by the line	75
Average carloads per week	1.4
Average carloads per mile	12.2
Average carloads per train	3.0
1973 operating information:	
Number of round trips per year	24
Estimated time per round trip (hours)	2.5
Locomotive horsepower	1,000
Train crew size	4

¹Excludes traffic interchanged with the Morristown & Erie RR.

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled

"The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$27,489
Average revenue per carload	\$377

Variable (avoidable) cost of continued service:

Cost incurred on the branch line	45,184
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	20,152

Total variable (avoidable) cost

65,336

Net contribution (loss): total

(37,847)

Average per carload

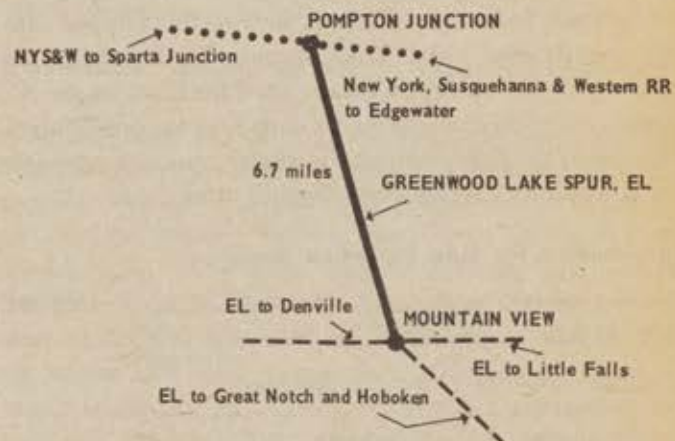
(518)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Traffic now interchanged with the Morristown & Erie RR at Essex Fells will be handled at Morristown (see line No. 1203).

Preliminary Recommendation

It is *not* recommended that the Caldwell Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$37,847, or \$518 per carload. Recovery of costs would require approximately a fivefold increase in traffic or a 135-percent rate increase over the 1973 levels.

GREENWOOD LAKE SPUR**USRA Line No. 1208****Erie Lackawanna**

1208, 1210

New Jersey

The Greenwood Lake Spur extends from *Mountain View* (Milepost 21.4) to *Pompton Junction, N.J.* (Milepost 28.1), a distance of 6.7 miles, in Passaic and Morris Counties, N.J. This line connects with the EL's Boonton Line and Totowa Industrial Spur at Mountain View, and with the New York, Susquehanna & Western RR at Pompton Junction. This line was described as potentially excess in the U.S. DOT Report (see Zone 66).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Wayne	200
Pequanock	112
Pompton Plains	26
Pompton-Riverdale	79
Pompton Junction	0

Total carloads generated by the line	417
Average carloads per week	8.0
Average carloads per mile	62.2
Average carloads per train	4.0
1973 operating information:	
Number of round trips per year	104
Estimated time per round trip (hours)	3.0
Locomotive horsepower	1,000
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that one company, Morris Industries, has paid the railroad over \$200,000 during the last 3 years. This company receives 11,000 tons per year, and would have to acquire a special highway permit (limited to daytime transport) in order to ship their 50-foot long domestic pipe commodity. The extra costs incurred would average \$5 per ton, and Morris Industries would be required to expand their truck fleet and personnel. Ber Plastics, Inc. received 8 million pounds of polyethylene resin in 1974, while Dart Industries received four to five hopper cars per month that year. Mrs. Thomas H. Dawbakin, a concerned citizen, expressed the need for track improvements, as frequent derailments endanger the community because of the flammable commodities being transported (chemicals and explosives) within that area.

Information for Line Retention Decision

Revenue received by EL	\$229,391
Average revenue per carload	\$550
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	70,761
Cost of upgrading branch line to FRA	

Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	\$128,962
Total variable (avoidable) cost	\$199,723
Net contribution: total	29,668
Average per carload	71

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Recommendation

It is recommended that the Greenwood Lake Spur be included in the system of a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this line is not assumed by a solvent carrier, it is recommended that it be included in the MARC-EL System or the ConRail System.

CHESTER BRANCH

USRA Line No. 1210

Erie Lackawanna



The Chester Branch extends from *Chester Junction* (Milepost 41.3) to *Succasunna, N.J.* (Milepost 45.0), a distance of 3.7 miles, in Morris County, N.J. This line connects with the EL Dover-Scranton line at Chester Junction, with the CNJ Lake Hopatcong Branch at Lake Junction and the CNJ High Bridge Branch at Ferremont Junction. Portions of the two CNJ lines are also under study. This line was described as potentially excess in the U.S. DOT Report (see Zone 60).

New Jersey

1210, 1212

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Kenvil	2
Succasunna	274
Randolph	104

Total carloads generated by the line.....	380
Average carloads per week.....	7.3
Average carloads per mile.....	102.7
Average carloads per train.....	3.7
1973 operating information:	
Number of round trips per year.....	104
Estimated time per round trip (hours).....	2.0
Locomotive horsepower.....	1,600
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL.....	\$152,621
Average revenue per carload.....	\$402
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	43,812
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line.....	121,173
Total variable (avoidable) cost.....	164,985
Net contribution (loss): total.....	(12,364)
Average per carload.....	(33)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Although service to this line generates a loss, a 40-percent growth in traffic or an 8-percent rate increase would make this portion of the line financially self-sufficient.

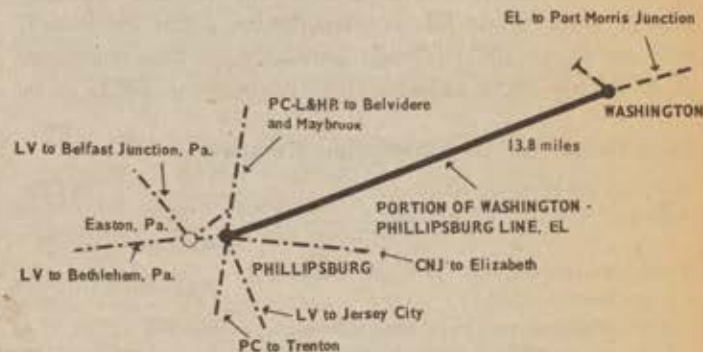
Recommendation

It is recommended that the Chester Branch be included in the system of a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this line is not assumed by a solvent carrier, it is recommended that it be included in the MARC-EL System or the ConRail System.

PORTION OF WASHINGTON-PHILLIPSBURG LINE

USRA Line No. 1212

Erie Lackawanna



This portion of the Washington-to-Phillipsburg Line extends from Washington (Milepost 66.5) to Phillipsburg, N.J. (Milepost 80.3), a distance of 13.8 miles, in Warren County, N.J. This line continues eastward to Port Morris Junction from Washington. At Phillipsburg, it connects with the PC Belvidere-Delaware Branch, the Lehigh & Hudson River Ry and the Central RR of New Jersey, all also under study, and with the Lehigh Valley RR. This line was not described as potentially excess in the U.S. DOT Report (see Zone 69).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Broadway	0
New Village.....	2
Stewartsville	9

Total carloads generated by the line.....	11
Average carloads per week.....	0.2
Average carloads per mile.....	0.8
Average carloads per train.....	0.5
1973 operating information:	
Number of round trips per year.....	22
Estimated time per round trip (hours).....	2.5
Locomotive horsepower.....	1,600
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" revealed that abandonment of Phillipsburg-to-Netcong line would force the Ingersoll Rand Co. to relocate and lay off 300 people. Mobile Chemical Co. in Washington would have to dismiss 250 employees, as it would fake six times as many trucks to ship their polyethylene commodity as rail cars. M&M/MARS Candy Co. recently invested

1212, 1215

New Jersey

\$40,000 to adapt receiving facilities to handle carloads of sugar. Reichold Chemicals owns two side-tracks at Rockport and leases 500 feet of storage track from EL. This company also owns 19 jumbo hopper cars and is paying the railroad \$1.5 million for freight hauling. Traffic data from EL representative John N. Bissell acknowledges 500 carloads annually on this line; but New Jersey DOT expects 1,073 carloads in 1974.

Information for Line Retention Decision

Revenue received by EL.....	\$2,310
Average revenue per carload.....	\$210
<hr/>	
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	100,627
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line.....	1,720
<hr/>	
Total variable (avoidable) cost.....	102,347
<hr/>	
Net contribution (loss): total.....	(100,037)
Average per carload.....	(9,094)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Traffic generated at Washington and Phillipsburg will continue to receive service.

Preliminary Recommendation

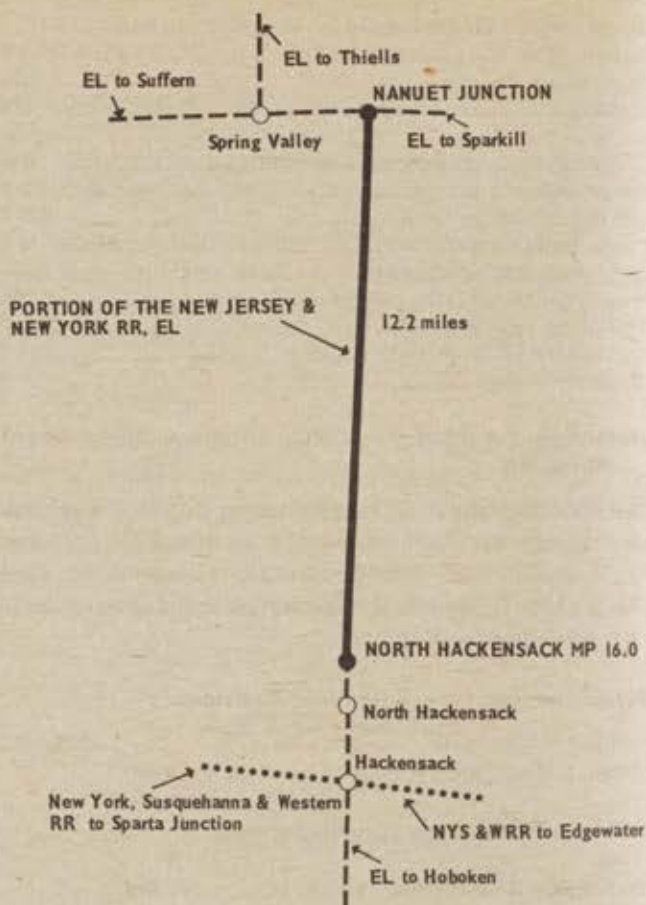
It is *not* recommended that this portion of the Washington-to-Phillipsburg Line be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$100,037, or \$9,094 per carload. Recovery of costs would require approximately a one hundred seventyfold increase in traffic or a 4,330-percent rate increase over the 1973 levels.

PORTION OF NEW JERSEY & NEW YORK RAILROAD

USRA Line No. 1215

Erie Lackawanna

This portion of the New Jersey & New York Railroad extends from *North Hackensack, N.J.* (Milepost 16.0) to *Nanuet Junction, N.Y.* (Milepost 28.2), a distance of 12.2 miles, in Bergen County, N.J., and Rockland County, N.Y. This line connects with the EL Piermont



Branch (a portion of which is also under study in this Report) at Nanuet Junction. At North Hackensack, it continues south to Hoboken. This line was described as potentially excess in the U.S. DOT Report except for the portion in New York (see Zones 58 and 60).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

River Edge.....	0
New Milford.....	0
Oradell.....	1
Westwood.....	4
Hillsdale.....	13
Hillsdale Manor.....	0
Woodcliff Lake.....	6
Park Ridge.....	40
Montvale.....	1
Pearl River.....	724
Nanuet.....	13

Total carloads generated by the line.....	802
Average carloads per week.....	15.4
Average carloads per mile.....	65.7
Average carloads per train.....	3.2
1973 operating information:	
Number of round trips per year.....	250
Estimated time per round trip (hours).....	5.0
Locomotive horsepower.....	1,600
Train crew size.....	4

New Jersey

1215

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that there are six passenger trains operating daily in each direction and that no alternative rail lines exist for shippers on the north end of the line.

At the most recent RSPO hearings held in March 1975, Mr. Donald H. Benoit reported that Lederle Laboratories generates 650 carloads annually at Pearl River.

Information for Line Retention Decision

Revenue received by EL.....	\$427,296
Average revenue per carload.....	\$533
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Variable (avoidable) cost of continued service:	
Cost incurred on the branch line ¹	82,576

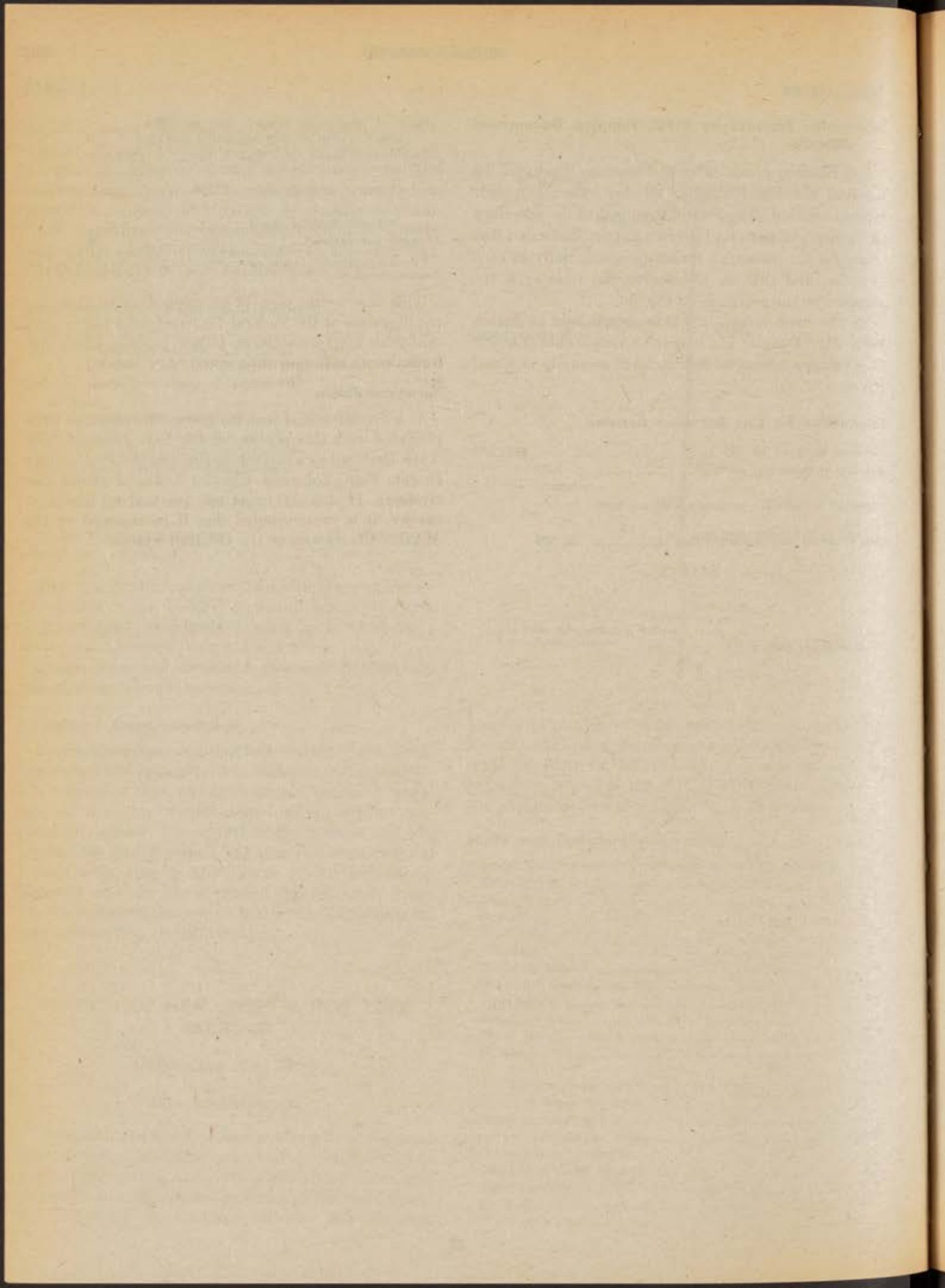
Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	\$278,248
<hr/>	
Total variable (avoidable) cost.....	\$360,824
<hr/>	
Net contribution: total.....	66,472
Average per carload.....	83

¹ Excludes maintenance and ownership costs due to use of the line for commuter services.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Recommendation

It is recommended that freight service continue to be provided over this portion of the New Jersey & New York Railroad by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.



NEW YORK

USRA
line number

Terminal

Intrastate

New York

1213 ¹	Nanuet Junction to Spring Valley
1214	Spring Valley to Tallmans
1217	Greycourt to Newburgh
1219	Campbell Hall Junction to Montgomery
1220	Middletown to Fair Oaks
1221	Crawford Junction to Pine Bush
1233	Fulton to Oswego
1239	Bath to Wayland
1240	North Alexander to Avon
1241	Avon to Rochester
1242	Depew Junction to Lancaster
1243	Lockport to Lowertown
1244	River Junction to Cuba Junction
1246	Buffalo (BC Junction) to Dayton
1247	Dayton to Dunkirk
1248	Dayton to Waterboro
1250	Salamanca to Cattaraugus

Interstate

New Jersey-New York (this line is discussed under
New Jersey)

1215 ¹	North Hackensack, N.J. to Nanuet Junction, N.Y.
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New York-Pennsylvania

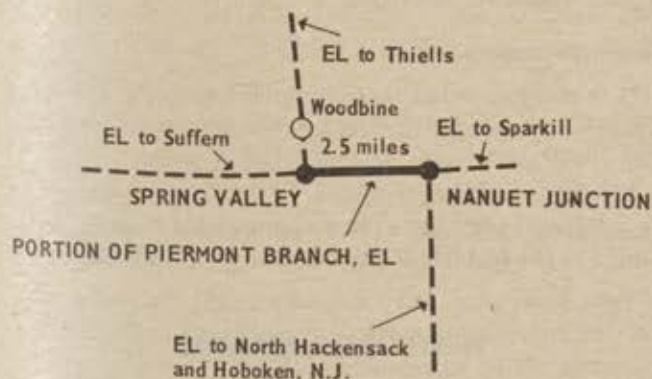
1251	Carrollton, N.Y. to Lewis Run, Pa.
1255	Niobe Junction, N.Y. to Corry (CM Junction), Pa. (via Bear Lake)

¹ Analysis covers freight service only (excludes commuter operations).

PORTION OF PIERMONT BRANCH

USRA Line No. 1213

Erie Lackawanna



This portion of the Piermont Branch extends from *Nanuet Junction* (Milepost 9.0) to *Spring Valley, N.Y.* (Milepost 11.5), a distance of *2.5 miles*, in Rockland County, N.Y. This line continues eastward from Nanuet Junction to Sparkill and westward from Spring Valley to Tallmans, the latter portion also being under study in this report. At Spring Valley and Nanuet Junction the line connects with portions of the EL's New Jersey & New York RR, also under study. This line was described as potentially excess in the U.S. DOT Report (see Zone 58).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Nanuet Junction	0
Smith's Switch	0
Spring Valley	101

Total carloads generated by the line	101
Average carloads per week	1.9
Average carloads per mile	40.4
Average carloads per train	1.9
1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	1.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" by the West Hudson Environmental Association indicated that the entire Orangeburg-Suffern line was an integral part of the business life of the community, and the loss of rail service would be fatal to the economy.

Beckerle Lumber and Supply Co., which shipped 50 carloads in 1973—with expectations of a 15-percent increase in rail usage in 1974—stated that their yard layout and traffic patterns were built to accommodate rail transport. Their commodities are too heavy for the usage of alternate transportation and there is no other means to receive materials from the Pacific Northwest.

Information for Line Retention Decision

Revenue received by EL	\$41,538
Average revenue per carload	\$411

Variable (avoidable) cost of continued Service: Cost incurred on the branch line ¹	6,717
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See footnote at end of table.

1213, 1214, 1217

New York

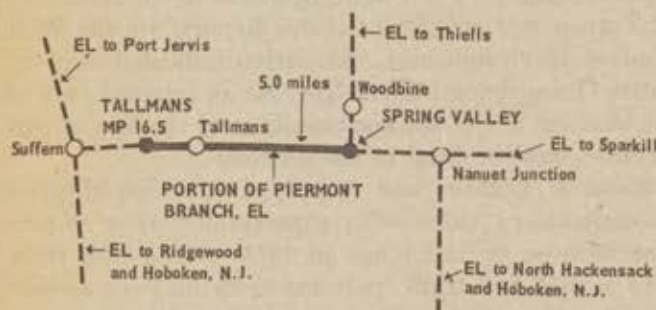
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	\$28,143
Total variable (avoidable) cost	\$34,800
Net contribution: total	6,678
Average per carload	66

¹ Excludes maintenance and ownership costs due to the use of the line for commuter services.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Recommendation

It is recommended that freight service continue to be provided over this portion of the Piermont Branch by a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this service is not assumed by a solvent carrier, it is recommended that it be assumed by the MARC-EL System or the ConRail System.

PORTION OF PIERMONT BRANCH**USRA Line No. 1214****Erie Lackawanna**

This portion of the Piermont Branch extends from *Spring Valley* (Milepost 11.5) to *Tallmans, N.Y.* (Milepost 16.5), a distance of 5.0 miles, in Rockland County, N.Y. This line continues eastward from Spring Valley to Nanuet Junction and westward from Tallmans to Suffern, the former portion also being under study in this report. At Spring Valley the line connects with the EL's New Jersey & New York RR, also under study. This line was described as potentially excess in the U.S. DOT Report (see Zone 58).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Monsey	2
Total carloads generated by the line	2

Average carloads per week	0.04
Average carloads per mile	0.4
Average carloads per train	0.5
1973 operating information:	
Number of round trips per year	4
Estimated time per round trip (hours)	3.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$721
Average revenue per carload	\$361

Variable (avoidable) cost of continued service:	
Cost Incurred on the branch line	36,739
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	780

Total variable (avoidable) cost	37,519
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Net contribution (loss): total	(36,798)
Average per carload	(18,399)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

This line is required for the efficient provision of local freight service to the New Jersey & New York R.R. line from Jersey City to Spring Valley, the Piermont Branch from Tallmans to Suffern, and the line from Suffern to Hoboken.

Recommendation

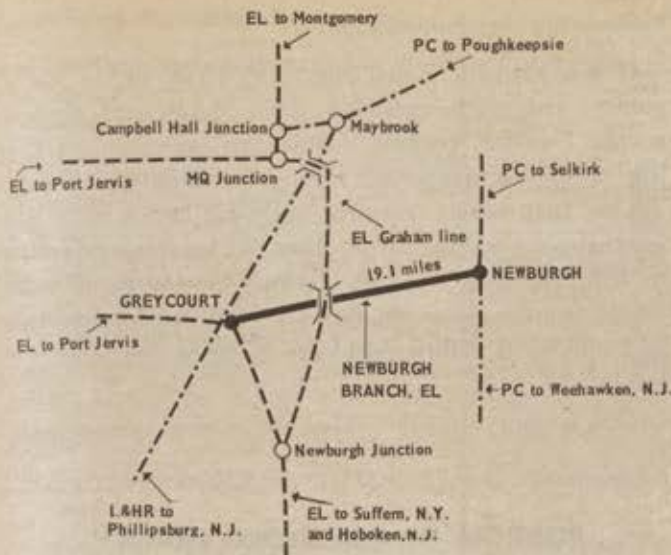
It is recommended that this portion of the Piermont Branch be included in the system of a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this line is not assumed by a solvent carrier, it is recommended that it be included in the MARC-EL System or the ConRail System.

NEWBURGH BRANCH**USRA Line No. 1217****Erie Lackawanna**

The Newburgh Branch extends from *Greycourt* (Milepost 0) to *Newburgh, N.Y.* (Milepost 19.1), a dis-

New York

1217, 1219



tance of 19.1 miles, in Orange County, N.Y. At Newburgh, this line connects with the River Line of the PC, also under study. At Greycourt, it connects with the EL Hoboken-Port Jervis line and the Lehigh & Hudson River Ry; the latter is also under study. This line was described as potentially excess in the U.S. DOT Report except for the portion between Vail's Gate and Newburgh (see Zone 56).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Blooming Grove	3
Washingtonville	14
Salisbury Mills	1
Vail's Gate	406
Vail's Gate Junction	0
New Windsor	275
West Newburgh	7
Newburgh	630
Total carloads generated by the line	1,334
Average carloads per week	25.7
Average carloads per mile	69.8
Average carloads per train	8.6
1973 operating information:	
Number of round trips per year	156
Estimated time per round trip (hours)	12.0
Locomotive horsepower	1,000
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" revealed that this area has been classified as economically depressed with an unemployment rate of 9 percent. If rail service were discontinued only 2 of the 16 shippers would be able to use piggy-back service, 1 company would be

forced to relocate, 10 companies would switch to truck transport, and there could be a loss of 1,500 jobs.

The Railway Committee of the Greater Newburgh Chamber of Commerce complained of the poor Erie-Lackawanna service, and the reduction in pick-up and deliveries from 5 days per week to only 3 days per week.

At the most recent RSPO hearings held in March 1975, it was reported that Brotherhood Winery received 10 carloads in 1973 at Washingtonville and Agway received 6 carloads in 1973 at Middletown.

Information for Line Retention Decision

Revenue received by EL	\$656,230
Average revenue per carload	\$492
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	250,712
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	455,323
Total variable (avoidable) cost	706,035
Net contribution (loss): total	(49,805)
Average per carload	(37)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Although service to this line generates a loss, a 25-percent growth in traffic or an 8-percent rate increase would make this portion of the line financially self-sufficient.

Recommendation

It is recommended that the Newburgh Branch be included in the system of a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this line is not assumed by a solvent carrier, it is recommended that it be included in the MARC-EL System or the ConRail System.

PORTION OF MONTGOMERY BRANCH

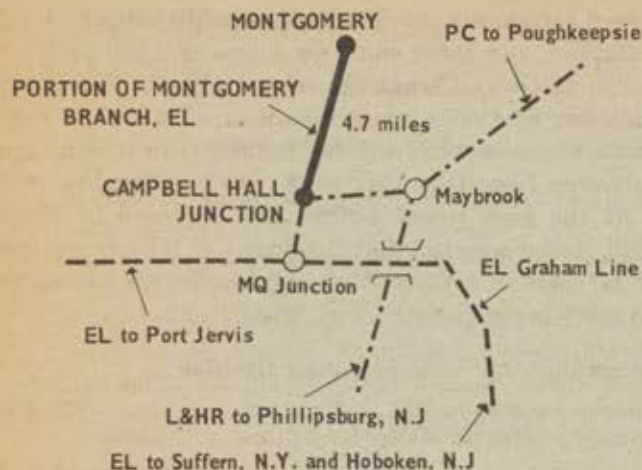
USRA Line No. 1219

Erie Lackawanna

This portion of the Montgomery Branch extends from Campbell Hall Junction (Milepost 5.8) to Montgomery, N.Y. (Milepost 10.5), a distance of 4.7 miles, in Orange County, N.Y. At Campbell Hall Junction, the line continues south to MQ Junction. It connects at Campbell Hall Junction with the PC's Maybrook Branch, also under study. This line was described as potentially excess in the U.S. DOT Report (see Zone 56).

1219, 1220

New York



Preliminary Recommendation

It is *not* recommended that this portion of the Montgomery Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$33,420, or \$1,114 per carload. Recovery of costs would require approximately a seventy-fivefold increase in traffic or a 290-percent rate increase over the 1973 levels.

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Montgomery	30
Campbell Hall Junction	0
Total carloads generated by the line	30
Average carloads per week	0.6
Average carloads per mile	6.4
Average carloads per train	0.6
1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	1.3
Locomotive horsepower	1,000
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that the Brescian Lumber Co. shipped 44 carloads in 1972 and 38 carloads in 1973.

Information for Line Retention Decision

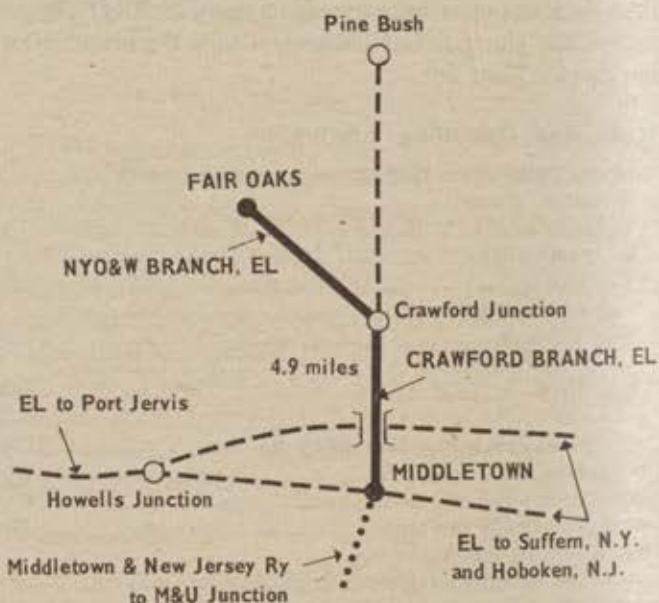
Revenue received by EL	\$11,510
Average revenue per carload	\$384
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	33,859
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	11,071
Total variable (avoidable) cost	44,930
Net contribution (loss): total	(33,420)
Average per carload	(1,114)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

PORTION OF CRAWFORD BRANCH, NYO&W BRANCH

USRA Line No. 1220

Erie Lackawanna



This portion of the Crawford Branch and the NYO&W Branch extend from *Middletown* (Milepost 0) to *Fair Oaks, N.Y.* (Milepost 4.9), a distance of 4.9 miles, in Orange County, N.Y. The Crawford Branch continues north at Crawford Junction to Pine Bush. This continuation is also under study in this Report. At Middletown, this line connects with the EL Hoboken-Port Jervis-Binghamton line and with the Middletown & New Jersey Ry. This line was described as potentially excess in the U.S. DOT Report except for the portion from Crawford Junction to Fair Oaks, which was not shown (see Zone 56).

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Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Middletown ¹	409
Fair Oaks.....	0
<hr/>	
Total carloads generated by the line.....	409
Average carloads per week.....	7.9
Average carloads per mile.....	83.5
Average carloads per train.....	3.9
1973 operating information:	
Number of round trips per year.....	104
Estimated time per round trip (hours).....	3.0
Locomotive horsepower.....	1,000
Train crew size.....	4

¹ Includes only traffic on this segment. Fair Oaks traffic is billed at Middletown.

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that the growth potential of this line is almost guaranteed as the Stewart Airport Complex is only 10 miles west of it. Population is estimated to increase 111 percent and employment should be increased by 56 percent within the next 20 years.

Information for Line Retention Decision

Revenue received by EL.....	\$138,918
Average revenue per carload.....	\$340
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	58,991
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	83,832
Total variable (avoidable) cost.....	142,823
Net contribution (loss): total.....	(3,905)
Average per carload.....	(9)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Although service to this line generates a loss, a 7 percent growth in traffic or a 3 percent rate increase would make this portion of the line financially self-sufficient.

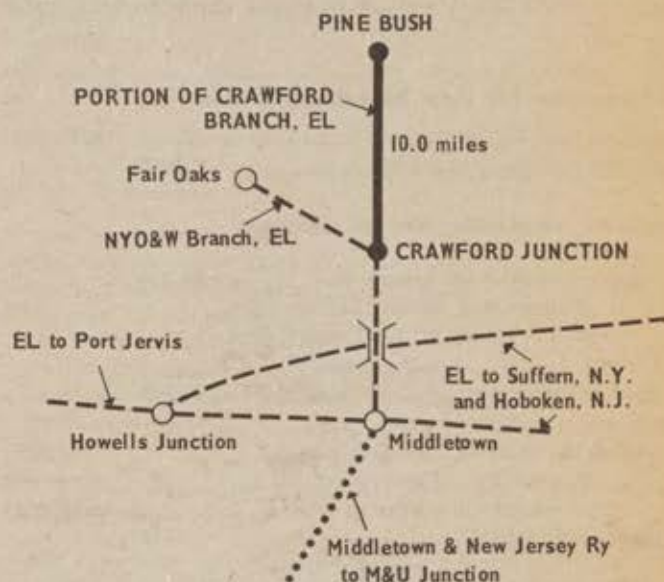
Recommendation

It is recommended that this portion of the Crawford Branch and the NYO&W Branch be included in the system of a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this line is not assumed by a solvent carrier, it is recommended that it be included in the MARC-EL System or the ConRail System.

PORTION OF CRAWFORD BRANCH

USRA Line No. 1221

Erie Lackawanna



This portion of the Crawford Branch extends from Crawford Junction (Milepost 0) to Pine Bush, N.Y. (Milepost 10.0), a distance of 10.0 miles, in Orange County, N.Y. At Crawford Junction, the line continues southward to Middletown. The EL's NYO&W Branch diverges at Crawford Junction. Both these lines are also under study in this Report. This line was described as potentially excess in the U.S. DOT Report (see Zone 56).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Crawford Junction.....	0
Circleville	0
Bullville	55
Thompson Ridge.....	0
Van Keuren's.....	0
Pine Bush.....	263
<hr/>	
Total carloads generated by the line.....	318
Average carloads per week.....	6.1
Average carloads per mile.....	31.8
Average carloads per train.....	3.1
1973 operating information:	
Number of round trips per year.....	104
Estimated time per round trip (hours).....	5.0
Locomotive horsepower.....	1,000
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their

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reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" revealed that the VAW Corp., which shipped 225 carloads in 1972 and 216 carloads in 1973, would have utilized the rail facilities more if it were not for car shortages and poor service. They expect to triple their freight traffic by 1990.

Information for Line Retention Decision

Revenue received by EL.....	\$148,282
Average revenue per carload.....	\$466
<hr/>	
Variable (avoidable cost of continued service):	
Cost incurred on the branch line.....	99,499
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line.....	85,044
<hr/>	
Total variable (avoidable) cost.....	184,543
<hr/>	
Net contribution (loss): total.....	(36,261)
Average per carload.....	(114)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

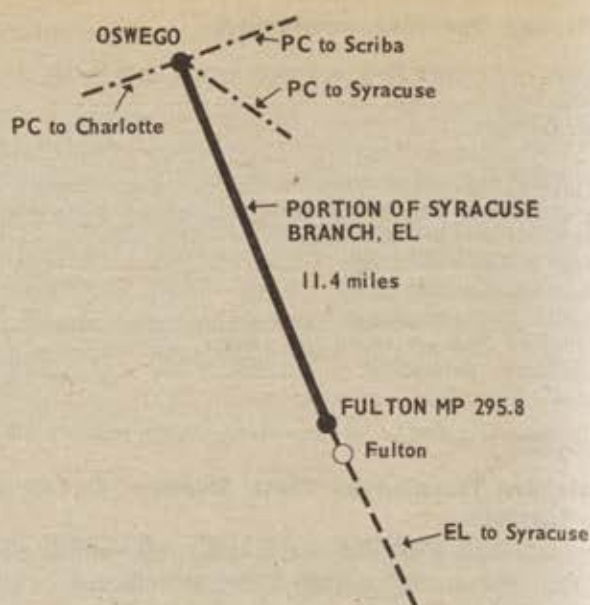
It is *not* recommended that this portion of the Crawford Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$36,261, or \$114 per carload. Recovery of costs would require approximately a 57-percent increase in traffic or a 25-percent rate increase over the 1973 levels.

PORTION OF SYRACUSE BRANCH

USRA Line No. 1233

Erie Lackawanna

This portion of the Syracuse Branch extends from *Fulton* (Milepost 295.8) to *Oswego*, N.Y. (Milepost 307.2), a distance of 11.4 miles, in Oswego County, N.Y. From *Fulton*, the line continues south to *Syracuse*. At *Oswego*, it connects with the PC's Ontario Secondary Track (also under study) and Phoenix Branch. This line was described as potentially excess in the U.S. DOT Report (see Zone 46).



Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Minetto	35
Oswego	284

Total carloads generated by the line.....	319
Average carloads per week.....	6.1
Average carloads per mile.....	28.0
Average carloads per train.....	3.1
1973 operating information:	
Number of round trips per year.....	104
Estimated time per round trip (hours).....	6.0
Locomotive horsepower.....	1,000
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" revealed that the Niagara Mohawk Co. is constructing a nuclear power station in Oswego and will need rail service to transport spent nuclear fuel from their facility.

At the most recent RSPO hearings, held in March 1975, a report submitted by the New York State Department of Agriculture indicated that C&J Farms, the sole agricultural user of this line, received 32 carloads at Oswego in 1973.

Information for Line Retention Decision

Revenue received by EL.....	\$87,190
Average revenue per carload.....	\$273
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Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	117,119

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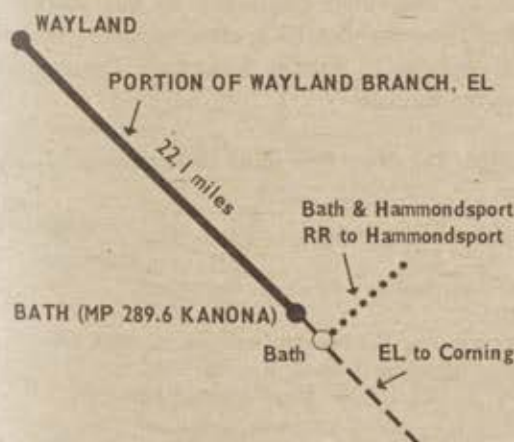
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Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	61,919
Total variable (avoidable) cost	179,038
Net contribution (loss): total	(91,848)
Average per carload	(288)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is *not* recommended that this portion of the Syracuse Branch be included in MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$91,848, or \$288 per carload. Recovery of costs would require approximately a fourfold increase in traffic or a 105-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the frequency of service, this alone will *not* make the line financially self-sufficient.

PORTION OF WAYLAND BRANCH**USRA Line No. 1239****Erie Lackawanna**

This portion of the Wayland Branch extends from Bath (Milepost 289.6) to Wayland, N.Y. (Milepost 311.7), a distance of 22.1 miles, in Steuben County, N.Y. This line continues southeastward from Bath to Corning. At Bath it also connects with the Bath & Hammondsport RR. This line was described as potentially excess in the U.S. DOT Report (see Zone 52).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Bath ¹	70
Kanona	36
Avoca	0
Wallace	56
Cohocton	93
Atlanta	10
Wayland	340

Total carloads generated by the line

605

¹ Includes only traffic on this segment. Traffic generated at Avoca is billed at Bath.

Average carloads per week	11.6
Average carloads per mile	27.4
Average carloads per train	11.6
1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	6.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" revealed that two towns located on this line (Wayland and Avoca) are opposed to abandonment because of the impact on the local economy, community and environment. Many organizations also contest the DOT statistics of 1972 because of the flood damage resulting from Hurricane Agnes, which severely hindered the normal production rate for the area.

The Gunlocke Corp.—currently employing 717 people—plans to increase personnel to more than 1,000 by 1976. They shipped 322 carloads in 1973, and they expect to increase this to 700 carloads by 1976.

Widmer's Wine Corp. receives most of its incoming freight from the West Coast in tank cars and it anticipates 25 carloads in 1974. Metamora Homes also anticipates an increase in rail usage to 210 carloads in 1976.

William G. Nelson, chairman of the Steuben County Economic Development Commission, protested abandonment of this line as it would severely hinder the area's growth rate.

At the RSPO hearing in March, 1975, the Gunlocke Co. submitted consolidated shippers' 1973 traffic data for this line as follows: Wayland, 334 carloads; Atlanta, 13 carloads; Cohocton, 181 carloads; Wallace, 0 carloads; Avoca, 72 carloads; Kanona, 46 carloads, and Bath, 0 carloads. Due to time constraints, this information has not yet been verified and, therefore, is not reflected in the above analysis.

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New York

Information for Line Retention Decision

Revenue received by EL.....	\$179,033
Average revenue per carload.....	\$296
<hr/>	
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	211,857
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	100,433
Total variable (avoidable) cost.....	312,290
Net contribution (loss): total.....	(133,257)
Average per carload.....	(220)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Traffic interchanged with the Bath & Hammondsport RR will continue to be interchanged at Bath.

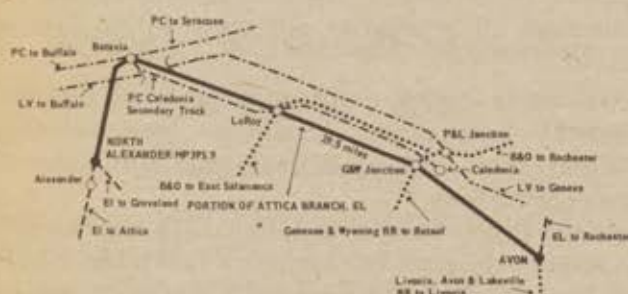
Preliminary Recommendation

Although the preliminary recommendation is that this portion of the Wayland Branch *not* be included in the MARC-EL or ConRail Systems, the possibility of immediately increasing revenue must be explored before the final recommendation can be made. Without immediately increasing revenues, continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$133,257, or \$221 per carload. Recovery of costs would require approximately a twofold increase in traffic or a 75-percent rate increase over the 1973 levels.

PORTION OF ATTICA BRANCH

USRA Line No. 1240

Erie Lackawanna



This portion of the Attica Branch extends from Avon (Milepost 366.4) to North Alexander, N.Y. (Milepost 395.9), a distance of 29.5 miles in Livingston and Genesee Counties, N.Y. This line continues southward from

North Alexander to Attica and northward from Avon to Rochester; the latter extension is also under study in this report. At Batavia it connects with the PC Syracuse-Buffalo line; at Batavia and LeRoy it connects with the PC Caledonia Secondary Track, also under study. At LeRoy it connects with the B&O. At North Alexander the Groveland Branch of the EL intersects. Batavia is also served by the LV (also under study). At G&W Junction the line crosses the Genesee & Wyoming RR and at Avon it meets the Livonia, Avon & Lakeville RR. This line was not described as potentially excess in the U. S. DOT Report except for the portion between Batavia and Alexander (see Zones 47 and 48).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Batavia.....	274
Stafford.....	108
LeRoy.....	379
G&W Junction.....	0
Caledonia.....	7
<hr/>	
Total carloads generated by the line.....	768
Average carloads per week.....	14.8
Average carloads per mile.....	26.0
Average carloads per train.....	3.1
1973 operating information:	
Number of round trips per year.....	250
Estimated time per round trip (hours).....	7.6
Locomotive horsepower.....	1,600
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL.....	\$221,373
Average revenue per carload.....	\$288
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Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	309,886
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	116,983
Total variable (avoidable) cost.....	426,869
Net contribution (loss): total.....	(205,496)
Average per carload.....	(268)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's

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minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Batavia will continue to receive rail service via PC trackage, and LeRoy is also served by the B&O and PC.

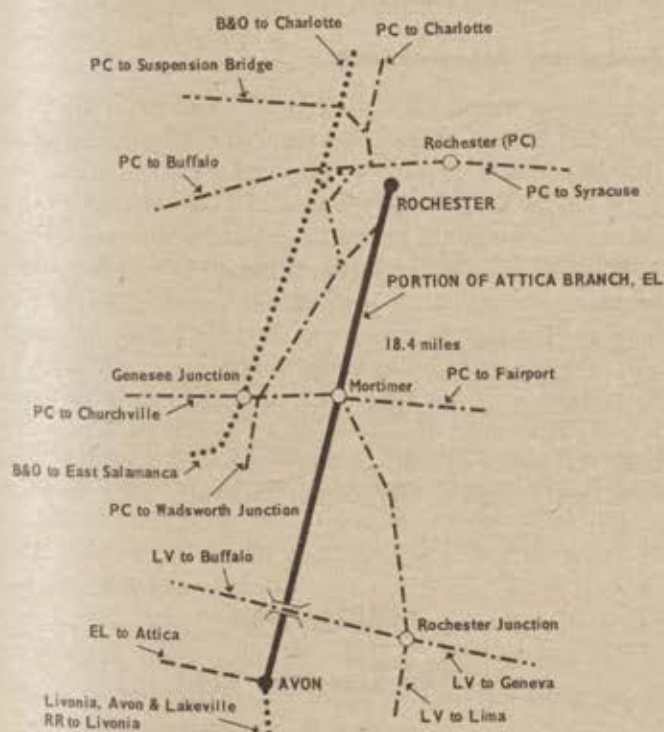
Preliminary Recommendation

It is *not* recommended that this portion of the Attica Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$205,496, or \$268 per carload. Recovery of costs would require approximately a twofold increase in traffic or a 95-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the frequency of service, this alone will *not* make the line financially self-sufficient.

PORTION OF ATTICA BRANCH

USRA Line No. 1241

Erie Lackawanna



This portion of the Attica Branch extends from *Avon* (Milepost 366.4) to *Rochester, N.Y.* (Milepost 384.8), a distance of 18.4 miles in Monroe and Livingston Counties, N.Y. At Avon this line continues westward to Attica (under study in this report as far as North Alexander). At Mortimer the LV Rochester Branch (also

under study) diverges, and the PC West Shore Branch crosses. At Rochester there is a connection to the PC Rochester Branch, also under study. At Avon the line connects with the Livonia, Avon & Lakeville RR. This line was described as potentially excess in the U.S. DOT Report (see Zone 47).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Avon	1,193
Industry	1
West Henrietta	4
Mortimer	0

Total carloads generated by the line	1,198
Average carloads per week	23.0
Average carloads per mile	65.1
Average carloads per train	4.8
1973 operating information:	
Number of round trips per year	250
Estimated time per round trip (hours)	4.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that this EL line has been proposed for a mass transportation corridor by the Rochester-Genesee Transportation Authority.

HUD is planning a new community, Riverton, in this area and does not feel that loss of rail service would affect the community's economic development.

At the recent RSPO hearings, held in March, 1975, a report submitted by the New York State Department of Agriculture indicated that in 1973 Sexton Foods received 100 carloads at Rochester.

Information for Line Retention Decision

Revenue received by EL	\$432,388
Average revenue per carload	\$361

Variable (avoidable) cost of continued service:

Cost incurred on the branch line	202,702
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	237,170

Total variable (avoidable cost)	439,872
Net contribution (loss): total	(7,484)
Average per carload	(6)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's

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minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Although service to the entire line generates a loss, a 4-percent growth in traffic or a 2-percent rate increase would make this line financially self-sufficient.

Service will be provided from Rochester via PC tracks. Traffic can be interchanged with the Livonia, Avon & Lakeville RR at Avon.

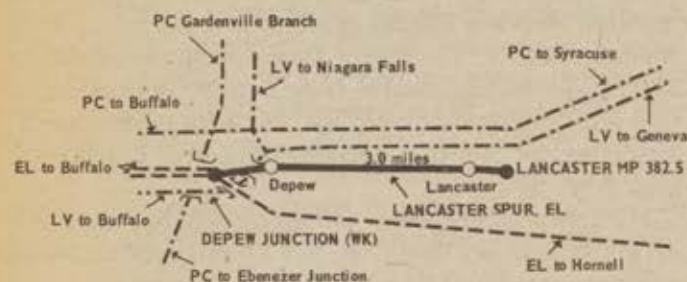
Recommendation

It is recommended that this portion of the Attica Branch be included in the system of a solvent carrier (see the Preliminary System Plan, Volume I, Chapter 3, The Regional Rail System). If this line is not assumed by a solvent carrier, it is recommended that it be included in the MARC-EL System or the ConRail System.

LANCASTER SPUR

USRA Line No. 1242

Erie Lackawanna



The Lancaster Spur extends from Lancaster (Milepost 382.5) to Depew Junction, N.Y. (Milepost 385.5), a distance of 3.0 miles in Erie County, N.Y. This line connects with the EL Hornell-to-Buffalo line at Depew Junction. The PC and LV also serve this area. This line was not described as potentially excess in the U.S. DOT Report (see Zone 49).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Depew ¹	326
Total carloads generated by the line	326
Average carloads per week	6.3
Average carloads per mile	108.7
Average carloads per train	3.1
1973 operating information:	
Number of round trips per year	104
Estimated time per round trip (hours)	1.5
Locomotive horsepower	1,500
Train crew size	4

¹ Includes only traffic on this segment.

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$78,425
Average revenue per carload	\$241
Variable (avoidable cost of continued service:	
Cost incurred on the branch line	46,620
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	66,735
Total variable (avoidable) cost	113,355
Net contribution (loss): total	(34,930)
Average per carload	(107)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is *not* recommended that the Lancaster Spur be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$59,558, or \$183 per carload. Recovery of costs would require approximately a threefold increase in traffic or a 44-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the service frequency, this alone will *not* make the line financially self-sufficient. The traffic density on this line is high, indicating that rail service could be efficient and financially self-sufficient *provided* the present low rates are corrected.

GULF LINE

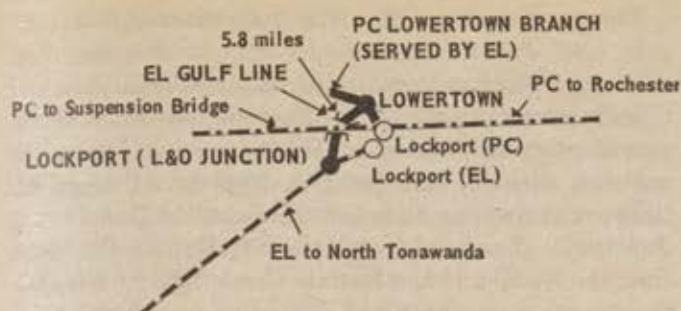
USRA Line No. 1243

Erie Lackawanna

The Gulf Line extends from Lockport (L&O Junction) (Milepost 25.3) to Lowertown, N.Y. (Milepost 29.1) a distance of 3.8 miles, in Niagara County, N.Y. As studied here, this line also includes about 2.0 miles of the PC Lowertown Branch over which service is

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provided by the EL, giving the line a total of approximately 5.8 miles. This line connects with the EL Lockport Branch at Lockport (L&O Junction). This line was described as potentially excess in the U.S. DOT Report (see Zone 49).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Lockport ¹	292
Total carloads generated by the line	292
Average carloads per week	5.6
Average carloads per mile	50.8
Average carloads per train	5.6
1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	4.0
Locomotive horsepower	1,000
Train crew size	4

¹Includes only traffic on this segment at Lowertown.

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that 21 businesses in the Lockport area generated 3,800 carloads of freight in 1973, and that the abandonment of this line would result in the loss of 25 percent of the community tax revenue.

Beaverboard Co. claimed that the use of a piggy-back service or truck transport is not feasible due to high costs. Termination of rail service would decrease the company's competitive advantage.

The Vanchlor Chemical Co. is the only supplier of several chemicals to Union Carbide, Dupont, Hooker and Chemetron. Bulk chlorine—a main ingredient in Vanchlor's product—can only be shipped in rail tank cars. Without rail service, this company would go out of business.

Information for Line Retention Decision

Revenue received by EL	\$130,943
Average revenue per carload	\$448
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	58,927
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	13,838
Cost incurred beyond the branch line	37,536
Total variable (avoidable) cost	110,301
Net contribution: total	20,642
Average per carload	71

This line would require upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.). Based on available information, this upgrading would include the replacement of a total of 1,500 crossties (an average of 259 crossties per mile).

Recommendation

It is recommended that the Gulf Line be included in the ConRail System or the system of a solvent carrier.

RIVER LINE

USRA Line No. 1244

Erie Lackawanna



The River Line extends from River Junction (Milepost 0) to Cuba Junction, N.Y. (Milepost 32.6), a distance of 32.6 miles, in Allegany and Livingston Counties, N.Y. At River Junction, the line connects with the EL Hornell-Buffalo line; at Cuba Junction, it connects with the EL Jersey City-Chicago line. This line was described as potentially excess in the U.S. DOT Report (see Zones 47 and 50).

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Information Provided by RSPO, Shippers, Government Agencies

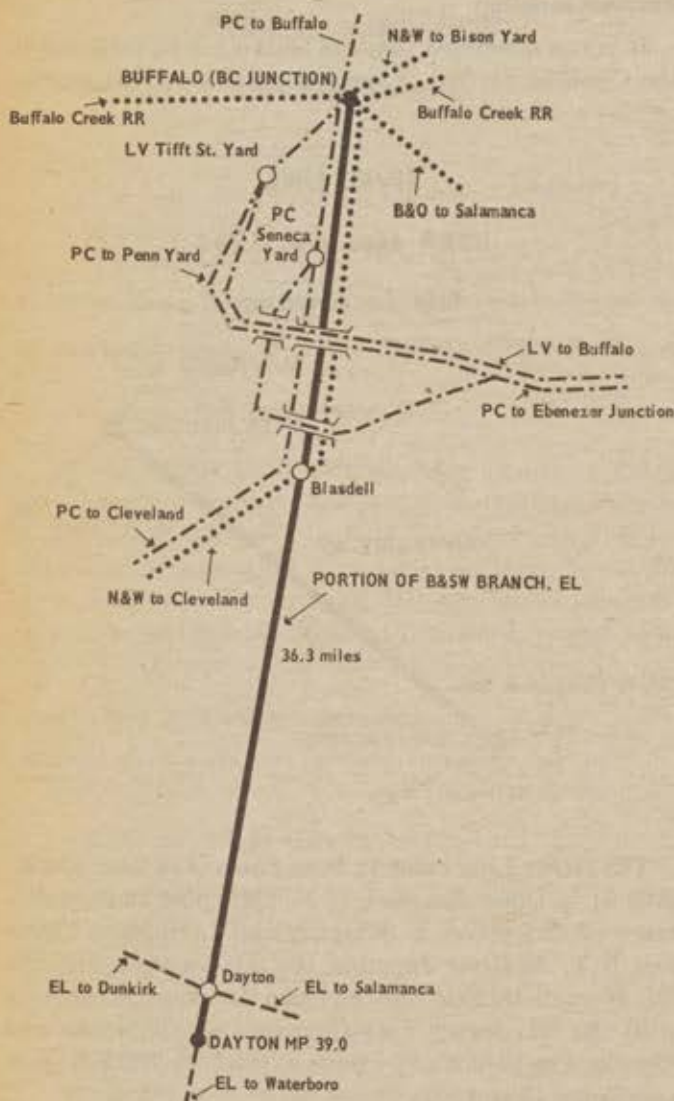
No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

This line is used as an overhead route only as there are no shippers located on the segment.

Preliminary Recommendation

It is *not* recommended that the River Line be included in the ConRail System.

PORTION OF B&SW BRANCH**USRA Line No. 1246****Erie Lackawanna**

This portion of the B&SW Branch extends from *Buffalo (BC Junction)* (Milepost 2.7) to *Dayton, N.Y.* (Milepost 39.0), a distance of *36.3 miles*, in Erie and Cattaraugus Counties, N.Y. This line continues southward from Dayton to Waterboro. At Dayton, it connects with the EL Dunkirk Branch. All these EL lines are also under study in this report. At Buffalo (BC Junction), it connects with the PC Buffalo-Cleveland line, the N&W and the Buffalo Creek RR. At Blasdell, it connects with the N&W. This line was described as potentially excess in the U.S. DOT Report except for the portion in Cattaraugus County (see Zones 49 and 50).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Blasdell	10
Hamburg	465
Eden Valley	0
Eden Center	140
North Collins	196
Lawtons	14
Collins	204
Gowanda	356

Total carloads generated by the line	1,385
Average carloads per week	26.6
Average carloads per mile	38.0
Average carloads per train	13.3
1973 operating information:	
Number of round trips per year	104
Estimated time per round trip (hours)	6.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Republic Response to the Secretary of Transportation's Rail Service Report" revealed that the total number of carloads transported on this line for 1973 was 1,046. The Shippers' Committee of this area noted that 15.5 trackage miles on this line have been repaired and modernized and are now an integral part of Buffalo's mass transportation system. Abandonment would result in the cancellation of an estimated \$1 million expansion program. According to the Eden Conservation Advisory Committee, this is the only line serving 145 farms (15,000 acres). The farmland is valued at \$7 million and has an output valued at \$11.5 million. The Richardson Milling Co., the Weidner Feed Co. and the Forbush Lumber Co. testified that abandonment would place them at a competitive disadvantage because of trucking costs. The Paul Reifer Co. is proposing to build an industrial area which will require rail service. Growers and Packers Co. reported that it

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has lost approximately \$17 million in revenues due to the inadequate supply of rail cars.

At the RSPO hearings held in March 1975, the New York State Department of Agriculture submitted a report indicating that 357 carloads were generated in 1973 by nine agriculturally oriented firms on this line. Many of these firms indicated that a switch to an alternate mode of transportation would seriously affect their competitive status.

Information for Line Retention Decision

Revenue received by EL.....	\$416,264
Average revenue per carload.....	\$301
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Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	335,217
Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	235,198
<hr/>	
Total variable (avoidable) cost.....	570,415
<hr/>	
Net contribution (loss): total.....	(154,151)
Average per carload.....	(112)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

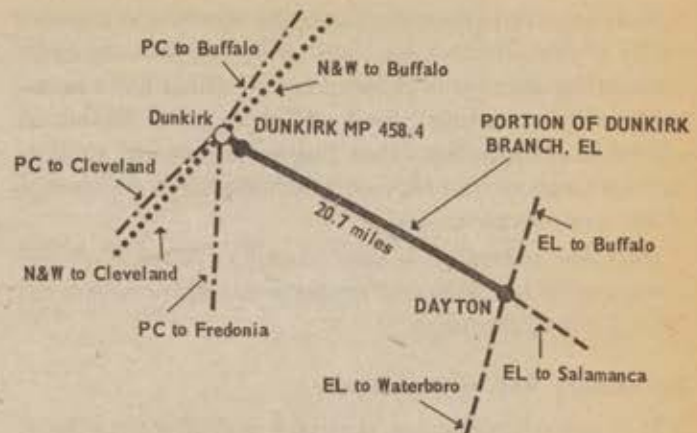
It is *not* recommended that this portion of the B&SW Branch be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$154,151, or \$112 per carload. Recovery of costs would require approximately an 85-percent increase in traffic or a 37-percent rate increase over the 1973 levels.

PORTION OF DUNKIRK BRANCH

USRA Line No. 1247

Erie Lackawanna

This portion of the Dunkirk Branch extends from Dayton (Milepost 437.7) to Dunkirk, N.Y. (Milepost 458.4), a distance of 20.7 miles, in Chautauqua and Cattaraugus Counties, N.Y. At Dayton, this line continues southeastward to Salamanca and intersects the EL B&SW Branch. All these lines are also under study in this Report. At Dunkirk, the line connects with the PC Buffalo-Cleveland line, the PC Valley Branch (also understudy) and the N&W Buffalo-Cleveland line. This



line was described as potentially excess in the U.S. DOT Report except for a short portion at each end (see Zone 50).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Perrysburg.....	0
Forestville.....	46
Sheridan.....	0

Total carloads generated by the line.....	46
Average carloads per week.....	0.9
Average carloads per mile.....	2.2
Average carloads per train.....	0.9
1973 operating information:	
Number of round trips per year.....	52
Estimated time per round trip (hours).....	5.0
Locomotive horsepower.....	1,600
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that the Dunkirk Chamber of Commerce feels that the four industries in that area, and the 1,300 employees, will be adversely affected by rail abandonment. Five companies located on that line have combined traffic movement of 4,648 carloads for 1973.

Information for Line Retention Decision

Revenue received by EL.....	\$8,857
Average revenue per carload.....	\$193
<hr/>	
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	144,456
Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost).....	42,496
Cost incurred beyond the branch line.....	7,675
<hr/>	
Total variable (avoidable) cost.....	194,627
<hr/>	
Net contribution (loss): total.....	(185,770)
Average per carload.....	(4,038)

1247, 1248

New York

This line would require upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.). Based on available information, this upgrading would include the replacement of a total of 2,500 crossties (an average of 121 crossties per mile).

This line currently is used to serve Dunkirk. Traffic generated at Dunkirk will continue to receive service via Penn Central trackage.

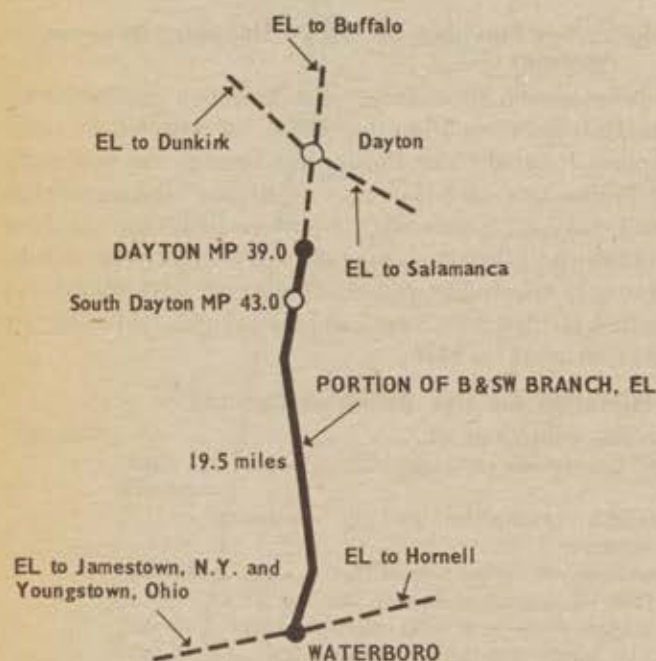
Preliminary Recommendation

It is not recommended that this portion of the Dunkirk Branch be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$185,770, or \$4,038 per carload. Recovery of costs would require approximately a one hundred fifty-sevenfold increase in traffic or a 2090-percent rate increase over the 1973 levels.

PORTION OF B&SW BRANCH

USRA Line No. 1248

Erie Lackawanna



This portion of the B&SW Branch extends from Dayton (Milepost 39.0) to Waterboro, N.Y. (Milepost 58.5), a distance of 19.5 miles, in Cattaraugus and

Chautauqua Counties, N.Y. This line continues northward from Dayton to Buffalo. At Dayton, it crosses the EL Dunkirk Branch. Both these lines are also under study in this Report. At Waterboro it meets the EL Hornell-Youngstown line. This line was not described as potentially excess in the U.S. DOT Report as corrected, except for the portion between Cherry Creek and Waterboro (see Zone 50).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Dayton	0
Markhams	0
South Dayton	1,352
Cherry Creek	72
Conewango	115

Total carloads generated by the line	1,539
Average carloads per week	29.6
Average carloads per mile	78.9
Average carloads per train	9.9
1973 operating information:	
Number of round trips per year	156
Estimated time per round trip (hours)	5.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that the Conewango Valley Flood Control has made 40,000 acres in the area available for farming and 20 percent of that land will be abandoned if rail service is discontinued.

Austin Milling predicted that rail abandonment will enable large corporations to monopolize the feed business, forcing the smaller companies to shut down.

Carnation, which is expecting to increase shipments by 10 to 20 percent, stated that the limited amount of trucks cannot handle their rail shipments. Another company, Curtice Burns, plans an expansion of their facilities and a 100 percent increase in rail traffic.

At the RSPO hearings held in March 1975, the New York State Department of Agriculture submitted a report which indicated that J. A. Crolle Agway, Inc., received 48 carloads in 1973 and that loss of direct rail service would result in an increased cost to farmers of approximately 20-25 percent.

Information for Line Retention Decision

Revenue received by EL	\$589,735
Average revenue per carload	\$383

New York

1248, 1250

Variable (avoidable) cost of continued service:

Cost incurred on the branch line.....	\$220,445
Cost of upgrading branch line to FRA Class I (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	280,338
Total variable (avoidance) cost.....	\$500,783
Net contribution: total.....	88,952
Average per carload.....	58

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Although service to the entire line generates a contribution, no traffic is generated in the first 4 miles which serves Dayton and Markhams.

Recommendation

It is recommended that the portion of the B&SW Branch from Milepost 43.0 to Milepost 58.5 be included in the ConRail System or the system of a solvent carrier.

Preliminary Recommendation

It is *not* recommended that the portion of the B&SW Branch from Milepost 39.0 to Milepost 43.0 be included in the ConRail System.

PORTION OF DUNKIRK BRANCH

USRA Line No. 1250

Erie Lackawanna



This portion of Dunkirk Branch extends from Salamanka (Milepost 413.9) to Cattaraugus, N.Y. (Milepost 428.1), a distance of 14.2 miles, in Cattaraugus

County, N.Y. This line continues northwestward at Cattaraugus to Dunkirk, which sector is also under study in this Report. At Salamanca, it connects with the EL Hornell-Youngstown line.

This line was described as potentially excess in the U.S. DOT Report (see Zone 50).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Little Valley.....	169
Cattaraugus.....	245

Total carloads generated by the line.....	414
Average carloads per week.....	8.0
Average carloads per mile.....	29.1
Average carloads per train.....	4.0
1973 operating information:	
Number of round trips per year.....	104
Estimated time per round trip (hours).....	5.0
Locomotive horsepower.....	1,000
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" reveals that total shipment on this line for 1972 was 494 carloads, and that continued rail service is vital to this area. Champion International, which accounts for 86 percent of the employment in the town of Cattaraugus, anticipates a 40-percent growth in 5 years.

At the RSPO hearings held in March 1975, the New York State Department of Agriculture submitted a report which indicated that Gramco Inc. received 101 carloads in 1973. Gramco stated that manufacturing at its Little Valley facility would cease if rail service were discontinued. It was further reported that Cattaraugus Agway received 67 carloads in 1973 and that the company's competitive status would be seriously impaired if rail service were discontinued on this line.

Information for Line Retention Decision

Revenue received by EL.....	\$109,188
Average revenue per carload.....	\$264

Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	125,627
Cost of upgrading branch line to FRA Class I (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	73,136

Total variable (avoidable) cost.....	198,763
Net contribution (loss): total.....	(89,575)
Average per carload.....	(216)

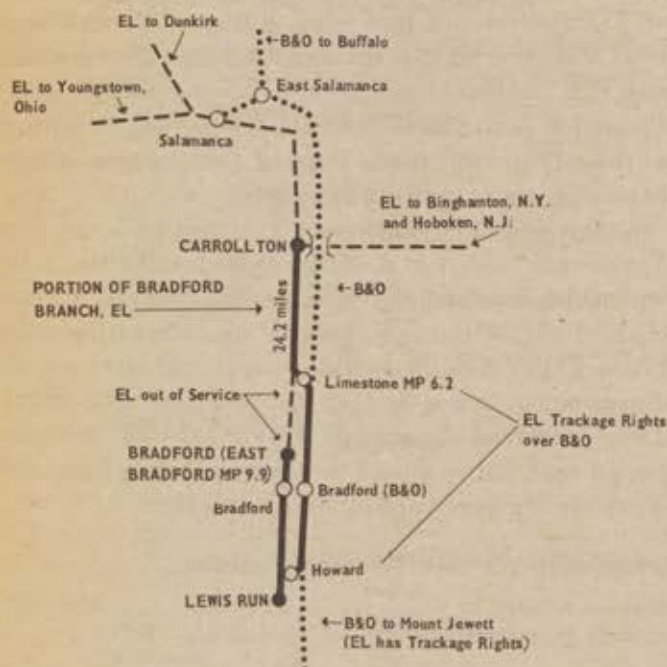
1250, 1251

New York

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is *not* recommended that this portion of the Dunkirk Branch be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$89,575, or \$216 per carload. Recovery of costs would require approximately a three-fold increase in traffic or an 80-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the service frequency, this alone will *not* make the line financially self-sufficient.

PORTION OF BRADFORD BRANCH**USRA Line No. 1251****Erie Lackawanna**

This portion of the Bradford Branch extends from *Carrollton, N.Y.* (Milepost 0) to *Lewis Run, Pa.* (Milepost 17.6), a distance of 24.2 miles, in Cattaraugus County, N.Y., and McKean County, Pa. This line comprises the EL lines from Carrollton to Limestone, N.Y. (EL Milepost 6.2), 6.2 miles, and from Bradford, Pa. (EL Milepost 9.9) to Lewis Run, 7.7 miles, and EL trackage rights over the B&O from Limestone, N.Y.

to Howard, Pa., 10.3 miles. The EL Youngstown, Ohio-Hoboken, N.J. line connects at Carrollton. The B&O continues north from Limestone and south from Howard, the latter with the EL operating via trackage rights (also under study in this Report). This line was not described as potentially excess in the U.S. DOT Report (see Zones 50 and 74).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Limestone	0
East Bradford	0
Bradford	2,580
Custer City	18
Howard Junction	10
Lewis Run	232

Total carloads generated by line	2,840
Average carloads per week	54.6
Average carloads per mile	117.4
Average carloads per train	11.4
1973 operating information:	
Number of round trips per year	250
Estimated time per round trip (hours)	7.8
Locomotive horsepower	1,000
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$856,177
Average revenue per carload	\$301
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	252,002
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	535,553
Total variable (avoidable) cost	787,555
Net contribution: total	68,622
Average per carload	24

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

This line currently is served via trackage rights over the Chessie System to a point near Bradford. The Chessie System can serve the traffic generated on this line with a small amount of Erie Lackawanna track.

New York

1251, 1255

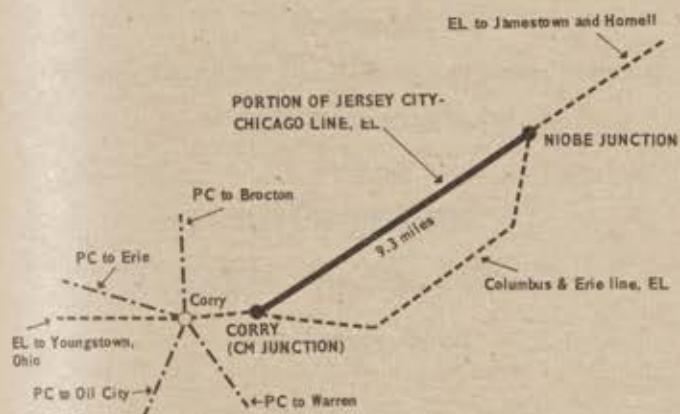
Recommendation

It is recommended that this portion of the Bradford Branch be included in the ConRail System or that a solvent carrier acquire that track necessary to serve the traffic generated on this line.

PORTION OF JERSEY CITY-CHICAGO LINE

USRA Line No. 1255

Erie Lackawanna



This portion of the Jersey City-Chicago line extends from *Niobe Junction, N.Y.* (Milepost 47.0) to *Corry (CH Junction), Pa.* (Milepost 56.3), a distance of 9.3 miles, in Chautauqua County, N.Y. and Warren County, Pa. This line continues eastward to Jersey City, N.J. and westward to Chicago. At Niobe Junction and Corry (CH Junction), it is intersected by the EL's Columbus & Erie Line. This line was not described as potentially excess in the U.S. DOT Report (see Zones 50 and 75).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Niobe	0
Bear Lake	5
Columbus	94
Total carloads generated by the line	99
Average carloads per week	1.9

Average carloads per mile	10.6
Average carloads per train	1.9
1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	1.7
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

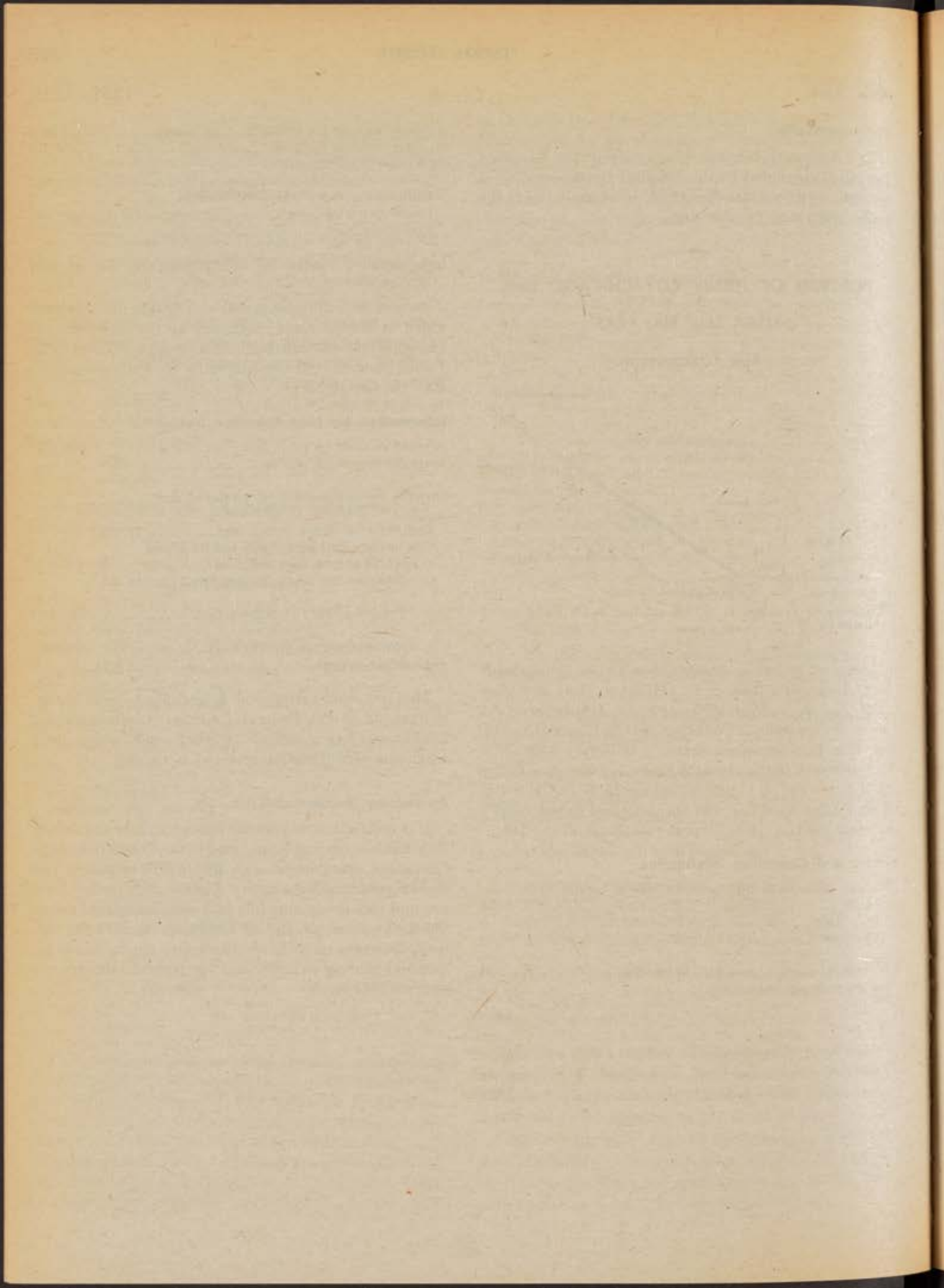
Information for Line Retention Decision

Revenue received by EL	\$22,248
Average revenue per carload	\$224
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	74,003
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	14,806
Total variable (avoidable) cost	88,809
Net contribution (loss): total	(66,561)
Average per carload	(672)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is *not* recommended that this portion of the Jersey City-to-Chicago line be included in the ConRail System. Continued operation on this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$66,561, or \$672 per carload. Recovery of costs would require approximately a ninefold increase in traffic or a 300-percent rate increase over the 1973 levels.



OHIO

USRA
line number

Terminal

Intrastate

Ohio

1258	Niles to Lisbon
1259	Phalanx to Solon
1260	Marion to Lima
1263	Marion to Richwood
1264	Richwood to Urbana
1265	Urbana to Bowlsville
1266	Bowlsville to Fairborn
1267	Fairborn to Dayton

Interstate

Indiana-Ohio (this line is discussed under Indiana)

1261	Lima, Ohio to Huntington, Ind.
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LISBON BRANCH

USRA Line No. 1258

Erie Lackawanna



The Lisbon Branch extends from Niles (Milepost 3.0) to Lisbon, Ohio (Milepost 34.6), a distance of 31.6 miles, in Mahoning and Columbiana Counties, Ohio. This line connects with the EL Jersey City-Chicago line, the B&O and the PC at Niles, and with the PC Pittsburgh-Chicago line at Leetonia. This line was not described as potentially excess in the U.S. DOT

Report except from West Austintown to the Columbiana County line (see Zones 93-97).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Mineral Ridge	86
West Austintown	897
Canfield	345
Marquis	0
Greenford	59
Washingtonville	11
Leetonia	14
Lisbon	3,067

Total carloads generated by the line	4,479
Average carloads per week	86.1
Average carloads per mile	141.7
Average carloads per train	43.1
1973 operating information:	
Number of round trips per year	104
Estimated time per round trip (hours)	20.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" by the Lisbon Area Chamber of Commerce indicated several reasons why rail service should be preserved; the two major ones were: additional switching would create service delays; and the tremendous amount of coal being shipped from the Lisbon area. E. J. Lewis Realtors stated that \$85,000 has already been appropriated for constructing a rail spur to serve the Western Reserve Industrial Park in West Austintown. AFC, which reported that it generated 262 carloads in 1973, would have to terminate 87 employees if rail service was eliminated. The Busy Beaver Building Center estimated that shipping via motor carrier would not only increase freight cost by 15 percent but also would decrease their competitiveness.

Information for Line Retention Decision

Revenue received by EL	\$682,002
Average revenue per carload	\$152
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	447,183

1258, 1259

Ohio

Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	\$39,518
Cost incurred beyond the branch line	370,889
Total variable (avoidable) cost	\$857,500
Net contribution (loss): total	(175,498)
Average per carload	(39)

This line would require upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.). Based on available information, this upgrading would include the replacement of a total of 600 crossties (an average of 19 crossties per mile).

Although service to the entire line generates a loss, service to the line from Milepost 3.0 to Milepost 14.5 (serving shippers at Mineral Ridge, West Austintown and Canfield, who generated 1,329 carloads in 1973) would generate \$277,766 in revenue and \$301,903 in costs with a resulting loss of \$24,137 or \$18 per carload. An 18 percent growth in traffic or a 5-percent rate increase would make this portion of the line financially self-sufficient.

Recommendation

It is recommended that the portion of the Lisbon Branch from Milepost 3.0 to Milepost 14.5 be included in the ConRail System.

Preliminary Recommendation

Although the preliminary recommendation is that the portion of the Lisbon Branch from Milepost 14.5 to Milepost 34.6 not be included in the ConRail System, the possibility of providing financially self-sufficient service to Lisbon from the existing connection with the PC line at Leetonia must be explored before a final recommendation can be made. If this is possible, service will be maintained to Leetonia and Lisbon (Milepost 22.5 to Milepost 34.6).

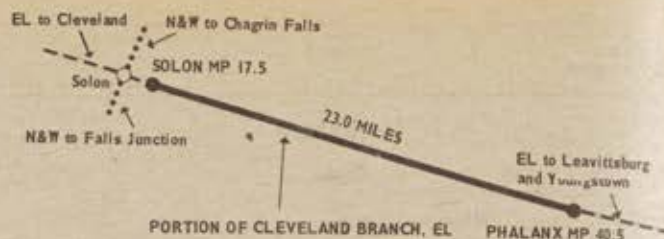
Under 1973 traffic, revenue and cost levels, this portion of the line generates an annual excess financial burden amounting to \$161,349 or \$51 per carload. Recovery of costs would require approximately a 95-percent increase in traffic or a 40-percent rate increase over the 1973 levels.

PORTION OF CLEVELAND BRANCH

USRA Line No. 1259

Erie Lackawanna

This portion of the Cleveland Branch extends from Solon (Milepost 17.5) to Phalanx, Ohio (Milepost



40.5), a distance of 23.0 miles, in Trumbull, Portage, Geauga and Cuyahoga Counties, Ohio. At Solon this line continues westward to Cleveland and at Phalanx it continues eastward to Leavittsburg and Youngstown. At Solon it crosses the N&W Chagrin Falls-Falls Junction line. This line was not described as potentially excess in the U.S. DOT Report (see Zones 93, 94 and 95).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Garrettsville-Hiram	156
Mantua	88
Aurora	250
Gauga Lake	79
Total carloads generated by the line	573
Average carloads per week	11.0
Average carloads per mile	24.9
Average carloads per train	8.7
1973 operating information:	
Number of round trips per year	158
Estimated time per round trip (hours)	8.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

However, Penn Sand Glass reported at the RSPO hearings in March 1975, that in 1973 1,160 carloads were generated at its Phalanx plant (not on this segment) and 72 cars were generated at its Geauga Lake Plant.

Republic Steel reported that during 1974, it shipped 8,352 carloads of iron ore from the EL (NYP&O) dock to Warren and Youngstown.

Information for Line Retention Decision

Revenue received by EL	\$286,660
Average revenue per carload	\$500
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	246,205
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0

1260, 1263

Ohio

Cost incurred beyond the branch line	\$560,870
Total variable (avoidable cost)	\$1,180,048
Net contribution: total	5,017
Average per carload	2

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Kenton will continue to receive service via PC trackage.

Lima is currently served by both the B&O and the DT&I Railroads. The traffic generated at Lima on the Erie Lackawanna can be served by either of these carriers. *Exclusive of the traffic generated at Lima, this line would generate an annual loss amounting to \$388,200 or \$738 per carload.*

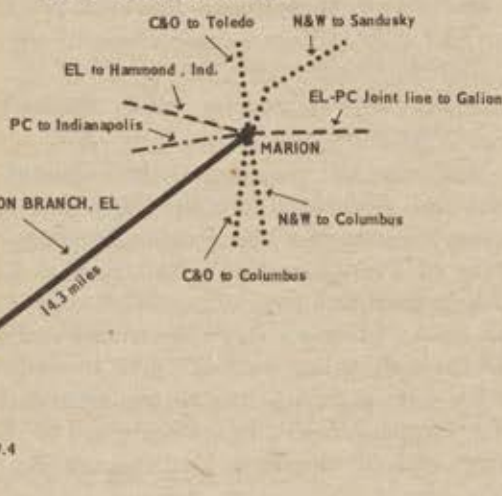
Preliminary Recommendation

It is *not* recommended that this portion of the Jersey City-to-Chicago Line be included in the ConRail System. It is recommended that service to Lima traffic be assumed by a solvent carrier or that ConRail serve this traffic using trackage rights over the B&O at Lima.

PORTION OF DAYTON BRANCH

USRA Line No. 1263

Erie Lackawanna



This portion of the Dayton Branch extends from Marion (Milepost 305.1) to Richwood, Ohio (Milepost 319.4), a distance of 14.3 miles, in Marion and Union Counties, Ohio. At Marion the line meets the EL Jersey City-to-Chicago line. From Richwood, it continues southwestward to Dayton. These lines are also under study in this report from Marion west and from Richwood southwest. At Marion, it also intersects the PC

Cleveland-Indianapolis line, the C&O Toledo-to-Columbus and N&W Sandusky-to-Columbus lines. This line was not described as potentially excess in the U.S. DOT Report except for the portion in Union County (see Zones 110 and 112).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Green Camp	202
Richwood	418

Total carloads generated by the line	620
Average carloads per week	11.9
Average carloads per mile	43.4
Average carloads per train	4.0
1973 Operating Information:	
Number of round trips per year	156
Estimated time per round trip (hours)	3.0
Locomotive horsepower	2,500
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" by the Richwood Feed and Grain Co. indicated that the switch to motor carriers would increase transportation costs by \$6 per ton. Union County Farm Bureau would have shipped an additional 225 carloads had rail cars been available. The Green Camp Elevator Co. stated that they had to wait over a month to receive ordered cars from Erie Lackawanna.

Information for Line Retention Decision

Revenue received by EL	\$214,076
Average revenue per carload	\$345
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	133,364
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	112,715
Total variable (avoidable) cost	246,079
Net contribution (loss): total	(32,003)
Average per carload	(52)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is *not* recommended that this portion of the Dayton Branch be included in the ConRail System. Con

Ohio

1263, 1264, 1265

tinued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$32,003, or \$52 per carload. Recovery of costs would require approximately a 30-percent increase in traffic or a 15-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the frequency of service, this alone will *not* make the line financially self-sufficient.

PORTION OF DAYTON BRANCH

USRA Line No. 1264

Erie Lackawanna



This portion of the Dayton Branch extends from Richwood (Milepost 319.4) to Urbana, Ohio (Milepost 352.1), distance of 32.7 miles, in Union and Champaign Counties, Ohio. This line continues northeastward from Richwood and southwestward from Urbana; both continuations are also under study in this Report. The line is intersected by the PC Western Branch at Peoria and the PC Bellefontaine Branch and Columbus-Logansport line at Urbana. This line was described as potentially excess in the U.S. DOT Report except for short portions near Peoria and Urbana (see Zone 110).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Claiborne	12
Broadway	36
Peoria	1
North Lewisburg	1
Mingo	6
King's Creek	0
Total carloads generated by the line	56
Average carloads per week	1.1
Average carloads per mile	1.7
Average carloads per train	1.1

1973 operating information:

Number of round trips per year	52
Estimated time per round trip (hours)	3.0
Locomotive horsepower	2,500
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$17,898
Average revenue per carload	\$320

Variable (avoidable) cost of continued service:

Cost incurred on the branch line	235,511
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	5,321

Total variable (avoidable) cost 240,832

Net contribution (loss): total (222,934)

Average per carload (3,981)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is *not* recommended that this portion of the Dayton Branch be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$223,934, or \$3,981 per carload. Recovery of costs would require approximately an eighteenfold increase in traffic or a 1245-percent rate increase over the 1973 levels.

PORTION OF DAYTON BRANCH

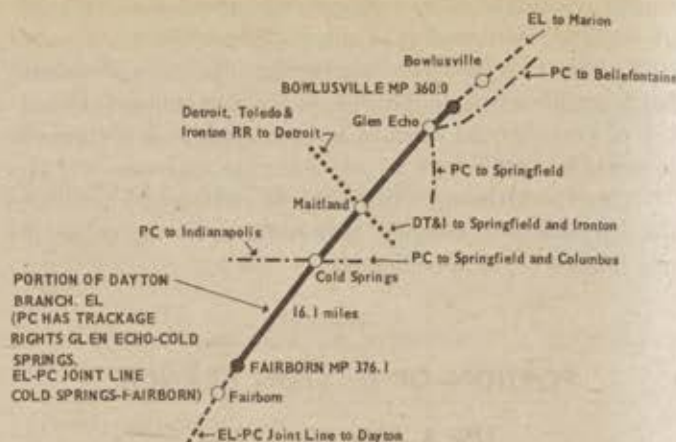
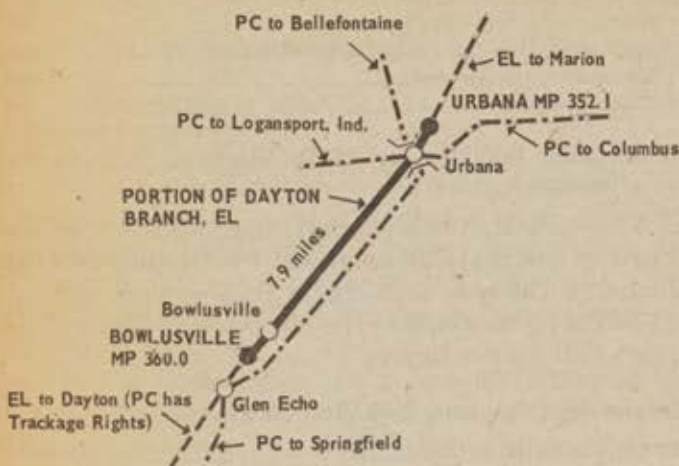
USRA Line No. 1265

Erie Lackawanna

This portion of the Dayton Branch extends from Urbana (Milepost 352.1) to Bowlsville, Ohio (Milepost 360.0), a distance of 7.9 miles, in Champaign County, Ohio. This line continues northeastward from Urbana and southwestward from Bowlsville, both continuations also being under study in this Report. At

1265, 1266

Ohio



Urbana, the line intersects the PC's Bellefontaine Branch and Columbus-Logansport line. This line was described as potentially excess in the U.S. DOT Report (see Zone 110).

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that the Champaign County Farm Bureau Co-op Association, Inc. would have shipped an additional 119 carloads if rail cars had been available.

Information for Line Retention Decision

This line will be served via PC trackage from the Bellefontaine Branch at Urbana or via PC trackage at Glen Echo.

Recommendation

It is recommended that this portion of the Dayton Branch be included in the ConRail System or the system of a solvent carrier.

PORTION OF DAYTON BRANCH

USRA Line No. 1266

Erie Lackawanna

This portion of the Dayton Branch extends from Bowlsville (Milepost 360.0) to Fairborn, Ohio (Milepost 376.1), a distance of 16.1 miles, in Clark and Greene Counties, Ohio. This line continues northeastward from Bowlsville and southwestward from Fairborn, both continuations also being under study in this Report. At Glen Echo, the line meets the Bellefontaine Branch of

the PC and at Cold Springs the PC Columbus-Indianapolis line via Springfield. The PC operates over this EL line between Glen Echo and Cold Springs under a trackage rights agreement. Between Cold Springs and Fairborn this is a joint EL-PC line. The Detroit, Toledo & Ironton RR Main Line between Detroit and Ironton crosses at Maitland. This line was described as potentially excess in the U.S. DOT Report (see Zones 108 and 109).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Maitland	1
Sugar Grove Hill	0
Durbin	0
Cold Springs	0
Enon	0

Total carloads generated by the line 1

Average carloads per week 0.1

Average carloads per mile 0.5

Average carloads per train 2

1973 operating information:

Number of round trips per year 5.0

Estimated time per round trip (hours) 1,600

Locomotive horsepower 4

Train crew size

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicates that the Springfield Gravure Corp. anticipates future growth plans, and they will be completing the construction of an additional plant facility and rail siding.

Information for Line Retention Decision

Revenue received by EL	\$251
Average revenue per carload	\$251

Ohio

1266, 1267

Variable (avoidable) cost of continued service:

Cost incurred on the branch line.....	\$128,187
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	11,453
Cost incurred beyond the branch line....	151

Total variable (avoidable) cost..... \$139,791

Net contribution (loss): total..... (139,540)

Average per carload..... (139,540)

This line would require upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.). Based on available information, this upgrading would include the replacement of a total of 1,200 crossties (an average of 75 crossties per mile).

Preliminary Recommendation

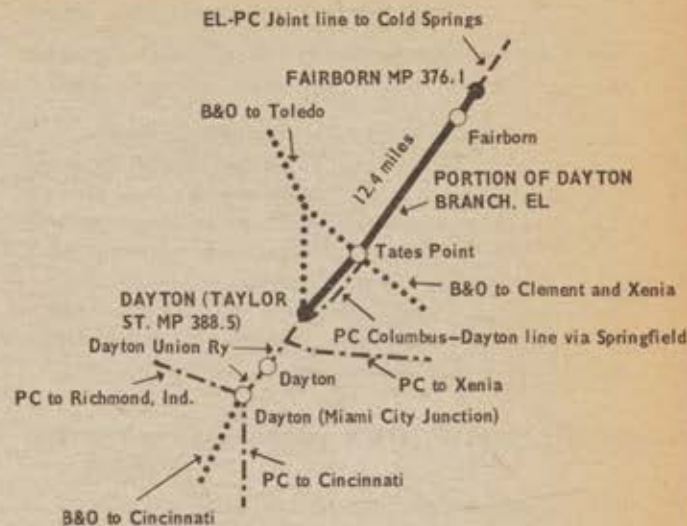
It is *not* recommended that this portion of the Dayton Branch be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$139,540, or \$139,540 per carload. Recovery of costs would require a very large increase in traffic.

PORTION OF DAYTON BRANCH

USRA Line No. 1267

Erie Lackawanna

This portion of the Dayton Branch extends from Fairborn (Milepost 376.1) to Dayton, Ohio (Milepost 388.5), a distance of 12.4 miles, in Greene and Montgomery Counties, Ohio. This line continues northeastward from Fairborn to Cold Springs and Marion. Between Yates Point and Fairborn, it is joint track with the PC. At Yates Point, the B&O crosses and the PC continues southward, meeting the EL again at Dayton (Taylor Street). At Dayton (Taylor Street), the B&O comes in from Toledo and continues southward over the Dayton Union Ry. This line was described as potentially excess in the U.S. DOT Report (see Zone 108).



Information Provided by RSPO, Shippers, Government Agencies

Information provided by the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that Price Brothers, located in Dayton, shipped concrete products too heavy to ship via motor carrier and that elimination of service would result in the termination of 100 jobs.

Additional testimony by Duriron Co. indicated that special rail cars are employed to handle inbound shipments of foundry sand and that these cars require special unloading facilities costing \$500,000 to construct. Also Duriron has an annual payroll of \$21.25 million and loss of rail service would terminate 1,874 employees.

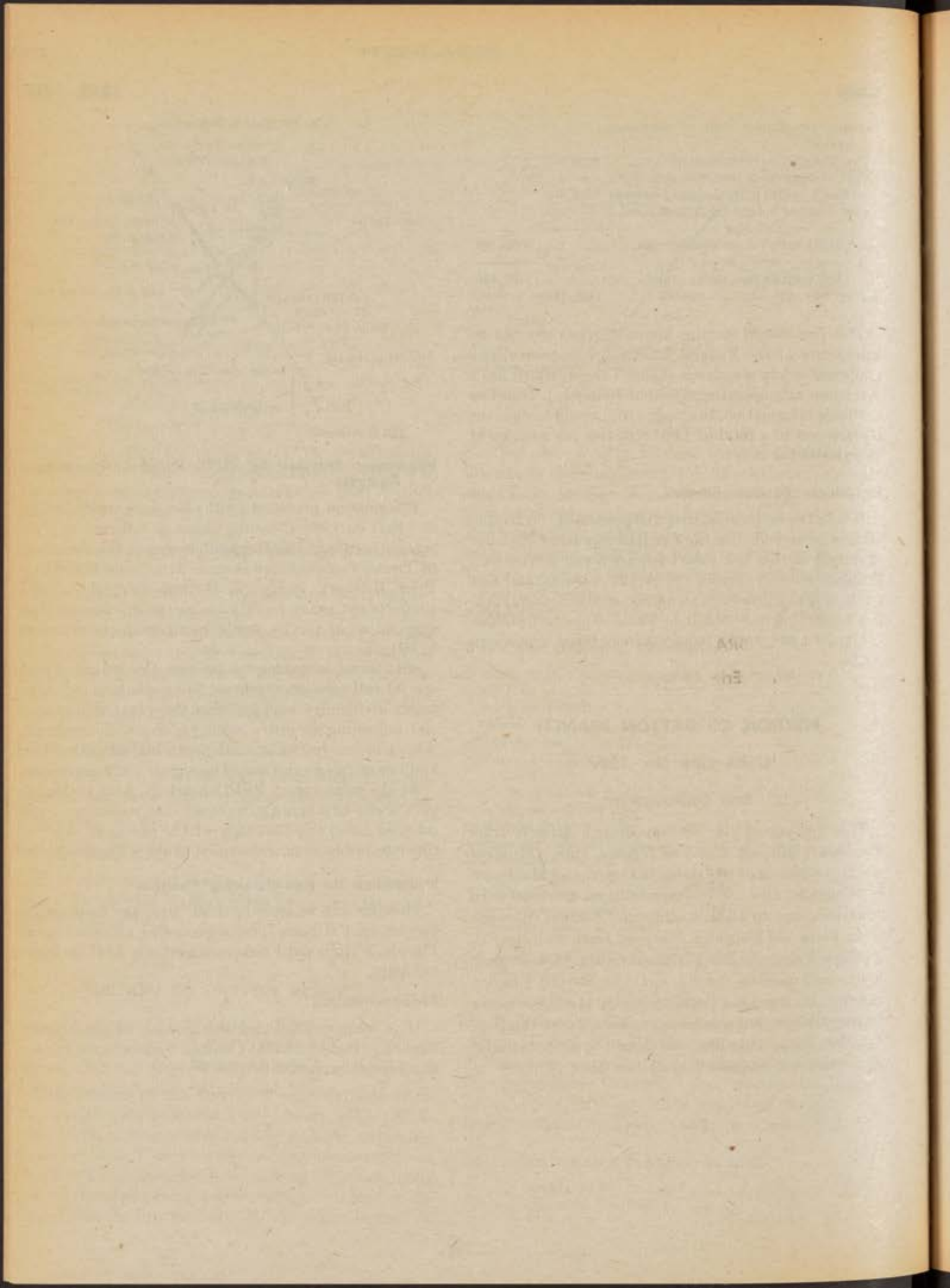
At the most recent RSPO hearings, held in March 1975, Price Brothers Co. reported that, unless service is retained along this line, they will be unable to ship the concrete products manufactured at their Dayton plant.

Information for Line Retention Decision

This line can be served via PC trackage from either Dayton or Fairborn. Traffic generated on this line at Dayton, Wright and Fairborn amounts to 3,847 carloads annually.

Recommendation

It is recommended that this portion of the Dayton Branch be included in the ConRail System or the system of a solvent carrier.



PENNSYLVANIA

USRA
line number

Termini

Intrastate

Pennsylvania

1222	At Bath
1224	Avoca to Pittston (Thompson Street)
1225	Rock Junction to Jessup
1226	Avoca to Jefferson Junction (D&H Trackage Rights)
1228	Kingston to Northumberland
1229	Old Line Junction to Nicholson
1238	Lackawaxen to Honesdale
1252	Howard to Crenshaw
1254	Jefferson Junction Connection to D&H at Lanesboro
1256	Farrell to New Castle

Interstate

New York-Pennsylvania (these lines are discussed under New York)

1251	Carrollton, N.Y. to Lewis Run, Pa.
1255	Niobe Junction, N.Y. to Corry (CM Junction), Pa. (via Bear Lake)

PORTION OF BANGOR & PORTLAND BRANCH

USRA Line No. 1222

Erie Lackawanna



This portion of the Bangor & Portland Branch extends from Milepost 109.0 to Milepost 110.5, a distance of 1.5 miles, at Bath in Northampton County, Pa. At Milepost 109.0 the line continues to Portland, Pa. At Bath it connects with the Lehigh & New England Ry. and the Northampton & Bath RR. This line was not described as potentially excess in the U.S. DOT Report (see Zone 69).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Bath ----- 7

Total carloads generated by the line.....	7
Average carloads per week.....	0.1
Average carloads per mile.....	4.7
Average carloads per train.....	0.5
1973 operating information:	
Number of round trips per year.....	14
Estimated time per round trip (hours).....	0.5
Locomotive horsepower.....	1,600
Train crew size.....	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL.....	\$1,700
Average revenue per carload.....	\$243

Variable (avoidable) cost of continued service:

Cost incurred on the branch line.....	9,951
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	1,331

Total variable (avoidable) cost..... 11,282

Net contribution (loss): total..... (9,582)

Average per carload..... (1,369)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Traffic interchanged at Bath with the Northampton & Bath RR. will continue to be interchanged at Northampton, and traffic interchanged with the Lehigh & New England Ry. will continue to be interchanged at Bethlehem.

Preliminary Recommendation

It is *not* recommended that this portion of the Bangor & Portland Branch be included in the MARC-EL Sys-

1222, 1224, 1225

Pennsylvania

tem or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$9,582, or \$1,369 per carload. Recovery of costs would require approximately a twenty-sixfold increase in traffic or a 565-percent rate increase over the 1973 levels.



This portion of the Wyoming Branch extends from Pittston (Thompson Street) (Milepost 1.8) to Avoca, Pa. (Milepost 6.3), a distance of 4.5 miles, in Luzerne County, Pa. At Avoca, this line continues east to Rock Junction. At Pittston (Thompson Street) it continues southwestward to Plains Junction, which continuation is also under study in this Report. At Avoca it connects with an EL line to Duryea Junction and with the D&H Albany-Wilkes-Barre line. The EL has trackage rights over the D&H from Avoca to Jefferson Junction, also under study in this report. This line was not described as potentially excess in the U.S. DOT Report (see Zone 72).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Pittston	32
Total carloads generated by the line	
Average carloads per week	0.6
Average carloads per mile	7.1
Average carloads per train	0.6

1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	3.0
Locomotive horsepower	1,500
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$12,516
Average revenue per carload	\$391
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	36,530
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	8,643
Total variable (avoidable) cost	45,179
Net contribution (loss): total	(32,663)
Average per carload	(1,021)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is not recommended that this portion of the Wyoming Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$32,663, or \$1,021 per carload. Recovery of costs would require approximately an eightfold increase in traffic or a 260-percent rate increase over the 1973 levels.

JESSUP BRANCH

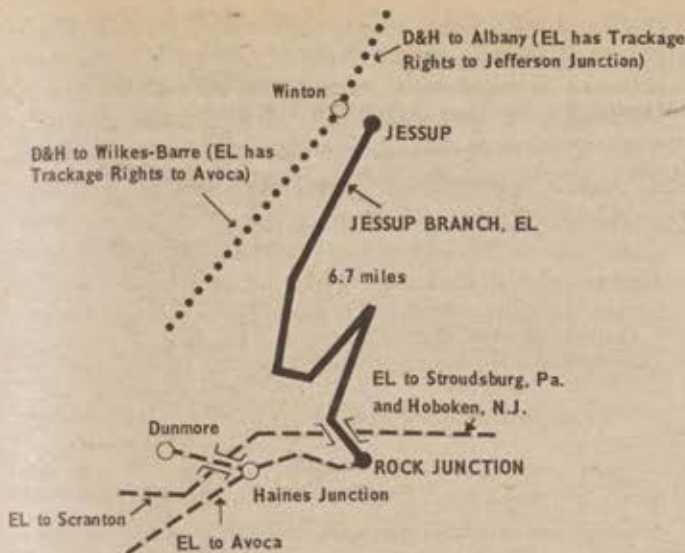
USRA Line No. 1225

Erie Lackawanna

The Jessup Branch extends from Rock Junction (Milepost 0) to Jessup, Pa. (Milepost 6.7), a distance of 6.7 miles, in Lackawanna County, Pa. At Rock Junction this line connects with the EL's Wyoming Branch. This line was not described as potentially excess in the U.S. DOT Report (see Zone 71).

Pennsylvania

1225, 1226



Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Underwood.....	0
Jessup.....	124
Scranton ¹	256
Total carloads generated by the line.....	380
Average carloads per week.....	7.3
Average carloads per mile.....	56.7
Average carloads per train.....	7.3
1973 operating information:	
Number of round trips per year.....	52
Estimated time per round trip (hours).....	6.0
Locomotive horsepower.....	1,500
Train crew size.....	4

¹ Includes only traffic on this segment at Dunmore.

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report." However, at the RSPO hearings held in Scranton in March 1975, testimony received indicated that in 1973 the Trane Co. generated 7 carloads, Supermarket Service Corp. generated 200 carloads, and RCA generated 1,648 carloads at Dunmore.

Information for Line Retention Decision

Revenue received by EL.....	\$115,942
Average revenue per carload.....	\$305
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	73,953

Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	\$63,814

Total variable (avoidable) cost.....	\$137,767
Net contribution (loss): total.....	(21,825)
Average per carload.....	(57)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Available information indicates that the vast majority of the RCA traffic (Dunmore) is TOFC/COFC traffic which is actually handled in Scranton. In addition, a shipper at Dunmore who generated 233 carloads in 1973, has ceased operation. Without this traffic, the above-reported loss would have been \$49,865.

Preliminary Recommendation

It is *not* recommended that the Jessup Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$21,825, or \$57 per carload. Recovery of costs would require approximately a 42-percent increase in traffic or a 19-percent rate increase over the 1973 levels.

TRACKAGE RIGHTS OVER D&H RY

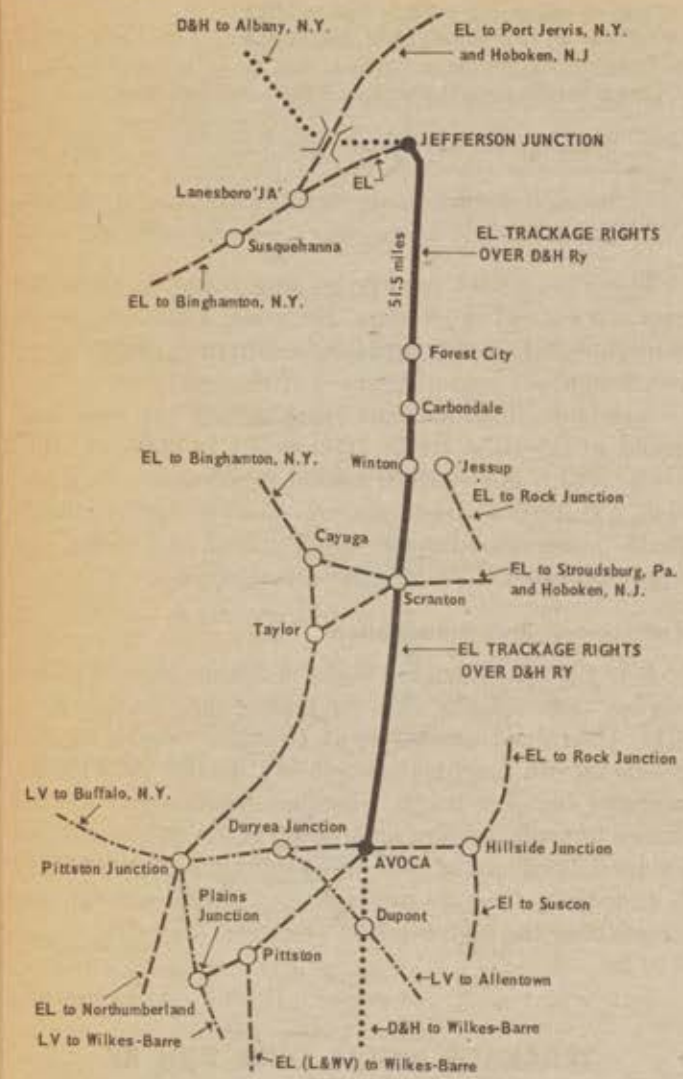
USRA Line No. 1226

Erie Lackawanna

These trackage rights over the D&H Ry extend from *Jefferson Junction* (Milepost 140.7) to *Avoca, Pa.* (Milepost 192.2), a distance of *51.5 miles*, in Luzerne, Lackawanna, Wayne and Susquehanna Counties, Pa. At *Jefferson Junction*, the EL continues to *Lanesboro* on its own tracks, and the D&H extends northward to *Albany, N.Y.* The EL line to *Lanesboro* is also under study in this report. At *Avoca* the D&H runs south to *Wilkes-Barre*, and the EL *Wyoming Branch* and a line to *Duryea Junction* intersect. The *Wyoming Branch* is also under study in this Report from *Avoca* to *Plains Junction*. At *Scranton*, the EL *Hoboken-Binghamton* line via *East Stroudsburg* and the *Bloomsburg Branch* intersect. This line was not described as potentially excess in the U.S. DOT Report (see Zones 53, 70, 71 and 72).

1226, 1228

Pennsylvania



"The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$35,392
Average revenue per carload	\$347

Variable (avoidable) cost of continued service:	
Cost incurred on the branch line ¹	47,817
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	18,001

Total variable (avoidable) cost	65,818
Net contribution (loss): total	(30,426)
Average per carload	(298)

¹ Excludes ownership and maintenance costs due to D&H ownership and use.

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

This line is owned by the D&H for use as a through route; therefore, local services can be continued by the D&H.

Preliminary Recommendation

It is *not* recommended that these trackage rights over this portion of the D&H Ry. be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$30,426, or \$298 per carload. Recovery of costs would require approximately a twofold increase in traffic or an 86-percent rate increase over the 1973 levels.

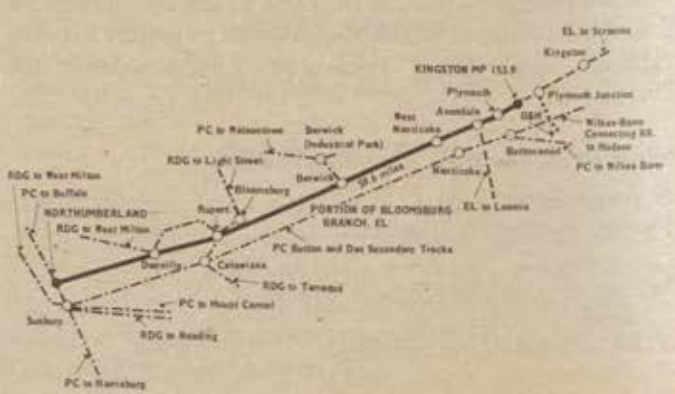
Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:	
Thompson -----	98
Uniondale -----	2
Forest City -----	2
Carbondale -----	0
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Total carloads generated by the line -----	102
Average carloads per week -----	2.0
Average carloads per mile -----	2.0
Average carloads per train -----	2.0
1973 operating information:	
Number of round trips per year -----	52
Estimated time per round trip (hours) -----	12.0
Locomotive horsepower -----	1,600
Train crew size -----	4

Information Provided by RSPQ, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled

PORTION OF BLOOMSBURG BRANCH
USRA Line No. 1228
Erie Lackawanna



Pennsylvania

1228, 1229

This portion of the Bloomsburg Branch extends from *Kingston* (Milepost 153.9) to *Northumberland, Pa.* (Milepost 213.5) a distance of *59.6 miles*, in Luzerne, Columbia, Montour and Northumberland Counties, Pa. At Kingston, this line continues northeastward to Scranton; at Avondale an EL branch diverges to Loomis, also under study in this report. At Northumberland the line connects with the PC Harrisburg-Buffalo line and at Berwick with the PC. It connects with the RDG's Catawissa Branch (also under study) at Rupert and Danville, and with the RDG's Bloomsburg Branch at Rupert. This line was not described as potentially excess in the U.S. DOT Report (see Zones 72 and 82).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Plymouth Junction	3
Plymouth	6
West Nanticoke	7
Shickshinny	0
Hicks Ferry	1
Lime Ridge	504
Almedia	0
Espy	0
Bloomsburg	515
Rupert	2
Danville	306
Northumberland	346

Total carloads generated by the line	1,750
Average carloads per week	33.6
Average carloads per mile	29.3
Average carloads per train	7.0
1973 operating information:	
Number of round trips per year	250
Estimated time per round trip (hours)	12.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that portions of this line were heavily damaged by Hurricane Agnes in 1972, and the U.S. Department of Transportation granted flood loans for line repair. The entire Bloomsburg line generated 112.7 cars per mile last year and witnesses believe that, although the potentially excess portion yielded less volume, the entire line should remain intact. Champion Valley Farms (818 terminating carloads in 1973) was considering the construction of a new plant. If this line were abandoned, they would require 2,100 trucks per year to accommodate freight shipments. Pennsylvania Power and Light Co. is currently building two nuclear generating units, and they would be wholly dependent on the portion of the line between Berwick and Avondale. They are anticipating

3,000 carloads of materials during the 6-year construction period.

Information provided by the Citizens Against Nuclear Dangers at the RSPO hearings held in March 1975, indicated that this group objects to the construction of a railroad bridge over U.S. Highway 11 which would be used to transport radioactive cargoes to and from the Berwick atomic power plant.

Information for Line Retention Decision

Revenue received by EL	\$727,222
Average revenue per carload	\$416

Variable (avoidable) cost of continued service:

Cost incurred on the branch line	639,223
Cost of upgrading branch line to FRA	
Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	488,301
Total variable (avoidable) cost	1,127,524

Net contribution (loss): total	(400,302)
Average per carload	(229)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Berwick will continue to receive service by PC trackage.

Penn Central line segment 192/192a/192b (Sunbury to Wilkes-Barre), which parallels this line, is being considered for continued use as a through route by the D&H Ry. The use of this PC line for through service will preserve local service to the majority of the traffic generated on Erie Lackawanna line segment 1228.

Preliminary Recommendation

It is *not* recommended that this portion of the Bloomsburg Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$400,302, or \$229 per carload. Recovery of costs would require approximately a 170-percent increase in traffic or a 55-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the frequency of service, this alone will *not* make the line financially self-sufficient.

OLD LINE

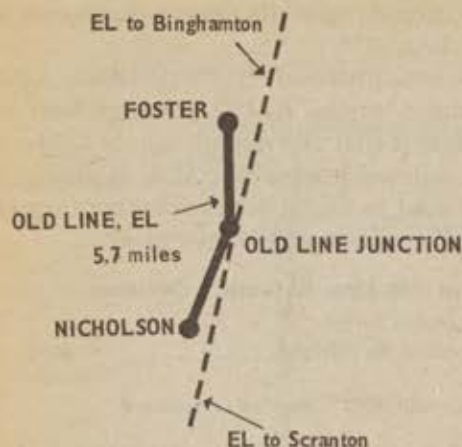
USRA Line No. 1229

Erie Lackawanna

The Old Line extends from *Old Line Junction* (Milepost 155.0) to *Foster* (Milepost 157.8) and *Nicholson, Pa.* (Milepost 152.1), a distance of *5.7 miles*, in Sus-

1229, 1238

Pennsylvania



quehanna and Wyoming Counties, Pa. This line connects with the EL's Binghamton-Scranton line at Old Line Junction. This line was not described as potentially excess in the U.S. DOT Report (see Zones 53 and 73).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Nicholson	158
Foster	77

Total carloads generated by the line	235
Average carloads per week	4.5
Average carloads per mile	41.2
Average carloads per train	4.5
1973 operating information:	
Number of round trips per year	52
Estimated time per round trip (hours)	4.0
Locomotive horsepower	1,600
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$85,402
Average revenue per carload	\$363
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	54,001
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	50,897
Total variable (avoidable) cost	104,898
Net contribution (loss): total	(19,496)
Average per carload	(83)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's

minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Preliminary Recommendation

It is *not* recommended that the Old Line be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$19,496, or \$83 per carload. Recovery of costs would require approximately a 55-percent increase in traffic or a 25-percent rate increase over the 1973 levels.

HONESDALE BRANCH

USRA Line No. 1238

Erie Lackawanna



The Honesdale Branch extends from Lackawaxen (Milepost 109.3) to Honesdale, Pa. (Milepost 135.0), a distance of 25.7 miles, in Pike and Wayne Counties, Pa. At Lackawaxen, this line connects with the EL Hoboken-Binghamton line via Port Jervis. This line was described as potentially excess in the U.S. DOT Report (see Zone 70).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Phoenix	0
East Hawley	0
Church Street	0
White Mills	60
East Honesdale	0
Honesdale	2,328

Total carloads generated by the line	2,388
Average carloads per week	45.9
Average carloads per mile	92.9
Average carloads per train	9.5
1973 operating information:	
Number of round trips per year	250
Estimated time per round trip (hours)	8.0
Locomotive horsepower	1,000
Train crew size	4

Pennsylvania

1238, 1252

Information Provided by RSPO, Shippers, Government Agencies

Information provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report" indicated that the Honesdale Milling Co. recently rebuilt their plant after a fire, and they expect to increase their rail traffic in the coming years. Moore Business Forms, the largest form company in the world, would incur shipping costs of at least \$106,000 per month if they switched to motor carriers. They also expect additional rail traffic within the next few years. S. J. Bailey and Sons cited the rail car shortage as their major disadvantage experienced, while the Worth Bat Co. would be forced out of business if the line were abandoned. Union Carbide is interested in opening a new facility in Wayne County, but rail service is a necessary requirement for such construction.

At the RSPO hearings held in March 1975, the Pennsylvania Power & Light Co. reported that a major generating plant was operating at Hawley.

Information for Line Retention Decision

Revenue received by EL.....	\$587,450
Average revenue per carload.....	\$246
<hr/>	
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line.....	330,265
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost).....	0
Cost incurred beyond the branch line.....	388,536
<hr/>	
Total variable (avoidable) cost.....	718,801
<hr/>	
Net contribution (loss): total.....	(131,351)
Average per carload.....	(55)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

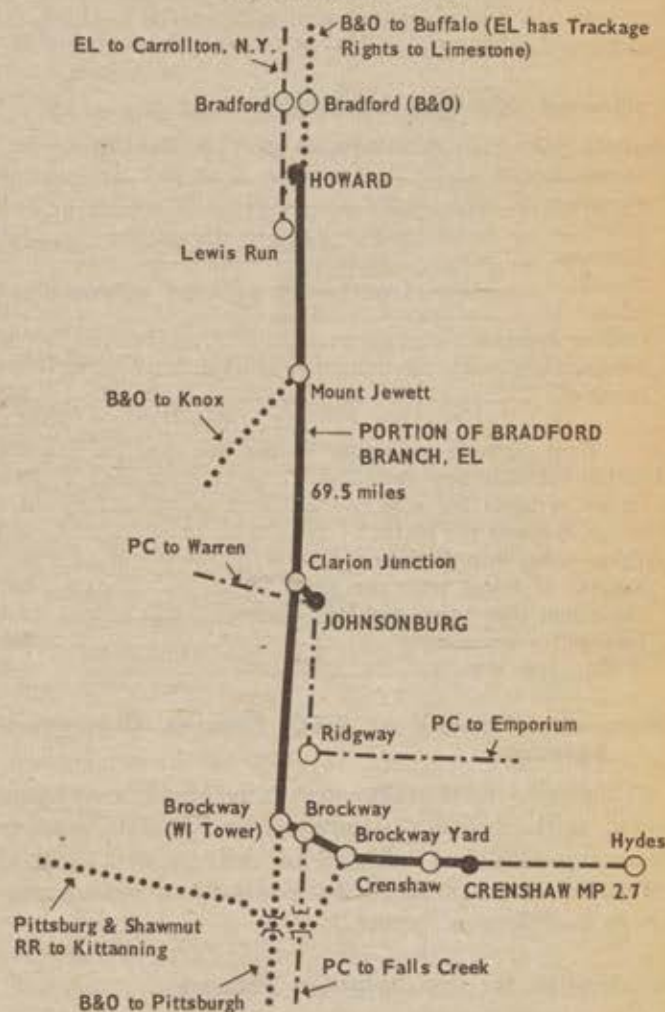
Preliminary Recommendation

It is *not* recommended that the Honesdale Branch be included in the MARC-EL System or the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$131,351 or \$55 per carload. Recovery of costs would require approximately a 65-percent increase in traffic or a 22-percent rate increase over the 1973 levels. The traffic density on this line is high, indicating that rail service could be efficient and financially self-sufficient *provided* the present low rates are corrected.

PORTION OF BRADFORD BRANCH

USRA Line No. 1252

Erie Lackawanna



This portion of the Bradford Branch extends from Howard to Crenshaw, Pa., a distance of 69.5 miles, in McKean, Elk and Jefferson Counties, Pa. This line comprises EL trackage rights over the B&O from Howard (B&O Milepost 76.1) to Mount Jewett (B&O Milepost 57.2), 18.9 miles, and from Clarion Junction (B&O Milepost 36.8) to Brockway WI Tower (B&O Milepost 11.2), 25.6 miles, and the EL lines from Mount Jewett (EL Milepost 31.4) to Johnsonburg (EL Milepost 53.2), 21.8 miles and from Brockway WI Tower to Crenshaw (Milepost 2.7), 3.2 miles including approximately 0.5 mile of operation over the PC near Brockway. The B&O extends north from Howard to Limestone with EL operating via trackage rights (also under study in this report) and south from Brockway (WI Tower) to Pittsburgh. The B&O line to Knox diverges at Mount Jewett. The EL line to Lewis Run connects at Howard and the EL continues on to Hydes at Crenshaw; both are also under study in this Report.

1252, 1254

Pennsylvania

The PC Emporium Secondary Track connects at Johnsonburg and the Ridgway Secondary Track connects at Brockway; both lines are also under study. The Pittsburgh & Shawmut RR connects at Brockway Yard. This line was not described as potentially excess in the U.S. DOT Report (see Zone 74).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Mount Jewett	0
Freeman	0
Hutchins	0
Midmont	0
Rasselas	0
Ketner	0
Clarion Junction	0
Johnsonburg	531
Brockway	938

Total carloads generated by the line	1,469
Average carloads per week	28.3
Average carloads per mile	21.1
Average carloads per train	4.9
1973 operating information:	
Number of round trips per year	300
Estimated time per round trip (hours)	14.0
Locomotive horsepower	2,500
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$644,281
Average revenue per carload	\$439
Variable (avoidable) cost of continued service:	
Cost incurred on the branch line	408,579
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	352,595
Total variable (avoidable) cost	761,174
Net contribution (loss): total	(116,893)
Average per carload	(80)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

Both Johnsonburg and Brockway are served by the B & O. Thus, service can be continued to both of these traffic-generating points by the B & O.

Preliminary Recommendation

It is *not* recommended that this portion of the Bradford Branch be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this line generates an annual excess financial burden amounting to \$116,893, or \$80 per carload. Recovery of costs would require approximately a 40-percent increase in traffic or an 18-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the service frequency, this alone will *not* make the line financially self-sufficient.

CONNECTION TO D&H RY

USRA Line No. 1254



This Connection to the Delaware & Hudson Ry extends from Jefferson Junction (Milepost 1.7) to Lanesboro, Pa. (Milepost 3.5), a distance of 1.8 miles, in Susquehanna County, Pa. At Jefferson Junction, this line connects with the D&H Ry Albany-Wilkes-Barre line. The EL operates south over the D&H under a trackage rights agreement. At Lanesboro "JA", the line connects with the EL Hoboken-Binghamton via Port Jervis. This line was not described as potentially excess in the U.S. DOT Report (see Zone 53).

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Pennsylvania

1254, 1256

Information for Line Retention Decision

This line is used as a connection between the EL and the D&H to serve USRA Segment No. 1226. The preliminary recommendation for Segment 1226 is that it not be included in the ConRail System.

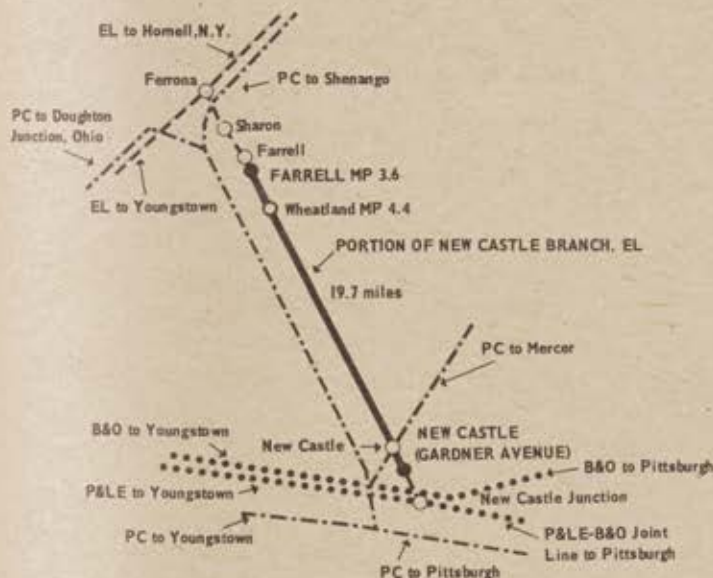
Preliminary Recommendation

It is *not* recommended that this Connection to the Delaware & Hudson Ry be included in the ConRail System.

PORTION OF NEW CASTLE BRANCH

USRA Line No. 1256

Erie Lackawanna



This portion of the New Castle Branch extends from Farrell (Milepost 3.6) to New Castle, Pa. (Milepost 23.3), a distance of 19.7 miles, in Mercer and Lawrence Counties, Pa. At Farrell, the line continues north to Ferrona. At New Castle, it intersects the PC Houston Secondary Track, also under study. This line was not studied in the U.S. DOT Report (see Zone 75).

Traffic and Operating Information

Stations (with their 1973 carloads) served by this line:

Wheatland	158
West Middlesex	113
Pulaski	18
Nashua	0
Water Works Siding	0

Total carloads generated by the line	289
Average carloads per week	5.6
Average carloads per mile	14.7
Average carloads per train	2.3

1973 operating information:

Number of round trips per year	104
Estimated time per round trip (hours)	7.0
Locomotive horsepower	2,500
Train crew size	4

Information Provided by RSPO, Shippers, Government Agencies

No specific information concerning this line was provided at the hearings conducted by the Rail Services Planning Office as reflected in their reports entitled "The Public Response to the Secretary of Transportation's Rail Service Report."

Information for Line Retention Decision

Revenue received by EL	\$87,991
Average revenue per carload	\$304

Variable (avoidable) cost of continued service:

Cost incurred on the branch line	176,944
Cost of upgrading branch line to FRA Class I: (1/10 of total upgrading cost)	0
Cost incurred beyond the branch line	46,245

Total variable (avoidable) cost 223,189

Net contribution (loss): total (135,198)

Average per carload (468)

This line would require no upgrading to meet the requirements of the Federal Railroad Administration's minimum safety standards (Class I track, which has a maximum safe operating speed of 10 m.p.h.).

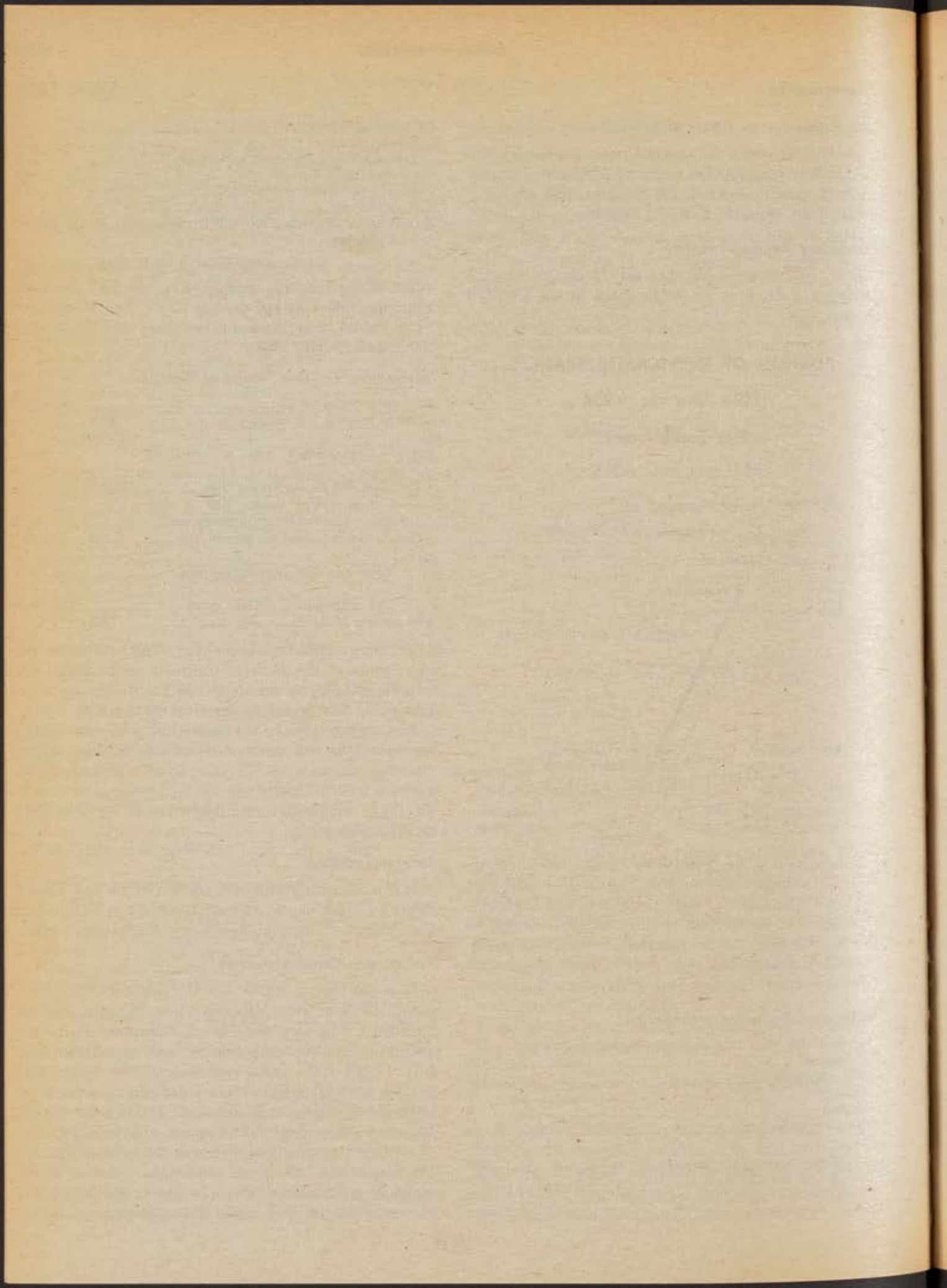
Although service to the entire line generates a loss, service to the line from Milepost 3.6 to Milepost 4.4 (serving shippers at Wheatland, who generated 158 carloads in 1973) would generate \$55,359 in revenue and \$40,432 in costs with a resulting contribution of \$15,368 or \$94 per carload.

Recommendation

It is recommended that the portion of the New Castle Branch from Milepost 3.6 to Milepost 4.4 be included in the ConRail System or the system of a solvent carrier.

Preliminary Recommendation

It is *not* recommended that the portion of the New Castle Branch from Milepost 4.4 to Milepost 23.3 be included in the ConRail System. Continued operation of this line would require a rail service continuation subsidy. Under 1973 traffic, revenue and cost levels, this portion of the line generates an annual excess financial burden amounting to \$150,566, or \$1,149 per carload. Recovery of costs would require approximately an elevenfold increase in traffic or a 460-percent rate increase over the 1973 levels. Although costs may be reduced by reducing the service frequency, this alone will *not* make the line financially self-sufficient.



LINES NOT NOW BEING SERVED

State	Line No.	Termini	Date last used	Reason
New Jersey	1211	Netcong to Andover Junction	Nov. 1, 1968	Lack of demand for service.
New York	1209	Orangeburg to Nanuet Junction	Mar. 14, 1973	Lack of demand for service.
	1249	Dayton to Cattaraugus	Oct. 27, 1970	Track damage (washouts).
	1257	Lancaster to East Lancaster	1963	Lack of demand for service.
	1268	Spring Valley (Woodbine Yard) to Thiells	Aug. 26, 1971	Lack of demand for service.
Pennsylvania	1223	Plains Junction to Pittston	1969	Lack of demand for service.
	1245	Lawrenceville to Blossburg	June 22, 1972	Flood damage—"Agnes."
	1269	Crenshaw to Hydes	1970	Lack of demand for service.
	1270	Loomis Breaker to Hanover	June 22, 1972	Flood damage—"Agnes."
	1271	Warrior Run Branch at Hanover	1967	Lack of demand for service.
	1272	Avondale to Loomis	June 22, 1972	Flood damage—"Agnes."
New York/Pennsylvania	1253	Limestone, N.Y. to Bradford, Pa.	Jan. 30, 1975	Highway construction and lack of demand for service.

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