federal register

MONDAY, JUNE 2, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 106

Pages 23717–23834

PART I

June 2, 1975—Pages 23717–23834

NOTICE TO AGENCIES

In order to minimize costs of publishing the large volume of information expected under the Privacy Act of 1974, the Office of the Federal Register will accept magnetic tape or word processing equipment input by prior arrangement only. Call the Federal Register Privacy Act coordinator on 523–5240.

HIGHLIGHTS OF THIS ISSUE

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

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

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Special supplemental food program, continuance
(May 28, 1975; 89 Stat. 96)

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(May 28, 1975; 89 Stat. 95)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

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

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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 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1975 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1975. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1975 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1975):

Title	Price
1	$1.45
2	.70
4	2.70
5	4.35
6 [Reserved]	
7 Parts:	
0–45	6.15
46–51	4.10
52	6.15
53–209	6.10
210–699	5.65
700–749	4.25
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1060–1119	4.80
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1200–1499	4.05
1500–end	6.30
8	2.45
10 Parts:	
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200–end	3.00
11	1.35
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1–299	6.35
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13	3.60
14 Parts:	
1–59	5.85
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15	4.50
16 Parts:	
0–149	$6.05
150–end	5.50

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20 Parts:	
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21 Parts:	
1300–end	1.90
26 Parts:	
1 (§§ 1.401–1.500)	3.45
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1 (§§ 1.641–1.850)	4.40
500–599 (Retain CFR Vol. Rev. 4–1–74)	3.15
600–end	1.70

1974 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of July 1, 1974):

28	$2.20
29 Parts:	
0–499	4.50
500–1899	5.50
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30	5.65
31	4.35
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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commodity Futures Trading Commission

Section 213.3379 is amended to show that one position of Congressional Relations Officer is excepted under Schedule C.

Effective June 2, 1975, § 213.3379(d) is added as set out below:

§ 213.3379 Commodity Futures Trading Commission.

* * * * *

(d) One Congressional Relations Officer.

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

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

[FR Doc.75-14272 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to reflect a change in title from Public Affairs Officer to Director of Public Affairs.

Effective June 2, 1975, § 213.3316(m) (1) is revised as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(m) *Office of Consumer Affairs.*

(1) Director of Public Affairs.

* * * * *

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

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

[FR Doc.75-14273 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show a change in title from Confidential Assistant (Private Secretary) to the Attorney General to Confidential Assistant (Private Secretary) to the Assistant Attorney General.

Effective June 2, 1975, § 213.3310(l) (1) is revised as set out below:

§ 213.3310 Department of Justice.

* * * * *

(l) *Office of Legal Counsel.*

(1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

* * * * *

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

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

[FR Doc.75-14276 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

National Labor Relations Board

Section 213.3341 is amended to reflect the following title changes: from one Private Secretary to the Chairman of the Board to one Confidential Staff Assistant to the Chairman; and from one Confidential Assistant to a Board Member to one Confidential Assistant to the Chairman.

Effective June 2, 1975, § 213.3341 (a) and (b) are revised as set out below:

§ 213.3341 National Labor Relations Board.

(a) One Confidential Staff Assistant to the Chairman.

(b) One Confidential Assistant to the Chairman and one Confidential Assistant to each of four Board Members.

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

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

[FR Doc.75-14277 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show a change of title from one Private Secretary to the Administrator to one Confidential Assistant to the Administrator.

Effective June 2, 1975, § 213.3332(c) is revised as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(c) One Confidential Assistant to the Administrator.

* * * * *

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

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

[FR Doc.75-14278 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation; Correction

In the FEDERAL REGISTER of December 30, 1974, on page 44958, Vol. 39, No. 251, subparagraph (46) of paragraph (a) of § 213.3394 was inadvertently omitted. This subparagraph should read as follows:

§ 213.3394 Department of Transportation.

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

(46) One Secretary to the Director, Office of Program Management.

* * * * *

((5 U.S.C. 3301, 3302); EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-14279 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to reflect the following title changes from: one position of Confidential Secretary and one position of Special Assistant to the Assistant Secretary for Safety and Consumer Affairs to one position of Confidential Secretary and one position of Special Assistant to the Assistant Secretary for Environment, Safety, and Consumer Affairs.

Effective June 2, 1975, §§ 213.3394(a) (22) and (a)(30) are revised as set out below:

§ 213.3394 Department of Transportation.

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

(22) One Confidential Secretary to the Assistant Secretary for Environment, Safety, and Consumer Affairs.

* * * * *

(30) One Special Assistant to the Assistant Secretary for Environment, Safety, and Consumer Affairs.

* * * * *

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

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

[FR Doc.75-14280 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

Section 213.3339 is amended to show a change in title from one Confidential Assistant to each Commissioner to one Confidential Assistant to the Chairman and one Confidential Assistant to each of the other five Commissioners.

Effective June 2, 1975, § 213.3339(a) is revised as set out below:

§ 213.3339 U.S. International Trade Commission.

(a) One Confidential Assistant to the Chairman and one Confidential Assistant to each of the other five Commissioners.

* * * * *

((5 U.S.C. 3301, 3302); EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-14275 Filed 5-30-75;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

Section 213.3339 is amended to show that one position of Secretary to the Chairman is no longer excepted under Schedule C. This section is further amended to show that one position of Secretary to the Administrative Assist-

ant to the Chairman is excepted under Schedule C.

Effective June 2, 1975, § 213.3339(d) is revoked and (h) is added as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(d) [Revoked]

* * * * *

(h) One Secretary to the Administrative Assistant to the Chairman.

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

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

[FR Doc.75-14274 Filed 5-30-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 295—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

Freedom of Information

The regulations on the availability of information to the public, 7 CFR Part 295, are revised to read as follows:

Sec.

AUTHORITY: (5 U.S.C. 301, 552); 7 CFR 1.1–1.16.

§ 295.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture at CFR 1.1–1.16, and Appendix A, implementing the Freedom of Information Act (5 U.S.C. 522). The Secretary's regulations as implemented by the regulations in this part, govern the availability of records of FNS to the public.

§ 295.2 Organizational description.

The description of the central and field organization of FNS is published as a notice in the FEDERAL REGISTER (35 FR 8835) and may be revised from time to time in like manner. Such description contains a listing of FNS Washington and field organizational units and their functions.

§ 295.3 Informational and educational publications.

FNS publishes a wide variety of informational and educational periodicals, pamphlets, brochures, leaflets, guides, and educational aids explaining the operation of FNS food assistance programs. For more information concerning FNS publications and how to obtain them, write the Director, Information Division, Food and Nutrition Service, USDA, 500 12th St. SW., Room 771, Washington, D.C. 20250.

§ 295.4 Nutrition education and training status reports.

Upon completion, FNS prepares summaries containing objectives, methodology, and findings from nutritional training and education studies, surveys, and projects awarded through grants, cooperative agreements or contracts with States, nonprofit institutions, universities, and private industry. A limited number of current status reports on completed studies is available for free public distribution. Write the Director, Nutrition and Technical Services Staff, Food and Nutrition Service, USDA, 500 12th St. SW., Room 556, Washington, D.C. 20250.

§ 295.5 Program evaluation status reports.

FNS also publishes summaries of objectives and findings of completed studies and projects concerning evaluation of FNS food assistance programs. While supplies last, a copy of the current status report on completed studies may be obtained by writing the Director, Economic Analysis and Program Evaluation Staff, Food and Nutrition Service, USDA, 500 12th St. SW., Room 724, Washington, D.C. 20250.

§ 295.6 Program statistical reports.

Current and historical statistical information on FNS food assistance program size, monetary outlays, geographic distribution, racial and ethnic participation rates, and other data is published throughout the year. Limited supplies are available for public distribution upon request. Write the Director, Program Reporting Staff, Food and Nutrition Service, USDA, 500 12th St. SW., Room 610, Washington, D.C. 20250.

§ 295.7 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying. Such materials maintained by FNS may be inspected and copied during regular office hours (currently 8:30 a.m. to 5 p.m.) at the FNS Washington Offices, 500 12th St. SW., Washington, D.C. 20250. Specific room locations are as follows:

(a) Child Nutrition Program materials—Room 560.

(b) Food Distribution Program materials—Room 600.

(c) Food Stamp Program materials—Room 650.

(d) Special Supplemental Food Unit materials—Room 764.

(e) All other materials—Inquire at Room 796 for specific locations.

§ 295.8 Indexes.

5 U.S.C. 552(a)(2) also requires that an index of the materials required to be made available for public inspection and copying, be published quarterly. Copies of this Index for FNS materials will be maintained for public inspection and copying during regular office hours in the Tri-Agency Reading Room, 500 12th St. SW., Room 505, Washington, D.C. 20250. Free copies of the current index may be obtained by writing or visiting the following FNS offices:

(a) Records Management Officer, Food and Nutrition Service, USDA, 500 12th St. SW., Room 796, Washington, D.C. 20250.

(b) Director of Administrative Management, Food and Nutrition Service, USDA, 729 Alexander Rd., Princeton, N.J. 08540.

(c) Director of Administrative Management, Food and Nutrition Service, USDA, 1100 Spring St. NW., Room 210, Atlanta, GA 30309.

(d) Director of Administrative Management, Food and Nutrition Service, USDA, 536 S. Clark St., Room 984, Chicago, IL 60605.

(e) Director of Administrative Management, Food and Nutrition Service, USDA, 1100 Commerce St., Room 5–C–30, Dallas, TX 75202.

(f) Director of Administrative Management, Food and Nutrition Service, USDA, 550 Kearney St., Room 400, San Francisco, CA 94108.

§ 295.9 Requests.

Requests for records under 5 U.S.C. (a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to the appropriate FNS official listed below:

(a) Child Nutrition Program records—Director, Child Nutrition Division, Food and Nutrition Service, USDA, 500 12th St. SW., Room 560, Washington, D.C. 20250.

(b) Food Distribution Program records—Director, Food Distribution Division, Food and Nutrition Service, USDA, 500 12th St. SW., Room 600, Washington, D.C. 20250.

(c) Food Stamp Program records—Director, Food Stamp Division, Food and Nutrition Service, USDA, 500 12th St. SW., Room 650, Washington, D.C. 20250.

(d) Special Supplemental Food Unit records—Director, Special Supplemental Food Unit, Food and Nutrition Service, USDA, 500 12th St. SW., Room 764, Washington, D.C. 20250.

If the requester is unable to determine the official to whom his request should be addressed, he should address it to: Records Management Officer, Food and Nutrition Service, USDA, 500 12th Street SW., Room 796, Washington, D.C. 20250 who will refer such requests to the appropriate official. Authority is hereby delegated to these officials to make determinations in accordance with 7 CFR 1.4(c).

§ 295.10 Appeals.

Any person whose request for records above is denied shall have the right to appeal that denial in accordance with 7 CFR 1.3(e). All appeals shall be addressed to: Administrator, Food and Nutrition Service, USDA, 500 12th St. SW., Room 726, Washington, D.C. 20250.

Effective Date. This revision shall become effective June 2, 1975.

Dated: May 28, 1975.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.75-14350 Filed 5-30-75;8:45 am]

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

[Valencia Orange Regulation 499, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 23–29, 1975.[1] The quantity that may be shipped is increased due to improved market conditions for California-Arizona-Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to 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, 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 recommendation and information submitted by the Valencia 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 Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 499 (40 FR 22265). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), (ii), and (iii) of § 908.799 Valencia Orange Regulation 499 (40 FR 22265) are hereby amended to read as follows: (i) District 1: 238,000 cartons; (ii) District 2: 391,000 cartons; (iii) District 3: 221,000 cartons.

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

Dated: May 28, 1975.

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

[FR Doc.75-14349 Filed 5-30-75;8:45 am]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Handling Regulation

This regulation requires potatoes grown in designated counties of Virginia and North Carolina to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation, to be effective under Marketing Agreement No. 104 and Marketing Order No. 953, both as amended (7 CFR Part 953), regulating the handling of potatoes grown in the production area, was published in the May 5, 1975, FEDERAL REGISTER (40 FR 19479). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons through May 22, 1975, to file written data, views or arguments pertaining to that proposal. None was filed.

The notice was based upon recommendations of the Southeastern Potato Committee, established pursuant to said marketing agreement and order. The recommendations are consistent with the marketing policy the committee unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

Shipments of potatoes from the production area are expected to begin about June 5. The grade and size requirements provided herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable size from being distributed to fresh market outlets. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed are so exempted because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are also exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found and determined that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act by setting the minimum standards of quality and maturity and the grading and inspection requirements which the Secretary has found should be maintained for orderly marketing.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by June 5, 1975.

The regulation is as follows:

§ 953.315 Handling regulation.

During the period June 5 through July 31, 1975, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freez-

[1] This document was received by the Office of the Federal Register on May 28, 1975.

ing, "other processing" as hereinafter defined, livestock feed or charity: *Provided*, That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further Provided*, That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540—51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Public Law 92–233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 *Import regulations* of this chapter, Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

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

Dated May 28, 1975 to become effective June 5, 1975.

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

[FR Doc.75-14347 Filed 5-30-75;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Correction

In FR Doc. 75–10296, appearing at page 17816, in the issue for Tuesday, April 22, 1975, certain portions of the text were inadvertently omitted and are now added as set forth in paragraphs 1 and 2 below. Paragraph 3 corrects a typographical error.

1. On page 17816, in the eleventh line of the second column insert the following phrase after the word "interstate" and before the word "without": "movement or, if moved directly from a farm of origin to a specifically approved stockyard, upon arrival. Such cattle moving for immediate slaughter or to a quarantined feedlot could be moved interstate".

2. Also on page 17816, in the first full paragraph of the second column, the text appearing after the figure "(2)" in line 8 and before the word "that" in line 9 should read as follows:

". . . Brucellosis Eradication Uniform Methods and Rules (APHIS 91–1) cited in the proposal as April 1974 has been changed to January 1975. This reflects minor changes in this reference but does not affect the interpretation of these regulations.

Sections 78.9(a), (b)(1), (b)(2), (b)(3)(iii); 78.10(a) and (b); and 78.17(a) and (b) have been changed by substituting the phrase "accompanied by an owner's statement, or other document" for the phrase "accompanied by a waybill or similar document or an owner's statement." A definition of "other document" is included in § 78.1 (dd). This change: does not affect the interpretation of the regulations; would parallel the language presently found in 9 CFR 71.18; would resolve any doubt concerning the necessity for two different documents to accompany interstate shipments of cattle in order to satisfy the requirements of § 71.18 and the applicable sections of Part 78; and would clearly enunciate what this Department considers to be acceptable certification required to accompany cattle.

Section 78.8(c) has been changed to require a permit rather than a certificate to accompany calves under 6 months of age from brucellosis exposed or reactor dams that are moved interstate for any purpose other than to a quarantined feedlot or for immediate slaughter, because it would be impossible for anyone to execute a certificate as defined in § 78.1(u) since such a certificate would require a statement that the animals identified thereon have been tested and found negative to brucellosis. Additionally, the heading of § 78.8(c) has been changed to reflect . . ."

3. On page 17820, in § 78.20(b) in the paragraph for Tennessee, the first word of the third line now reading "Claborne" should be changed to read "Clairborne".

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

Correction

In FR Doc. 75–11046 appearing at page 18405 in the issue for Monday, April 28, 1975, on page 18408, the first column, the fourteenth line, (§ 113.164(d)(2)(iv)), the word "serum" should read "serial".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75–WE–37–AD; Amdt. 39–2231]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Model NA 265–40/–60 Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on May 9, 1975, and made effective immediately by airmail letters, dated May 13, 1975, as to all known United States operators of Rockwell International Sabreliner Model NA 265–40 airplanes, serial numbers 282–112, –113, –115 through –137 and model NA 265–60 airplanes, serial numbers 306–64 through –102 certificated in all categories. The directive requires inspection of the R.H. and L.H. engine support beams outer skin for cracks and defective material.

The AD was required because of the possibility of defective material in engine support beams outer skins which may considerably reduce expected life and/or result in cracking with rapid consequent failure.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Rockwell International Sabreliner Model NA 265–40 airplanes, serial numbers 282–112, –113, –115 through –137 and model NA 265–60 airplanes, serial numbers 306–64 through –102 certificated in all categories by individual airmail letters dated May 13, 1975. These conditions still exist and the airworthiness directive is hereby

published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ROCKWELL INTERNATIONAL. Applies to Sabreliner Model NA 265-40 airplanes, serial numbers 282-112, -113, -115 through -137, and model NA 265-60 airplanes, serial numbers 306-64 through -102, certificated in all categories.

To prevent possible failure of engine supports due to cracks in the engine support beams outer skins, accomplish the following:

(a) Within the next 10 hours' time in service after receipt of this airmail letter, unless already accomplished, perform a close visual inspection of the R.H. and L.H. engine support beam outer skin (Ref: 40/60, IPC NA 62-1208, Chapter 17, Page 14, Item 6) for cracks. If cracks are found, either:

(1) Install a doubler type repair per NA 265-40/-60 Structural Repair Manual for issuance of special flight permit per FAR's 21.197 and 21.199 to a base where (2) can be performed; or

(2) Replace the entire outer skin prior to further flight. Replacement of the outer skin constitutes terminating action under this AD.

(b) Within the next 50 hours' time in service after receipt of this airmail letter, unless already accomplished, inspect the R.H. and L.H. engine support beam outer skin by eddy current method for hardness in accordance with Sabreliner Service Bulletin 75-16 dated May 12, 1975, or later FAA-approved revisions. If the material is as required no further action is necessary. If the material is found defective (too hard), compliance is required as follows: For those airplanes having a crack in the engine support beam outer skin, repair and ferry flight only to a base for skin replacement. For those airplanes with no cracks in the engine support beam outer skin, inspect for cracks at intervals not to exceed 100 hours' time in service from the time of the first eddy current inspection using the dye penetrant method in accordance with Sabreliner Service Bulletin 75-16 dated May 12, 1975, or later FAA-approved revisions until the defective skin is replaced. Replacement of defective skin must be accomplished no later than 650 hours' time in service after receipt of this airmail letter and is considered terminating action.

(c) Equivalent inspections and repairs may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

This amendment becomes effective June 9, 1975 for all persons except those to whom it was made effective by individual airmail letters, dated May 13, 1975 which contained this amendment.

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

Issued in Los Angeles, California on May 23, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-14242 Filed 5-30-75;8:45 am]

[Airworthiness Docket No. 75-WE-34-AD; Amdt. 39-2229]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-10-10, -10F, -30, -30F

The agency has received reports of detachment of the bellmouth attach fittings from the aft engine bellmouth ring on DC-10 airplanes that could result in loss of fire protection capability, foreign object damage and subsequent engine shutdown. 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: (1) Inspection of; the adapter installation tolerances, the bellmouth attach fittings and the anti-ice override cable brackets; (2) repairs, in accordance with Douglas Service Bulletin 71-75, as necessary.

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:

MCDONNELL DOUGLAS. Applies to Model DC-10-10, -10F, -30, -30F airplanes certificated in all categories.

To maintain fire containment capability of the aft engine, and to protect against potential foreign object damage to the aft engine fan section, accomplish the following after the effective date of this AD.

Within the next 300 flight hours, unless already accomplished within the 600 flight hours previous to the effective date of this AD, and at intervals not to exceed 900 flight hours thereafter, accomplish the inspection and repair requirements of McDonnell Douglas Service Bulletin 71-75, dated May 16, 1975, or later FAA-approved revisions.

Equivalent inspections and repairs may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Special flight permits may be issued under FAR 21.197 and 21.199 for the purpose of moving the aircraft to a base to perform the inspection requirements of the AD.

This amendment becomes effective June 6, 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 Los Angeles, California on May 22, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-14244 Filed 5-30-75;8:45 am]

[Airworthiness Docket No. 75-WE-1-AD; Amdt. 39-2224]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP660-4 and -4R Auxiliary Power Units (APU)

Amendment 39-2108 (40 FR 8541), AD 75-05-17, imposes an operating limitation prohibiting inflight operation of the APU and requires an inspection of the aircraft to determine that hazardous damage to the aircraft has not occurred after an APU automatic or manual shutdown to correct operating discrepancies on Boeing Model 747 aircraft equipped with certain AiResearch Model GTCP-660-4 and -4R APU's. After issuing Amendment 39-2108, the agency determined that the manufacturer has developed appropriate corrective action to prevent fatigue failure of the integral bladed compressor discs. Therefore, the AD is being amended to permit the lifting of the inflight operating limitation and inspection of the APU and APU compartment, after the integral bladed compressor rotor discs have been modified and inspected and found to be free of fatigue cracks per manufacturer's instructions. Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2108 (40 FR 8541), AD 75-05-17, is amended as follows:

1. Add a new paragraph (c) as follows:

(c) The placard required by paragraph (a), above, may be removed and the inspections required by paragraph (b), above, may be discontinued when the modifications and inspections described in AiResearch Service Bulletin GTCP660-49-7313, dated May 15, 1975, or later FAA-approved revisions, have been incorporated.

2. Re-identify existing paragraph (c) as (d).

This amendment becomes effective June 5, 1975.

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

Issued in Los Angeles, California on May 21, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-14245 Filed 5-30-75;8:45 am]

[Docket No. 75-EA-36; Amdt. 39-2225]

PART 39—AIRWORTHINESS DIRECTIVES

Funk Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Funk (McClish) type airplanes, Models B and C.

There has been a report of corrosion in the forward external wing strut. This resulted in failure of the strut. The same report established corrosion also within the fuselage lower longerons at the tail and rudder hinge post areas. Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require a repetitive inspection and repair or replacement where necessary.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the

Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

McCLISH (Funk). Applies to all McClish (Funk) Model B, B75L, B85C and Funk C Aircraft.

1. Affects wing forward external support struts and rear fuselage lower longerons at the tail post.

a. Within the next ten hours' time in service or one month, whichever occurs first, after the effective date of this Airworthiness Directive, unless accomplished within the last 90 hours in service or 11 months, accomplish the following:

b. Inspect the wing forward external support struts at the lower end where the aileron cable enters the strut, for corrosion and cracks.

c. Inspect the lower fuselage longerons at the tail post and weldments in the rudder hinge post area, for corrosion and cracks.

2. The inspection specified in paragraph (1) must be repeated at intervals not to exceed 100 hours' time in service or 12 months, whichever occurs first.

3. Before further flight, all corroded or cracked parts must be replaced with the same part number or with approved equivalent parts, or repaired in accordance with an approved repair procedure.

4. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection time in this Airworthiness Directive. Repairs and equivalent parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Substantiating data for repairs and equivalent parts must be submitted by an owner or operator through an FAA Maintenance Inspector.

This amendment is effective June 5, 1975.

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

Issued in Jamaica, N.Y., on May 21, 1975.

R. J. VAN VUREN,
Acting Director, Eastern Region.

[FR Doc.75-14250 Filed 5-30-75;8:45 am]

[Airworthiness Docket No. 74-WE-12-AD; Amdt. 39-2230]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-10-10/-30/-40 Airplanes

Amendment 39-1812 (39 FR 12997), AD 74-08-07, as amended by Amendment 39-1928 (39 FR 30109), limits the use of the automatic landing system installed on McDonnell Douglas DC-10-10/-30/-40 airplanes. Amendment 39-2115 (40 FR 8795) relieves some of the restrictions on the use of the automatic landing system for the DC-10-10 and DC-10-30 airplane models only.

The FAA has determined that the manufacturer has developed design changes for the DC-10-40 automatic landing system similar to those previously approved for the DC-10-10 and DC-10-30 automatic landing systems which will detect the previously undetected failures in the lateral control of the airplane before a hazardous deviation occurs. Therefore, the AD is being amended to permit the use of the DC-10-40 automatic landing system, for use into meteorological conditions of 1200 feet RVR (Category 11) or better, provided the necessary design changes are made.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made 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, Amendment 39-1812 (39 FR 12997), AD 74-08-07, amended by Amendment 39-1928 (39 FR 30109) and 39-2115 (40 FR 8795) is amended to add the following new paragraphs (f), and (g), applicable to the DC-10-40 airplanes only, to read:

(f) An operator may use the DC-10-40 automatic landing system for revenue service down to and including Category II meteorological conditions when all of the following are accomplished.

(1) All DC-10-40 airplanes in an individual operator's fleet have been modified per Douglas DC-10, Service Bulletin 22-78 dated March 14, 1975, or later FAA-approved revision.

(2) Douglas DC-10 Service Bulletin 22-80 dated May 13, 1975, or later FAA-approved revision is accomplished.

(3) The Flight Guidance Appendix to the Airplane Flight Manual, Report No. MDC-J1040, must incorporate Revision No. 22 approved on May 22, 1975, or later FAA-approved revision.

(4) Approval to conduct automatic landings is obtained from the FAA Principal Operations Inspector assigned to the individual operator.

(5) Remove the placard installed by paragraph (b)(2), above, when paragraphs f (1), (2), (3) and (4) are accomplished.

(g) If the requirements of paragraph (f) above are met, the following limitations apply to use of the DC-10-40 automatic landing system:

Automatic Landing System:

Do not use Automatic Landing mode until DC-10 Service Bulletin 22-56 or production equivalent is accomplished.

Do not exceed 235 knots with Single Land or Dual Land modes of the autopilot engaged.

Category III Automatic Landing:

In addition to the Automatic Landing System Limitations listed above, the following limitation applies: Do not use Automatic Landing System for Category III operation.

This amendment becomes effective June 9, 1975.

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

Issued in Los Angeles, California on May 23, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-14243 Filed 5-30-75;8:45 am]

[Docket No. 75-EA-29; Amdt. 39-2227]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-24 type airplanes.

There have been reports of cracks originating at the bend relief hole of the right strap and right channel of the vertical fin forward spar to fuselage attachment.

Since this deficiency can exist or develop in other airplanes of similar type design, an airworthiness directive is being issued which will require an inspection of the part and replacement where necessary.

Since this fatigue type crack can develop into an unsafe condition, notice and public procedure hereon are impractical and cause exists for making the amendment effective in less than 30 days.

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

PIPER. Applies to Piper Models PA-24, PA-24-250, PA-24-260 and PA-24-400 certificated in all categories.

Compliance required as indicated.

1. Affects the fin forward spar to fuselage attachment assembly where the channel P/N 20749-0 and the straps P/N 20749-5 and -6 are riveted together.

(a) Within the next 25 hours' time in service, unless already accomplished within the last 75 hours' time in service:

(i) Inspect the channel P/N 20749-0 and the two straps P/N 20749-5 and -6 in the area of the channel bend relief holes for cracks using a dye penetrant method or an approved equivalent inspection.

(ii) Polish the rough edges of the bend relief holes.

(b) Within 100 hours' time in service after the inspection specified in "a" above, visually inspect the channel and straps in the area of the channel relief holes for cracks using a magnifying glass of at least 5 power or an approved equivalent inspection.

(c) The inspection specified in "b" above shall be repeated at intervals not to exceed 100 hours' time in service from the last inspection.

2. Repair cracked parts with an FAA approved repair or replace parts with an unused part of the same number or an approved equivalent part prior to further flight.

3. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection interval specified in this AD. Equivalent inspections and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective June 5, 1975.

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

Issued in Jamaica, N.Y., on May 22, 1975.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.75-14251 Filed 5-30-75;8:45 am]

[Airspace Docket No. 75-WA-5]

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

Alteration of Federal Airway

On April 10, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 16217) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-515 between Gulkana, Alaska, and Big Delta, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., August 14, 1975, as hereinafter set forth.

Section 71.125 (40 FR 339, 39 FR 36111) is amended as follows:

In V-515 "via INT of Gulkana 011° and Big Delta, Alaska, 161° radials;" is deleted and "via INT Gulkana 011° and Big Delta 139° radials;" is substituted therefor.

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

Issued in Washington, D.C., on May 27, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-14246 Filed 5-30-75;8:45 am]

[Airspace Docket No. 75-AL-11]

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

Alteration of Controlled Airspace

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the description of the Johnstone Point, Alaska, and Juneau, Alaska, transition areas.

The Johnstone Point, Alaska, transition area is described in part by reference to V-317. On October 9, 1975, the segment of V-317 on which this transition area is based will be changed to V-319 by Airspace Docket 75-AL-5. This amendment merely substitutes V-319 for V-317.

The Juneau, Alaska, transition area is described in part by reference to B-38. On October 9, 1975, the segment of B-38 on which this transition area is based will be changed to B-37 by Airspace Docket No. 75-AL-5. This amendment merely substitutes B-37 for B-38.

Since this action simply redescribes controlled airspace with no alteration to airspace dimension, it is a minor matter in which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to coincide with effective date of the airway changes contained in Airspace Docket No. 75-AL-5, this amendment will be effective October 9, 1975.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., October 9, 1975, as hereinafter set forth.

Section 71.181 (40 FR 441) is amended as follows:

a. In Johnstone Point, Alaska, "V-317" is deleted and "V-319" is substituted therefor.

b. In Juneau, Alaska, "B-38" is deleted and "B-37" is substituted therefor.

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

Issued in Anchorage, Alaska, on May 21, 1975.

WM. S. DALTON,
Acting Director, Alaskan Region.

[FR Doc.75-14247 Filed 5-30-75;8:45 am]

[Airspace Docket No. 75-RM-11]

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

Alteration of Transition Area

On April 18, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 17264) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Rock Springs, Wyoming.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 g.m.t., August 14, 1975.

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

Issued in Colorado (Aurora), June 2, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (40 FR 354) the description of the Rock Springs, Wyoming, control zone is amended to read:

ROCK SPRINGS, WYOMING

Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N, longitude 109°04'00" W); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5-mile radius zone to 9 miles east of the Thayer LOM (latitude 41°35'49" N, longitude 108°58'09" W); within 3.5 miles each side of the Rock Springs VORTAC 102° radial, extending from the 5.5-mile radius zone to 11.5 miles east of the VORTAC, and within 3 miles each side of the Rock Springs VORTAC 271° radial, extending from the 5.5-mile radius zone to 17.5 miles west of the VORTAC.

In § 71.181 (40 FR 441) the description of the Rock Springs, Wyoming, transition area is amended to read:

ROCK SPRINGS, WYOMING

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from the Thayer LOM (latitude 41°35'49" N, longitude 108°58'09" W), extending from 8 miles west to 18.5 miles east of the LOM; within 1 mile north and 6 miles south of the Rock Springs VORTAC 102° radial, extending from the VORTAC to 18.5 miles east of the VORTAC; and that airspace extending upward from 1200 feet above the surface within a 23-mile radius of the Rock Springs VORTAC and within 4.5 miles each side of the Rock Springs VORTAC 117° radial extending from the 23-mile radius circle to 35 miles southeast of the VORTAC.

[FR Doc.75-14248 Filed 5-30-75;8:45 am]

[Airspace Docket No. 75-RM-7]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Extension of Jet Route

On April 2, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 14781) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route 10 from Denver, Colo., to Wolbach, Nebr., via North Platte, Nebr.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 g.M.t., August 14, 1975, as hereinafter set forth.

In § 75.100 (40 FR 705), in Jet Route 10, the heading is deleted and in the text: "Denver, Colo." is deleted, and "Denver, Colo.; North Platte, Nebr.; to Wolbach, Nebr." is substituted therefor.

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

Issued in Washington, D.C., on May 27, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-14249 Filed 5-30-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2659]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Arkon Fashions, Inc., et al.

Subpart—Misbranding or Mislabeling: § 13.1185 *Composition;* 13.1185-80 *Textile fiber products identification act;* § 13.1212 *Formal regulatory and statutory requirements;* 13.1212-80 *Textile fiber products identification act.* Subpart—Neglecting, unfairly or deceptively,

to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–70 *Textile fiber products identification act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68.)

In the Matter of Arkon Fashions, Inc., a Corporation, and Abraham Kunen, Individually and as an Officer of said Corporation.

Consent order requiring a New York City clothing importer and distributor, among other things to cease misbranding its wool products.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered That respondents Arkon Fashions, Inc., a corporation, its successors and assigns, and its officers, and Abraham Kunen, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, or importing for introduction, into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered That respondents notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the wool products which gave rise to this complaint of the fact that such products were misbranded.

It is further ordered That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission April 29, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-14308 Filed 5-30-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 11—STANDARDS OF QUALITY FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

Quality Standards for Bottled Water

Correction

In FR Doc. 75-13170, appearing at page 21932, in the issue for Tuesday, May 20, 1975, the following change should be made. In the preamble on page 21933, in the second column, the tenth line of the fourth full paragraph, the figure reading "1.17 mg./liter" should be changed to read "1.7 mg./liter".

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTICS AND ANTIBIOTIC-CONTAINING DRUGS

PART 442—CEPHA ANTIBIOTIC DRUGS

Cephapirin Sodium

In a notice published in the FEDERAL REGISTER of November 26, 1974 (39 FR 41260), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended in 21 CFR Parts 436 and 442 to provide for a new official nonaqueous titration procedure for determining the cephapirin content of cephapirin sodium. Interested persons were invited to submit comments in response to the proposal by January 27, 1975.

No comments were received, and the amendments are adopted without change as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 436, § 436.213(c) is amended by alphabetically inserting a new item in the table as follows:

§ 436.213 Nonaqueous titrations.

* * * * *

(c) * * *

Antibiotic	Weight in milligrams of sample	Solvent
* * *	* * *	* * *
Cephapirin sodium-base titration.	50	50 milliliters glacial acetic acid.
* * *	* * *	* * *

2. In Part 442, § 442.29a is amended by revising paragraph (b)(7) to read as follows:

§ 442.29a Sterile cephapirin sodium.

* * * * *

(b) * * *

(7) *Cephapirin content.* Proceed as directed in § 436.213 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the cephapirin content as follows:

$$\text{Percent cephapirin content} = \frac{(A-B)\,(\text{normality of perchloric acid reagent})\,(222.7)\,(100)\,(100)}{(\text{Weight of sample in milligrams})\,(100-m)}$$

where:

A = Milliliters of perchloric acid reagent used in titrating the sample.

B = Milliliters of perchloric acid reagent used in titrating the blank.

m = Percent moisture content of the sample.

* * * * * * *

Effective date. This order shall become effective July 2, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: May 27, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-14284 Filed 5-30-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-590]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of

flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
California	Placer	Auburn, city of	May 27, 1975, Emergency	May 31, 1974		
Colorado	Rio Grande	Monte Vista, city of	do	Feb. 1, 1974		
Do.	Otero	Rocky Ford, city of	do	Apr. 5, 1974		
Do.	San Miguel	Telluride, town of	do	June 28, 1974		
Idaho	Elmore	Mountain Home, city of	do	June 7, 1974		
Illinois	Tazewell	East Peoria, city of	do	June 21, 1974		
Iowa	Bremer	Denver, city of	do	Mar. 22, 1974		
Maine	York	Kennebunkport, town of	do	Dec. 6, 1974		
Mississippi	Itawamba	Mantachie, town of	do	June 21, 1974		
Do.	Hinds	Terry, town of	do	Feb. 1, 1974		
Missouri	Saline	Sweet Springs, city of	do	June 7, 1974		
Nebraska	Lancaster	Hickman, village of	do	Nov. 8, 1974		
Do.	Garden	Oshkosh, city of	do	June 28, 1974		
Do.	Saline	Wilber, city of	do	Dec. 28, 1973		
New Hampshire	Hillsborough	Antrim, town of	do	Apr. 12, 1974		
New York	Erie	Colden, town of	do	May 31, 1974		
Do.	Jefferson	Dexter, village of	do	July 26, 1974		
North Carolina	Randolph	Archdale, city of	do	Mar. 1, 1974		
North Dakota	Dunn	Killdeer, city of	do	June 28, 1974		
Ohio	Tuscarawas	Dover, city of	do	Mar. 1, 1974		
Do.	Logan	West Mansfield, village of	do	May 31, 1974		
Oklahoma	Alfalfa	Aline, town of	do	Feb. 14, 1975		
Pennsylvania	Berks	Alsace, township of	do	Jan. 24, 1975		
Do.	Schuylkill	Ringtown, borough of	do	Dec. 27, 1974		
Do.	Northumberland	Saydertown, borough of	do			
South Carolina	Richland	Arcadia Lakes, town of	do	Aug. 2, 1974		
Do.	Jasper	Hardeeville, town of	do	June 14, 1974		
Do.	Hampton	Varnville, town of	do	May 24, 1974		
Washington	Kitsap	Bremerton, city of	do	Nov. 8, 1974		
Do.	Franklin	Pasco, city of	do	June 21, 1974		
Do.	Grant	Wilson Creek, town of	do	Jan. 10, 1975		
West Virginia	Marshall	Moundsville, city of	do	Mar. 22, 1974		

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974)

Issued: May 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14124 Filed 5-30-75;8:45 am]

[Docket No. FI-582]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that

date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area Identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Franklin	Charleston, city of	May 19, emergency	Mar. 1, 1974		
California	Riverside	Banning, city of	do	Mar. 15, 1974		
Do	San Diego	Del Mar, city of	do	Feb. 22, 1974		
Florida	Palm Beach	Lake Clarke Shores, town of	do	Jan. 9, 1974		
Illinois	Du Page	Winfield, village of	do	May 10, 1974		
Indiana	Johnson	Greenwood, city of	do	Jan. 9, 1974		
Kansas	Kingman	Kingman, city of	do	Feb. 15, 1974		
Kentucky	Hancock	Hawesville, town of	do	do		
Do	Rowan	Unincorporated areas	do	Oct. 18, 1974		
Maine	Androscoggin	Mechanic Falls, town of	do	Feb. 15, 1974		
Do	Aroostook	New Limerick, town of	do	Feb. 21, 1975		
Maryland	Garrett	Accident, town of	do			
Do	Washington	Funkstown, town of	do	Mar. 8, 1974		
Michigan	Washtenaw	Saline, city of	do	Jan. 28, 1974		
Mississippi	Tallahatchie	Charleston, city of	do	June 7, 1974		
Missouri	Howard	Fayette, city of	do	Dec. 28, 1973		
Do	Stoddard	Penermon, city of	do			
Do	Jasper	Webb City, city of	do	Jan. 16, 1974		
Do	Platte	Weston, city of	do	Mar. 22, 1974		
Montana	Cascade	Belt, city of	May 13, 1975, emergency	Mar. 15, 1974		
New Jersey	Cumberland	Bridgeton, city of	May 19, 1975, emergency	May 31, 1974		
Do	Salem	Elmer, borough of	do	June 28, 1974		
Do	Warren	Greenwich, township of	do	June 14, 1974		
New York	Broome	Colesville, town of	do	June 28, 1974		
Do	Montgomery	Amsterdam, city of	do	Mar. 1, 1974		
Do	Onondaga	Geddes, town of	do	May 17, 1974		
Do	Allegany	Hume, town of	do	Sept. 6, 1974		
Do	Erie	Lancaster, village of	do	Apr. 12, 1974		
Do	Dutchess	Red Hook, town of (includes: villages of Red Hook and Tivoli).	do	Oct. 18, 1974		
Do	Delaware	Walton, village of	do	May 12, 1974		
Do	Cayuga	Weedsport, village of	do	June 7, 1974		
Do	Washington	Whitehall, village of	do	May 3, 1974		
North Dakota	Richland	Wahpeton, city of	do	June 28, 1974		
Ohio	Montgomery	Centerville, city of	do	May 17, 1974		
Do	Jefferson	Dillonvale, village of	do	Apr. 12, 1974		
Do	Summit	Hudson, village of	do	Mar. 20, 1974		
Do	Hamilton	Wyoming, city of	do	Feb. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974)

Issued: May 12, 1975.

J. Robert Hunter,
Acting Federal Insurance Administrator.

[FR Doc.75-14125 Filed 5-30-75;8:45 am]

[Docket No. FI-581]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column

of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Washington	Elm Spring, town of	May 15, 1975, Emergency.	Aug. 16, 1974		
Florida	Lake	Tavares, city of	do	Aug. 2, 1974		
Georgia	Lamar	Barnesville, city of	do	June 28, 1974		
Do.	Lee	Unincorporated areas	do			
Illinois	Franklin	Christopher, city of	do	Mar. 29, 1974		
Indiana	do	Unincorporated areas	do	Dec. 13, 1974		
Maine	Cumberland	Raymond, town of	do	Dec. 6, 1974		
Maryland	Kent	Betterton, town of	do	Jan. 24, 1975		
Minnesota	Red Lake	Red Lake Falls, city of	do	Mar. 29, 1974		
Nebraska	Wayne	Hoskins, village of	do	Jan. 31, 1975		
Do.	Cass	Weeping Water, city of	do	Jan. 9, 1974		
New York	Rockland	Nyack, village of	do	Mar. 15, 1974		
South Carolina	Spartanburg	Lyman, town of	do	May 17, 1974		
South Dakota	Lake	Madison, city of	do	Aug. 2, 1974		
Tennessee	Robertson	Springfield, city of	do	June 14, 1974		
Texas	Caldwell	Unincorporated areas	do			
Utah	Garfield	Henrieville, town of	do	Feb. 7, 1975		
Wisconsin	Green	Monticello, village of	do	Dec. 17, 1973		
Do.	Waupaca	Weyauwega, city of	do	do		

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974)

Issued: May 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14126 Filed 5-30-75;8:45 am]

[Docket No. FI-580]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553 (b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Tallapoosa	Dadeville, city of	May 13, 1975, Emergency	Dec. 27, 1974		
Do.	Etowah	Glencoe, city of	do	May 17, 1974		
Do.	Jefferson	Bessemer, city of	do	June 28, 1974		
Do.	Chambers	Lanett, city of	do	May 3, 1974		
Alaska	Valdez-Chitina-Wittier.	Valdez, city of	do	Nov. 1, 1974		
Arkansas	Sevier	DeQueen, city of	do	Mar. 15, 1974		
Do.	Union	Smackover, city of	do	Oct. 26, 1973		
California	Orange	Yorba Linda, city of	do	Aug. 9, 1974		
Do.	Fresno	Reedley, city of	do	Mar. 1, 1974		
Colorado	Park	Unincorporated area	do			
Do.	Prowers	Granada, town of	do			
Delaware	Sussex	Bridgeville, town of	do	June 7, 1974		
Idaho	Shoshone	Mullan, city of	do	Dec. 28, 1973		
Illinois	De Kalb	Sandwich, city of	do	Mar. 1, 1974		
Do.	Franklin	West Frankfort, city of	do	Mar. 8, 1974		
Indiana	Wells	Poneto, town of	do	Sept. 20, 1974		
Do.	Wells	Bluffton, city of	do	Feb. 1, 1974		
Iowa	Carroll	Glidden, city of	do	Aug. 16, 1974		
Do.	Worth	Northwood, city of	do	May 10, 1974 Feb. 21, 1975		
Kansas	Pottawatomie	Wamego, city of	do	Dec. 7, 1973		
Do.	Phillips	Long Island, city of	do	Jan. 3, 1975		
Do.	Wyandotte	Edwardsville, city of	do	Apr. 5, 1974		
Do.	Neosho	Chanute, city of	do			
Kentucky	Morgan	Unincorporated area	do			
Do.	do	West Liberty, city of	do	Feb. 1, 1974		
Do.	Pike	Pikesville, city of	do			
Maine	Aroostock	Mapleton, town of	do	Mar. 22, 1974		
Michigan	Calhoun	Marshall, city of	do	June 14, 1974		
Do.	Muskegon	Whitehall, city of	do	Aug. 23, 1974		
Minnesota	Redwood	Redwood Falls, city of	do	June 7, 1974 Jan. 3, 1975		
Mississippi	Holmes	Pickens, town of	do	June 14, 1974		
Missouri	Pemiscot	Homestown, city of	do	Dec. 20, 1974		
Do.	Howard	Glasgow, city of	do	Apr. 12, 1974		
New Jersey	Warren	Allamuchy, township of	do	May 25, 1974		
Do.	Gloucester	Paulsboro, borough of	do	Aug. 9, 1974		
Do.	Passaic	Haledon, borough of	do	May 10, 1974		
Do.	Monmouth	Interlaken, borough of	do			
Do.	Gloucester	Woolwich, township of	do	Apr. 5, 1974		
New York	Sullivan	Tusten, town of	do	Aug. 9, 1974		
Do.	Livingston	Springwater, town of	do	June 14, 1974		
New York	Nassau	Oyster Bay Cove, village of	do			
Do.	Greene	Catskill, village of	do	Mar. 1, 1974		
Do.	Oneida	Whitestown, town of	do	Sept. 13, 1974		
Do.	Steuben	Addison, town of	do	Sept. 6, 1974		
North Carolina	Rowen	Rockwell, town of	do	Mar. 8, 1974		
Ohio	Hamilton	St. Bernard, city of	do	May 10, 1974		
Oklahoma	Cherokee	Tahlequah, city of	do			
Oregon	Josephine	Cave Junction, city of	do	Nov. 8, 1974		
Do.	Marion	Silverton, city of	do	May 10, 1974		
Do.	Douglas	Reedsport, city of	do	June 1, 1974		
Do.	Hood River	Cascade Locks, city of	do	May 24, 1974		
Pennsylvania	Dauphin	Pillow, borough of	do	Dec. 28, 1973		
Do.	Wayne	Sterling, township of	do	Nov. 22, 1974		
Do.	Crawford	Hydetown, borough of	do	Aug. 2, 1974		
Do.	Centre	Howard, borough of	do	May 31, 1974		
Do.	Chester	New London, township of	do	Nov. 29, 1974		
South Dakota	Hankon	Midland, city of	do	Sept. 13, 1974		
Tennessee	Robertson and Sumner.	White House, city of	do	May 17, 1974		
Texas	Panola	Carthage, city of	do	June 14, 1974		
Do.	Dallas	Hutchins, city of	do	Mar. 22, 1974		
Do.	Parker	Springtown, city of	do	May 24, 1974		
Do.	Tarrant	White Settlement, city of	do	do		
Do.	Morris	Naples, city of	do	Apr. 12, 1974		
Do.	Tarrant	Watauga, town of	do	Mar. 8, 1974		
Utah	Davis	Farmington, city of	do	June 28, 1974		
Vermont	Lamoille	Johnson, town of	do	June 21, 1974		
Virginia	Tazewell	Unincorporated areas	do			
Do.	Allegheny	Iron Gate, town of	do	Aug. 30, 1974		
Washington	King	Renton, city of	do	June 7, 1974		
Do.	Pend Oreille	Newport, city of	do	May 24, 1974		
West Virginia	Raleigh	Lester, town of	do	June 28, 1974		
Do.	Webster	Addison, town of	do	Feb. 8, 1974		
Do.	Pocahontas	Durbin, town of	do	Aug. 9, 1974		
Do.	Cabell	Barboursville, village of	do	May 31, 1974		
Do.	Harrison	Shinnston, city of	do	Apr. 5, 1974		
Do.	Marion	Worthington, town of	do	Aug. 2, 1974		
Do.	Mineral	Keyser, city of	do	June 28, 1974		
Do.	Tyler	Middlebourne, town of	do	May 24, 1974		
Do.	Marion	Barrackville, town of	do	June 28, 1974		
Do.	Hampshire	Capon Bridge, town of	do	Aug. 16, 1974		
Wisconsin	Fond Du Lac	Campbellsport, village of	do	May 24, 1974		
Do.	Door	Sturgeon Bay, city of	do	June 7, 1974		
Do.	Jefferson	Palmyra, village of	do	May 17, 1974		
Do.	Iowa	Arena, village of	do	Dec. 17, 1973		
Do.	Polk	Amery, city of	do	Dec. 28, 1973		
Do.	Sheboygan	Kohler, village of	do	Feb. 1, 1974		
Do.	Waupaca	Waupaca, city of	do	Jan. 9, 1974		
Do.	Kewaunee	Casco, village of	do	Nov. 15, 1974		

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974)

Issued: May 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14127 Filed 5-30-75;8:45 am]

[Docket No. FI-579]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Florida	Calhoun	Unincorporated areas	May 14, 1975, emergency			
Idaho	Bonner	do	do			
Kentucky	Mason	Maysville, city of	do	Feb. 1, 1974		
Maine	Aroostook	Hodgdon, town of	do	Dec. 20, 1974		
Do	Penobscot	Howland, town of	do			
Do	Washington	Milbridge, town of	do	Aug. 2, 1974		
Michigan	Mecosta	Big Rapids, city of	do	May 24, 1974		
Do	Isabella	Mount Pleasant, city of	do	Apr. 5, 1974		
Minnesota	Pine	Sandstone, city of	do	May 10, 1974		
New York	Sullivan	Liberty, town of	do	June 21, 1974		
Do	Orange	Middletown, city of	do	May 31, 1974		
Do	Niagara	North Tonawanda, city of	do	Apr. 12, 1974		
Do	Ontario	Phelps, town of	do	Nov. 8, 1974		
North Carolina	Moore	Aberdeen, town of	do	Nov. 30, 1973		
Ohio	Carroll	Carrollton, village of	do	Jan. 16, 1974		
Do	Hocking	Laurelville, village of	do	Feb. 8, 1974		
Do	Carroll	Malvern, village of	do	Jan. 23, 1974		
Do	Union	Milford Center, village of	do	Mar. 29, 1974		
Do	Shelby	Port Jefferson, village of	do	Aug. 9, 1974		
Pennsylvania	Wayne	Dreher, township of	do			
Do	Allegheny	West Homestead, borough of	do	Dec. 28, 1973		
Rhode Island	Providence	Foster, town of	do	Sept. 13, 1974		
South Carolina	Hampton	Hampton, town of	do	May 24, 1974		
Do	Florence	Quinby, town of	do	May 17, 1974		
South Dakota	Roberts	Sisseton, city of	do	June 28, 1974		
Tennessee	McMinn	Etowah, city of	do	May 17, 1974		
Do	Lake	Ridgely, town of	do			
Virginia		Lexington, city of	do	Feb. 15, 1974		
Washington	Lincoln	Wilbur, town of	do	June 7, 1974		
Wisconsin	Burnett	Grantsburg, village of	do	June 7, 1974		
Do	Fond du Lac	Oakfield, village of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974)

Issued: May 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14128 Filed 5-30-75;8:45 am]

[Docket No. FI-576]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the com-

munity as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alaska	Bethel	Bethel, city of	May 12, 1975, Emergency	June 28, 1974		
Alabama	Jefferson	Warrior, city of	do	Dec. 27, 1974		
Arizona	Graham	Pima, town of	do	May 24, 1974		
Arkansas	Jackson	Diaz, city of	do	Mar. 8, 1974		
Do.	Poinsett	Tyronza, city of	do			
California	Riverside	Corona, city of	do	May 24, 1974		
Do.	Santa Clara	Milipitas, city of	do	Mar. 22, 1974		
Do.	Butte	Oroville, city of	do	June 7, 1974		
Connecticut	Hartford	Rocky Hill, town of	do	do		
Florida	Bay	Unincorporated area	do	Jan. 17, 1975		
Do.	Orange	Winter Garden, city of	do	July 19, 1974		
Georgia	Madison	Comer, city of	do	Apr. 12, 1974		
Do.	Coweta	Newnan, city of	do	May 31, 1974		
Illinois	Lake	Antioch, village of	do	Apr. 5, 1974		
Do.	McLean	Hudson, village of	do	June 14, 1974		
Do.	Williamson	Marion, city of	do	June 7, 1974		
Do.	McLean	Towanda, village of	do	June 28, 1974		
Kentucky	McCracken	Paducah, city of	do			
Maine	Somerset	Moscow, town of	do	Dec. 6, 1974		
Do.	Knox	Thomaston, town of	do	Sept. 6, 1974		
Michigan	Hillsdale	Hillsdale, city of	do	June 28, 1974		
Montana	Gallatin	Bozeman, city of	do	Feb. 15, 1974		
Do.	Park	Livingston, city of	do	Jan. 1, 1974		
Nebraska	Franklin	Franklin, city of	do	May 24, 1974		
Do.	Stanton	Stanton, town of	do	May 3, 1974		
New Hampshire	Rockingham	Derry, town of	do	Sept. 13, 1974		
Do.	do	Exeter, town of	do	Sept. 20, 1974		
Do.	Sullivan	Newport, town of	do	June 14, 1974		
New York	Jefferson	Carthage, village of	do	May 10, 1974		
Ohio	Stark	Minerva, village of	do	May 17, 1974		
Do.	Seneca	Tiffin, city of	do	Mar. 1, 1974		
Do.	Butler	Trenton, city of	do	May 10, 1974		
Do.	Greene	Xenia, city of	do			
Oklahoma	Murray	Sulphur, city of	do	Nov. 28, 1973		
Oregon	Union	North Powder, city of	do	Aug. 30, 1974		
Pennsylvania	Wayne	Buckingham, township of	do	Nov. 15, 1974		
Do.	Beaver	Freedom, borough of	do	Feb. 1, 1974		
Do.	Schuylkill	Mechanicsville, borough of	do	Nov. 1, 1974		
Do.	Bedford	New Paris, borough of	do	Nov. 11, 1974		
Do.	Allegheny	Pine, township of	do	Aug. 2, 1974		
Do.	Wayne	Preston, township of	do	Nov. 15, 1974		
Do.	Cambria	Richland, township of	do			
Do.	Crawford	Saegertown, borough of	do	June 21, 1974		
Do.	Forest	Tionesta, borough of	do	Nov. 29, 1974		
Vermont	Addison	Salisbury, town of	do	Dec. 20, 1974		
West Virginia	Hardy	Moorefield, town of	do	May 31, 1974		
Do.	Wetzel	New Martinsville, city of	do	June 28, 1974		
Wisconsin	Pierce	Plum City, village of	do	July 19, 1974		

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974)

Issued: May 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14129 Filed 5-30-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[Income Tax Regulations; T.D. 7356]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Terminal Railroad Corporations and Their Shareholders

By a notice of proposed rule making appearing in the FEDERAL REGISTER for June 28, 1973 (38 FR 17010) an amendment of the Income Tax Regulations (26 CFR Part 1) was proposed in order to conform such regulations to the provisions of section 1 of the Act of October 23, 1962 (Public Law 87-870, 76 Stat. 1158), relating to terminal railroad corporations and their shareholders. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments of the regulations are adopted by this document, subject to the changes set forth below.

The Act of October 23, 1962 added a new section 281 to the Internal Revenue Code of 1954 which provides special rules for the computation of the taxable incomes of a terminal railroad corporation and its shareholders. In general, the regulations adopted by this Treasury decision provide that if income, which is earned from the operation of a railroad terminal, is used to reduce a charge that a terminal railroad corporation had made or would have made for terminal services rendered to any shareholder railroad corporation, then the terminal railroad corporation is not considered to have received the amount by which such charge was reduced. Similarly the amount by which the charge was reduced is not to be

treated as a dividend to, nor allowed as a deduction for, a railroad shareholder of the terminal railroad corporation.

Further the regulations provide that the terminal railroad corporation shall not be disallowed a deduction as a result of the reduced charge if such deduction is otherwise allowable to it.

Section 1.281–3(b)(2)(iii), as proposed, has been revised to include income derived from the sale or rental of advertising space at a terminal facility as related terminal income. This was done in response to an objection that the language in the proposed regulations limiting such treatment to the sale or rental of advertising space "on either the inside or outside of the terminal" was too restrictive.

Section 1.281–3(e), as proposed, has been revised to include within the definition of a railroad corporation, for the purposes of section 281, a corporation which, although it is not a common carrier, is a lessor of railroad equipment or facilities to a common carrier.

Adoption of amendment to the regulations. On June 28, 1973, a notice of proposed rule making with respect to the Income Tax Regulations (26 CFR Part 1) under section 281 of the Internal Revenue Code of 1954 to conform such regulations to the provisions of section 1 of the Act of October 23, 1962 (Public Law 87–870, 76 Sta. 1158) was published in the FEDERAL REGISTER (38 FR 17010). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendment of the Income Tax Regulations under section 281 is hereby adopted as proposed, except that § 1.281–3 is amended by revising paragraphs (b)-(2)(iii) and (e) thereof to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; (26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: May 27, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

TERMINAL RAILROAD CORPORATIONS AND THEIR SHAREHOLDERS

Sec.
1.281 Statutory provisions; terminal railroad corporations and their shareholders.
1.281–1 In general.
1.281–2 Effect of section 281 upon the computation of taxable income.
1.281–3 Definitions.
1.281–4 Taxable years affected.

There are inserted immediately after § 1.279–7 the following new sections:

TERMINAL RAILROAD CORPORATIONS AND THEIR SHAREHOLDERS

§ 1.281 Statutory provisions; terminal railroad corporations and their shareholders.

SEC. 281. *Terminal railroad corporations and their shareholders*—(a) *Computation of taxable income of terminal railroad corporations*—(1) *In general.* In computing the taxable income of a terminal railroad corporation—

(A) Such corporation shall not be considered to have received or accrued—

(i) The portion of any liability of any railroad corporation, with respect to related terminal services provided by such corporation, which is discharged by crediting such liability with an amount of related terminal income, or

(ii) The portion of any charge which would be made by such corporation for related terminal services provided by it, but which is not made as a result of taking related terminal income into account in computing such charge; and

(B) No deduction otherwise allowable under this chapter shall be disallowed as a result of any discharge of liability described in subparagraph (A)(i) or as a result of any computation of charges in the manner described in subparagraph (A)(ii).

(2) *Limitation.* In the case of any taxable year ending after the date of the enactment of this section, paragraph (1) shall not apply to the extent that it would (but for this paragraph) operate to create (or increase) a net operating loss for the terminal railroad corporation for the taxable year.

(b) *Computation of taxable income of shareholders.* Subject to the limitation in subsection (a)(2), in computing the taxable income of any shareholder of a terminal railroad corporation, no amount shall be considered to have been received or accrued or paid or incurred by such shareholder as a result of any discharge of liability described in subsection (a)(1)(A)(i) or as a result of any computation of charges in the manner described in subsection (a)(1)(A)(ii).

(c) *Agreement required.*—In the case of any taxable year, subsections (a) and (b) shall apply with respect to any discharge of liability described in subsection (a)(1)(A)(i), and to any computation of charges in the manner described in subsection (a)(1)(A)(ii), only if such discharge or computation (as the case may be) was provided for in a written agreement, to which all of the shareholders of the terminal railroad corporation were parties, entered into before the beginning of such taxable year.

(d) *Definitions.* For purposes of this section—

(1) *Terminal railroad corporation.*—The term "terminal railroad corporation" means a domestic railroad corporation which is not a member, other than as a common parent corporation, of an affiliated group (as defined in sec. 1504) and—

(A) All of the shareholders of which are domestic railroad corporations subject to part I of the Interstate Commerce Act;

(B) The primary business of which is the providing of railroad terminal and switching facilities and services to domestic railroad corporations subject to part I of the Interstate Commerce Act and to the shippers and passengers of such railroad corporations;

(C) A substantial part of the services of which for the taxable year is rendered to one or more of its shareholders; and

(D) Each shareholder of which computes its taxable income on the basis of a taxable year beginning or ending on the same day that the taxable year of the terminal railroad corporation begins or ends.

(2) *Related terminal income.* The term "related terminal income" means the income (determined in accordance with regulations prescribed by the Secretary or his delegate) of a terminal railroad corporation derived—

(A) From services or facilities of a character ordinarily and regularly provided by terminal railroad corporations for railroad corporations or for the employees, passengers, or shippers of railroad corporations;

(B) From the use by persons other than railroad corporations of portions of a facility, or a service, which is used primarily for railroad purposes;

(C) From any railroad corporation for services or facilities provided by such terminal railroad corporation in connection with railroad operations; and

(D) From the United States in payment for facilities or services in connection with mail handling.

For purposes of subparagraph (B), a substantial addition, constructed after the date of the enactment of this section, to a facility shall be treated as a separate facility.

(3) *Related terminal services.* The term "related terminal services" includes only services, and the use of facilities, taken into account in computing related terminal income.

(e) *Application to taxable years ending before the date of enactment.* In the case of any taxable year ending before the date of the enactment of this section—

(1) This section shall apply only to the extent that the taxpayer computed on its return, filed at or prior to the time (including extensions thereof) that the return for such taxable year was required to be filed, its taxable income in the manner described in subsection (a) in the case of a terminal railroad corporation, or in the manner described in subsection (b) in the case of a shareholder of a terminal railroad corporation; and

(2) This section shall apply to a taxable year for which the assessment of any deficiency, or for which refund or credit of any overpayment, whichever is applicable, was prevented, on the date of the enactment of this section, by the operation of any law or rule of law (other than sec. 3760 of the Internal Revenue Code of 1939 or sec. 7121 of this title, relating to closing agreements, and sec. 3761 of the Internal Revenue Code of 1939 or sec. 7122 of this title, relating to compromises), only—

(A) To the extent any overpayment of income tax would result from the recomputation of the taxable income of a terminal railroad corporation in the manner described in subsection (a),

(B) If claim for credit or refund of such overpayment, based upon such recomputation, is filed prior to 1 year after the date of the enactment of this section,

(C) To the extent that paragraph (1) applies, and

(D) If each shareholder of such terminal railroad corporation consents in writing to the assessment, within such period as may be agreed upon with the Secretary or his delegate, of any deficiency for any year to the extent attributable to the recomputation of its taxable income in the manner described in subsection (b) correlative to its allocable share of the adjustment of taxable income made by the terminal railroad corporation in its recomputation under subparagraph (A).

(f) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 281 as added by sec. 1, Act of Oct. 23, 1962 (Public Law 87–870, 76 Stat. 1158)]

§ 1.281–1 In general.

Section 281 provides special rules for the computation of the taxable incomes of a terminal railroad corporation and its shareholders when the terminal railroad corporation, as a result of taking related terminal income into account,

reduces a charge which was made or which would be made for related terminal services furnished to a railroad corporation. Section 281 and paragraphs (a) and (b) of § 1.281–2 provide that the "reduced amount" described in paragraph (c) of § 1.281–2 is not includable in gross income of the terminal railroad corporation, is not treated as a dividend or other distribution to its railroad shareholders, and is not treated as an amount paid or incurred by the railroad shareholders to the terminal railroad corporation. Section 281 and paragraph (a)(2) of § 1.281–2 provide that no deduction otherwise allowable to a terminal railroad corporation shall be disallowed as a result of the "reduced amount" described in paragraph (c) of § 1.281–2. Section 1.281–3 defines the terms "terminal railroad corporation", "related terminal income", "related terminal services", "agreement", and "railroad corporation", Section 1.281–4 describes the effective dates and special rules for application of section 281 to taxable years ending before October 23, 1962.

§ 1.281–2 Effect of section 281 upon the computation of taxable income.

(a) *Computation of taxable income of terminal railroad corporations*—(1) *Income not considered received or accrued.* A terminal railroad corporation (as defined in paragraph (a) of § 1.281–3) shall not be considered to have received or accrued the "reduced amount" described in paragraph (c) of this section in the computation of its taxable income. Thus, income is not to be considered accrued or actually or constructively received by a terminal railroad corporation where, in the manner described in paragraph (c) of this section, (i) a charge which would be made to any railroad corporation for related terminal services is not made, or (ii) a portion of any liability payable by any railroad corporation with respect to related terminal services is discharged.

(2) *Deduction not disallowed.* In the computation of the taxable income of a terminal railroad corporation, a deduction relating to a "reduced amount", described in paragraph (c) of this section, which is otherwise allowable to it under chapter 1 of the Code (without regard to sec. 277) shall not be disallowed by reason of section 281. Thus, deductions for expenses attributable to services rendered to a shareholder are not to be disallowed to a terminal railroad corporation merely because, in the manner described in paragraph (c) of this section, (i) a charge which would be made to any railroad corporation for related terminal services is not made, or (ii) a portion of any liability payable by any railroad corporation with respect to related terminal services is discharged. To the extent that section 281 applies to a deduction relating to a "reduced amount", such deduction shall not be disallowed under section 277.

(b) *Computation of taxable income of shareholders*—(1) *Income not considered received or accrued.* A shareholder of a terminal railroad corporation shall not be considered to have received or accrued any "reduced amount" (described in paragraph (c) of this section) in the computation of the shareholder's taxable income. Thus a dividend is not to be considered actually or constructively received by a shareholder of a terminal railroad corporation merely because, in the manner described in paragraph (c) of this section, (i) a charge which would be made to the shareholder or any other railroad corporation for related terminal services is not made, or (ii) a portion of any liability payable by it or any other railroad corporation with respect to related terminal services is discharged.

(2) *Expenses not considered paid or incurred.* In the computation of the taxable income of a shareholder of a terminal railroad corporation, the shareholder shall not be considered to have paid or incurred any "reduced amount" (described in paragraph (c) of this section). Thus, a shareholder of the terminal railroad corporation may not deduct as an expense for related terminal services (as defined in paragraph (c) of § 1.281–3) an amount in excess of the net cost to it of such services.

(c) *Amounts to which section 281 applies*—(1) *Reduced amount.* For purposes of this section, the term "reduced amount" means, subject to the limitation of paragraph (c)(4) of this section, the amount by which—

(i) A charge which would be made by a terminal railroad corporation for its taxable year for related terminal services provided to a railroad corporation; or

(ii) A liability of a railroad corporation, resulting from a charge made by a terminal railroad corporation for its taxable year, with respect to related terminal services provided by the terminal railroad corporation,

is reduced by reason of the terminal railroad corporation's taking into account, pursuant to an agreement (as defined in paragraph (d) of § 1.281–3), related terminal income (as defined in paragraph (b) of § 1.281–3) received or accrued (without regard to section 281) during such taxable year.

(2) *Charge which would be made.* For purposes of this section, a "charge which would be made" by a terminal railroad corporation is the amount that would be charged to any railroad corporation for related terminal services provided if the terminal railroad corporation made the charge without taking related terminal income into account.

(3) *Reduction resulting from related terminal income.* For purposes of subparagraph (1) of this section, a charge or a liability is reduced by taking related terminal income into account to the extent that—

(i) Related terminal income is received or accrued (without regard to section 281) by the terminal railroad corporation for its taxable year in which the charge or liability is reduced; and

(ii) The charge or liability in question would have been larger than it is had such income not been received or accrued (without regard to section 281).

The reduction must be made (directly or indirectly) on the books of the terminal railroad corporation, and in fact, for the same taxable year for which the charge would be made or for which the liability is incurred. The reduction of the charge or liability must be taken into account by the terminal railroad corporation in ascertaining the income, profit, or loss for such taxable year for the purpose of reports to shareholders and the Interstate Commerce Commission, and for credit purposes.

(4) *Limitation.* To the extent that a reduced amount (as described in paragraph (c)(1) of this section but without regard to the limitation under this subparagraph) would operate either to create or to increase a net operating loss for the terminal railroad corporation, this section shall not apply. Therefore, if a portion of a liability is discharged (in the manner described in this paragraph) and the discharged portion of the liability exceeds an amount equal to the terminal railroad corporation's gross income minus the deductions allowed by chapter 1 of the Code (computed with regard to the modifications specified in section 172(d) but without regard to section 281 and this section), then section 281 and this section shall not apply to such excess. The limitation described in this subparagraph shall apply only to taxable years of terminal railroad corporations ending after October 23, 1962.

(d) *Examples.* The provisions of this section may be illustrated by the following examples. In these examples, references to "before the application of section 281", "after the application of section 281", "taxable income", and "allowable deductions" take no account of section 277, which may apply to deductions to which section 281 does not apply.

Example (1)—(1) *Facts.* The T Company is a terminal railroad corporation which charges its three equal shareholders, the X, Y, and Z railroad corporations, a rental calculated monthly on a wheelage or user basis for the use of its services and facilities. The T Company and each of its shareholders report income on the calendar year basis. A written lease agreement to which all of the shareholders were parties was entered into in 1947. The agreement provides that at the end of each year the liabilities of each of the shareholders resulting from charges for rental obligations with respect to related terminal services shall be reduced by the shareholder's one-third share of the net in-

come from each source of revenue that produced income (computed before reduction for Federal income taxes). For the calendar year 1973, the T Company's charges to its shareholders include the following charges for related terminal services: $35,000 to the X Company, $25,000 to the Y Company, and $20,000 to the Z Company. Thus, prior to reduction, total shareholder liabilities to the T Company for related terminal services are $80,000 at the end of 1973. The T Company's net income from all sources (before reduction of liabilities pursuant to the 1947 agreement and before reduction for Federal income taxes) and its taxable income, before the application of section 281, for 1973 are $36,000 determined as follows:

Source	Gross income	Allowable deductions	Income (or loss)
Related terminal services performed:			
For shareholders	$80,000	$65,000	$15,000
For nonshareholders	46,000	37,000	9,000
Related terminal income	126,000	102,000	24,000
Nonrelated terminal income	30,000	18,000	12,000
Total	156,000	120,000	36,000

The liability of each shareholder is, pursuant to the agreement, discharged in part by the T Company crediting $12,000 against the rental due from each shareholder for a total discharge of liabilities of $36,000 (the net income from all sources), resulting in net shareholder liabilities owing to the T Company at the end of 1973 of $44,000 ($80,000 less $36,000): $23,000 from the X Company, $13,000 from the Y Company, and $8,000 from the Z Company.

(ii) *Effect on terminal railroad corporation.* The reduced amount to which this section applies is $24,000 (related terminal income of $9,000 from nonshareholders and $15,000 from shareholders). Thus, to the extent of $24,000, the T Company is not considered to have received or accrued income from the discharged liabilities of $36,000. Similarly, to the extent of the same $24,000, the T Company is not disallowed deductions for expenses merely by reason of the discharge. The T Company's taxable income for 1973 after application of section 281 is $12,000, computed as follows:

Gross income ($156,000 less $24,000)	$132,000
Less allowable deductions	120,000
Taxable income	12,000

(iii) *Effect on shareholders.*—The reduced amount of $24,000 shall not be deemed to constitute either a dividend to the shareholders of the T Company or an expense paid or incurred by them. Thus, under the facts described, neither the X Company, the Y Company, nor the Z Company shall be considered to have received or accrued a dividend of $8,000, or to have paid or incurred an expense of $8,000. Assuming the X Company's taxable income for 1973 before the application of section 281 would have been $43,200, computed in the following manner, its taxable income for 1973 after the application of section 281 is $50,000, determined as follows:

	Before the application of sec. 281	After the application of sec. 281
Gross income:		
From sources other than T Co.	$146,000	$146,000
Dividend considered received because of T Co.'s discharge of liabilities of $12,000	12,000	4,000
Total	158,000	150,000
Less allowable deductions:		
From sources other than T Co.	69,600	69,600
85 percent dividend received deduction under sec. 243 attributable to dividend considered received because of T Co.'s discharge of liabilities	10,200	3,400
Expenses for accrued charges for related terminal services performed by T Co.	35,000	27,000
	114,800	100,000
Taxable income	43,200	50,000

Example (2). Assume the same facts as in example (1), except that the charges to each of the shareholders for related terminal services for 1973 were as follows: $35,000 to the X Company, $40,000 to the Y Company, and $5,000 to the Z Company. Assume further that the Z Company, prior to the reduction in liabilities at the end of 1973, owed the T Company an additional $4,000 resulting from charges for 1972 for related terminal services and $6,000 resulting from the purchase of equipment. Since only $21,000 (X Company $8,000, Y Company $8,000, Z Company $5,000) of the liabilities which were discharged resulted from charges made for 1973 for related terminal services, the reduced amount to which this section applies is $21,000 (instead of $24,000 as in example (1)). Thus, the T Company's taxable income for 1973 would be $15,000 ($36,000 less $21,000 reduced amount) and the amount which shall be considered not to have been received or accrued as a dividend nor paid or incurred as an expense of each shareholder is $8,000 for the X Company, $8,000 for the Y Company, and $5,000 for the Z Company.

Example (3). Assume the same facts as in example (1), except that the allowable deductions with respect to nonrelated terminal activities were $39,000 instead of $18,000. The T Company's net income from all sources (before reduction for Federal income taxes) and its taxable income, before the application of section 281, is therefore $15,000, determined as follows:

Source	Gross income	Allowable deductions	Income (or loss)
Related terminal income	$126,000	$102,000	$24,000
Nonrelated terminal income	30,000	39,000	(9,000)
Total	156,000	141,000	15,000

The liability of each shareholder is nevertheless discharged in part, pursuant to the agreement, by the T Company crediting $8,000 against the rental due from each shareholder for a total discharge of liabilities of $24,000 (the net income from each source of revenue that produced income). Assume further that none of the modifications specified in section 172(d) apply. If the limitation under paragraph (c)(4) of this section were not applied, the reduced amount for the purposes of this section would be $24,000, and the operation of this section would result in a net operating loss of $9,000, since the allowable deductions of $141,000 would exceed the gross income of $132,000 ($156,000 less discharged liabilities of $24,000) by that amount. Because of the limitation under paragraph (c)(4) of this section, however, $9,000 is not included in the reduced amount to which this section applies. Accordingly, the reduced amount is $15,000 (instead of $24,000 as in example (1)). Thus, the T Company's taxable income for 1973 would be zero ($15,000 less the $15,000 reduced amount), and the amount which each shareholder shall be considered not to have received or accrued as a dividend nor paid or incurred as an expense is $5,000.

Example (4). Assume the same facts as in example (1), except that under the agreement income from the terminal parking lot would not reduce the shareholders' liabilities. Assume further that such income amounted to $3,000 of the total related terminal income of $24,000 for the taxable year 1973. The liability of each shareholder therefore is discharged by crediting $11,000 against its rental due for a total discharge of liabilities of $33,000. The reduced amount to which this section applies is $21,000 ($24,000 less $3,000) since only to the extent of $21,000 would there have been no such reduction under the agreement if there were no related terminal income.

Example (5). Assume the same facts as in example (1), except that, pursuant to the agreement, the A Company, a nonshareholder railroad corporation, is to have its liabilities resulting from charges for rental obligations reduced equally with each of the shareholders. Assume further that the T Company's charges to the A Company for the calendar year 1973 included $15,000 for related terminal services and that the liability of each shareholder and the A Company is discharged in part pursuant to the agreement by the T Company crediting $9,000 against the rental due from each. The reduced amount to which this section applies is $24,000. Thus, the T Company's taxable income for 1973 is $12,000, and each shareholder shall not be considered to have received or accrued as a dividend nor paid or incurred as an expense $6,000 ($24,000/$36,000 x $9,000) merely because of the discharge of its own liability. Similarly, each shareholder shall not be considered to have received or accrued as a dividend nor paid or incurred as an expense $2,000 (⅓ x ($24,000/$36,000 x $9,000)) merely because of the discharge of the liability of the A Company. Section 281 does not apply to the determination of the tax consequences of the transaction to the A Company. Similarly, the section does not apply to the determination of the tax consequences to the shareholders resulting from that portion of the discharge of the liability of the A Company which is attributable to the application of income which is not related terminal income ($3,000). Hence, such consequences shall be determined under the sections of the Internal Revenue Code which govern in the absence of section 281.

Example (6). (i) *Facts.* The TR Company is a terminal railroad corporation with three equal shareholders, the M, N, and O Railroad Corporations. The TR Company and

each of its shareholders report income on the calendar year basis. Pursuant to a written agreement entered into in 1947 to which all shareholders were parties, the TR Company makes one annual charge to each of the three shareholders at the end of each year for the difference between the cost of operations, allocated on a wheelage or user basis for the use of its services and facilities provided to the shareholder during the year, and one-third of its net income from all other sources (computed before reduction for Federal income taxes). The TR Company's taxable income, before the application of section 281, for 1973 is $21,000 determined as follows:

Source	Gross income	Allowable deductions	Income (or loss)
Related terminal services performed:			
For shareholders	$65,000	$65,000	0
For nonshareholders	46,000	37,000	$9,000
Related terminal income	111,000	102,000	9,000
Nonrelated terminal income from nonshareholders	30,000	18,000	12,000
Total	141,000	120,000	21,000

For the calendar year 1973, the TR company's charges to its shareholders are $23,000 ($30,000 less $7,000) to the M company, $13,000 ($20,000 less $7,000) to the N company, and $8,000 ($15,000 less $7,000) to the O company for a total of $44,000 for related terminal services.

(ii) *Effect on terminal railroad corporation.* The reduced amount to which this section applies is $9,000. The TR company is not considered to have received or accrued income of $9,000 (related terminal income) merely because the charge of $21,000 (net income from all sources other than shareholders) was not made. Similarly, to the extent of $9,000, the TR company is not disallowed deductions for expenses merely because the full cost of services was not charged. The TR company's taxable income for 1973 after application of section 281, is $12,000, computed as follows:

Gross income ($141,000 less $9,000 charges not made)	$132,000
Less allowable deductions	120,000
Taxable income	12,000

(iii) *Effect on shareholders.* Neither the M company, the N company, nor the O company shall be considered to have received or accrued a dividend of $3,000 nor to have paid or incurred an expense of $3,000 merely by reason of the reduced charges. Thus, assuming the M company's taxable income for 1973 before the application of section 281 would have been $47,450, computed in the following manner, its taxable income for 1973 after the application of section 281 is $50,000, determined as follows:

	Before the application of sec. 281	After the application of sec. 281
Gross income:		
From sources other than TR Co.	$146,000	$146,000
Dividend considered received because of TR Co.'s reduction of charges	7,000	4,000
Total	153,000	150,000
Less allowable deductions:		
From sources other than ETR Co.	60,000	60,000
85 percent dividend received deduction under sec. 243 attributable to dividend considered received because of TR Co.'s reduction of charges	5,950	3,400
Expenses for accrued charges for related terminal services performed by TR Co.	30,000	27,000
	105,550	100,000
Taxable income	47,450	50,000

§ 1.281–3 Definitions.

(a) *Terminal railroad corporation.* The term "terminal railroad corporation" means a corporation which, in the taxable year, meets all of the following conditions:

(1) The corporation and each of its shareholders must be domestic corporations. Thus, all of the shareholders of the corporation, as well as the corporation itself, must be corporations which were organized or created in the United States, including only the States and the District of Columbia, or under the law of the United States or of any State or territory.

(2) All of the shareholders must be railroad corporations which are subject to part I of the Interstate Commerce Act. Thus, if any shareholder of the corporation, regardless of the class or percentage of stock owned, is not subject to the jurisdiction of the Interstate Commerce Commission under part I of that Act, the corporation cannot qualify as a terminal railroad corporation.

(3) The corporation must not be a member of an affiliated group of corporations (as defined in section 1504), other than as a common parent corporation. For this purpose it is immaterial whether or not the affiliated group has ever made a consolidated income tax return. Thus, if the X railroad corporation owns 80 percent of all of the outstanding stock of the Y railroad corporation, the X railroad corporation may qualify, but the Y railroad corporation cannot qualify, as a terminal railroad corporation.

(4) The primary business of the corporation must be that of providing to domestic railroad corporations subject to part I of the Interstate Commerce Act and to the shippers and passengers of such railroad corporations one or more of the following facilities or services: (i) Railroad terminal facilities, (ii) railroad switching facilities, (iii) railroad terminal services, or (iv) railroad switching services. The designated facilities and services include the furnishing of terminal trackage, the operation of stockyards or a union passenger or freight station, and the operation of railroad bridges and ferries. The providing of the designated facilities includes the leasing of those facilities. A corporation shall be considered as having established that its primary business is that of providing the designated facilities and services if more than 50 percent of its gross income (computed without regard to section 281, and excluding dividends and gains and losses from the disposition of capital assets or property described in section 1231(b)) for the taxable year is derived from those sources. The fact that income from a service or facility is included within the definition of related terminal income is immaterial for purposes of determining whether that service or facility is one which is designated in this subparagraph. Thus, although income from the operation of a commuter railroad line may be related terminal income, a corporation whose primary business is the operation of that facility is not a terminal railroad corporation, since its primary business is not the providing of the designated facilities or services.

(5) A substantial part of the services rendered by the corporation for the taxable year must be rendered to one or more of its shareholders. For purposes of this requirement, providing the use of facilities shall be considered the rendering of services.

(6) Each shareholder of the corporation must compute its taxable income on the basis of a taxable year which either begins or ends on the same day as the taxable year of the corporation.

(b) *Related terminal income.* (1) *In general.*—Related terminal income is, generally, the type of income normally earned from the operation of a railroad terminal. The term "related terminal income" means the taxable income (computed without regard to sections 172, 277, or 281) which the terminal railroad corporation derives for the taxable year from the sources enumerated in paragraph (b)(2) of this section. Related

terminal income must be derived from direct provision of the specified facilities or services by the terminal corporation itself. Thus, income consisting of rent from a lease of a terminal facility by a terminal corporation to a railroad user would qualify; but dividends from a corporation in which the terminal corporation owned stock and which provided such facilities or services to others would not qualify. The term does not include gain or loss derived from the sale, exchange, or other disposition of capital assets or section 1231 assets, whether or not section 1245 or section 1250 applies to part or all of that gain. For example, the term does not apply to gain from the sale of a terminal building or terminal equipment. All direct and indirect expenses and other deductible items attributable to related terminal services or facilities shall be deducted in determining related terminal income. Attribution shall be determined in accordance with customary railroad accounting practices accepted by the Interstate Commerce Commission, except that interest paid with respect to the indebtedness of a terminal railroad corporation shall be deducted from related terminal income to the extent that the proceeds from the indebtedness were directly or indirectly applied to facilities or activities producing such income. The district director may either accept the use of the taxpayer's method of determining the application of the proceeds of all indebtedness of such corporation or prescribe the use of another method which, under all the facts and circumstances, appears to reflect more accurately the probable application of such proceeds.

(2) *Sources of related terminal income.* The term "related terminal income" includes only income derived from one or more of the following sources:

(i) From services or facilities of a character ordinarily and regularly provided by terminal railroad corporations for railroad corporations or for the employees, passengers, or shippers of railroad corporations. Whether the services or facilities are of a character ordinarily and regularly provided by terminal railroad corporations is to be determined by accepted industry practice. The fact that nonterminal businesses may also provide such services or facilities is immaterial. However, there must be a direct relationship between the service or facility provided and the operation of the terminal, including the operation of its trackage and switching facilities. Thus, the term "related terminal income" includes income derived from operating or leasing switching facilities and terminal facilities, such as income from charges to railroad corporations for the use of a union passenger or freight station. Also included for this purpose is income derived from charges to railroad shippers, including express companies and freight forwarders, for the use of sheds or warehouses, even though not directly intended for railroad use. The term includes income derived from leasing or operating restaurants, drugstores, barbershops, newsstands, ticket agencies, banking facilities, car rental facilities, or other similar facilities for passengers, in waiting rooms or along passenger concourses. Similarly, the term includes income derived from operating or leasing passenger parking facilities, and from renting taxicab space, located on or adjacent to the terminal premises. Although the term does include income derived from the operation of a small hotel operated primarily for and usually occupied primarily by the employees of the railroad corporations, it does not include income derived from the operation of a hotel for passengers or other persons.

(ii) From any railroad corporation for services or facilities provided by the terminal railroad corporation in connection with railroad operations. A service or a facility is provided in connection with railroad operations if it is of a character ordinarily and regularly availed of by railroad corporations. For purposes of this subdivision, the income must be derived from railroad corporations. Thus, in addition to the income derived from sources described in paragraph (b)(2)(i) of this section, the term "related terminal income" includes income derived from switching facilities or leasing to any railroad corporation, or operating for the benefit of such corporation, a beltline or bypass railroad leading to or from the terminal premises. Also included are income derived from the rental of office space (whether or not services are provided to the occupants) in the terminal building to any railroad corporation for that corporation's administrative or operating divisions, and income derived from tolls charged to any railroad corporation for the use of a railroad bridge or ferry.

(iii) From the use by persons other than railroad corporations of a portion of a facility, or of a service, which is used primarily for railroad purposes. A facility or service is used primarily for railroad purposes if the predominant reason for its continued operation or provision is the furnishing of facilities or services described in either subdivision (i) or (ii) of this subparagraph. The determination required by this subdivision is to be made independently for each separate facility or service. Two substantial portions of a single structure may be considered separate facilities, depending upon the respective uses made of each. Moreover, any substantial addition, constructed after October 23, 1962, to a facility shall be considered a separate facility.

The term "related terminal income" includes income produced by operating a commuter service or by renting tracks and facilities for a commuter service to an independent operator. The term also includes the sale or rental of advertising space at a terminal facility. If the conditions described in this subdivision are satisfied, the term "related terminal income" may include income which has no connection with the operation of the terminal. Thus, if a terminal railroad corporation operates a railroad bridge primarily to provide railroad corporations a means of crossing a river and the lower level of the bridge contains a roadway for similar use by automobiles, the term includes income derived from the tolls charged to the automobiles for the use of the bridge roadway. However, upon the discontinuance of operations of the railroad level of the bridge, the term would cease to include the automobile tolls. If excess steam from a steam plant operated primarily to supply steam to the terminal is sold to another business in the neighborhood, the term would include the income derived from such sale. However, because an oil or gas well or a mine constitutes a separate facility, the term "related terminal income" does not include income derived in any form from a deposit of oil, natural gas, or any other mineral located on property owned or leased by the terminal railroad corporation.

Similarly, while the term includes income derived from the rental of a small number of offices located in the terminal building (whether or not the lessees are railroad corporations), it does not include income derived from the leasing or operation, for the use of the general public, of a large number of offices or a large number of rooms for lodging, whether or not the space is physically part of the same structure as the terminal. Moreover, the term does not include income derived from the rental of offices to the general public in an addition to the terminal building constructed after October 23, 1962, unless the addition is primarily used for railroad purposes and the offices rented to the general public do not constitute a separate facility in the addition. Whether or not income from the addition is determined to be related terminal income, the income from the small number of offices which were included in the terminal building before the addition was constructed shall continue to be related terminal income.

(iv) From the United States in payment for facilities or services in connection with mail handling. The income must be derived directly from the U.S. Government, or any agency thereof (including for this purpose the U.S. Postal Service), through the receipt of payments for mail-handling facilities or services. Thus, the term would include income derived from the rental of space for a post office for use by the general public on the terminal premises or from the sorting of mail in a railroad box car.

(3) *Illustration.* The provisions of this paragraph may be illustrated by the following example:

Example. For its calendar year 1973, the R Company, a terminal railroad corporation, has taxable income of $36,000, before the application of section 281 and taking no account of section 277, determined as follows:

Gross income:	
Switching charges	$50,000
Express companies	2,000
Commuter line	4,000
U.S. mail handling	4,000
Railroad bridge tolls:	
From railroads	2,000
From automobiles	1,000
Total	3,000
Station and train charges	47,000
Terminal parking lot	4,000
Rent from terminal building:	
Passenger facilities (ground level)	8,000
Offices leased to railroads (2d floor)	3,000
Offices leased to others (2d floor)	1,000
Hotel open to public (3d through 6th floors)	14,000
Total	26,000
Interest received from bond investments	1,500
Dividends received from wholly owned subsidiary	10,000
Amount realized from sale of equipment	6,000
Less:	
Adjusted basis	1,000
Expenses of sale	500
	1,500
	4,500
	156,000
Allowable deductions:	
Dividend received deduction	8,500
Interest paid:	
On loan for hotel furnishings	1,500
On loan for rolling stock	2,000
	3,500
Maintenance, depreciation, management and other expenses:	
Attributable to hotel	3,000
Attributable to parking lot	1,000
Attributable to U.S. mail handling	1,000
All other	98,000
	103,000
Loss from sale of securities	3,000
Charitable contribution	500
Net operating loss deduction	1,500
	120,000
Taxable income before the application of sec. 281	36,000

The R Co.'s related terminal income for 1973 is $24,000, computed as follows:

Taxable income (before the application of sec. 281)	$36,000
Less:	
Dividend received	10,000
Minus dividend received deduction	8,500
	1,500
Interest received	1,500
Amount realized from sale of equipment	6,000
Less:	
Adjusted basis	1,000
Expense of sale	500
	1,500
	4,500
Hotel income	14,000
Less:	
Interest paid on loan for hotel	1,500
Other hotel expenses	3,000
	4,500
	9,500
	17,000
	19,000
Add:	
Loss from sale of securities	3,000
Charitable contribution	500
Net operating loss deduction	1,500
	5,000
Related terminal income	24,000

(c) *Related terminal services.* The term "related terminal services" means only the services or the use of facilities, provided by the terminal railroad corporation, which are taken into account in computing related terminal income. Thus, the term includes the providing of terminal and switching services, the furnishing of terminal and switching facilities including the furnishing of terminal trackage, and the operation of bridges and ferries for railroad purposes. For example, upon the facts of the example in the preceding paragraph, the charges for related terminal services are $126,000, determined as follows:

Switching charges	$50,000
Express companies	2,000
Commuter line	4,000
U.S. mail handling	4,000
Railroad bridge tolls	3,000
Station and train charges	47,000
Terminal parking lot	4,000
Rent from:	
Passenger facilities	8,000
Offices	4,000
Total	126,000

(d) *Agreement.* As used in section 281 and § 1.281–2 the term "agreement" means a written contract, entered into before the beginning of the terminal railroad corporation's taxable year in question, to which all shareholders of the terminal railroad corporation are parties. The fact that other railroad corporations or persons are also parties will not disqualify an agreement. Section 281 applies only if, and to the extent that, the reduction of the liability or charge that would be made, as described in paragraph (c) of § 1.281–2, results from the agreement. Thus, where the other conditions of the statute are met, section 281 applies if a written agreement, to which all of the shareholders were parties and which was entered into prior to the beginning of the terminal railroad corporation's taxable year, provides that the net revenues of the terminal railroad corporation are to be applied as a reduction of what would otherwise be the charge for the taxable year for related terminal services provided to the shareholders. Similarly, section 281 applies, where its other requirements are fulfilled, if the agreement provides that the net revenues are to be credited against rental obligations resulting from related terminal services furnished to shareholders. However, section 281 does not apply where the agreement provides that the net revenues are to be divided among the shareholders and distributed to them in cash or held subject to their unconditional right of withdrawal instead of being applied to the computation of charges, or in reduction of liabilities incurred, for related terminal services.

(e) *Railroad corporation.* For purposes of section 281, § 1.281–2, and this section, the term "railroad corporation" means any corporation (regardless of whether it is a shareholder of the terminal railroad corporation) that is engaged as a common carrier in the furnishing or sale of transportation by railroad, or is a lessor of railroad equipment or facilities. For purposes of the preceding sentence, a corporation is a lessor of railroad equipment or facilities only if (1) it is subject to part I of the Interstate Commerce Act, (2) substantially all of its railroad properties have been leased to a railroad corporation or corporations, (3) each lease is for a term of more than 20 years, and (4) 80 percent or more of its gross income for the taxable year is derived from such lease.

§ 1.281–4 Taxable years affected.

(a) *In general.* Except as provided in paragraph (b) of this section, the provisions of section 281 and §§ 1.281–2 and 1.281–3 shall apply to all taxable years to which either the Internal Revenue Code of 1954 or the Internal Revenue Code of 1939 apply.

(b) *Taxable years ending before October 23, 1962.* (1) (i) In the case of a taxable year of a terminal railroad corporation ending before October 23, 1962, section 281 (a) shall apply only to the extent that the terminal railroad corporation (*a*) computed its taxable income on its return for such taxable year as if the "reduced amount", described in paragraph (c) of § 1.281–2, were not received or accrued, and (*b*) did not decrease its otherwise allowable deductions for such taxable year on account of that "reduced amount". Similarly, in the case of a taxable year of a shareholder of a terminal railroad corporation ending before October 23, 1962, section 281 (b) shall apply only to the extent that such shareholder computed its taxable income on its return for such taxable year as if the shareholder had neither received or accrued as a dividend nor paid or incurred as an expense the "reduced amount" described in paragraph (c) of § 1.281–2. Such return must have been filed on or before the due date (including the period of any extension of time) for filing the return for the applicable taxable year. The fact that an amended return or claim for refund or credit of overpayment was subsequently filed, or a deficiency subsequently assessed, based upon a computation of taxable income which is incon-

sistent with the manner in which the taxable income was computed on the timely filed return, is immaterial.

(ii) The provisions of this paragraph may be illustrated by the following examples:

Example (1). The G Company is a terminal railroad corporation which in 1960 reduced the liabilities resulting from charges to its shareholders, pursuant to a 1947 written agreement, by its income from nonshareholder sources. For the calendar year 1960, the G Company's related terminal income was $24,000, of which $3,000 is attributable to income from the United States in payment for facilities and services in connection with mail handling. Although the shareholders' liabilities were reduced by $24,000 as a result of taking related terminal income earned during the taxable year into account, on its timely filed 1960 income tax return the G Company treated the $3,000 of liabilities which were reduced on account of income from mail handling as gross income received or accrued during the year. Assuming that the provisions of § 1.281-2 otherwise apply, their application to the determination of the 1960 tax liability of the G Company shall not extend to the entire "reduced amount" of $24,000, but shall be limited to $21,000 of that amount.

Example (2). Assume the same facts as in example (1), and the following additional facts. The G Company had three shareholders in 1960, and an equal discharge of liability of $8,000 resulted for each of them on account of related terminal income. Each shareholder treated, on its timely filed 1960 income tax return, $1,000 of its liabilities, which were so reduced and were attributable to income from the United States in payment for facilities and services in connection with mail handling, as if it had received $1,000 from the G Company as a dividend and paid that $1,000 to the G Company for services. Each shareholder treated the remaining $7,000 of its liabilities which were so reduced as if the liabilities which were reduced had never been incurred. Assuming that the provisions of § 1.281-2 otherwise apply, each shareholder shall not be considered to have received or accrued as a dividend, nor to have paid or incurred as an expense $7,000 (instead of $8,000).

(2) For any taxable year of a terminal railroad corporation ending before October 23, 1962, a claim for refund or credit of overpayment of income tax based upon section 281 may be filed, even though such refund or credit of overpayment was otherwise barred by operation of any law or rule of law on October 23, 1962, subject to the conditions set forth in paragraph (b)(2) (i) through (v) of this section.

(i) The claim for refund or credit of overpayment must not have been barred by a closing agreement (under either section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954), or by a compromise (under section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954);

(ii) The claim for refund or credit of overpayment shall be allowed only to the extent that the overpayment of income tax results from the recomputation of the terminal railroad corporation's taxable income in the manner described in paragraph (a) of § 1.281-2;

(iii) The claim for refund or credit of the overpayment must have been filed prior to October 23, 1963;

(iv) The claim for refund or credit of overpayment shall be allowed only to the extent that the manner in which the terminal railroad corporation's taxable income is recomputed is the manner in which the terminal railroad corporation's taxable income was computed on its timely filed income tax return for such taxable year; and

(v) Each railroad corporation which was a shareholder of the terminal railroad corporation during such taxable year must consent in writing to the assessment, within such period as may be agreed upon with the district director, of any deficiency for any year (even though assessment of the deficiency would otherwise be prevented by the operation of any law or rule of law at the time of filing the consent) to the extent that—

(A) The deficiency is attributable to the recomputation of the shareholder's taxable income in the manner described in paragraph (b) of § 1.281-2, and

(B) The deficiency results from the shareholder's allocable portion of the "reduced amount" (described in paragraph (c) of § 1.281-2) which gives rise to the refund or credit granted to the terminal railroad corporation under this subparagraph.

[FR Doc.75-14367 Filed 5-30-75;8:45 am]

[Income Tax Regs.; T.D. 7357]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deduction for Amounts Paid or Permanently Set Aside by an Estate or Trust for a Charitable Purpose

By a notice of proposed rule making appearing in the FEDERAL REGISTER for July 8, 1971 (36 FR 12861), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform such regulations to section 642(c) (other than section 642(c)(5)) of the Internal Revenue Code of 1954, as amended by section 201(b) of the Tax Reform Act of 1969 (83 Stat. 558), relating to charitable contributions by estates and trusts, and to section 201(c) of such Act (83 Stat. 560), relating to two-year charitable trusts. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed certain changes were made, and the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

Under § 1.642(c)-1, (a)(1) and (b)(1) it is made clear that the deduction allowed under section 642(c)(1) for amounts paid (or treated as paid) to a charity during a taxable year extends to items of gross income received in a previous taxable year and paid (or treated as paid) during the taxable year in question. However, no deduction will be allowed for such amounts if a deduction was allowed for such amounts in a previous year.

Section 1.642(c)-1(b) of the proposed regulations provided that the election made under section 642(c)(1) to treat contributions as paid in the preceding taxable year beginning after December date of the return for the succeeding taxable year beginning after December 31, 1969, or by June 8, 1970, if later. A new rule permits the election to be made for each taxable year and provides that the election must be made by the due date of the succeeding taxable year. The election becomes irrevocable after such due date, but consent of the Commissioner of Internal Revenue may be obtained to revoke certain elections made on or before June 8, 1970. The statement in respect of contributions of property other than money has been dropped.

Section 642(c)(2) provides for a set-aside deduction for amounts set aside for charitable purposes by an estate, a pooled income fund, or certain other qualifying trusts. Section 1.642(c)-2 contains the rules in respect of this deduction. An amendment has been made in the "to be used exclusively" provision of § 1.642(c)-2 (a)(2) and (b)(1) to make clear that an estate or qualifying trust is allowed a set-aside deduction for amounts of gross income to be used for charitable purposes outside the United States or any of its possessions. Proposed § 1.642(c)-2(b)(2)(i) (now § 1.642(c)-2(b)(3)(i)) continues to apply to the transfer of an irrevocable remainder interest to or for the use of a domestic or possessions corporation described in section 170(c).

A provision conforming to section 642(c)(2) has been added in § 1.642(c)-2(b)(1) to emphasize that a set-aside deduction for a qualifying trust is allowable only to a trust which is required by the terms of its governing instrument to set amounts aside.

A new rule in § 1.642(c)-2(b)(2) provides that income, gains, and losses derived from amounts transferred to a qualifying trust on or before October 9, 1969, will be included in determining the set-aside deduction of the trust and that assets received upon investment or reinvestment of qualifying transfers will be treated as qualifying transfers. This rule requires a separate accounting as to qualifying and nonqualifying transfers to the trust.

Section 642(c)(2)(A)(ii) allows a set-aside deduction to a trust created on or before October 9, 1969, if the grantor is under a mental disability at all times after that date to change the terms of the trust. The rule in proposed § 1.642(c)-2(b)(2)(ii) (now § 1.642(c)-2(b)(3)(ii)) requiring the attachment to the return of a certificate from a qualified physician, or a certified copy of a judgment or decree, has been changed to permit the subsequent use of a statement by the fiduciary during the period of mental incompetence.

Section 642(c)(2)(B) permits a set-aside deduction for amounts permanently set aside for charitable purposes by certain trusts established by a will executed on or before October 9, 1969.

Section 1.642(c)-2(b)(4) now contains rules to provide that such a trust does not include assets transferred to an existing trust by a will executed on or before October 9, 1969, or assets of an existing trust subject to a testamentary power of appointment that fails by reason of the testator's nonexercise of such power in a will executed on or before October 9, 1969.

A new rule in § 1.642(c)-2(b)(4)(iv) adopts in principle the rules of the Estate Tax Regulations under section 2055(e) of the Code for determining whether there has been an amendment of a dispositive provision of a will.

Proposed § 1.642(c)-2(c) has been revised technically, to limit the set-aside deduction under section 642(c)(3) to gross income earned with respect to amounts transferred to the fund after July 31, 1969, and to provide rules for separate accounting as to qualifying and non-qualifying transfers to the fund.

Four new examples have been added to proposed § 1.642(c)-3(c) to illustrate further the application of the adjustment required by section 642(c)(4) to a set-aside deduction of an estate, pooled income fund, or other qualifying trust. New example (2) is based upon the example in § 39.162-1(b)(1) of Regulation 118 under the Internal Revenue Code of 1939.

Proposed § 1.642(c)-4, relating to nonexempt private foundations, has been revised to make clear that the limited charitable deduction under section 170 applies only to a nonexempt private foundation and to a trust to which section 4947(a)(1) applies.

Section 1.642 (c)-1 (b) of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter (26 CFR Part 13) relating to section 642 (c) (1) of the Code which were prescribed by T.D. 7032, approved March 9, 1970 (35 FR 4330, 1970-1 C.B. 511). The regulations under section 642 (c) (5) of the Code, as added by section 201 (b) of the Tax Reform Act of 1969 (83 Stat. 558) were adopted by T.D. 7105, as published in the Federal Register for April 6, 1971 (36 FR 6477, 1971-1 C. B. 164).

In view of the foregoing, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.642(c)-1, as set forth in paragraph 2 of the notice of proposed rule making, is changed to read as set forth below.

PAR. 2. Section 1.642(c)-2, as set forth in paragraph 3 of the notice of proposed rule making, is changed to read as set forth below.

PAR. 3. Section 1.642(c)-3, as set forth in paragraph 4 of the notice of proposed rule making, is changed by revising paragraphs (b) and (c) to read as set forth below.

PAR. 4. Section 1.642(c)-4, as set forth in paragraph 5 of the notice of proposed rule making, is changed to read as set forth below.

PAR. 5. Section 1.642(c)-5 is amended by revising paragraph (a)(5)(vi) and by deleting paragraph (d), as set forth below.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; (26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commisisoner of Internal Revenue.

Approved: May 27, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In view of the foregoing, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. There is inserted immediately after § 1.642(c) the following new section:

§ 1.642(c)-0 Effective dates.

The provisions of section 642(c) (other than section 642(c)(5)) and of §§ 1.642 (c)-1 through 1.642(c)-4 apply to amounts paid, permanently set aside, or to be used for a charitable purpose in taxable years beginning after December 31, 1969. The provisions of section 642(c)(5) and of §§ 1.642(c)-5 through 1.642(c)-7 apply to transfers in trust made after July 31, 1969. For provisions relating to amounts paid, permanently set aside, or to be used for a charitable purpose in taxable years beginning before January 1, 1970, see 26 CFR 1.642(c) through 1.642(c)-4 (Rev. as of Jan. 1, 1971).

PAR. 2. Section 1.642(c)-1 is revised to read as follows:

§ 1.642(c)-1 Unlimited deduction for amounts paid for a charitable purpose.

(a) *In general.* (1) Any part of the gross income of an estate, or of a trust which (,) pursuant to the terms of the governing instrument is paid (or treated under paragraph (b) of this section as paid) during the taxable year for a purpose specified in section 170(c) shall be allowed as a deduction to such estate or trust in lieu of the limited charitable contributions deduction authorized by section 170(a). In applying this paragraph without reference to paragraph (b) of this section, a deduction shall be allowed for an amount paid during the taxable year in respect of gross income received in a previous taxable year, but only if no deduction was allowed for any previous taxable year for the amount so paid.

(2) In determining whether an amount is paid for a purpose specified in section 170(c)(2) the provisions of section 170 (c)(2)(A) shall not be taken into account. Thus, an amount paid to a corporation, trust, or community chest, fund, or foundation otherwise described in section 170(c)(2) shall be considered paid for a purpose specified in section 170 (c) even though the corporation, trust, or community chest, fund, or foundation is not created or organized in the United States, any State, the District of Columbia, or any possession of the United States.

(3) See section 642(c)(6) and § 1.642 (c)-4 for disallowance of a deduction under this section to a trust which is a private foundation (as defined in section 509(a) and the regulations thereunder) and not exempt from taxation under section 501(a).

(b) *Election to treat contributions as paid in preceding taxable year*—(1) *In general.* For purposes of determining the deduction allowed under paragraph (a) of this section, the fiduciary (as defined in section 7701(a)(6)) of an estate or trust may elect under section 642(c)(1) to treat as paid during the taxable year (whether or not such year begins before January 1, 1970) any amount of gross income received during such taxable year or any preceding taxable year which is otherwise deductible under such paragraph and which is paid after the close of such taxable year but on or before the the last day of the next succeeding taxable year of the estate or trust. The preceding sentence applies only in the case of payments actually made in a taxable year which is a taxable year beginning after December 31, 1969. No election shall be made, however, in respect of any amount which was deducted for any previous taxable year or which is deducted for the taxable year in which such amount is paid.

(2) *Time for making election.* The election under subparagraph (1) of this paragraph shall be made not later than the time, including extensions thereof, prescribed by law for filing the income tax return for the succeeding taxable year. Such election shall, except as provided in subparagraph (4) of this paragraph, become irrevocable after the last day prescribed for making it. Having made the election for any taxable year, the fiduciary may, within the time prescribed for making it, revoke the election without the consent of the Commissioner.

(3) *Manner of making the election.* The election shall be made by filing with the income tax return (or an amended return) for the taxable year in which the contribution is treated as paid a statement which—

(i) States the name and address of the fiduciary,

(ii) Identifies the estate or trust for which the fiduciary is acting,

(iii) Indicates that the fiduciary is making an election under section 642(c)(1) in respect of contributions treated as paid during such taxable year,

(iv) Gives the name and address of each organization to which any such contribution is paid, and

(v) States the amount of each contribution and date of actual payment or, if applicable, the total amount of contributions paid to each organization during the succeeding taxable year, to be treated as paid in the preceding taxable year.

(4) *Revocation of certain elections with consent.* An application to revoke with the consent of the Commissioner any election made on or before June 8, 1970, must be in writing and must be filed not later than September 2, 1975. No consent will be granted to revoke an election for any taxable year for which the assessment of a deficiency is prevented by the operation of any law or rule of law. If consent to revoke the

election is granted, the fiduciary must attach a copy of the consent to the return (or amended return) for each taxable year affected by the revocation. The application must be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224, and must indicate—

(i) The name and address of the fiduciary and the estate or trust for which he was acting,

(ii) The taxable year for which the election was made,

(iii) The office of the district director, or the service center, where the return (or amended return) for the year of election was filed, and

(iv) The reason for revoking the election.

PAR. 3. Section 1.642(c)-2 is revised to read as follows:

§ 1.642(c)-2 Unlimited deduction for amounts permanently set aside for a charitable purpose.

(a) *Estates.* Any part of the gross income of an estate which pursuant to the terms of the will—

(1) Is permanently set aside during the taxable year for a purpose specified in section 170(c), or

(2) Is to be used (within or without the United States or any of its possessions) exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit,

shall be allowed as a deduction to the estate in lieu of the limited charitable contributions deduction authorized by section 170(a).

(b) *Certain trusts*—(1) *In general.* Any part of the gross income of a trust to which either subparagraph (3) or (4) of this paragraph applies, that by the terms of the governing instrument—

(i) Is permanently set aside during the taxable year for a purpose specified in section 170(c), or

(ii) Is to be used (within or without the United States or any of its possessions) exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit,

shall be allowed, subject to the limitation provided in subparagraph (2) of this paragraph, as a deduction to the trust in lieu of the limited charitable contributions deduction authorized by section 170(a). The preceding sentence applied only to a trust which is required by the terms of its governing instrument to set amounts aside. See section 642(c)(6) and § 1.642(c)-4 for disallowance of a deduction under this section to a trust which is, or is treated under section 4947(a)(1) as though it were, a private foundation (as defined in section 509(a) and the regulations thereunder) that is not exempt from taxation under section 501(a).

(2) *Limitation of deduction.* Subparagraph (1) of this paragraph applies only to the gross income earned by a trust with respect to amounts transferred to the trust under a will executed on or before October 9, 1969, and satisfying the requirements of subparagraph (4) of this paragraph or transferred to the trust on or before October 9, 1969. For such purposes, any income, gains, or losses, which are derived at any time from the amounts so transferred to the trust shall also be taken into account in applying subparagraph (1) of this paragraph. If any such amount so transferred to the trust is invested or reinvested at any time, any asset received by the trust upon such investment or reinvestment shall also be treated as an amount which was so transferred to the trust. In the case of a trust to which this paragraph applies which contains (i) amounts transferred pursuant to transfers described in the first sentence of this subparagraph and (ii) amounts transferred pursuant to transfers not so described, subparagraph (1) of this paragraph shall apply only if the amounts described in subdivision (i) of this subparagraph, together with all income, gains, and losses derived therefrom, are separately accounted for from the amounts described in subdivision (ii) of this subparagraph, together with all income, gains, and losses derived therefrom. Such separate accounting shall be carried out consistently with the principles of paragraph (c)(4) of § 53.4947-1 of this chapter (Foundation Excise Tax Regulations), relating to accounting for segregated amounts of split-interest trusts.

(3) *Trusts created on or before October 9, 1969.* A trust to which this subparagraph applies is a trust, testamentary or otherwise, which was created on or before October 9, 1969, and which qualifies under either subdivision (i) or (ii) of this subparagraph.

(i) *Transfer of irrevocable remainder interest to charity.* To qualify under this subdivision the trust must have been created under the terms of an instrument granting an irrevocable remainder interest in such trust to or for the use of an organization described in section 170(c). If the instrument granted a revocable remainder interest but the power to revoke such interest terminated on or before October 9, 1969, without the remainder interest having been revoked, the remainder interest will be treated as irrevocable for purposes of the preceding sentence.

(ii) *Grantor under a mental disability to change terms of trust.* (A) To qualify under this subdivision (ii) the trust must have been created by a grantor who was at all times after October 9, 1969, under a mental disability to change the terms of the trust. The term "mental disability" for this purpose means mental incompetence to change the terms of the trust, whether or not there has been an adjudication of mental incompetence and whether or not there has been an appointment of a committee, guardian, fiduciary, or other person charged with the care of the person or property of the grantor.

(B) If the grantor has not been adjudged mentally incompetent, the trustee must obtain from a qualified physician a certificate stating that the grantor of the trust has been mentally incompetent at all times after October 9, 1969, and that there is no reasonable probability that the grantor's mental capacity will ever improve to the extent that he will be mentally competent to change the terms of the trust. A copy of this certification must be filed with the first return on which a deduction is claimed by reason of this subdivision (ii) and subparagraph (1) of this paragraph. Thereafter, a statement referring to such medical opinion must be attached to any return for a taxable year for which such a deduction is claimed and during which the grantor's mental incompetence continues. The original certificate must be retained by the trustee of the trust.

(C) If the grantor has been adjudged mentally incompetent, a copy of the judgment or decree, and any modification thereof, must be filed with the first return on which a deduction is claimed by reason of this subdivision (ii) and subparagraph (1) of this paragraph. Thereafter, a statement referring to such judgment or decree must be attached to any return for a taxable year for which such a deduction is claimed and during which the grantor's mental incompetence continues. A copy of such judgment or decree must also be retained by the trustee of the trust.

(d) This subdivision (ii) applies even though a person charged with the care of the person or property of the grantor has the power to change the terms of the trust.

(4) *Testamentary trust established by will executed on or before October 9, 1969.* A trust to which this subparagraph applies is a trust which was established by will executed on or before October 9, 1969, and which qualifies under either subdivision (i), (ii), or (iii) of this subparagraph. This subparagraph does not apply, however, to that portion of any trust, not established by a will executed on or before October 9, 1969, which was transferred to such trust by a will executed on or before October 9, 1969. Nor does it apply to that portion of any trust, not established by a will executed on or before October 9, 1969, which was subject to a testamentary power of appointment that fails by reason of the testator's nonexercise of the power in a will executed on or before October 9, 1969.

(i) *Testator dying within 3 years without republishing his will.* To qualify under this subdivision the trust must have been established by the will of a testator who died after October 9, 1969, but before October 9, 1972, without having amended any dispositive provision of the will after October 9, 1969, by codicil or otherwise.

(ii) *Testator having no right to change his will.* To qualify under this subdivision the trust must have been established by the will of a testator who died after October 9, 1969, and who at no time after that date had the right to change any portion of such will pertaining to

such trust. This subdivision could apply, for example, where a contract has been entered into for the execution of wills containing reciprocal provisions as well as provisions for the benefit of an organization described in section 170(c) and under applicable local law the surviving testator is prohibited from revoking his will because he has accepted the benefit of the provisions of the will of the other contracting party.

(iii) *Testator under a mental disability to republish his will.* To qualify under this subdivision the trust must have been established by the will of a testator who died after October 8, 1972, without having amended any dispositive provision of such will before October 9, 1972, by codicil or otherwise, and who is under a mental disability at all times after October 8, 1972, to amend such will, by codicil or otherwise. The provisions of subparagraph (3)(ii) of this paragraph with respect to mental incompetence apply for purposes of this subdivision.

(iv) *Amendment of dispositive provisions.* The provisions of paragraph (e)(4) and (5) of § 20.2055-2 of this chapter (Estate Tax Regulations) are to be applied under subdivisions (i) and (iii) of this subparagraph in determining whether there has been an amendment of a dispositive provision of a will.

(c) *Pooled income funds.* Any part of the gross income of a pooled income fund to which § 1.642(c)-5 applies for the taxable year that is attributable to net long-term capital gain (as defined in section 1222(7)) which, pursuant to the terms of the governing instrument, is permanently set aside during the taxable year for a purpose specified in section 170(c) shall be allowed as a deduction to the fund in lieu of the limited charitable contributions deduction authorized by section 170(a). No deduction shall be allowed under this paragraph for any portion of the gross income of such fund which is (1) attributable to income other than net long-term capital gain (2) earned with respect to amounts transferred to such fund before August 1, 1969. However, see paragraph (b) of this section for a deduction (subject to the limitations of such paragraph) for amounts permanently set aside by a pooled income fund which meets the requirements of that paragraph. The principles of paragraph (b)(2) of this section with respect to investment, reinvestment, and separate accounting shall apply under this paragraph in the case of amounts transferred to the fund after July 31, 1969.

(d) *Disallowance of deduction for certain amounts not deemed to be permanently set aside for charitable purposes.* No amount will be considered to be permanently set aside, or to be used, for a purpose described in paragraph (a) or (b)(1) of this section unless under the terms of the governing instrument and the circumstances of the particular case the possibility that the amount set aside, or to be used, will not be devoted to such purpose or use is so remote as to be negligible. Thus, for example, where there is possibility of the invasion of the corpus of a charitable remainder trust, as defined in § 1.664-1(a)(1)(ii), in order to make payment of the annuity amount or unitrust amount, no deduction will be allowed under paragraph (a) of this section in respect of any amount set aside by an estate for distribution to such a charitable remainder trust.

For treatment of distributions by an estate to a charitable remainder trust, see paragraph (a)(5)(iii) of § 1.664-1.

PAR. 4. Section 1.642(c)-3 is revised to read as follows:

§ 1.642(c)-3 Adjustments and other special rules for determining unlimited charitable contributions deduction.

(a) *Income in respect of a decedent.* For purposes of §§ 1.642(c)-1 and 1.642(c)-2, an amount received by an estate or trust which is includible in its gross income under section 691(a)(1) as income in respect of a decedent shall be included in the gross income of the estate or trust.

(b) *Reduction of charitable contributions deduction by amounts not included in gross income.* (1) If an estate, pooled income fund, or other trust pays, permanently sets aside, or uses any amount of its income for a purpose specified in section 642(c)(1), (2) or (3) and that amount includes any items of estate or trust income not entering into the gross income of the estate or trust, the deduction allowable under § 1.642(c)-1 or § 1.642(c)-2 is limited to the gross income so paid, permanently set aside, or used. In the case of a pooled income fund for which a deduction is allowable under paragraph (c) of § 1.642(c)-2 for amounts permanently set aside, only the gross income of the fund which is attributable to net longterm capital gain (as defined in section 1222(7)) shall be taken into account.

(2) In determining whether the amounts of income so paid, permanently set aside, or used for a purpose specified in section 642(c)(1), (2), or (3) include particular items of income of an estate or trust not included in gross income, the specific provision controls if the governing instrument specifically provides as to the source out of which amounts are to be paid, permanently set aside, or used for such a purpose.

In the absence of specific provisions in the governing instrument, an amount to which section 642(c)(1), (2) or (3) applies is deemed to consist of the same proportion of each class of the items of income of the estate or trust as the total of each class bears to the total of all classes. See paragraph (b) of § 1.643(a)-5 for the method of determining the allocable portion of exempt income and foreign income.

(3) For examples showing the determination of the character of an amount deductible under § 1.642(c)-1 or § 1.642(c)-2, see examples (1) and (2) in § 1.662(b)-2 and paragraph (e) of the example in § 1.662(c)-4.

(4) For the purpose of this paragraph, the provisions of section 116 are not to be taken into account.

(c) *Capital gains included in charitable contribution.* Where any amount of the income paid, permanently set aside, or used for a purpose specified in section 642(c)(1), (2), or (3), is attributable to net long-term capital gain (as defined in section 1222(7)), the amount of the deduction otherwise allowable under § 1.642(c)-1 or § 1.642(c)-2, must be adjusted for any deduction provided in section 1202 of 50 percent of the excess, if any, of the net long-term capital gain over the net short-term capital loss. For determination of the extent to which the contribution to which § 1.642(c)-1 or § 1.642(c)-2 applies is deemed to consist of net long-term capital gains, see paragraph (b) of this section. The application of this paragraph may be illustrated by the following examples:

Example.—(1) Under the terms of the trust instrument, the income of a trust described in § 1.642(c)-2(b)(3)(i) is currently distributable to A during his life and capital gains are allocable to corpus. No provision is made in the trust instrument for the invasion of corpus for the benefit of A. Upon A's death the corpus of the trust is to be distributed to M University, an organization described in section 501(c)(3) which is exempt from taxation under section 501(a). During the taxable year ending December 31, 1970, the trust has long-term capital gains of $100,000 from property transferred to it on or before October 9, 1969, which are permanently set aside for charitable purposes. The trust includes $100,000 in gross income but is allowed a deduction of $50,000 under section 1202 for the long-term capital gains and a charitable contributions deduction of $50,000 under section 642(c)(2) ($100,000 permanently set aside for charitable purposes less $50,000 allowed as a deduction under section 1202 with respect to such $100,000).

Example (2). Under the terms of the will, $200,000 of the income (including $100,000 capital gains) for the taxable year 1972 of an estate is distributed, one-quarter to each of two individual beneficiaries and one-half to N University, an organization described in section 501(c)(3) which is exempt from taxation under section 501(a). During 1972 the estate has ordinary income of $200,000, long-term capital gains of $100,000, and no capital losses. It is assumed that for 1972 the estate has no other items of income or any deductions other than those discussed herein. The entire capital gains of $100,000 are included in the gross income of the estate for 1972, and N University receives $100,000 from the estate in such year. However, the amount allowable to the estate under section 642(c)(1) is subject to appropriate adjustment for the deduction allowable under section 1202. In view of the distributions of $25,000 of capital gains to each of the individual beneficiaries, the deduction allowable to the estate under section 1202 is limited by such section to $25,000 [($100,000 capital gains less $50,000 capital gains includible in income of individual beneficiaries under section 662) x 50%]. Since the whole of this $25,000 deduction under section 1202 is attributable to the distribution of $50,000 of capital gains to N University, the deduction allowable to the estate in 1972 under section 642(c)(1) is $75,000 [$100,000 (distributed to N) less $25,000 (proper adjustment for section 1202 deduction)].

Example (3). Under the terms of the trust instrument, 30 percent of the gross income (exclusive of capital gains) of a trust described in § 1.642(c)-2(b)(3)(i) is currently distributed to B, the sole income beneficiary. Net capital gains and undistributed

ordinary income are allocable to corpus. No provision is made in the trust instrument for the invasion of corpus for the benefit of B. Upon B's death the remainder of the trust is to be distributed to M Church. During the taxable year 1972, the trust has ordinary income of $100,000, long-term capital gains of $15,000, short-term capital gains of $1,000, long-term capital losses of $5,000, and short-term capital losses of $2,500. It is assumed that the trust has no other items of income or any deductions other than those discussed herein. All the ordinary income and capital gains and losses are attributable to amounts transferred to the trust before October 9, 1969. The trust includes in gross income for 1972 the total amount of $116,000 [$100,000 (ordinary income) + $16,000 (total capital gains determined without regard to capital losses)]. Pursuant to the terms of the governing instrument the trust distributes to B in 1972 the amount of $30,000 ($100,00 x 30%). The balance of $78,500 [($116,000 less $7,500 capital losses) —$30,000 distribution] is available for the set-aside for charitable purposes. In determining taxable income for 1972 the capital losses of $7,500 ($5,000 + $2,500) are allowable in full under section 1211(b)(1). The net capital gain of $8,500 ($16,000 less $7,500) is the excess of the net long-term capital gain of $10,000 ($15,000 less $5,000) over the net short-term capital loss of $1,500 ($2,500 less $1,000). The deduction under section 1202 is $4,250 ($8,500 x 50%), all of which is attributable to the set-aside for charitable purposes. Accordingly, for 1972 the deduction allowable to the trust under section 642(c)(2) is $74,250 [$78,500 (set-aside for M) less $4,250 (proper adjustment for section 1202 deduction)].

Example (4). During the taxable year a pooled income fund, as defined in § 1.642(c)-5, has in addition to ordinary income long-term capital gains of $150,000, short-term capital gains of $15,000, long-term capital losses of $100,000, and short-term capital losses of $10,000. Under the Declaration of Trust and pursuant to State law net long-term capital gain is allocable to corpus and net short-term capital gain is to be distributed to the income beneficiaries of the fund. All the capital gains and losses are attributable to amounts transferred to the fund after July 31, 1969. In view of the distribution of the net short-term capital gain of $5,000 ($15,000 less $10,000) to the income beneficiaries, the deduction allowed to the fund under section 1202 is limited by such section to $25,000 [($150,000 (long-term capital gains) less $100,000 (long-term capital losses)) x 50%]. Since the whole of this deduction under section 1202 is attributable to the set-aside for charitable purposes, the deduction of $50,000 ($150,000 less $100,000) otherwise allowable under section 642(c)(3) is subject to appropriate adjustment under section 642(c)(4) for the deduction allowable under section 1202. Accordingly, the amount of the set-aside deduction is $25,000 [$50,000 (set-aside for public charity) less $25,000 (proper adjustment for section 1202 deduction)].

Example (5). The facts are the same as in example (4) except that under the Declaration of Trust and pursuant to State law all the net capital gain for the taxable year is allocable to corpus of the fund. The fund would thus include in gross income total capital gains of $165,000 ($150,000+$15,000). In determining taxable income for the taxable year the capital losses of $110,000 ($100,000+$10,000) are allowable in full under section 1211(b)(1). The net capital gain of $55,000 ($165,000 less $110,000) is available for the set-aside for charitable purposes under section 642(c)(3) only in the amount of the net long-term capital gain of $50,000 ($150,000 long-term gains less $100,000 long-term losses). The deduction under section 1202 is $25,000 ($50,000×50%), all of which is attributable to the set-aside for charitable purposes. Accordingly, the deduction allowable to the fund under section 642(c)(3) is $25,000 [$50,000 (set-aside for public charity) less $25,000 (proper adjustment for section 1202 deduction)]. The $5,000 balance of net capital gain is taken into account in determining taxable income of the pooled income fund for the taxable year.

(d) *Disallowance of deduction for amounts allocable to unrelated business income.* In the case of a trust, the deduction otherwise allowable under § 1.642(c)-1 or § 1.642(c)-2 is disallowed to the extent of amounts allocable to the trust's unrelated business income. See section 681(a) and the regulations thereunder.

(e) *Disallowance of deduction in certain cases.* For disallowance of certain deductions otherwise allowable under section 642(c) (1), (2), or (3), see sections 508(d) and 4948(c)(4).

(f) *Information returns.* For rules applicable to the annual information return that must be filed by trusts claiming a deduction under section 642(c) for the taxable year, see section 6034 and the regulations thereunder.

PAR. 5. Section 1.642(c)-4 is revised to read as follows:

§ 1.642(c)-4 Nonexempt private foundations.

(a) In the case of a trust which is, or is treated under section 4947 (a) (1) as though it were, a private foundation (as defined in section 509(a) and the regulations thereunder) that is not exempt from taxation under section 501(a) for the taxable year, a deduction for amounts paid or permanently set aside, or used for a purpose specified in section 642 (c)(1), (2), or (3) shall not be allowed under § 1.642(c)-1 or § 1.642(c)-2, but such trust shall, subject to the provisions applicable to individuals, be allowed a deduction under section 170 for charitable contributions paid during the taxable year. Section 642 (c) (6) and this section do not apply to a trust described in section 4947 (a) (1) unless such trust fails to meet the requirements of section 508 (e). However, if on October 9, 1969, or at any time thereafter, a trust is recognized as being exempt from taxation under section 501 (a) as an organization described in section 501 (c) (3), if at such time such trust is a private foundation, and if at any time thereafter such trust is determined not to be exempt from taxation under section 501 (a) as an organization described in section 501 (c) (3), section 642 (c) (6) and this section will apply to such trust. See § 1.509 (b)-1 (b).

PAR. 6. Section 1.642(c)-5 is amended by revising paragraph (a)(5)(vi) and by deleting paragraph (d), as follows:

§ 1.642(c)-5 Definition of pooled income fund.

(a) *In general.* * * *

(5) *Definitions.* * * *

(vi) The term "determination date" means each day within the taxable year of a pooled income fund on which a valuation is made of the property in the fund. The property in the fund shall be valued on the first day of the taxable year of the fund and on at least 3 other days within the taxable year. The period between any two consecutive determination dates within the taxable year shall not be greater than 3 calendar months. In the case of a taxable year of less than 12 months, the property in the fund shall be valued on the first day of such taxable year and on such other days within such year as occur at successive intervals of no greater than 3 calendar months. Where a valuation date falls on a Saturday, Sunday, or a legal holiday (as defined in section 7503 and the regulations thereunder), the valuation may be made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday.

* * * * *

(d) [Deleted]

PAR. 7. Section 1.643(a)-3 is amended by revising paragraph (c) to read as follows:

§ 1.643(a)-3 Capital gains and losses.

* * * * *

(c) The deduction under section 1202 (relating to capital gains) is taken into account in computing distributable net income to the extent that it is allocable to capital gains which are paid, permanently set aside, or to be used for the purposes specified in section 642(c). See the regulations under section 642(c) to determine the extent to which the amount so paid, permanently set aside, or to be used consists of capital gains. The deduction for capital gains provided in section 1202 insofar as it is allocable to the remainder of the capital gains is not taken into account.

* * * * *

PAR. 8. Section 1.643(a)-7 is amended to read as follows:

§ 1.643(a)-7 Dividends.

Dividends excluded from gross income under section 116 (relating to partial exclusion of dividends received) are included in distributable net income. For this purpose, adjustments similar to those required by § 1.643(a)-5 with respect to expenses allocable to tax-exempt income and to income included in amounts paid or set aside for charitable purposes are not made. See the regulations under section 642(c).

PAR. 9. Section 1.673(a)-1 is amended by revising paragraph (a)(2) to read as follows:

§ 1.673(a)-1 Reversionary interests; income payable to beneficiaries other than certain charitable organizations; general rule.

(a) * * *

(2) Except in the case of transfers in trust made after April 22, 1969, a reversionary interest in a charitable trust meeting the requirements of section 673 (b) (see § 1.673(b)-1),

* * * * *

PAR. 10. Section 1.673(b) is amended by adding the following historical note:

§ 1.673(b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; charitable beneficiaries.

* * * * *

[Sec. 673(b) before repeal by sec. 201(c), Tax Reform Act 1969 (83 Stat. 560)]

PAR. 11. Section 1.673(b)–1 is amended by revising the heading and adding the following new paragraph:

§ 1.673(b)–1 Income payable to charitable beneficiaries (before amendment by Tax Reform Act of 1969).

* * * * *

(d) This section does not apply to transfers in trust made after April 22, 1969.

[FR Doc.75–14372 Filed 5–30–75;8:45 am]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[Regulations on Procedure and Administration; T.D. 7359]

PART 301—PROCEDURE AND ADMINISTRATION

Delegation of Authority To Administer Oaths and Certify

This document contains an amendment to the Regulations on Procedure and Administration (26 CFR Part 301) under section 7622 of the Internal Revenue Code of 1954 in order to revise the rules with respect to the delegation of authority to administer oaths and certify certain papers.

The current regulations provide that those employees authorized by the Commissioner to issue summons are authorized to administer oaths and certify certain papers. The purpose of the amendment is to make it clear that the Commissioner may delegate the authority to administer oaths and certify to any officer or employee of the Internal Revenue Service.

Adoption of amendments to the regulations. In view of the foregoing, § 301.7622–1 of the Regulations on Procedure and Administration (26 CFR Part 301) is revised to read as follows:

§ 301.7622–1 Authority to administer oaths and certify.

The officers and employees of the Internal Revenue Service whom the Commissioner has designated are authorized to administer such oaths or affirmations and to certify to such papers as may be necessary under the internal revenue laws or regulations issued thereunder, except that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive.

Because this Treasury decision amends regulations only with respect to administrative procedure and practice, it is found to be unnecessary to issue it with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805.)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: May 27, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.75–14368 Filed 5–30–75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Correction

In FR Doc. 75–2361, appearing on page 3982 in the issue for Monday, January 27, 1975, the section reference in the second line of the note following the table should read "§ 1910.106(d)(2)".

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

[CGD 75–085]

PART 1—GENERAL PROVISIONS

Fees for Services for the Public

The purpose of these amendments to the user fee regulations is to reflect the Department of Transportation's revised rules governing the public availability of information.

In the February 24, 1975 issue of the FEDERAL REGISTER (37 FR 7915), the Department of Transportation issued regulations that implement the Freedom of Information Act, 5 U.S.C. 552, as amended by Pub. L. 93–502, 88 Stat. 1565. These regulations recodified the provisions for fees from Subpart H, including §§ 7.81–7.91, to Subpart I, including §§ 7.91–7.101.

In 33 CFR 1.25–40, references are made to 49 CFR Subpart H and specific regulations in that subpart. The amendments in this document are made to reflect the revisions made to that subpart by the Department of Transportation in 37 FR 7915.

Since the amendments in this document are only editorial changes, public rulemaking procedures are unnecessary and they may be made effective June 2, 1975.

In consideration of the foregoing, § 1.25–40 of Title 33, Code of Federal Regulations is amended as follows:

§ 1.25–40 [Amended]

1. By amending paragraph (a) by striking in the first sentence the words "Subpart H" and inserting "Subpart I" in place thereof, by striking in the second sentence the citation "49 CFR 7.85" and inserting "49 CFR 7.95" in place thereof, and by striking in the third sentence the citation "49 CFR 7.83" and inserting "49 CFR 7.93" in place thereof.

2. By amending the first sentence in paragraph (b) by striking the words "In accordance with 49 CFR 7.85(1)," and by striking the citation "49 CFR 7.85" and inserting "49 CFR 7.95" in place thereof.

(Sec. 501, 65 Stat. 290 (31 U.S.C. 483a); 14 U.S.C. 633; sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)))

Effective date. These amendments are effective on June 2, 1975.

Dated: May 16, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.75–14319 Filed 5:30–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAM

[FRL 365–4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New York State Implementation Plan Revision

An August 29, 1974, the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) submitted a proposed revision to the New York State implementation plan which consisted of a revised part 225 (Fuel Composition and Use), of Subchapter A, chapter III, title 6 of New York's Official Compilation of Codes, Rules and Regulations (6 NYCRR). Additional information received on October 11, 1974 supports the contention that this regulation will not prevent the attainment and maintenance of national standards for sulfur oxides.

Revised Part 225, which was adopted by the State Environmental Board on July 17, 1974 and became effective on September 26, 1974, replaces existing Parts 225, 226 and 230 of 6 NYCRR. This regulation was subject to New York State public hearings during the period November 14–19, 1973. The regulation removes Suffolk County from the sulfur limitations in effect for the New York City Metropolitan Area (0.3 percent for residual oil, 0.2 percent for distillate oil and 0.2 lbs/10^6 Btu for solid fuel) and maintains the prior sulfur in fuel limitation for distillate oil at 0.2 percent in effect for the New York City Metropolitan Area. In Eastern Suffolk County the previous limitations of 0.37 percent for residual oil and 0.2 lbs/10^6 Btu for solid fuel in effect for the New York City Metropolitan Area were revised to an allowable maximum sulfur limitation of 2.0 percent for all types of oil and a 3-month average of 1.9 lbs/10^6 Btu for solid fuel while in Western Suffolk County the maximum sulfur content changes from 0.37 percent for residual oil and 0.2 lbs/10^6 Btu for solid fuel to 1.0 percent for all oil and 0.6 lbs/10^6 Btu for solid fuel. In addition, the regulation accomplishes the following:

(1) It provides for consistency with the New York City regulation dealing with sulfur in fuel limitations for residual oil;

(2) It maintains the maximum sulfur content of residual oil and coal at 0.37 percent and 0.2 lbs/10^6 Btu, respectively for Nassau, Rockland and Westchester Counties;

(3) It delayed until October 1, 1974 the effective date for a 1.7 lbs/10^6 Btu maximum and a 1.4 lbs/10^6 Btu three-month average sulfur content of solid fuel used in the Niagara Frontier;

(4) It changed the solid fuel sulfur limitation to a 3-month average of 1.9 lbs/10^6 Btu for all areas of the State except the City of New York, Nassau, Rockland, Westchester, western Suffolk, Erie and Niagara Counties; and

(5) It changed the sulfur in fuel oil limitation for the remainder of New York State from 1.1 lbs/10^6 Btu to 2.0 percent, which is primarily a change in units and essentially no change in the actual sulfur in fuel limitation.

The State's submission of October 11, 1974 contained a control strategy analysis which predicted the maximum sulfur dioxide concentrations which are expected to occur as a result of the revised Part 225. The analysis for the New York City Metropolitan Area was based on 1972 air quality and emissions data. Using this data as a base and projecting ambient air concentrations to 1975, the annual average and maximum 24-hour concentrations predicted for sulfur oxides are below the national standards for sulfur oxides. Since 1973, measured annual average and 24-hour concentrations have exceeded those recorded during 1972, even though a decrease in total emissions of sulfur oxides has been estimated to have taken place. The State contends that these high readings were not typical because they were the result of variances to the sulfur in fuel limitations which were granted during 1973 and 1974 because of fuel insufficiencies. The State has certified that if, upon further analysis, these variances given in 1973 and 1974 fail to explain the higher 1973 and 1974 ambient air quality values, in whole or in part, then a revised sulfur dioxide plan will be developed. With regard to the other affected portions of the State, the State's analysis shows that there will be no violations of any national standard for sulfur oxides.

Section 225.2 (b) and (c) allow the Commissioner of NYSDEC to authorize the use of fuel oil with sulfur contents of up to 3.0 percent by weight and solid fuel with sulfur contents of up to 2.8 lbs/10^6 Btu if it can be shown that the use of such fuel would not contribute to or cause the contravention of ambient air quality standards. Furthermore, section 225.3(a) allows the Commissioner to grant exceptions to the sulfur in fuel requirements of the regulation if it is shown that there is an insufficient supply of conforming fuel, as certified by the Chairman of the State Public Service Commission. Section 225.3(b) allows the Commissioner in some cases to grant such exceptions under expedited procedures for a period of up to 45 days if he determines that delay would be detrimental to public health and welfare.

The Regional Administrator, on November 20, 1974 (38 FR 40786), in a Federal Register notice announcing receipt of the proposed revision and supporting information, provided for a public comment period of 30 days. Thirteen comments were received. The majority opposed EPA's preliminary determination that sections 225.2 (b), and (c) and 225.3 were unapprovable and argued that those sections satisfy EPA regulations for plan revisions since section 225.4 assures implementation only after public hearings were held pursuant to section 225.4 and in compliance with EPA general requirements for plan revisions and 40 CFR Part 51.4. The Commissioner of NYSDEC, on December 6, 1974, informed the Regional Office that all limitations promulgated by him in accordance with section 225.4 would be submitted to EPA as plan revisions. The Administrator therefore approves Part 225 with the proviso that each special limitation or exception issued by the Commissioner under sections 225.2 (b), (c) or 225.3 shall become a part of the plan only upon the Administrator's approval in accordance with section 110 of the Clean Air Act.

With regard to section 225.3, which establishes a mechanism for State approval of variances during periods of fuel shortages, the comments supported its approvability based on the need to provide the State with flexibility to cope with fuel shortages. However, the EPA preliminary decision to disapprove this section resulted since the section did not provide for the attainment and maintenance of the national standards during such times that the variances were in effect. The Administrator is approving this section based on the Commissioner's letter of December 6, 1974 which states that any variance granted under section 225.3 of Part 225 will be submitted to EPA as a revision to the State implementation plan. All revision requests received from the State, which are granted pursuant to section 225.3 will be reviewed in accordance with the requirements set forth in section 110(a)(2)(A) through (H) of the Clean Air Act. In addition, such revisions will be reviewed to determine whether the State has imposed conditions to assure adequate reporting, to require necessary measures to avoid imminent and substantial endangerment to human health, and to require that the variance shall be inapplicable when conforming fuels are reasonably available. Such conditions are required in cases where the Administrator issues temporary suspensions under section 119(b)(3) which states:

> Any suspension under paragraph (1) shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to (A) a requirement that the person receiving the suspension comply with such reporting requirements as the Administrator determines may be necessary, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and (C) in the case of a suspension under paragraph (1)(A)(i), requirements that the suspension shall be inapplicable during any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available (as determined by the Administrator) to such person.

Furthermore, all proposed revision requests to State implementation plans are required to meet the following requirements prior to EPA approval:

(1) Pursuant to 40 CFR 51.4 all proposed revision requests must be subject to public hearings prior to submission to EPA, and

(2) As part of the proposed revision request the State must submit a control strategy analysis which shows that national ambient air quality standards will not be violated as a result of the revision.

One comment concerned the fact that section 225.5(a)(2) prohibits the blending of process gas and commercial fuel in order to achieve the applicable fuel sulfur content despite the fact that EPA new source performance standards allow the use of fuel blending and the use of higher sulfur oil than would otherwise be permitted. EPA has no authority to disapprove a State regulation which is more stringent than EPA's. The State could, at any time, revise this section to make it consistent with the EPA new source performance standards.

Section 225.5(c) allows the Commissioner of NYSDEC to permit the sale, offering for sale, purchase and use of fuel having a sulfur content in excess of the limitations of section 225.3, where such fuel would be used to demonstrate the performance of experimental equipment and/or process(es) for removal of sulfur compounds from stack emissions. The State informed the Regional Office by letter, on February 25, 1975, that all such use of experimental equipment or processes would be subject to prior EPA approval. The Administrator agrees with the State's position that development of new technology for control of sulfur oxide emissions should be encouraged. The Administrator will approve exemptions issued under section 225.5(c) where, based on the information available to him, he finds that attainment and maintenance of the national ambient air quality standards are nonetheless adequately assured and the other requirements of section 110(a)(2)(A) through (H) of the Clean Air Act and EPA regulations governing revisions to State implementation plans are satisfied.

In addition to the above revisions, the Administrator is withdrawing his disapproval of former section 226.3(g) of chapter 6 of the New York Code of Rules and Regulations since that section has been replaced in the New York regulatory scheme by section 225 which is the subject at the Administrator's approval action today. With the approval of section 225, the New York implementation plan now sets forth requirements for constant emission limitations for sources of sulfur oxide air pollution.

Effective date. These revisions become effective July 2, 1975.

(42 U.S.C. 1857c-5 and 9)

Dated: May 23, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart HH—New York

1. In § 52.1670, paragraph (c) is amended by revising subparagraph (3) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) * * *

(3) October 26, 1973, November 27, 1973, January 17, 1974, August 29, 1974, October 11, 1974, December 6, 1974, February 25, 1975.

2. In § 52.1675, paragraph (e) is revised to read as follows:

§ 52.1675 Control strategy and regulations: Sulfur oxides.

* * * * *

(e) Any special limitation promulgated by the Commissioner under 6 NYCRR section 225.2(b) and (c), any exception issued by the Commissioner under 6 NYCRR section 225.3, and any permission issued by the Commissioner under 6 NYCRR section 225.5(c) shall not exempt any person from the requirements otherwise imposed by 6 NYCRR Part 225; provided that the Administrator may approve such special limitation, exception or permission as a plan revision when the provisions of this Part, section 110 (a)(3)(A) of the Act, and 40 CFR Part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such special limitation, exception or permission.

* * * * *

[FR Doc.75-14362 Filed 5-30-75;8:45 am]

[FRL 371-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa.

Accordingly, the Administrator proposed approval of these schedules on March 21, 1975, in the FEDERAL REGISTER (40 FR 12813). The proposed approval of these schedules published in the March 21, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.6.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally-approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is federally-approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation will again become federally enforceable. The schedules were immediately effective on the date of adoption. An "Effective Date" is not indicated on the table. The "Variance Expiration Date" is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementatioin Plans are available for public inspection at the Environmental Portection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C.; and the Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

This rulemaking will become effective June 2, 1975. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

(Sec. 110, Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5).)

Date: May 23, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart Q—Iowa

1. In § 52.825, the table in subparagraph (c) is amended as follows:

§ 52.825 Compliance Schedules.

* * * * *

(c) * * *

IOWA

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
* * * *		*	*	*	*
Scoville Manufacturing Co., caradco window and door division, grinding system (item No. 3).	Dubuque	4.3(2)a	Nov. 14, 1974	June 30, 1975	June 30, 1975
Katelman Foundry, Inc., Cupola	Council Bluffs	4.4(4)	Feb. 13, 1975	Mar. 13, 1975	Mar. 13, 1975
Armour & Co. (the Greyhound Corp.), boilers Nos. 1, 3, 4, and 5.	Mason City	4.3(2)b	....do	July 31, 1975	July 31, 1975
Headford Brothers & Hitchins Foundry Co., cupola.	Waterloo	4.4(4)	Aug. 8, 1974	June 1, 1975	June 1, 1975
Green Products Co., alfalfa dehydrating plant.	Conrad	4.3(2)a	Feb. 13, 1975	May 1, 1975	May 1, 1975
Gra-Iron Foundry Corp., cupola	Marshalltown	4.4(4)	....do	Mar. 15, 1975	Mar. 15, 1975
Progressive Foundry, Inc., cupola	Perry	4.4(4)	....do	Apr. 23, 1975	Apr. 23, 1975
Farmers Mutual Cooperative Co., cyclone on headhouse.	Alton	4.4(6)	....do	June 15, 1975	June 15, 1975
Wapsie Valley Creamery, Inc., whey spray dryer.	Independence	4.3(2)a	....do	July 29, 1975	July 29, 1975
Houdaille Industries, Inc., viking pump division, sand silo.	Cedar Falls	4.3(2)a	....do	June 3, 1975	June 3, 1975
Rohlin Construction Co., asphaltic concrete plant D.	LaPorte	4.4(2)	....do	May 20, 1975	May 20, 1975
Spencer Municipal Hospital, incinerator.	Spencer	4.4(2)	....do	July 31, 1957	July 31, 1975
Norris Construction Co., asphaltic concrete plant No. 250.	Ottumwa	4.4(2)	....do	May 16, 1975	May 16, 1975
Iowa Road Builders Co., asphaltic concrete plant.	Ames	4.4(2)	....do	July 31, 1975	July 31, 1975
Cessford Construction Co., asphaltic concrete plant No. 1.	LeGrand	4.4(2)	....do	Apr. 15, 1975	Apr. 15, 1975

[FR Doc.75-14363 Filed 5-30-75;8:45 am]

[FRL 369-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards

On July 10, 1974, the Administrator proposed in the FEDERAL REGISTER (39 FR 25330) a list of areas that have the potential for violation of specified national ambient air quality standards by 1985 for all States except those in EPA's Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin). In the FEDERAL REGISTER of August 12, 1974 (39 FR 28906), the Administrator proposed a similar list for the Region V States. The identification of these "air quality maintenance areas" (AQMAs) is required under 40 CFR 51.12 (e) and (f), published in the FEDERAL REGISTER of June 18, 1973 (39 FR 15834) and subsequently amended on May 8, 1974 (39 FR 16343). The preamble to the July 10, 1974, proposal contains detailed background information concerning the Administrator's proposed identification of these areas and their relationship to the implementation planning process; the reader is referred to that preamble for this information.

In the FEDERAL REGISTER of April 29, 1975, the Administrator published the final identification of AQMAs for the States of Alabama, Alaska, Georgia, Hawaii, Idaho, Louisiana, Maine, Mississippi, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Vermont, and Washington, the territories of Guam, Puerto Rico, Virgin Islands, and American Samoa and a partial AQMA list for the State of Iowa. In the preamble to that rulemaking, the Administrator presented some background information pertaining to the maintenance of air quality standards and responded to general comments that had been received. The reader is also referred to that preamble.

The action below presents the full final identification of AQMAs for the States of Colorado, Connecticut, Illinois, Indiana, Iowa (including the remaining AQMAs), Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming, and a partial final identification for the State of Ohio. The Administrator is taking the following actions on these States:

(a) Approval of the supplemental information that the States submitted to the Administrator under 40 CFR 51.12(e) and which the Administrator has determined to be adequate and in accordance with EPA's Guidelines for Designation of Air Quality Maintenance Areas. The approved supplemental information contains either the list of areas identified by the States or a justification why there are no such areas.

(b) Disapproval of plans for which States did not submit adequate supplemental information containing either a list of areas identified pursuant to 40 CFR 51.12(e) or a justification why there are no such areas.

(c) Identification of areas that have the potential for violation of a national standard by 1985. In some cases, such identifications include, where applicable, the Administrator's own area identification, in addition to the areas identified by the States and approved by the administrator. Where the Administrator disapproves a State's plan because of an inadequate submittal, the Administrator either identifies AQMAs or indicates that there are no such areas under 40 CFR 51.12(e) and (f).

The Administrator is reviewing the AQMA lists submitted by the remaining States and will publish a list for those States at a later time, along with the remainder of the AQMAs for Ohio. These AQMA lists are being published later than the August 16, 1974, date for publication specified in the May 8, 1974, FEDERAL REGISTER notice referred to above because the task of area identification proved to be more difficult and time-consuming than had previously been anticipated. The Administrator regrets the delay but believes that a more appropriate list of AQMAs will result from the additional time and effort expended.

For the areas identified by the Administrator under 40 CFR 51.12(e) and (f), the States are required to submit a detailed analysis of the impact on air quality of projected growth. Where the analysis indicates that the national air quality standards will not be maintained, the States must also submit plans containing measures to ensure maintenance of national standards during the ensuing 10-year period. The AQMA identification-analysis-plan development procedure must be repeated at least every 5 years to ensure continuing maintenance of national standards.

SUMMARY OF STATE ACTIONS

The Administrator is taking action on 18 State implementation plans. He is approving 11 plans under the air quality maintenance provisions of 40 CFR 51.12 (e) and disapproving 6; the remaining State plan, Iowa, had been previously approved. A total of 59 AQMAs are being identified for at least one pollutant. Of these, 56 are identified for particulate matter, 28 for sulfur dioxide, 14 for carbon monoxide, 14 for photochemical oxidants, and 3 for nitrogen dioxide.

A discussion of specific actions relating to each State, including a general response to comments received, is presented below.

COLORADO

The State of Colorado has identified five AQMAs pursuant to a hearing held on May 9, 1974.

Four of the identifications include the rapidly growing front range of Colorado, including the municipalities of Pueblo, Colorado Springs, Denver, Boulder, Loveland, Greeley, and Fort Collins. The fifth area, located in northwestern Colorado, is being identified because of the potential for significant oil shale and coal development within its boundaries.

Colorado's formal submission from the Governor was received on June 7, 1974, and has been reviewed by the Administrator for both content and procedural acceptability. In the FEDERAL REGISTER of July 10, 1974 (39 FR 25330), the Administrator proposed to approve Colorado's June 7, 1974, submittal and identify the five AQMAs chosen by Colorado. On the basis of his review of the State submittal and supplemental information received dated January 29, 1975, the Administrator is approving the Colorado identifications as an official supplement to the State implementation plan.

Comments received on the AQMA proposal supported the identifications as proposed. Concern was expressed that

the identifications should reflect consideration of non-significant deterioration of air quality, and indirect source review requirements. The reader is referred to the FEDERAL REGISTER preambles of December 5, 1974 (39 FR 42510) and April 29, 1975 which explain the relationships of AQMAs to non-significant deterioration areas and the indirect source review requirements respectively. In addition, comments received indicated that AQMA boundaries should consider the jurisdictional boundaries of sub-state planning units. The AQMAs as proposed and adopted by Colorado and approved by EPA do correspond to sub-state planning unit boundaries. It is thus the Administrator's judgment that these concerns have been considered in the identifications for Colorado.

In light of new information and analysis effected subsequent to EPA's proposal of AQMA identifications, EPA added Moffat County to the oil shale AQMA as well as identifying the entire AQMA for sulfur oxides. Justification for the designation of Moffat County and the addition of sulfur dioxide to the AQMA, as well as the identification of the Colorado-Utah Oil Shale Area as an interstate AQMA, are discussed in the technical support document mentioned below. These changes are the only changes made from the EPA AQMA proposal of July 10, 1974 (39 FR 25330).

The information submitted by the State of Colorado to document its identifications was not sufficiently detailed to justify the identifications requested. Hence, EPA and the State agency, working together, prepared additional supporting information. This information is included in the technical support documentation, which, along with the State submittal, is available for public inspection at the Region VIII offices of EPA, 1860 Lincoln Street, Denver, Colorado 80203, and at the Division of Air Pollution Control, Colorado Department of Health, 4210 E. 11th Avenue, Denver, Colorado 80220.

CONNECTICUT

On April 15, 1974, the Administrator received AQMA identification material for the State of Connecticut from the Connecticut Department of Environmental Protection. A public hearing was held on this submittal by the State on April 9, 1974. In the FEDERAL REGISTER of July 10, 1974 (39 FR 25330), the Administrator proposed to approve the State's submittal and identify the Connecticut AQMA as suggested by the State. A letter dated September 19, 1974, was received from the Governor's office concurring with the proposed identifications. After substantive review of the State's submittal, the Administrator is approving the State's identification of one area in the State—the total Connecticut portions of the New York-New Jersey-Connecticut, and Hartford-New Haven-Springfield Interstate Air Quality Control Regions—as an AQMA for sulfur dioxide, particulate matter, carbon monoxide and photochemical oxidants. (This area does not encompass the entire State.) No comments were received pertaining to the July 10, 1974, proposed rulemaking publication of this action in the FEDERAL REGISTER. The State submittal and EPA's technical support documentation on which this action is based are available for public inspection at the offices of the U.S. EPA, Region I, and the offices of the Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06115.

ILLINOIS

The State of Illinois did not submit AQMA identifications to the Administrator, although public hearings on candidate AQMAs had been completed by the Illinois Pollution Control Board on and prior to October 15, 1974. The AQMA proposals now being considered by Illinois, however, correspond with the Administrator's identifications presented below.

A total of six AQMAs were proposed by the Administrator on August 12, 1974 (39 FR 28906), for the State of Illinois. These included the Chicago Interstate, Decatur, Peoria, Rock Island, St. Louis Interstate and the Springfield Metropolitan areas.

Testimony at the public hearings held by the Administrator on August 26 and 27, 1974, and material subsequently received concerning grain handling regulations led to a reanalysis for the Rock Island and Springfield AQMA identifications and the determination that these areas need not be identified. Detailed calculations and supporting information for this action are found in the technical support documentation to this rulemaking.

Because of the anticipated growth of both mobile and stationary air pollution sources in the Chicago SMSA, the Administrator is identifying the entire SMSA of Cook, DuPage, Lake, Will, Kane, and McHenry counties in Illinois for sulfur dioxide, particulate matter, nitrogen dioxide, photochemical oxidants, and carbon monoxide. Although the AQMA was not proposed for carbon monoxide, the Administrator is identifying this area for carbon monoxide because existing transportation control strategies are estimated to be insufficient to attain and maintain the Federal primary standards for carbon monoxide. The addition of CO to the AQMA is the only change in the AQMA identification from the proposal. This determination is based on air quality data collected by the Administrator since the development of the current transportation control plan. The Chicago SMSA forms the Illinois portion of the Illinois-Indiana-Wisconsin Interstate AQMA.

Subsequent to the proposal of the Illinois portion of the St. Louis Interstate AQMA, Monroe County was added to Madison and St. Clair counties because of of the anticipated growth which may occur if the new proposed St. Louis Metropolitan area airport is constructed in Illinois. The AQMA's pollutant identification reflects no change from the EPA proposal and is being identified for particulate matter, sulfur dioxide and photochemical oxidants.

The counties of Peoria, Woodford, and Tazewell, which constitute the Peoria AQMA, have been designated for sulfur dioxide and particulate matter. Macon County constitutes the Decatur AQMA and has been designated for particulate matter based on recent air quality data. Identification of these two AQMAs reflect no change from the August 12, 1974, proposal.

Copies of the Federal hearing records and the technical support documents are available for inspection during normal business hours at the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, as well as the Region V Offices of the EPA at 230 S. Dearborn, Chicago, Illinois 60604.

INDIANA

The State of Indiana has not submitted any material concerning AQMA identifications under 40 CFR 51.12(e). Consequently, in the FEDERAL REGISTER of August 12, 1974 (39 FR 28906), the Administrator proposed for identification a AQMAs 9 of the 11 SMSAs in the State of Indiana. These included counties in the Anderson, Evansville, Chicago, Cincinnati, Indianapolis, Lafayette, Louisville, South Bend, and Terre Haute SMSAs. At the public hearings held by EPA on August 21 and 22, 1974, in Indianapolis and Evansville, respectively, and in subsequent correspondence, local and State agencies as well as various citizen groups questioned the validity of projection data and other basic assumptions made by EPA.

Following the hearings, the Administrator re-examined data and AQMA identifications as follows: (1) In those areas proposed for identification due to the presence of one or two major sources, such as electric power plants, modeling was performed on the emissions from the large sources; (2) in all other areas proposed for identification recalculated peak to mean pollutant concentration relationships were used to estimate the expected 1985 air quality. The technical support documentation presents the detailed calculation and results of the reanalysis described above.

Modeling results indicated that the counties of Morgan in the Indianapolis AQMA and Warrick in the Evansville Interstate AQMA, and the proposed AQMAs of Cincinnati (Dearborn County) and Terre Haute (Sullivan, Vigo, and Vermillion Counties) need not be identified. Similarly, the restudy of projected air quality through 1985 indicates that the proposed AQMAs of Anderson (Madison County), Lafayette (Tippecanoe County), and South Bend (St. Joseph County) do not have to be identified.

The areas identified as AQMAs in the action below are: Lake and Porter Counties as the Indiana portion of the Illinois-Indiana-Wisconsin Interstate AQMA, Clark and Floyd Counties as the Indiana portion of the Louisville Interstate AQMA, Marion County as the Indianapolis AQMA and Vanderburgh County as the Evansville Interstate AQMA.

Copies of the public hearing record and the technical support documentation are available for inspection during normal business hours at the Indiana Division of Air Pollution Control, 1330 W. Michigan Street, Indianapolis, Indiana, as well as the EPA Region V Office at 230 S. Dearborn Street, Chicago, Illinois 60604.

IOWA

In the FEDERAL REGISTER of April 29, 1975, the Administrator identified three areas in Iowa (Cedar Rapids, Des Moines, and Waterloo) as AQMAs, but indicated that other identifications for Iowa were pending. In the action below, Iowa's AQMA identification is completed with the addition of the Council Bluffs, Davenport, and Dubuque areas as AQMAs. For information concerning the Iowa AQMA action, the reader is referred to the FEDERAL REGISTER of April 29, 1975.

In the action below, the Administrator is approving the State's submittal that identified the remaining three areas as AQMAs. The only change from the EPA proposal is the identification of the Council Bluffs area as an interstate AQMA. Identification of the Council Bluffs AQMA resulted from the Administrator's decision to identify the Omaha, Nebraska, area contiguous with Council Bluffs as an AQMA for particulate matter. Explanation of the Administrator's determination for the Omaha area may be found in the discussion of the Nebraska action (found elsewhere in this notice) and in the technical support documentation for this action.

The technical support data for and comments received on the Iowa AQMA identifications are available for public inspection at the Iowa Department of Environmental Quality, Air Quality Management Division, 3920 Delaware Avenue, Des Moines, Iowa, in addition to the EPA Region VII office.

MASSACHUSETTS

On May 21, 1974, the Administrator received AQMA identifications for the State of Massachusetts. Public hearings were held by the State on this submittal at the following dates and locations in Massachusetts:

April 30, 1974, Lawrence
May 1, 1974, Worcester
May 2, 1974, Springfield
May 3, 1974, Boston.

In the FEDERAL REGISTER of July 10, 1974 (39 FR 25330), the Administrator proposed to approve the State's submittal and to identify four areas as AQMAs. A letter, dated July 23, 1974, was received from the Governor's office concurring with the proposed identifications. After review of the State's submittal, the Administrator is approving the State's identification of the four areas as having the potential for violation of at least one national ambient air quality standard within 10 years. These areas are the Boston, Springfield, Worcester, and Lawrence-Haverhill AQMAs. The State submittal and EPA's technical support documentation on which this approval is based are available for public inspection at the offices of the U.S. EPA, Region I, and at the following locations in the State:

Massachusetts Bureau of Air Quality Control
Room 320, 600 Washington Street
Boston, MA 02111

Board of Health Office
Pittsfield, MA

Central Mass. Air Pollution Control District
75 B. Grove Street
Worcester, MA

Merrimack Valley Air Pollution Control District
Tewksbury State Hospital
Regional Health Office
Tewksbury, MA

Pioneer Valley Air Pollution Control District
1414 State Street
Springfield, MA

Southeastern Mass. Air Pollution Control District
Southeast Regional Health Office
Lakeville State Hospital
Lakeville, MA.

Comments on the July 10, 1974, proposal were received from the Massachusetts Public Interest Research Group (Mass PIRG) and John D. Spengler, Ph.D. of the Harvard University, School of Public Health. The comments from Mass PIRG indicated that areas with inconclusive data should be identified so that they would be studied in depth and the identification could be withdrawn if the analysis indicated no problem. They felt that problems may develop for maintenance of standards in these areas before the next formal analysis is required. Dr. Spengler's comments were concerned with growth outside SMSAs, particularly along major transportation routes. The Administrator believes that the comments of Mass PIRG and Dr. Spengler have merit and will take action on these comments. In the preamble to the first rulemaking that identified AQMAs published in the FEDERAL REGISTER of April 29, 1975, the Administrator gave notice of his intent to propose as a requirement to 40 CFR 51 that States would have to establish a system of collecting information on growth and development throughout the State, not just in SMSAs or AQMAs. If the information collected indicates that an area may have the potential for violating a national ambient air quality standard, the State would have to identify the area as an AQMA. A more detailed discussion on this matter appears in the FEDERAL REGISTER of April 29, 1975. The Administrator believes that the system he will propose answers the comments raised by both Mass PIRG and Dr. Spengler.

There were some towns inadvertently omitted from the July 10, 1974, publication which have been included in the final notice. Arlington, Burlington, and Reading were omitted from the Boston area; and Southwick and Warren were omitted from the Springfield area. These towns have all now been included in their respective areas. In addition, Williamsburg was included in the Springfield area by mistake and has been removed from the final notice.

MICHIGAN

The State of Michigan Department of Natural Resources submitted AQMA identifications to EPA on June 27, 1974 and a supplement on October 18, 1974 after holding public hearings in Detroit and Grand Rapids on May 6, 1974. These submissions proposed that the Detroit Metropolitan Area (consisting of Wayne, Oakland, and Macomb Counties) be designated as an AQMA for particulate matter. The Administrator reviewed that submission and finds it approvable but is making some additions.

On August 12, 1974 (39 FR 28906) the Administrator proposed the identification of the Detroit metropolitan area for sulfur dioxide, and Ann Arbor, Battle Creek, Bay City, Flint, Lansing, Grand Rapids, Saginaw, and Toledo (Monroe County) metropolitan areas as AQMAs for particulate matter in addition to the State's proposed AQMA. Written comments on the proposal were requested. In addition, to address these proposed designations, the Administrator gave notice in the FEDERAL REGISTER of January 16, 1975 (40 FR 2869) of public hearings to be held on January 28 and 29, 1975, in Lansing and Grand Rapids, Michigan, respectively, in order to insure opportunity for public participation in the identification process.

As a result of comments received mainly from the Michigan Department of Natural Resources and a reanalysis conducted by EPA during the AQMA proposal comment period the Administrator has determined that only the Detroit and Toledo metropolitan area AQMAs need to be identified. EPA's technical support documentation discusses these changes in detail.

Copies of the proceedings of the State hearings, comments received and technical support documentation for this rulemaking are available for inspection during normal business hours at the Michigan Department of Natural Resources, Stevens T. Mason Building, Lansing, Michigan 48926, and the Region V Office of EPA at 230 S. Dearborn, Chicago, Illinois 60604.

MINNESOTA

The State did not submit AQMA identification material to the Administrator prior to June 15, 1974. Therefore, in the FEDERAL REGISTER of August 12, 1974 (39 FR 28906), the Administrator proposed (1) to disapprove the plan for failure to comply with § 51.12(e) of this chapter and (2) to identify the Minneapolis-St. Paul and Duluth areas as AQMAs. The Administrator conducted hearings on this proposal in Minneapolis on August 22, 1974, and in Duluth on August 23, 1974. The State of Minnesota has cooperated with EPA in analyzing the various portions of the State of AQMA identification.

On November 15, 1974, the Governor of Minnesota submitted recommended AQMA identifications to EPA. This identification included only the Minneapolis-St. Paul metropolitan area for sulfur dioxide and particulate matter and defined that area as the seven counties

composing the Minneapolis-St. Paul Air Quality Control Region (AQCR). The State submission failed to identify the Duluth areas as an AQMA and did not provide justification for the failure to identify the area.

Having reviewed the submission and analyzed appropriate air quality data, the Administrator is approving the Governor's identification of the seven county area (the Minneapolis-St. Paul AQMA) for sulfur dioxide and particulate matter. These seven counties are Hennepin, Ramsey, Washington, Scott, Carver, Dakota, and Anoka.

In addition, pursuant to public hearing comments, written comments received since the public hearing in Duluth, and the re-evaluation of existing air quality data, the Duluth AQMA for particulate matter is being identified to include only the City of Duluth rather than the entire St. Louis County as had been proposed on August 12, 1974. Also, the State of Minnesota requested that the City of Superior, Wisconsin, be added to the Duluth AQMA to form an interstate AQMA; EPA has reviewed information submitted by the State of Wisconsin, including current air quality and emission data, and determined that a need for an interstate AQMA does not exist at this time. The Administrator intends that States examine growth projections for areas such as Superior through the system for collecting information on growth and development throughout the State. This system remains unproposed at the present. A discussion of the system appears in the discussion of the Massachusetts action above.

Copies of the public hearing record and the technical support documentation for this rulemaking are available for inspection during normal business hours at the Minnesota Pollution Control Agency, 1935 West County Road, B–2, Roseville, Minnesota, as well as the EPA Region V Office at 230 S. Dearborn Street, Chicago, Illinois 60604.

Montana

The State of Montana's AQMA material identified eight areas as AQMAs. The State made the material available to the public in April, 1974, and held a public hearing in Helena on May 24, 1974. The State did not receive any comments at the public hearing. At that time, the Montana State Board of Health and Environmental Sciences acted to adopt the designations. The Governor submitted these identifications to the Administrator on June 24, 1974. On July 10, 1974 (39 FR 25330) the Administrator, after a preliminary review, proposed to approve the State submission. EPA received no comments on the proposed identifications.

The Governor of Montana met with the Regional EPA Administrator on November 15, 1974, to discuss the possibility of having AQMA boundaries modified to facilitate planning and implementation of their overall environmental planning program. As a result of their meeting, the Governor of Montana submitted to the Regional Administrator on January 24, 1975, several revisions to their area identifications. The identifications promulgated below for the State reflect the revisions to the proposed AQMA identifications that the Governor requested.

The revised identifications for Montana include modifications to AQMA boundaries in Billings, Anaconda, Butte, Helena, and Kalispell, which have existing pollution problems due to current industrial development, the Missoula AQMA and the Southeastern Montana Coal Resource AQMA.

Montana's revised submissions were reviewed by the Administrator for content and procedural adequacy and are being approved below. The Montana submission has been complemented by analyses performed by the EPA Region VIII Office in order to provide the basis for identification of the six AQMAs. This final rulemaking does not include the identifications of the Great Falls AQMA, the Helena AQMA for particulates, and the Missoula AQMA for sulfur dioxide. The Anaconda and Butte AQMAs have been combined into one AQMA which has been identified for both particulates and sulfur dioxide. These changes were made in light of further analysis of air quality data and growth factors after receipt of the Governor's submission on AQMA identifications. The technical support documentation presents a detailed discussion of these changes.

Copies of the State submittals, hearing record, and the technical support documents, along with other relevant materials, are available for inspection during normal business hours at the offices of the Montana State Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana, in addition to the EPA Region VIII office at 1860 Lincoln Street, Denver, Colorado.

Nebraska

On May 9, 1974, the Administrator received AQMA identification material from the Nebraska Department of Environmental Control for the State of Nebraska subsequent to a public hearing held by the State in Lincoln, Nebraska, on April 11, 1974.

The State evaluated the Lincoln, Omaha and Sioux City areas and determined that none of these areas present the potential for a violation of a National Ambient Air Quality Standard within ten years. In his proposal of July 10, 1974 (39 FR 25330), the Administrator proposed to approve the State's determination. Copies of the State's identification material were made available for public inspection at EPA's regional office in Kansas City, Missouri, and at the office of the Nebraska Department of Environmental Control in Lincoln, Nebraska. Written comments were solicited from the public, and none were received.

After careful review of the State's submittal and additional information by EPA, reanalysis of the State submittal by EPA indicates that the Omaha, Nebraska, area should be identified as an AQMA for particulate matter. The Administrator concurs with the State of Nebraska that other areas analyzed as potential AQMAs need not be identified as AQMAs. Details of the EPA evaluation of the Nebraska submission are found in the technical support documentation.

Technical support documentation received from the State of Nebraska and developed by EPA relevant to the action taken in this rulemaking is available for public inspection at the Nebraska Department of Environmental Control, 1424 P Street, Lincoln, Nebraska, and the EPA Region VII office.

New Hampshire

On May 20, 1974, the Administrator received AQMA material for the State from the New Hampshire Air Pollution Control Agency. A public hearing on this material was held on April 18, 1974, by the State. The State evaluated the Manchester and Nashua SMSAs and determined that neither area presents the potential for a violation of a national ambient air quality standard within the next 10 year period. In the Federal Register of July 10, 1974, the Administrator proposed to approve the State submittal and identify no AQMAs in the State. No comments were received pertaining to the July 10, 1974, proposed rulemaking. After a review of the State's submittal, the Administrator is not designating any AQMAs in the State. The State's submittal and EPA's technical support documentation, upon which this approval is based, is available for public inspection at the offices of the U.S. EPA, Region I, and at the offices of the New Hampshire Air Pollution Control Agency, State Laboratory Building, Hazen Drive, Concord, New Hampshire 03301.

New Mexico

The Air Quality Division of the New Mexico Environmental Improvement Agency submitted a list of proposed identifications of AQMAs to EPA on April 10, 1974. Public hearings were held by the New Mexico Environmental Improvement Board in the cities of Santa Fe, Farmington, Albuquerque, Las Cruces, and Roswell during the period of June 24–July 18, 1974.

The EPA proposal of July 10, 1974 (39 FR 25330), contained all of the proposed AQMA identifications submitted by the State agency, with two additions by EPA. For the Four Corners AQMA, which the State identified for only carbon monoxide, EPA proposed to add sulfur dioxide. Air quality diffusion calculations applied earlier by EPA to the operation of the Four Corners and San Juan power plants had indicated that sulfur dioxide standards may be exceeded in the area. EPA proposed to identify the Grant County AQMA for sulfur dioxide because ambient concentrations of sulfur dioxide has exceeded standards in the vicinity of the copper smelter at Hurley, New Mexico, and there is no State or Federal regulation yet in effect designed to result in attainment and maintenance of secondary sulfur dioxide standards.

EPA held a public hearing on the proposed designations of AQMAs in New Mexico in Santa Fe on August 19, 1974.

The main comments at the public hearing pertained to the two additions by EPA. The State contended that, because of regulations promulgated by EPA (40 CFR 52.1624), in the FEDERAL REGISTER of March 21, 1974, (39 FR 10582) limiting emissions of sulfur oxides from the Four Corners and San Juan power plants, there is no need for identification of the Four Corners Area for sulfur dioxide. Also, the date set by EPA for attainment of both primary and secondary standards for sulfur dioxide in that area and the date for final compliance with the EPA-promulgated regulations are the same: July 31, 1977. This indicated that there was some probability that standards for sulfur dioxide may be exceeded for some of the 1975–1985 period of concern in identifying AQMAs. EPA originally interpreted this as providing justification for identification of the area for sulfur dioxide. On re-evaluation, EPA concludes that its regulation is adequate for attainment and maintenance of standards, and EPA is not identifying the Four Corners area for sulfur dioxide in the action below.

Opposition to the identification of the Grant County area for sulfur dioxide came from the State and also from the company owning and operating the copper smelter at Hurley (Kennecott Copper Corporation). The State claimed that, rather than identify the area as an AQMA, EPA should promulgate a regulation to control smelter emissions that would result in attainment and maintenance of secondary standards for sulfur dioxide. The State also asked if the proposed designation of Grant County was a substitute for a specific regulation limiting emissions from the smelter.

In response, EPA states that although a regulation for control of smelter emissions to result in attainment and maintenance of secondary standards for sulfur dioxide has not yet been promulgated, the first and primary responsibility for developing such a regulation and submitting it to EPA for approval was that of the State, in accord with the Clean Air Act. The State did not develop such regulation within an extended period of the statutory timetable for submittal of the plan for attainment and maintenance of secondary standards, which period ended on July 31, 1973. Therefore, EPA has had the obligation of developing such regulation and is proceeding to develop it. EPA expects to propose the regulation at a later date. Far from being a substitute for the planned regulation, EPA proposed the identification of the Grant County area as a corollary action to provide that the area receive the necessary attention and analysis aimed toward attainment and maintenance of standards for sulfur dioxide.

Spokesmen for the Kennecott Copper Corporation argued that the identification for sulfur dioxide is unnecessary, pointing out that the smelter at Hurley is regulated by both State and Federal governments as are other smelters. As explained above, present regulations are not sufficient to result in attainment and maintenance of the secondary sulfur dioxide standard.

EPA's position is that where a single point source is responsible for air quality violations and emissions from future sources do not appear to jeopardize an air quality standard, there is no need for identification of the area as an AQMA if a control strategy can be developed specifically to control that source.

The City of Farmington objected to its inclusion in the Four Corners AQMA for both sulfur dioxide (proposed by EPA) and carbon monoxide (proposed by State), and the city of Roswell has protested the State-proposed identification of Chaves County as an AQMA for carbon monoxide. As explained above, the identification of the Four Corners AQMA for sulfur dioxide is withdrawn herein. With regard to carbon monoxide, EPA has reviewed the analysis of the State for Farmington and Roswell, and has concluded that it is in accordance with the guidelines. Thus, EPA does not have adequate reason to change the proposed identifications for carbon monoxide and is promulgating the same herein. Questions as to the validity of the State analysis will be resolved upon detailed AQMA analysis after AQMA identification.

As indicated above, EPA is not identifying the Four Corners and Grant County areas for sulfur dioxide. Thus the identifications promulgated herein are those as submitted by the New Mexico Environmental Improvement Agency. Nonetheless, this promulgation contains a disapproval of the State submittal on the grounds that it was submitted prior to the State public hearings and thus could not have accounted for public comment at those hearings, and because the submittal was not officially made by the Governor. EPA has carefully reviewed the analysis and proposed identifications submitted by the State, made its own analysis, and evaluated and considered all comments made at the public hearing on August 19, 1974, and sent directly to the Regional Office. The identifications promulgated herein provide an official listing of AQMAs for New Mexico and are made in accordance with the requirements of 40 CFR 51.12 (e) and (f).

The analysis and submittal of the State, and technical support documentation of this action are available for inspection during normal business hours at the U.S. Environmental Protection Agency, Region VI, Air Program Branch, 1600 Patterson Street, Dallas, Texas 75201; and at the New Mexico Environmental Improvement Agency, Air Quality Division, P.E.R.A. Building, Santa Fe, New Mexico 87501. A copy of the transcript of the public hearing held by EPA, and other comments received, are also available for inspection at the Regional Office.

NORTH DAKOTA

The State of North Dakota identified two AQMAs pursuant to a public hearing held on May 22, 1974, in Bismarck. The AQMA identification material was officially submitted by the North Dakota State Department of Health to the Administrator on June 6, 1974, and by the Governor on June 26, 1974. On July 10, 1974 (39 FR 25330) the Administrator proposed approval of the State submission. All comments received by the State and by EPA on the proposed AQMA identifications supported the proposal. One comment suggested that the McLean, Mercer, Oliver AQMA be expanded to include Morton and Burleigh counties, but this was unsubstantiated by any evidence of need.

The Administrator has reviewed North Dakota's submissions for both content and procedural acceptability and is approving the North Dakota identifications as an official supplement to the State implementation plan.

The identifications as proposed included the North Dakota portion of the Fargo-Moorhead SMSA and the central portion of the State that contains large deposits of lignite coal. Power plant and coal gasification development is expected to occur in this latter area. The AQMAs identified below for the State reflect no changes from the July 10, 1974, proposal.

Copies of the State submittals, EPA's technical support documentation, comments received, and other materials relative to this proposal are available for inspection at the Environmental Health and Engineering Services, State Department of Health, State Capital, Bismarck, North Dakota 58501, in addition to the Region VIII office of EPA at 1860 Lincoln Street, Denver, Colorado.

OHIO

The State of Ohio has not submitted any material concerning AQMA identifications under 40 CFR 51.12(e). Consequently, in the FEDERAL REGISTER of August 12, 1974 (39 FR 28906), the Administrator proposed for identification as AQMAs 13 of the 17 SMSAs in the State of Ohio. These included the metropolitan areas of Akron, Canton, Cleveland, Lorain, Cincinnati, Hamilton-Middleton, Steubenville, Youngstown, Toledo, Columbus, Mansfield, Dayton, and Springfield.

Testimony presented at public hearings held by EPA on August 26, 27, and 28, 1974, in Cincinnati, Columbus, and Cleveland, respectively, plus material subsequently received indicated the need for redefining the boundaries of proposed AQMAs to make them consistent with the State's intergovernmental system of local governments. Subsequent analysis by the Administrator justified combining the proposed Akron and Canton AQMAs, Springfield and Dayton AQMAs, Cleveland and Lorain AQMAs, and the proposed Cincinnati and Hamilton-Middleton AQMAs.

This rulemaking presents seven AQMAs for identification. Two potential interstate AQMAs in the Cincinnati and Steubenville areas are being withheld temporarily pending review of the need for AQMA identification in adjacent border States. In order to keep AQMA geographic boundaries consistent with existing state district offices and local air pollution control agency jurisdictions, plus substate planning regions, county

lines were used rather than township or SMSA boundaries, as appeared in the August 12, 1974 proposal.

Several public comments related to the need for interstate pollution control regions along the Ohio-West Virginia border and the Ohio-Pennsylvania border. Although interstate planning cooperation will be necessary to meet the national ambient air quality standards successfully, present analysis does not justify the designation of the Youngstown area as an interstate AQMA. The Steubenville identification as aforementioned is being withheld temporarily pending review of the need for identification of contiguous areas.

Public concern was expressed over the projections for attainment of the sulfur dioxide ambient air quality standards, given the lack of a Federally-approved control strategy in Ohio for this pollutant. On the basis of these concerns, EPA performed further calculations which resulted in the decision to identify the Toledo and Steubenville areas in Ohio for sulfur dioxide.

Copies of the hearing record and the technical support documentation are available for inspection during normal business hours at the Ohio EPA, 361 E. Broad Street, Columbus, Ohio, as well as the EPA Region V Office at 230 S. Dearborn Street, Chicago, Illinois 60604.

SOUTH DAKOTA

The State of South Dakota has not submitted any material concerning AQMAs under 40 CFR 51.12(e); hence, the Administrator determined whether any areas should be identified as AQMAs. On July 10, 1974 (39 FR 25330), the Administrator proposed to identify the Sioux Falls area as an AQMA.

A public hearing was conducted by EPA on the proposed identification on August 22, 1974, in Sioux Falls, South Dakota, at which time the State expressed concern regarding the maintenance of standards in the Rapid City area, especially for suspended particulates. A more detailed analysis of that area performed by EPA indicated that an AQMA identification was warranted for Lawrence, Meade, Pennington, and Custer Counties. These four counties were chosen to facilitate areawide planning for the area surrounding Rapid City and reflect an addition to the proposal. The Sioux Falls AQMA was expanded from the proposal to include Lincoln County, in addition to Minnehaha County. No comments on the substantive nature of the AQMA identification were received by EPA other than the comment noted above presented by the State of South Dakota at the EPA public hearing. Copies of the hearing record and the technical support documents are available for inspection during normal business hours at the Department of Environmental Protection, State Office Building #2, Pierre, South Dakota, as well as the Region VIII office of EPA, 1860 Lincoln Street, Denver, Colorado.

UTAH

In April 1974, the Utah State Division of Health submitted its preliminary recommendations for identification of AQMAs to the EPA. The State used the back-up method outlined in Guidelines for Designation of Air Quality Maintenance Areas in its identification calculations. The State's preliminary calculations indicated that the Salt Lake City and Provo SMSAs should be identified as AQMAs for particulate matter and nitrogen dioxide. Because Utah did not conduct public hearings on its identifications, EPA is disapproving the State's submittal. In the FEDERAL REGISTER of July 10, 1974 (39 FR 25330), EPA proposed that four AQMAs be identified in Utah and conducted public hearings on the proposal in Salt Lake City, Vernal, and Price on September 4–6, 1974. As a result of information gathered at these hearings and of further analyses performed by the State and EPA, certain modifications of the July 10, 1974, proposal are being made.

Subsequent analyses performed by EPA of the NO_2 data available indicate discrepancies between various measurement techniques. Hence, Salt Lake City and Provo will not be identified for NO_2 at this time.

The Governor, in meetings with the Regional Administrator subsequent to the public hearing, requested that for any AQMA identifications in Utah, the substate planning district boundaries be used where possible. Further discussions with Utah personnel led to the identification as AQMAs of six planning districts and Wayne County. The original areas proposed are included in this promulgation, although the AQMA boundaries, in response to consultations with Utah, have been expanded. The Salt Lake City AQMA now includes Salt Lake County, which inclusion makes the boundary identical to the Governor's proposed water quality planning area identified under section 208 of the Federal Water Pollution Control Act Amendments of 1972. The Provo AQMA consists of the counties of Utah, Wasatch, and Summit, which area constitutes the Mountainland Association of Governments (AOG). The oil shale AQMA now includes the counties of Uintah, Duchesne, and Daggett, which make up the Uintah Basin AOG. Davis County is now included with Morgan and Weber counties; the entire area constitutes a substate planning district. The coal development AQMA now consists of two AOGs, the Southeastern, the Southwestern, and Wayne County. The Southwestern AOG consists of Beaver, Iron, Washington, Garfield and Kane counties. The Southeastern AOG consists of Carbon, Emery, Grand, and San Juan counties. Wayne county is included even though it is situated away from the rest of its substate planning district, because it is slated for development of two major power plants in the early 1980s.

The primary comment of those persons testifying against the AQMA identification at the public hearing was that existing regulations and procedures are adequate to ensure maintenance of national standards. Some testified that proposed control requirements for SO_2 in the Salt Lake AQMA will preclude potential violations of national ambient air quality standards. Also, some contended that Federal new source performance standards and State and Federal new source review procedures will adequately maintain air quality standards in the natural resource development areas. However, these contentions were not substantiated by any quantitative information. Testimony given by the Sierra Club urged addition of SO_2 to the Provo AQMA, but presently available data do not justify such identification.

Copies of the EPA public hearing record and technical support documentation for the rulemaking taken herein are available for public inspection during normal business hours at the offices of the Utah State Department of Social Services, 44 Medical Drive, Salt Lake City, Utah, and at the offices of the EPA Region VIII, 1860 Lincoln Street, Denver, Colorado.

WISCONSIN

The State of Wisconsin held public hearings on the identification of AQMAs on April 15, 1974, in Milwaukee and on April 16, 1974, in Appleton, Wisconsin. The Administrator received the official submission of the State AQMA proposals on June 21, 1974.

The identifications submitted by Wisconsin included seven urbanizing counties of southeast Wisconsin for particulate matter, photochemical oxidants, and sulfur dioxide, and three counties in east-central Wisconsin for particulate matter. In the FEDERAL REGISTER of August 12, 1974 (39 FR 28906), the Administrator proposed to approve the State's submittal and accept their AQMAs. In the action below, the Administrator is approving the State's material.

The State of Minnesota has expressed concern over the lack of inclusion of the City of Superior, Wisconsin, in the Duluth, Minnesota, AQMA for total suspended particulates. Discussions among the States of Minnesota and Wisconsin and EPA, however, did not substantiate the need for the interstate AQMA at this time. The Administrator intends that States examine growth projections for areas such as Superior through the system for collecting information on growth and development throughout the States. This system remains unproposed at the present. A discussion of the system appears in the discussion of the Massachusetts action above. No other comments other than the aforementioned comments from the State of Minnesota were received by the Administrator on the EPA proposal for Wisconsin.

The Administrator altered the Wisconsin AQMA identifications slightly to include the southeast Wisconsin region in an interstate AQMA with parts of Illinois and Indiana to provide a formal mechanism for the three states to jointly address related pollution problems.

The State AQMA material and EPA's technical support data for these AQMA designations are available for inspection during normal business hours at the Wisconsin Department of Natural Resources, Box 450, Madison, Wisconsin,

as well as the EPA Region V Office at 230 S. Dearborn Street, Chicago, Illinois 60604.

WYOMING

The State of Wyoming issued a hearing notice on the identification of Sweetwater County as an AQMA on May 6, 1974. A hearing was held on June 6, 1974, in Casper. Wyoming subsequently submitted AQMA identification material on July 22, 1974, from the Department of Environmental Quality, and on August 7, 1974, by the Governor. The Administrator reviewed the submissions for both content and procedural adequacy and found them to be acceptable, but proposed additions.

The State submissions only identified Sweetwater County as an AQMA for particulate matter. Oil shale and coal industry development, as well as the expansion of existing trona (source of soda ash used in glass manufacturing) plants and the probability of the development of new plants, are expected to be significant air pollution contributors in the identified area.

In addition to the State identification of the Sweetwater AQMA for particulate matter, EPA proposed in the FEDERAL REGISTER of July 10, 1974 (39 FR 25330), to include SO_2 in the Sweetwater AQMA and to identify the Powder River Basin AQMA for particulate matter and sulfur dioxide because of potential coal development impacts. Public hearings were held by EPA on August 28 and 29, 1974 in Gillette and Rock Springs to address the pertinent issues. Based upon information received at the public hearing plus additional analyses performed by the State and the EPA Region VIII office, modifications from the original proposed rulemaking have been made and are reflected in the area identifications below.

Development of coal mining and conversion facilities does not appear at this time to be significant enough to create a problem with maintenance of the national standards for particulate matter and SO_2 in Johnson and Sheridan Counties proposed in the Powder River AQMA; hence, these counties are not being included in the AQMA. Impacts from the announced proposed coal development in this AQMA also do not show the need for considering SO_2 in a maintenance plan; hence, the identification does not include this pollutant. Development of coal gasification facilities in the Powder River Basin AQMA indicates that a potential photochemical oxidant problem may exist; thus this pollutant has been added to the AQMA identification. No change, from the proposal, was made in the Sweetwater AQMA.

Testimony received at the public hearings was generally supportive of the AQMA identifications. The State of Wyoming, however, expressed concern as to whether there is sufficient justification for inclusion of photochemical oxidants to the Powder River Basin AQMA, and testimony from the public sector urged the inclusion of Johnson and Sheridan Counties in addition to Campbell and Converse Counties in the Powder River Basin AQMA. The State was urged through public comments received to develop SO_2 emission regulations to control the proposed development.

Copies of the State submittal, hearing records, and the technical support documents are available for public inspection during normal business hours at the Wyoming Department of Health, State Office Building, Cheyenne, Wyoming, in addition to the EPA Region VIII office at 1860 Lincoln Street, Denver, Colorado.

AVAILABILITY OF STATE SUBMITTALS AND TECHNICAL SUPPORT DOCUMENTATION

State submittals and technical support documentation (including the Administrator's evaluation of State-submitted AQMA material) for the list of AQMAs will be available for public inspection during normal business hours at the Freedom of Information Center, EPA, Room 206, 401 M Street SW., Washington, D.C. 20460, and at each of the Regional Offices listed below. Each Regional Office will have only the material for the States within its respective region.

Region	States	Address
I	Connecticut, Massachusetts, New Hampshire.	John F. Kennedy Federal Bldg., Room 2111, Boston, Mass. 02203.
V	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.	Federal Bldg., 230 South Dearborn, Chicago, Ill. 60604.
VI	New Mexico	1600 Patterson St., Suite 1100, Dallas, Tex. 75201.
VII	Iowa, Nebraska	1735 Baltimore Ave., Kansas City, Mo. 64108.
VIII	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.	1860 Lincoln St., Suite 900, Denver, Colo. 80203.

The Administrator finds good cause for making this rulemaking effective immediately in order that the affected States may begin to develop detailed air quality maintenance area analyses if they have not already begun to do so.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 1857c-5, 1857g(a)))

Dated: May 23, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart G—Colorado

§ 52.320 [Amended]

1. Section 52.320 is amended by inserting the dates "June 7, 1974," and "January 29, 1975" in chronological order in paragraph (c)(5).

2. Subpart G is amended by adding § 52.341 as follows:

§ 52.341 Maintenance of national standards.

(a) The areas listed below which were identified by the State of Colorado are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Colorado Springs Air Quality Maintenance Area (State Planning and Management District 4)

(i) Pollutants for which the area is identified: Particulate matter and carbon monoxide.

(ii) Geographical composition of area: El Paso County.

(2) Colorado-Utah Oil Shale Interstate Air Quality Maintenance Area (Colorado portion) (State Planning and Management District 11).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area:

Garfield County	Moffat County
Mesa County	Rio Blanco County

(3) Metropolitan Denver Air Quality Maintenance Area (State Planning and Management District 3).

(i) Pollutants for which the area is identified: Particulate matter, carbon monoxide, photochemical oxidants and nitrogen dioxide.

(ii) Geographical composition of area:

Adams County	Denver County
Arapahoe County	Douglas County
Boulder County	Gilpin County
Clear Creek County	Jefferson County

(4) North Central Colorado Air Quality Maintenance Area (State Planning and Management District 2).

(i) Pollutants for which the area is identified: Particulate matter, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area:

Larimer County	Weld County

(5) Pueblo Air Quality Maintenance Area (State Planning and Management District 7).

(i) Pollutants for which the area is identified: Particulate matter and carbon monoxide.

(ii) Geographical composition of area: Pueblo County.

Subpart H—Connecticut

§ 52.370 [Amended]

3. In § 52.370, paragraph (c) is amended by adding the date, "April 15, [1974]," in proper chronological order.

4. Subpart H is amended by adding § 52.379 as follows:

§ 52.379 Maintenance of national standards.

(a) The area listed below, which was identified by the State of Connecticut, is hereby identified by the Administrator pursuant to § 51.12(e) and (f) of this chapter as having the potential for violations of the specified air quality standards within 10 years.

(1) The Connecticut Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area: All portions of the New York-New Jersey-Connecticut, and Hartford-New Haven-Springfield Interstate Air Quality Control Regions (as defined in 40 CFR Part 81) that are located within the State of Connecticut.

Subpart O—Illinois

5. Subpart O is amended by adding § 52.735 as follows:

§ 52.735 Maintenance of national standards.

(a) The requirements of § 51.12(e) of this chapter are not met because the State neither identified areas of the State which have the potential for violation of air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) The areas listed below are identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdiction or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Decatur Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Macon County.

(2) Illinois-Indiana-Wisconsin Interstate Air Quality Maintenance Area (Illinois portion).

(i) Pollutants for which the area is identified. Particulate matter, sulfur dioxide, carbon monoxide, photochemical oxidants and nitrogen dioxide.

(ii) Geographical composition of area:

Cook County	Lake County
Du Page County	McHenry County
Kane County	Will County

(3) Peoria Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Peoria County	Woodford County
Tazewell County	

(4) St. Louis Interstate Air Quality Maintenance Area (Illinois Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

Madison County	St. Clair County
Monroe County	

Subpart P—Indiana

6. Subpart P is amended by adding § 52.792 as follows:

§ 52.792 Maintenance of national standards.

(a) The requirements of § 51.12(e) of this chapter are not met because the State neither identified areas of the State that have the potential for violation of air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) The areas listed below are identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial areas of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Evansville Interstate Air Quality Maintenance Area (Indiana portion).

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of the area: Vanderburgh County.

(2) Illinois-Indiana-Wisconsin Interstate Air Quality Maintenance Area (Indiana portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of the area:

Porter County	Lake County

(3) Indianapolis Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of the area: Marion County.

(4) Louisville Interstate Air Quality Maintenance Area (Indiana portion).

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of the area:

Clark County	Floyd County

Subpart Q—Iowa

7. § 52.832 is revised to read as follows:

§ 52.832 Maintenance of national standards.

(a) The areas listed below which were identified by the State of Iowa are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within ten years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Cedar Rapids Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Linn County.

(2) Des Moines Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Carbon monoxide and particulate matter.

(ii) Geographical composition of area: Polk County.

(3) Dubuque Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Dubuque County.

(4) Omaha-Council Bluffs Interstate Air Quality Maintenance Area (Iowa portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Pottawattamie County.

(5) Davenport Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Scott County.

(6) Waterloo Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Black Hawk County.

Subpart W—Massachusetts

§ 52.1120 [Amended]

8. Paragraph (c)(3) is amended by adding the date, "July 23, 1974," in proper chronological order.

9. Subpart W is amended by adding § 52.1157 as follows:

§ 52.1157 Maintenance of national standards.

(a) The areas listed below, which were identified by the State of Massachusetts, are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. Each identified area consists of all the territory included within the boundaries of the given jurisdictions.

(1) Boston Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

In Suffolk County: the cities of Boston, Chelsea, and Revere; the town of Winthrop.

In Essex County: the cities of Beverly, Lynn, Peabody and Salem; the towns of Boxford, Danvers, Hamilton, Lynnfield, Manchester, Marblehead, Middleton, Nahant, Saugus, Swampscott, Topsfield, and Wenham.

In Middlesex County: the cities of Cambridge, Everett, Malden, Medford, Melrose, Newton, Somerville, Waltham, and Woburn; the towns of Acton, Arlington, Ashland, Bedford, Belmont, Boxborough, Burlington, Carlisle, Concord, Framingham, Holliston,

Lexington, Lincoln, Natick, North Reading, Reading, Sherborn, Stoneham, Sudbury, Wakefield, Watertown, Wayland, Weston, Wilmington, and Winchester.

In Norfolk County: the city of Quincy and the towns of Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood, Randolph, Sharon, Stoughton, Walpole, Wellesley, Westwood, Weymouth, and Wrentham.

In Plymouth County: the towns of Abington, Duxbury, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Rockland, and Scituate.

(2) Lawrence-Haverhill Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

In Essex County: the cities of Haverhill and Lawrence; the towns of Amesbury, Andover, Georgetown, Groveland, Merrimac, Methuen, North Andover, Salisbury, and West Newbury.

(3) Springfield Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

In Hampden County: the cities of Chicopee, Holyoke, Springfield, and Westfield, the towns of Agawam, East Longmeadow, Hampden, Longmeadow, Ludlow, Monson, Palmer, Southwick, West Springfield, and Wilbraham.

In Hampshire County: the city of Northampton and the towns of Belchertown, Easthampton, Granby, Hadley, Hatfield, Southampton, South Hadley.

In Worcester County: the city of Warren.

(4) Worcester Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

In Worcester County: the city of Worcester and the towns of Auburn, Berlin, Brookfield, Charlton, East Brookfield, Grafton, Holden, Leicester, Millbury, Northborough, Northbridge, North Brookfield, Oxford, Paxton, Shrewsbury, Spencer, Sterling, Sutton, Upton, Uxbridge, Webster, West Boylston, and Westboro.

Subpart X—Michigan

10. Paragraph (c) of § 52.1170 is amended by adding paragraph (c)(4) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(4) June 27 and October 18, 1974 by the State of Michigan Department of Natural Resources.

11. Subpart X is amended by adding § 52.1178 as follows:

§ 52.1178 Maintenance of national standards.

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Detroit Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Macomb County, Oakland County, and Wayne County.

(2) Toledo Interstate Air Quality Maintenance Area (Michigan Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Monroe County.

Subpart Y—Minnesota

12. Paragraph (c) of § 52.1220 is amended by adding paragraph (7) as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(7) November 15, 1974.

13. Subpart Y is amended by adding § 52.1229 as follows:

§ 52.1229 Maintenance of national standards.

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Duluth Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: City of Duluth.

(2) Minneapolis-St. Paul Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Anoka County	Ramsey County
Carver County	Scott County
Dakota County	Washington County
Hennepin County	

Subpart BB—Montana

§ 52.1370 [Amended]

14. Section 52.1370 is amended by inserting the dates, "June 24, 1974" and "January 25, 1975" in chronological order in paragraph (c)(2).

15. Subpart BB is amended by adding § 52.1381 as follows:

§ 52.1381 Maintenance of national standards.

(a) The areas listed below which were identified by the State of Montana are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Anaconda-Butte Air Quality Maintenance area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Deer Lodge County	Silver Bow County.

(2) Billings Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and carbon monoxide.

(ii) Geographical composition of area:

Big Horn County (excluding Northern Cheyenne Indian Reservation).	Carbon County Stillwater County Sweet Grass County Yellowstone County

(3) Helena Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Sulfur dioxide.

(ii) Geographical composition of area:

Lewis and Clark County

(4) Kalispell Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Flathead County	Lake County

(5) Missoula Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and carbon monoxide.

(ii) Geographical composition of area: Missoula County.

(6) Southeastern Montana Coal Resource Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Carter County	Powder River County
Custer County	Rosebud County
Fallon County	Treasure County
Northern Cheyenne Indian Reservation in Bighorn County	

Subpart CC—Nebraska

§ 52.1420 [Amended]

16. § 52.1420 is amended by inserting the date, "May 9, 1974" in chronological order in paragraph (c)(1).

17. Subpart CC is amended by adding § 52.1435 as follows:

§ 52.1435 Maintenance of national standards.

(a) The area listed below is hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified area consists of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Omaha-Council Bluffs Interstate Air Quality Maintenance Area (Nebraska Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of the area:

Douglas County Sarpy County

Subpart EE—New Hampshire

§ 52.1520 [Amended]

18. In § 52.1520, paragraph (c) is amended by adding the date, "May 20, 1974," in proper chronological order.

19. Subpart EE is amended by adding § 52.1528 as follows:

§ 52.1528 Maintenance of national standards.

(a) Based upon information submitted by the State of New Hampshire, the Administrator does not identify any areas pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of national ambient air quality standards within 10 years.

Subpart GG—New Mexico

20. Subpart GG is amended by adding § 52.1633 as follows:

§ 52.1633 Maintenance of national standards.

(a) The requirements of §§ 51.4 and 51.12(e) of this chapter are not met because the State did not account for public comment at State public hearings on the identification of areas which have the potential for violation of air quality standards within 10 years and did not make an official submittal of material pertaining to such identification.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12(e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Albuquerque Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Carbon monoxide, particulate matter, and photochemical oxidants.

(ii) Geographical composition of area:

Bernalillo County

(2) Four Corners Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Carbon monoxide.

(ii) Geographical composition of area: San Juan County.

(3) Las Cruces Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Carbon monoxide and particulate matter.

(ii) Geograhical composition of area: Dona Ana County.

(4) Roswell Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Carbon monoxide.

(ii) Geographical composition of area: Chaves County.

(5) Santa Fe Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Carbon monoxide and particulate matter.

(ii) Geographical composition of area: Santa Fe County.

Subpart JJ—North Dakota

21. Paragraph (c) of § 52.1820 is revised to read as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) June 6, 1974, by the Department of Health, Division of Environmental Engineering; and

(2) June 26, 1974.

22. Subpart JJ is amended by adding § 52.1827 as follows:

§ 52.1827 Maintenance of national standards.

(a) The areas listed below which are identified by the State of North Dakota are hereby identified by the Administrator pursuant to § 51.12(e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1875h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Cass Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Cass County.

(2) McLean-Mercer-Oliver Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, nitrogen dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

McLean County Oliver County
Mercer County

Subpart KK—Ohio

23. Subpart KK is amended by adding § 52.1883 as follows:

§ 52.1883 Maintenance of national standards.

(a) The requirements of § 51.12(e) of this chapter are not met because the State neither identified areas of the State that have the potential for violation of the national ambient air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Akron-Canton Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Portage County Summit County
Stark County

(2) Cleveland Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Cuyahoga County Lake County
Geauga County Lorain County

(3) Columbus Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Franklin County.

(4) Dayton Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Clark County Montgomery County
Greene County

(5) Mansfield Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area: Richland County.

(6) Toledo Interstate Air Quality Maintenance Area (Ohio portion):

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

Lucas County Wood County

(ii) Geographical composition of the area:

(7) Youngstown Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of the area:

Mahoning County Trumbull County

Subpart QQ—South Dakota

24. Subpart QQ is amended by adding § 52.2176 as follows:

§ 52.2176 Maintenance of national standards.

(a) The requirements of § 51.12(e) of this chapter are not met since the State neither identified areas of the State which have the potential for violation of air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) The areas listed below are hereby identified by the Administrator pursuant to § 51.12(e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial areas encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the areas so delimited.

(1) Black Hills Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Custer County Meade County
Lawrence County Pennington County

(2) Sioux Falls Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Lincoln County Minnehaha County

Subpart TT—Utah

25. Subpart TT is amended by adding § 52.2345 as follows:

§ 52.2345 Maintenance of national standards.

(a) The requirements of § 51.4 and § 51.12(e) of this chapter are not met since the State did not conduct a public hearing on the identification of areas which have the potential for violation of an air quality standard within 10 years.

(b) The areas listed below are identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Colorado-Utah Oil Shale Interstate Air Quality Maintenance Area (Utah Portion).

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Daggett County Uintah County
Duchesne County

(2) Northcentral Utah Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Davis County Weber County
Morgan County

(3) Provo Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Summit County Wasatch County
Utah County

(4) Salt Lake City Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Salt Lake County

(5) Southeastern Utah Coal Resource Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Carbon County Grand County
Emery County San Juan County

(6) Southwestern Utah Coal Resource Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Beaver County Kane County
Garfield County Washington County
Iron County

(7) Wayne County Coal Resource Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area: Wayne County.

Subpart YY—Wisconsin

§ 52.2570 [Amended]

26. § 52.2570 is amended by adding the date, June 21, 1974, in proper chronological order in paragraph (c)(2).

27. Subpart YY is amended by adding § 52.2580 as follows:

§ 52.2580 Maintenance of national standards.

(a) The areas listed below, which were identified by the State of Wisconsin, are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Illinois-Indiana-Wisconsin Interstate Air Quality Maintenance Area (Wisconsin portion).

(i) Pollutants for which the area is identified: Particulate matter, photochemical oxidants, and sulfur dioxide.

(ii) Geographical composition of area:

Kenosha County Walworth County
Milwaukee County Washington County
Ozaukee County Waukesha County
Racine County

(2) Lake Michigan Subregion Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Brown County Winnebago County
Outagamie County

Subpart ZZ—Wyoming

28. § 52.2620 is amended by revising paragraph (c) to read as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 28, and May 3, 1972, and on February 27, 1973, by the Wyoming Department of Health and Social Services;

(2) July 22, 1974, by the Department of Environmental Quality;

(3) August 7, 1974.

29. Subpart ZZ is amended by adding § 52.2627 as follows:

§ 52.2627 Maintenance of national standards.

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described areas including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Powder River Basin Air Quality Maintenance Area.

(i) Pollutants for which an area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of the area:

Campbell County Converse County

(2) Sweetwater Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur dioxide.

(ii) Geographical composition of area:

Sweetwater County

[FR Doc.75-14366 Filed 5-30-75;8:45 am]

[FRL 372-1]

PART 52—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 the State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a portion of the Kansas Implementation Plan.

The State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Certain schedules failed 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.

Accordingly, the Administrator proposed approval and disapproval of these schedules on March 21, 1975, in the FEDERAL REGISTER, 40 FR 12814. The proposed approval of these schedules published in the March 21, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator approves and disapproves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purposes of Federal enforcement.

In the indication of 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 and 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, Building 740, Forbes Air Force Base, Topeka, Kansas.

This rulemaking will be effective June 2, 1975. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and Federal approval imposes no new burdens.

(Sec. 110, Clean Air Act of 1970, as amended, (42 U.S.C. 1857c-5))

Dated: May 23, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended 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) * * *

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
*	*	*	*	*	*
American Walnut Co., teepee incinerator.	Kansas City	28-19-41B	Jan. 24, 1975	Immediately	June 1, 1975
Heckert Construction Co., rotary dryer.	Pittsburg	28-19-50A	do	do	Do.
McPherson County Highway Department, asphalt plant.	McPherson	28-19-50 28-19-20	do	do	Jan. 1, 1975
National Alfalfa Dehydrating & Milling, pellet mill lift cyclone.	LeRoy	28-19-50A	do	do	Apr. 15, 1975
Service Iron Foundry, cupola	Wichita	28-19-20 28-19-50	do	do	June 1, 1975
Colt Industries, cupola	Kansas City	28-19-20 28-19-50	do	do	Feb. 15, 1975
Cross Alfalfa Products, Hammermill	Lewis	28-19-50A	do	do	July 1, 1975
Kiowa District Hospital, Incinerator	Kiowa	28-19-40 28-19-41	do	do	Do.
Kansas State University Health Center, incinerator.	Manhattan	28-19-40	do	do	Mar. 15, 1975
Minneola District Hospital, Incinerator.	Minneola	28-19-40 28-19-41	do	do	July 31, 1975
North Central Foundry, Inc., gray iron foundry cupola.	Enterprise	28-19-20	do	do	July 1, 1975
S. & F. Sales, Inc. open burning	Bonner Springs	28-19-45	do	do	July 31, 1975
Walton Foundry, Inc., cupola	Iola	28-19-20	do	do	July 1, 1975
U.S.D. No. 247, Cherokee grade school incinerator.	Cherokee	28-19-40	do	do	July 31, 1975
McCune school incinerator		28-19-40	do	do	Do.
Southeast high incinerator		28-19-40	do	do	Do.
West mineral grade incinerator		28-19-40	do	do	Do.
Weir attendance center incinerator		28-19-40	do	do	Do.

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

§ 52.876 Compliance Schedules.

* * * * * * *

(c) * * *

KANSAS

Source	Location	Regulation involved	Date adopted
*	*	*	*
Kansas Army Ammunition Plant, open burning	Parsons	28-19-45	Jan. 24, 1975
Reid Grain, headhouse	Goodland	28-19-50	Do.
Sherwin-Williams Chemicals, black ash kiln	Coffeyville	28-19-50A	Do.

[FR Doc.75-14364 Filed 5-30-75;8:45 am]

[FRL 372-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri; Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

During January 1975, the State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. These schedules were adopted by the State and submitted to the Environmental Protection Agency for review after

notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The approvable compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri.

Accordingly, the Administrator proposed approval of these schedules on March 21, 1975, in the FEDERAL REGISTER at 40 FR 12815. The proposed approval of these schedules published in the March 21, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules 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 Missouri Department of Natural Resources, State Office Building, Jefferson City, Missouri.

This rulemaking will become effective June 2, 1975. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

(Sec. 110, Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5))

Dated: May 23, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart AA—Missouri

1. In § 52.1335, the table in subparagraph (a) is amended by adding the following:

§ 52.1335 Compliance Schedules.

* * * * *

(a) * * *

Missouri

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
*	*	*	*	*	*
Gardner-Denver, Cupola Furnaces	LaGrange	S-V	Jan. 22, 1975	Immediately	May 1, 1975
CPC International, wet corn fed rotary dryers.	North Kansas City.	(1)	do	do	Apr. 3, 1975
Empire District Electric, coal-fired-boilers.	Asbury	S-VI, S-VIII	do	do	June 15, 1975

[1] Regulation V and VI, air pollution control regulations for the Kansas City metropolitan area.

[FR Doc.75-14365 Filed 5-30-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGD 75-065]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Approval of Radar Observer Course

The Coast Guard has approved, under the provisions of 46 CFR 10.30, the radar observer training course administered by the Maritime Administration Great Lakes Radar Training Center.

This rule is issued without notice of proposed rulemaking. Since the Coast Guard has already approved the training course, under the provisions of existing regulations, and this action merely adds the course to the list of approved courses, notice and public procedure are unnecessary, and the rule may become effective in less than thirty days.

Accordingly, Part 10 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising § 10.30-5(f)(10) to read as follows:

§ 10.30-5 Radar Observer Qualifying Courses.

* * * * *

(f) * * *

(10) Maritime Administration Great Lakes Radar Training Center, 925 Summit Street, Toledo, Ohio 43604.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1)); 49 CFR 1.46(b)).

Effective date. This amendment shall be effective June 2, 1975.

Dated: May 23, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.75-14316 Filed 5-30-75;8:45 am]

Title 49—Transportation

CHAPTER IX—UNITED STATES RAILWAY ASSOCIATION

PART 921—PROCEDURES FOR LOAN APPLICATIONS

Rail Reorganization Act of 1973; Additional Procedures and Provisions for Loans From Particular Types of Applicants

Section 211 of the Regional Rail Reorganization Act of 1973 authorizes the United States Railway Association to make loans, under such rules and regulations as it may prescribe, (1) to the Consolidated Rail Corporation, the National Railroad Passenger Corporation, and other railroads (including a railroad in reorganization that has been found to be reorganizable under section 77 of the Bankruptcy Act) in the region for purposes of achieving the goals of the Act; (2) to a State or local or regional transportation authority pursuant to section 403 of the Act; and (3) to provide assistance to any railroad that connects with a railroad in reorganization and which needs financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act.

Part 921 prescribes general provisions applicable to all loans under section 211 of the Act and specific procedures and provisions for loans to the classes of applicants identified in the preceding paragraph. In Part 921, as initially published in the FEDERAL REGISTER on July 24, 1974, the Association prescribed the general rules and the specific rules applicable to loans under item (3) of the preceding

paragraph. The Association's accompanying statement indicated that specific procedures and provisions for loans under items (1) and (2) would be added at a later date as circumstances warrant.

Since initial publication of this Part, section 211 has been amended, and preliminary inquiries have been received from railroads as to availability of, and the procedures for Section 211 loans of the type described in item (1). It is the purpose of this amendment to conform this Part to the amendment to section 211, and to prescribe specific procedures and provisions for the loans under item (1) as to which inquiries have been received.

This amendment consequently restates the purposes for which item (1) loans may be made; the words used to describe those purposes are changed from "purposes of assisting in the implementations of the Final System Plan" to "purposes of achieving the goals of this Act". This substitution of language conforms this Part to the amendments made to Section 211 in section 5 of the Regional Rail Reorganization Act Amendments of 1975 (Pub. L. 94–5, February 28, 1975). In addition, this amendment prescribes different specific procedures and provisions for loans for these purposes: (1) To bankrupt railroads which are not being reorganized under the Regional Rail Reorganization Act of 1973 and (2) to solvent railroads.

Pursuant to the authority vested in the United States Railway Association by sections 202 and 211 of the Regional Rail Reorganization Act of 1973 (Public Law 93–236, 87 Stat. 988, 1001), Title 49, Transportation of the Code of Federal Regulations, Part 921, Procedures for Loan Applications, is amended, effective May 28, 1975, as set forth below.

Since this amendment is a matter relating to loans, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

Issued in Washington, D.C. on May 28, 1975.

EDWARD G. JORDAN,
President,
United States Railway Association.

1. In Subpart A, GENERAL, § 921.1(a)(1) is revised to read:

§ 921.1 Purpose and scope.

* * * * *

(a) * * *

(1) to the Consolidated Rail Corporation, the National Railroad Passenger Corporation and other railroads in the region for the purposes of achieving the goals of the Act; and in § 921.2, additional definitions are added as follows:

"Railroad in bankruptcy" means a railroad, other than a railroad in reorganization, subject to a Bankruptcy Act, Section 77, or other bankruptcy proceeding.

"Solvent railroad" means a railroad other than a railroad in reorganization or a railroad in bankruptcy.

* * * * *

2. Subpart B is added to Part 921 to read as follows:

Subpart B—Loans to Railroads To Achieve Goals of the Act

AUTHORITY: Secs. 202, 211, Regional Rail Reorganization Act of 1973, Pub. L. 93–236, 87 Stat. 988, 1001.

Subpart B—Loans to Railroads To Achieve Goals of the Act

§ 921.101 Execution and filing of applications by railroads in bankruptcy.

(a) The original copy of each application for a loan under this Subpart by a railroad in bankruptcy must be signed by the Trustee in bankruptcy of the applicant, or another officer specifically designated by the presiding judge retaining jurisdiction over the subject railroad in bankruptcy for that purpose, and must be dated as of the date of that signature. Each person signing an application shall execute and attach to the application a certificate in the following form:

_____ certifies that he is the
(Name of officer or Trustee)
_____ of the _____;
(Title) (Name of applicant)
that he is authorized on behalf of the applicant and with authority of the presiding judge to sign and file with the United States Railway Association the attached application for a loan to be treated as an expense of administration; that he has examined all of the statements in the application and exhibits; and that he has knowledge of the statements and matters set forth in the application and exhibits and that they are true and correct to the best of his knowledge, information, and belief.

_____ _____
(Date) (Signature)

(b) There must be attached to each application for a loan under this Part a certificate in the following form signed by the chief accounting officer of the applicant:

_____ certifies that he is the
(Name of Officer)
_____ of the _____;
(Title of officer) (Name of applicant)
that he has supervision over the books of account and the other financial records of the applicant named in the attached application and has control over the manner in which they are kept; that those accounts and records are maintained in good faith in accordance with generally accepted accounting procedures consistently applied; that he has examined the financial statements and supporting schedule included in that application and that to the best of his knowledge, information, and belief those statements and schedules accurately reflect the accounts of the applicant as stated in its books of account; and that other than the matters specifically set forth as exceptions, those statements and schedules represent a true and complete statement of the applicant's financial position, and that there are no undisclosed assets, liabilities, commitments of any kind, litigation, contingent agreements, or other contingent transactions that might materially affect the applicant's financial position.

_____ _____
(Date) (Signature)

(c) The applicant shall file the original and ten copies of each application, certificate, and exhibit required by this Sub-Part, by mail, or in person, with the Association at its office in Room 2222, Transpoint Building, 2100 Second Street, Southwest, Washington, D.C. 20595. Signature on copies may be stamped or typed thereon.

§ 921.102 Form and content of application by a railroad in bankruptcy.

Each application for a loan by a railroad in bankruptcy under this Subpart must contain—

(a) The full name and legal address of the applicant;

(b) The date and place of applicant's incorporation, or if not incorporated, the date and place of its organization and a full description of its organization;

(c) The name, title, and address of the person to whom correspondence regarding the application should be sent;

(d) A description of the loan requested and its purposes, including a statement of—

(1) The total amount of the loan;

(2) The maturity date;

(3) The applicant's commitment regarding the priority repayment of the proposed loan in the context of all of the applicant's outstanding obligations.

(4) The date or dates on which the applicant wants the proceeds of the loan to become available;

(5) The applicant's estimated total expenses in connection with the loan, including details as to expenses estimated for legal, accounting, and engineering services; printing and engraving; State, local, and Federal taxes; and commissions and discounts;

(6) A complete statement of the applicant's current status in the bankruptcy proceedings, a financial history of the company since commencing such proceedings, including a detailed description of all obligations incurred.

(7) Any other information that the Association may request at the time of the application or during the course of processing the application.

(e) A statement by the applicant that it has attempted to obtain a loan for the purposes stated in paragraph (d) of this section, but has not been able to obtain a loan for those purposes upon reasonable terms;

(f) A description of the applicant's efforts to obtain the needed financing from other sources and the results of those efforts; and

(g) A summary statement of the applicant's financial obligations to, and claims against, the United States, if any, as of the date of the application, or latest available date, listed as to—

(1) Balance remaining on any direct loans;

(2) Balance remaining on each loan under which the United States is a guarantor;

(3) The status of each claim in litigation; and

(4) Each other debit or credit existing between the applicant and the United States, and the department or agency of the United States involved therein.

§ 921.103 Exhibits to be filed with application of a railroad in bankruptcy.

Each railroad in bankruptcy which applie a copy of each of the following exhibits with its original application and each bits with its original application and each copy thereof, except as otherwise specifically provided.

(a) *Exhibit 1.* To be filed only with the original application. A copy of the applicant's charter or articles of incorporation, as amended to the date of the application, certified by the appropriate public officer, and a copy of its by-laws as amended to the date of application. If the applicant is not a corporation, it must furnish a copy of its articles of agreement or association, or other appropriate document.

(b) *Exhibit 2.* A copy of—

(1) The resolution of the applicant's Trustees in bankruptcy authorizing the proposed loan and the assent to such resolution by the presiding judge retaining jurisdiction over the subject railroad in bankruptcy authorizing the proposed loan;

(2) If the applicant's charter or articles of incorporation requires approval of the proposed loan by its stockholders, a copy of the resolution of the stockholders authorizing the loan and a transcript of the stockholders' meeting at which the resolution was adopted showing the number of shares voted for and against the resolution;

(3) A copy of the resolution of the stockholders or directors, or authorized committee thereof, authenticated by the appropriate officer of the applicant, designating by name and for that purpose the trustees in bankruptcy by whom the application is signed, verified, and filed on behalf of the applicant; and

(4) If the applicant is not a corporation, documentary evidence showing authorization for the proposed loan and designation of the trustees in bankruptcy signing, verifying, and filing the application on behalf of the applicant.

(c) *Exhibit 3.* A preliminary opinion of counsel that he is familiar with the corporate or other organization authority of the applicant, that the applicant is authorized to make the application; that proper corporate or other organizational action has been taken and the obligation executed; and that the obligation will constitute the valid and subsisting obligation of the applicant;

(d) *Exhibit 4.* A map of the applicant's existing railroad, and a map and profile of any line or lines to be constructed with the proceeds of the loan.

(e) *Exhibit 5.* A statement of—

(1) The total miles of line owned by the applicant;

(2) The total miles of line operated by the applicant;

(3) The number of units of locomotives, freight cars, and passenger cars owned or leased by the applicant;

(4) The principal commodities carried by the applicant; and

(5) The 10 most important industries served by the applicant.

(f) *Exhibit 6.* A statement as to whether any railroad affiliated with the applicant has applied for or received a loan under this Part, and full details concerning any loan so received.

(g) *Exhibit 7.* A statement of total dividends declared and paid for each of the 10 years preceding the year in which the application is filed, and for each month of the year in which it is filed.

(h) *Exhibit 8.* A copy of the applicant's general balance sheet as of the latest available date, but not earlier than the end of the second month preceding the month in which the application is filed, in the form and detail required by schedules 200A and 200L of the Commission's annual report Forms R–1 or C, as appropriate, together with the following additional supporting schedules:

(1) The particulars of loans and notes receivable, in the form and detail required by the Commission's annual report Form R–1, for Class I railroads, and similar detail for each item of that kind in excess of $25,000 for a Class II railroad.

(2) The particulars of investments in other companies, in the form and detail required by schedules 205 and 206 of the Commission's annual report Form R–1, or schedules 1001 and 1002 of annual report Form C, as appropriate.

(3) The particulars of the balance in account 743, Other Deferred Charges, in the form and detail required by the Commission's annual report, Form R–1, schedule 217, or schedule 1703 of annual report Form C, as appropriate.

(4) The particulars of loans and notes payable, in the form and detail required by schedule 223 of the Commission's annual report Form R–1, or schedule 1701 of annual report Form C, as appropriate, and full information as to bank loans, including the name of the bank, the date and amount of the original loan, the current balance, the maturity dates, the rates of interest, and the security, if any.

(5) The particulars of long-term debt, in the form and detail required in schedules 218 and 219 of the Commission's annual report Form R–1, or schedules 670, 695, 901, 902, and 1702 of annual report Form C, as appropriate, together with a list of mortgages, pledges, and other liens, including a brief statement concerning each of them showing the property or securities that are encumbered, the mortgage limit per mile, if any, priorities, and type of debt such as "open", "closed", or "open end".

(6) The particulars of the balance in account 784, Other Deferred Credits, in the form and detail required in schedule 225 of the Commission's annual report Form R–1, or schedule 1704 of annual report Form C, as appropriate.

(7) The particulars as to contingent assets and liabilities, in the form and detail required in schedule 233 of the Commission's annual report Form R–1 for Class I railroads, and similar information, in the same form and detail, for a Class II railroad.

(8) The particulars as to any long-term leases of equipment or other property, and as to any other items of indebtedness, that are not specifically set out on the applicant's general balance sheet, for the same time periods as are covered by the general balance sheet required to be in this exhibit.

(9) The particulars as to guaranties and suretyships, in the form and detail required in schedule 110 of the Commission's annual report Form R–1 for Class I railroads, and similar information, in the same form and detail, for a Class II railroad.

(10) The particulars as to capital stock, in the same form and detail required in schedules 228, 229, and 230 of the Commission's annual report Form R–1, or schedule 690 in annual report Form C, as appropriate.

(i) *Exhibit 9.* A statement showing the applicant's comparative balance sheet as of the most recently completed quarter and for each of the five 12-month periods preceding the quarter in which the application is filed, in the form and detail required by the Commission's annual report Form R–1 or C, as appropriate, schedules 200A and 200L. If the applicant's reports to its stockholders include a consolidated balance sheet for more than one railroad that differs from the returns in the balance sheet schedules of its annual reports to the Commission, there must be a reference to the sections of the stockholders' reports that include the consolidated balance sheets.

(j) *Exhibit 10.* To be filed only with the original copy of the application. A copy of the applicant's reports to its stockholders for each of the three years preceding the year in which the application is filed, including quarterly reports, if any.

(k) *Exhibit 11.* A comparative income statement for each of the twelve months preceding the month in which the application is filed, with cumulative data to the latest month shown, which may not be earlier than the second month preceding the month in which the application is filed, compared with the same month of each of the two years preceding the twelve-month period up to the time in which the application is filed. The statement must be in account form the same as or similar to that required in column (a) of Schedule 300 of the Commission's annual report Form R–1, or columns (a) and (c) of schedule 1801 of annual report Form C, as appropriate.

(l) *Exhibit 12.* A comparative income statement showing data for each of the five twelve-month periods preceding the periods in which the application is filed, in account form and detail the same as or similar to the statement required for Exhibit 11.

(m) *Exhibit 13.* A pro forma income statement for each of the three twelve-month periods following the month in which the application is filed, both before and after giving effect to the proceeds of the proposed loan, in account form and detail the same as or similar to the state-

ment required for Exhibit 11; together with a statement setting forth the basis for the estimates.

(n) *Exhibit 14.* A statement showing the actual cash balance at the beginning of each month and the actual cash receipts as disbursements for each month of the twelve-month period preceding the month in which the application is made to the date of the latest balance sheet furnished in Exhibit 8 together with a monthly forecast both before and after giving effect to the use of the proceeds from the proposed loan for the remaining months of that year and the following year.

(o) *Exhibit 15.* A statement showing for each month, to the latest available month, of the twelve-month period preceding the month in which the application is filed compared with the same month of each of the two preceding years—

(1) The number of tons of revenue freight carried;

(2) The number of revenue ton miles;

(3) The amount of freight revenues (account 101);

(4) The number of passengers carried;

(5) The number of passenger miles;

(6) The amount of passenger revenues (account 102); and

(7) Information, on an estimated basis, as to the matters covered by paragraphs (o) (1) through (6) of this section, for each of the 24 months subsequent to the month in which the application is filed, both before and after giving effect to the use of proceeds from the proposed loan.

(p) *Exhibit 16.* A statement of sources and application of funds, in the form and detail required by the Commission's annual report Form R–1, schedule 397, for each of three twelve-months periods preceding the month in which the application is filed, and on an estimated basis for the year in which it is filed and the following three-twelve month periods (both before and after giving effect to the use of the proceeds from the proposed loan).

(q) *Exhibit 17.* A general statement setting forth the information as to estimated prospective earnings and other funds that applicant will rely on to repay the loan.

(r) *Exhibit 18.* Specimens, or forms if specimens are not available, of all securities to be pledged or otherwise issued in connection with the proposed loan. In the case of an issue of bonds, a copy of the mortgage or indenture by which the bonds would be secured.

(s) *Exhibit 19.* A full and detailed statement, accompanied by appropriate financial data, as to—

(1) The purposes for which the proceeds of the loan will be used, such as the purchase of equipment or other property; the construction or improvement of facilities; the refinancing of existing obligations; general working capital etc; and

(2) Any other matters pertaining to the use of the proceeds of the loans not covered by paragraph (s) (1) of this section.

§ 921.111 Execution and filing of applications by solvent railroads.

(a) The original copy of each application for a loan under this Subpart by a solvent railroad must be signed by the chief officer of the applicant, or another officer specifically designated by the applicant for that purpose, and must be dated as of the date of that signature. Each person signing an application shall execute and attach to the application a certificate in the following form:

---------- certifies that he is the
(Name of officer)
---------- of the ----------;
(Title of officer) (Name of applicant)
that he is authorized on behalf of the applicant to sign the attached application and file with the United States Railway Association; that he has examined all of the statements in the application and exhibits; and that he has knowledge of the statements and matters set forth in the application and exhibits and that they are true and correct to the best of his knowledge, information, and belief.

---------- ----------
(Date) (Signature)

(b) There must be attached to each application for a loan under this Part a certificate in the following form signed by the chief accounting officer of the applicant:

---------- certifies that he is the
(Name of officer)
---------- of the ----------;
(Title of officer) (Namee of applicant)
that he has supervision over the books of account and the other financial records of the applicant named in the attached application and has control over the manner in which they are kept; that those accounts and records are maintained in good faith in accordance with generally accepted accounting procedures consistently applied; that he has examined the financial statements and supporting schedule included in that application and that to the best of his knowledge, information, and belief those statements and schedules accurately reflect the accounts of the applicant as stated in its books of account; and that other than the matters specifically set forth as exceptions, those statements and schedules represent a true and complete statement of the applicant's financial position, and that there are no undisclosed assets, liabilities, commitments of any kind, litigation, contingent agreements, or other contingent transactions that might materially affect the applicant's financial position.

---------- ----------
(Date) (Signature)

(c) The applicant shall file the original and ten copies of each application, certificate, and exhibit required by this Part, by mail, or in person, with the Association at its office in Room 2222, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20595. Signatures on copies may be stamped or typed thereon.

§ 921.112 Form and content of application by solvent railroads.

Each application by a solvent railroad for a loan under this Subpart must contain—

(a) The full name and legal address of the applicant;

(b) The date and place of applicant's incorporation, or if not incorporated, the date and place of its organization and a full description of its organization;

(c) The name, title, and address of the person to whom correspondence regarding the application should be sent;

(d) A description of the loan requested and its purposes, including a statement of—

(1) The total amount of the loan;

(2) The maturity date;

(3) A description of the security proposed for the loan, including the applicant's opinion of the value of the collateral and the basis for that opinion; in order to conclude that there is reasonable assurance that the applicant will repay the loan in the time period for which it is requested;

(4) The date or dates on which the applicant wants the proceeds of the loan to become available;

(5) The applicant's estimated total expenses in connection with the loan, including details as to expenses estimated for legal, accounting, and engineering services; printing and engraving; State, local, and Federal taxes; and commissions and discounts;

(6) A comprehensive statement justifying a government loan to the applicant including copies of correspondence from not less than three appropriate lending institutions or security underwriters to which applicant has applied for financing the subjects covered by the loan application being made under this Subpart, showing that they have declined to furnish that financing;

(7) Any other information that the Association may request at the time of the application or during the course of processing the application.

(e) A statement by the applicant that it has attempted to obtain a loan for the purposes stated in paragraph (d) of this section, but has not been able to obtain a loan for those purposes upon reasonable terms;

(f) A description of the applicant's efforts to obtain the needed financing from other sources and the results of those efforts; and

(g) A summary statement of the applicant's financial obligations to, and claims against, the United States, if any, as of the date of the application, or latest available date, listed as to—

(1) Balance remaining on any direct loans;

(2) Balance remaining on each loan under which the United States is a guarantor;

(3) The status of each claim in litigation; and

(4) Each other debit or credit existing between the applicant and the United States, and the department or agency of the United States involved therein.

§ 921.113 Exhibits to be filed with application by a solvent railroad.

Each solvent railroad which applies for a loan under this subpart shall file a copy of each of the following exhibits

with its original application and each copy thereof, except as otherwise specifically provided.

(a) *Exhibit 1.* To be filed only with the original application. A copy of the applicant's charter or articles of incorporation, as amended to the date of the application certified by the appropriate public officer, and a copy of its by-laws as amended to the date of application. If the applicant is not a corporation, it must furnish a copy of its articles of agreement or association, or other appropriate document.

(b) *Exhibit 2.* A copy of—

(1) The resolution of the applicant's board of directors authorizing the proposed loan;

(2) If the applicant's charter or articles of incorporation requires approval of the proposed loan by its stockholders, a copy of the resolution of the stockholders authorizing the loan and a transcript of the stockholders' meeting at which the resolution was adopted showing the number of shares voted for and against the resolution;

(3) A copy of the resolution of the stockholders or directors, or authorized committee thereof, authenticated by the appropriate officer of the applicant, designating by name and for that purpose the executive officer by whom the application is signed, verified, and filed on behalf of the applicant; and

(4) If the applicant is not a corporation, documentary evidence showing authorization for the proposed loan and designation of the person signing, verifying, and filing the application on behalf of the applicant.

(c) *Exhibit 3.* A preliminary opinion of counsel that he is familiar with the corporate or other organization authority of the applicant; that the applicant is authorized to make the application; that proper corporate or other organizational action has been taken and the obligation executed; that the obligation will constitute the valid and subsisting obligation of the applicant; and that the collateral offered is valid and will constitute a lien.

(d) *Exhibit 4.* A map of the applicant's existing railroad, and a map and profile of any line or lines to be constructed with the proceeds of the loan.

(e) *Exhibit 5.* A statement of—

(1) The total miles of line owned by the applicant;

(2) The total miles of line operated by the applicant;

(3) The number of units of locomotives, freight cars, and passenger cars owned or leased by the applicant;

(4) The principal commodities carried by the applicant; and

(5) The 10 most important industries served by the applicant.

(f) *Exhibit 6.* A statement as to whether any railroad affiliated with the applicant has applied for or received a loan under this Part, and full details concerning any loan so received.

(g) *Exhibit 7.* A copy of each annual report submitted to the I.C.C., S.E.C. and to stockholders for the most recent five fiscal years immediately preceding the submission of the loan application, and all interim financial statements filed with these parties for the most recent twelve-month period immediately preceding the submission of such application, with comparison to the previous year.

(h) *Exhibit 8.* Projected financial statements including an income statement, balance sheet and sources and application of funds for three fiscal years immediately subsequent to the date of submission of the loan application and the current fiscal year.

3. In subpart D, in the first sentence of § 921.301(a) change the word "Part" to "Subpart"; and § 921.301(c) is revised to read:

§ 921.301 Execution and filing of applications.

* * * * *

(c) The applicant shall file the original and ten copies of each application, certificate, and exhibit required by this Sub-Part, by mail, or in person, with the Association at its office in Room 2222, Transpoint Building, 2100 Second Street SW, Washington, D.C. 20595. Signature on copies may be stamped or typed thereon.

[FR Doc.75-14296 Filed 5-30-75;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Handling; Notice of Proposed Rulemaking

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, that would limit the handling of sweet cherries by establishing a regulation as recommended by the Washington Cherry Marketing Committee. The Committee functions pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) which regulate the handling of sweet cherries grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This notice invites written comments relative to the proposed seasonal regulation on the grade, size, and containers used in the handling of such cherries. The proposal reflects the committee's appraisal of the 1975 crop and current and prospective market conditions. Shipments of Washington sweet cherries are currently regulated by Cherry Regulation 13 (39 FR 21119) through June 30, 1975. The proposed regulation contains the same basic requirements and would be effective from July 1, 1975, through June 30, 1976.

The proposed grade and size requirements are designed to prevent the handling of cherries grading lower than the grade specified and smaller than the size specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. The proposed requirements for containers and packaging of cherries in faced-packed and any packs of 20 pounds, net weight, or larger are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. The proposed regulation would also permit handlers to ship cherries in experimental containers approved by the committee.

Individual shipments not exceeding 100 pounds of cherries for home use and marked "not for resale," are excepted from these requirements because the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impracticable to regulate the handling of such shipments because of the proximity of their source to their destination.

All persons who submit written data, views, or arguments in connection with the proposal shall file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 16, 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)).

The proposal is as follows:

§ 923.314 **Cherry Regulation 14.**

(a) *Minimum grade and sizes.* During the period July 1, 1975, through June 30, 1976, no handler shall handle, except as otherwise provided in paragraphs (b) and (c) of this section, any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) U.S. No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided*, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) Except as hereinafter provided in paragraph (b) (2) (ii) and paragraph (a) (3) of this section, at least 95 percent, by count, of the cherries in the lot shall measure not less than $^{48}/_{64}$ inch in diameter.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than $^{54}/_{64}$ inch in diameter.

(b) *Containers.* During the period July 1, 1975, through June 30, 1976, no handler shall handle any lot of cherries, unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall be not less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of subdivisions (i) and (ii) hereof, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than $^{54}/_{64}$ inch in diameter.

(c) *Exceptions.* Notwithstanding any other provision of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraphs (a) and (b) of this section, and of §§ 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(d) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (7 CFR 51.2646–51.2660); and "faced-pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

Dated: May 28, 1975.

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

[FR Doc.75-14348 Filed 5-30-75;8:45 am]

Rural Electrification Administration

[7 CFR 1701]

ELECTRIC DISTRIBUTION PLANT

Specifications for Substation Regulators

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Specification S–2, "Specifications for Substation Regulators" to provide for the issuance of revised specification for substation type voltage regulators for electric distribution plant.

Persons interested in the revised specification may submit written comments, data, or views to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Adminis-

tration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 2, 1975.

A copy of the proposed revision of REA Specification S–2 is as follows:

REA SPECIFICATION S–2

Subject: Specifications for Substation Regulators

I. *Scope.* These specifications cover voltage regulators employed to obtain control of the output distribution voltage of rural substations. The regulators covered by these specifications are all 60-Hertz, single-phase or three-phase, induction-type or step-type, station-type or pole-type, and of the outdoor, oil immersed, self-cooled type.

II. *Rating*—A. *Voltage.* The nominal voltage ratings and basic insulation level shall be as follows:

System nominal voltage	Regulator nominal voltage rating		Basic insulation level
	Single-phase	3-phase	
7,200/12,470 Y	7,620	13,800	95 kV.
7,620/13,200 Y	7,620	13,800	95 kV.
14,400/24,900 Y	14,400	24,900	150 kV.

B. *Range of Regulation.* The range of regulation shall be plus and minus ten percent of the input voltage.

III. *Performance*—A. Insulation. The insulation class rating, as defined in ANSI Standard C57.15–1968 (or latest revision), shall be 15 kV for regulators designed for application on 7200/12470 Multi-grounded Y and 7620/13200 Multi-grounded Y systems and 25 kV for regulators designed for application on 14400/24900 Multi-grounded Y systems.

B. *Band Width.* All regulators covered by these specifications shall be capable of maintaining an output voltage band width within plus and minus one volt when referred to a 120-volt base.

C. *Accuracy.* The accuracy, as defined in ANSI Standard C57.15–1968 (or latest revision), shall be rated as Class I.

D. *Radio influence.* With regulator in the neutral position, the radio influence shall not exceed 100 microvolts at 1000 kc when measured at 110% of rated voltage in accordance with methods outlined in NEMA Publication No. 107, "Method of Measuring Radio Noise" published in 1964 (R 1971) except that the results shall be adjusted to reflect a 600 ohm load impedance on the test circuit rather than the 150 ohm load impedance of the test circuit in NEMA 107, 1964 (R 1971).

IV. *Special provisions.*—A. Line-Drop Compensator. The individual resistance and reactance controls of the line-drop compensator shall have incremental settings corresponding to not more than one volt compensation when referred to a 120-volt base and with the regulator operating at rated load current.

B. *Time-delay.* The time-delay device shall be adjustable.

C. *Potential test terminals.* Means shall be provided such that the voltage measured at the potential test terminals will correspond to the load terminal phase-to-ground voltage referred to a 120-volt base.

D. *Bushings.* Where bushing wells are provided, the bushing wells shall conform to ANSI C119.2–1974 (or latest revision).

V. *Applicable Standards.* Regulators shall conform with:

A. American National Standard, "Requirements, Terminology and Test Code for Step-Voltage and Induction-Voltage Regulators" ANSI No. C57.15.

B. "REA Standard for Radio Influence Voltage Limits for 14.4/24.9 kV Insulators and Apparatus" D–11, April 1951.

C. NEMA Publication No. 107, "Method of Measuring Radio Noise" Published in 1964 (R 1971)

D. American National Standards, "Separable Insulated Connectors for Power Distribution Systems Above 600 V," ANSI C119.2—1974,

or any subsequent revisions thereto except where they conflict with these specifications.

Dated: May 23, 1975.

DAVID H. ASKEGAARD,
Acting Assistant Administrator-Electric.

[FR Doc.75–14351 Filed 5–30–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 20]

[Docket No. PH 7a–69]

PERSONNEL ON OCEANOGRAPHIC RESEARCH VESSELS

Notice of Termination of Proposed Rulemaking

The purpose of this notice is to announce that the Coast Guard is closing Docket No. PH 7a–69 without further action and does not now intend to institute additional rulemaking proceedings on the subject of personnel on oceanographic research vessels.

On February 7, 1969, the Coast Guard issued a notice of a public hearing (34 FR 1835) on this subject. The proposed rule was contained in the Merchant Marine Council Public Hearing Agenda (CG–249) dated March 24, 1969. The proposed regulations were presented in a new Part 20 of Title 46 of the Code of Federal Regulations.

Several comments were received on the proposed regulations for personnel on oceanographic research vessels which stated that the proposed new part was somewhat confusing and conflicted in some respects with existing regulations and procedures. The Coast Guard feels that the matter no longer requires a separate part in the regulations. If any changes are made, there will be additions to existing parts. These changes would cover all the essentials included in the proposal.

Several comments also were received which questioned the proposal on the grounds that many provisions of Title 52 and Title 53 of the Revised Statutes are inapplicable to certain oceanographic research vessels and their personnel and thus the regulations would have to clarify their application.

If rulemaking proceedings on the subject of personnel on oceanographic research vessels is again contemplated, another notice to that effect will be issued. However, the present proceeding, Docket No. PH 7a–69 is closed.

Dated: May 21, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.75–14317 Filed 5–30–75;8:45 am]

PERIODIC TESTS AND INSPECTIONS

[46 CFR Part 61]

[CGD 72–137]

Withdrawal of Tailshaft Inspection Amendment

The purpose of this notice is to withdraw CGD 72–137 in which an amendment to the rules for tailshaft inspection that appeared in the March 1, 1972 issue of the FEDERAL REGISTER (37 FR 4292) was proposed. That proposal would have enabled the Officer in Charge, Marine Inspection (OCMI) to extend inspection drawing intervals for oil lubricated tailshafts to six years. The proposal also provided that the OCMI could postpone the drawing two years and that the OCMI could not extend the inspection drawing interval of a tailshaft that has undergone repairs.

When the amendment was first proposed, the Coast Guard anticipated substantial agreement within the maritime industry on tailshaft inspection methods. Because of the rapid advance of technology, several new methods of inspection and testing are being considered. It has not been determined which method may be adopted. Since this determination has not been made, the Coast Guard has decided that rulemaking action on the proposed amendment is not appropriate and that CGD 72–137 should be withdrawn.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (37 FR 4292) on March 1, 1972, entitled "Tailshaft Inspection and Drawing," is hereby withdrawn.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

MAY 22, 1975.

[FR Doc.75–14320 Filed 5–30–75;8:45 am]

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 14324; Notice No. 75–10]

AIRWORTHINESS REVIEW PROGRAM

Notice Number 2; Miscellaneous Proposals

Correction

In FR Doc. 75–5731 appearing at page 10802 in the issue for Friday, March 7, 1975, on page 10809, in the third column, the amendatory paragraph designated 2–60, the third line, the word "of" should read "in".

[14 CFR Part 39]

[Docket No. 75–NW–12–AD]

BOEING MODEL 737 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 737 series airplanes certificated in all categories. There have been several instances of abnormal gear

wear in the trailing edge flap drive power unit caused by the flap asymmetry/shut-off system. The abnormal wear has resulted in a leading edge flap extension, a trailing edge flap retraction and discrepancies between the selected flap position and the actual flap position. Unwanted flap retraction or leading edge extension during a critical regime of flight could result in a serious degradation of performance and a possible takeoff or landing accident. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspections of the pertinent gears on Boeing Model 737 series airplanes, Line No. 1 through 299 inclusive.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before August 1, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Model 737 series airplanes, Line No. 1 through 299 inclusive, certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent unwanted trailing edge flap retraction and leading edge flap extension, accomplish the following:

A. Airplane Line Numbers 1 through 270 with flap power unit assemblies not modified in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, Part II, within the next 500 landings, unless accomplished within the last 500 landings, and at times thereafter not to exceed 1,000 landings, inspect the flap power unit in accordance with Paragraph C.

B. Airplane Line Numbers 271 through 299, or those earlier aircraft with flap power unit assemblies modified per Boeing Service Bulletin 737-27-1041, Revision 4, Part II, within the next 750 landings, unless inspected within the last 750 landings, inspect in accordance with Paragraph D.

C. Inspect the worm teeth in the flap power unit for wear in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Flap power unit assemblies with worm teeth worn beyond the limits prescribed in the service bulletin, must be modified prior to further flight in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, Part II, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repetitive inspections are to be made in accordance with Paragraph E.

D.1. Inspect the worm gear for wear in accordance with Boeing Service Bulletin 737-27-1076, Part III, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repeat at intervals specified in Paragraph B, Part III, of the service bulletin, but not to exceed 5000 landings.

2. Flap power unit assemblies with worm gears worn beyond the limits specified in the service bulletin are to be replaced with new parts prior to further flight.

E. Flap power units repaired in accordance with Paragraph C or D.2 must be inspected during 1400-1600 landings after new parts are installed, in accordance with Paragraph D.1 above, and thereafter comply with Paragraph D.

F. When terminating action for this directive has been developed, this directive will be amended accordingly.

G. Upon request by an operator, through an appropriate FAA maintenance inspector, subject to approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection period herein may be adjusted for that operator if the request contains adequate substantiating data to justify the increase.

(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 Seattle, Washington, May 22, 1975.

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

[FR Doc.75-14241 Filed 5-30-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-38]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cambridge, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 2, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An instrument approach procedure has been developed for the Cambridge Municipal Airport, Cambridge, Minnesota. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Cambridge, Minnesota.

In consideration of the foregoing the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 F.R. 441), the following transition area is added:

CAMBRIDGE, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport (latitude 45°33'35" N., longitude 93°15'49" W.); and within 3 miles each side of the 173° bearing from the airport, extending from the 5 mile radius area to 8 miles south of the airport.

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

Issued in Des Plaines, Illinois, on May 9, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-14252 Filed 5-30-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-33]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Flint, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 2, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Price Airport, Linden, Michigan. Controlled airspace is required to protect the procedure. Accordingly, it is necessary to alter the Flint, Michigan transition area to include that airspace required for Price Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

FLINT, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the outer marker; within a 4-mile radius of Owosso City Airport, (Latitude 42°59'30" N., Longitude 84° 08'00" W.); and within a 5½ mile radius of the Price Airport, (Latitude 42°48'25" N., Longitude 83°46'20" W.); excluding the portion which overlies the Detroit, Michigan transition area.

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

Issued in Des Plaines, Illinois, on May 9, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-14254 Filed 5-30-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-36]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Marlette, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 2, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Marlette Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Marlette, Michigan.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

MARLETTE, MICHIGAN

That airspace extending upward within a 5½-mile radius of the Marlette Airport (Latitude 43°18'37" N., Longitude 83°05'31" W.).

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

Issued in Des Plaines, Illinois, on May 9, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-14253 Filed 5-30-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Helena, Montana.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

Standard instrument approach procedures have been revised to provide transition routes to the approach aids at Helena, Montana. An alternate missed approach procedure has also been developed. Additional controlled airspace must be provided to accommodate aircraft conducting these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In Federal Aviation Regulation § 71.181 (40 FR 441), the description of the Helena, Montana 1200 foot transition area is amended to read:

* * * and that airspace extending upward from 1200 feet above the surface within a 24 mile radius of the Helena VORTAC; within 6 miles south and 9 miles north of the Helena VORTAC 272° radial, extending from the 24 mile radius area to 45 miles west of the VORTAC; within 15.5 miles west and parallel to the Helena VORTAC 352° radial, extending from the 24 mile radius area to 31 miles north of the VORTAC; within 5 miles east and 9 miles west of the Helena VORTAC 023° radial, extending from the 24 mile radius area to 36 miles northeast of the VORTAC; and within 6 miles south and 9.5 miles north of the Helena VORTAC 102° radial, extending from the 24 mile radius area to 28.5 miles east of the VORTAC.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, June 2, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.75-14255 Filed 5-30-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 381-5]

IOWA

Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the En-

vironmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally-approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, EPA's approval of each compliance schedule will be unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the varinace is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule would not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that had been federally-approved, the condition will not be fulfilled; the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation would again become federally enforceable.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedule, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance. The schedules were immediately effective on the date of adoption. An "Effective Date" is not indicated on on the table. The "Variance Expiration Date" is included instead.

The following schedules have been revised and are being reproposed in this document: Midwest Carbide, Keokuk; Corn Belt Power Cooperative, Boiler No. 4, Humboldt; White Farm Equipment Company, Electric Arc Furnace, Charles City; and L. Benac & Sons, Inc., Cupola, Centerville.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules 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 Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

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 July 2, 1975 will be considered. Receipt of comments will be acknowledged, but substantive responses will not be provided. 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.

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

Dated: May 15, 1975.

CHARLES V. WRIGHT,
Acting Regional Administrator.

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

Subpart Q—Iowa

1. In § 52.825, the table in paragraph (c) is amended as follows:

§ 52.825 **Compliance schedules.**

* * * * *

(c) * * *

IOWA

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
* * *		*	*	*	*
Midwest Carbide Corp., carbide furnace.	Keokuk	4.3(2)a	Apr. 10, 1975	May 30, 1975	May 30, 1975
Grain Processing Corp., flash dryers Nos. 40, 43, and 46.	Muscatine	4.3(2)d 4.4(6)	do	July 31, 1975	July 31, 1975
Corn Belt Power Cooperative, boiler No. 4.	Humboldt	4.3(2)(b)	do	Apr. 30, 1975	Apr. 30, 1975
White Farm Equipment Co., electric arc furnace.	Charles City	4.4(5)	do	June 15, 1975	June 15, 1975
L. Benac & Son, Inc., cupola	Centerville	4.4(4)	do	June 23, 1975	June 23, 1975
Iowa Machine Works & Foundry, cupola.	Clinton	4.4(4)	do	July 31, 1975	July 31, 1975
Hawkeye Elevator Co., cyclones on grain elevator.	Council Bluffs	4.4(7)	do	July 1, 1975	July 1, 1975
Highway Surfacers, Inc., asphaltic concrete plant No. 848.	New Hampton	4.4(2)	do	July 15, 1975	July 15, 1975
Associated Milk Producers, Inc., Maquoketa Valley Cooperative, milk spray dryer.	Arlington	4.3(2)a	do	June 1, 1975	June 1, 1975
Highway Surfacers, Inc., asphaltic concrete plant No. 102.	Floyd	4.4(2)	do	July 15, 1975	July 15, 1975
Boone Valley Cooperative, soybean meal dryer.	Eagle Grove	4.4(6)	do	July 31, 1975	July 31, 1975
Cessford Construction Co., asphaltic concrete plant No. III.	LeGrand	4.4(2)	do	May 15, 1975	May 15, 1975
Farmers Cooperative Co., feed grinder cyclone.	Pocahontas	4.4(6)	do	July 10, 1975	July 10, 1975

[FR Doc.75-14212 Filed 5-30-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20421; RM-2348]

FM BROADCAST STATIONS, SOUTH DAKOTA

Table of Assignments; Extension of Time for Filing Comments and Reply Comments

1. On April 2, 1975, the Commission adopted a notice of proposed rulemaking and order to show cause in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on April 16, 1975, 40 Fed. Reg. 17042. The dates for filing comments and reply comments are presently May 27 and June 16, 1975, respectively.

2. On May 19, 1975 Counsel for Mitchell Broadcasting Association, Inc. (Mitchell), proponent in this proceeding, requested that the time for filing comments be extended to and including June 10, 1975. Counsel states that the extension is necessitated by the fact that one of his client's principals has been hospitalized recently, and Mitchell's consulting engineer has been out of town. He also adds that Counsel for BMA Broadcasting, Inc., another party in this proceeding, has indicated that his client does not object to a grant of the additional time.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including June 10 and June 30, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's Rules.

Adopted: May 21, 1975.

Released: May 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-14329 Filed 5-30-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20478; RM-2440]

FM BROADCAST STATIONS

Table of Assignments; Penn. and W. Va.; Correction

In the matter of amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations (Waynesburg, Pennsylvania, and Fairmont, West Virginia).

1. Two corrections need to be made in the text of the Notice of Proposed Rule Making in this proceeding, adopted May 9, 1975, and released May 14, 1975 at 40 FR 21741 (May 19, 1975).

2. The changes are as follows:

Paragraph 4, first sentence, third line: The citation "9 F.C.C. 2d 672" should be substituted for the citation "9 F.C.C. 672."

Paragraph 4, first sentence, fourth line: The citation "46 F.C.C. 2d 520" should be substituted for the citation "40 F.C.C. 2d 250."

Released: May 27, 1975.

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

[FR Doc.75-14324 Filed 5-30-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. E-9393]

PARTIAL-RECOVERY FUND

Adjustment Clauses in Wholesale Rate Schedules; Extension of Time

MAY 22, 1975.

On May 20, 1975, Edison Electric Institute filed a motion to extend the time for filing comments fixed by order issued April 29, 1975, in the above-designated matter. On May 21, 1975, Consumers Power Company filed a similar motion.

Upon consideration, notice is hereby given that the time for comments or protests is extended to and including July 21, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14233 Filed 5-30-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR 220]

[Reg. T]

CREDIT BY BROKERS AND DEALERS

Notice of Proposed Rulemaking

Notice is hereby given that the Board of Governors proposes to amend, pursuant to authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78 g and w), paragraph (a) of § 220.7 of Regulation T "Credit by Brokers and Dealers" (12 CFR 220) so that the limitations that ordinarily apply to the "arranging" of credit by a broker or dealer for a customer will not apply when the credit is extended or maintained through the medium of the private placement of a security and the credit also meets certain other tests. A broker or dealer when arranging credit for a customer is at present generally limited by § 220.7(a) to those terms and conditions which he is allowed to give when extending or maintaining credit to that customer. The Board has had an increasing number of requests for advice as to whether a broker or dealer may arrange for credit in circumstances which do not appear contrary to the purposes of the Act although they may be contrary to the literal application of § 220.7(a). This proposed amendment codifies earlier Board interpretations and sets forth certain circumstances under which a broker or dealer may arrange for credit which he cannot extend, but which the Board views as consistent with the purposes of the Act. This amendment is intended to cover two basic types of transactions in which a broker or dealer assists in privately placing securities. In one, the security privately-placed is a debt security and the proceeds are used to purchase stock which is not publicly-held. In the other, the security privately-placed is an investment contract with built-in instalment or other credit features.

PART 220—CREDIT BY BROKERS AND DEALERS

It is proposed to revise § 220.7(a) as follows:

§ 220.7 Miscellaneous provisions.

(a) *Arranging for loans by others.* A creditor may arrange for the extension or maintenance of credit to or for any customer of such creditor by any person upon the same terms and conditions as those upon which the creditor, under the provisions of this Part, may himself extend or maintain such credit to such customer, but only upon such terms and conditions, except that this limitation shall not apply to arranging by a creditor:

(1) for a bank subject to Part 221 of this Chapter (Regulation U) to extend or maintain credit on margin securities or exempted securities, or

(2) for any person to extend or maintain credit for the purpose of purchasing or carrying a security (including sale of a security with installment payments or other credit features) in a transaction which is exempt from the registration requirements of the Securities Act of 1933 by virtue of section 4(2) of that Act (15 U.S.C. 77d(2)) *Provided*, that:

(i) The credit extended or maintained will not violate the provisions of Parts 207 or 221 of this chapter; and

(ii) The credit will not be used to purchase or carry a security that is publicly-held, or, in the case of the refinancing of an existing debt, will not be used to carry a security that was publicly-held at any time during the past two years. For the purpose of this paragraph, a security shall be deemed to be "publicly-held" if it is either (*a*) a security of a class that is registered, or is required to be registered at the close of the current fiscal year of the issuer, under section 12 of the Act or would be required to be registered except for the exemptions provided by paragraphs (2) (B) and (G) of subsection 12(g), or (*b*) a security of a class any portion of which was registered under section 5 of the Securities Act of 1933 (15 U.S.C. 77e) and in connection with which the issuer is required to file periodic reports under section 15(d) of the Act.

To aid in consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments concerning the proposed amendment. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 30, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR 261.6(a)).

* * * * *

By order of the Board of Governors, May 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-14259 Filed 5-30-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 71 and 73]

RADIOACTIVE MATERIAL

Packaging and Transportation by Air

Following its organization under the Energy Reorganization Act of 1974 (Public Law 93-438), the Nuclear Regulatory Commission (NRC) has stated its intention of reviewing those of its regulations and procedures pertaining to the licensing and regulation of nuclear facilities and materials which were originally promulgated by the Atomic Energy Commission, with a view to considering what changes should be made. As part of that effort, the NRC is initiating a rule making proceeding concerning the air transportation of radioactive materials, including packaging, with a view to the possible amendment of its regulations in 10 CFR Parts 71 and 73, adopted pursuant to the Atomic Energy Act of 1954, as amended. The NRC considers the re-evaluation of these particular regulations to be especially timely in view of concerns that have been recently expressed by public officials and others as to the safety and security of air shipment of plutonium and other special nuclear materials through highly populated metropolitan areas.

The Department of Transportation (DOT) has overlapping jurisdiction over

safety in packaging and transportation by air of radioactive materials under the Transportation of Explosives and Other Dangerous Materials Act (18 U.S.C. 831–835) and the Transportation Safety Act of 1974 (Pub. L. 93–633, 88 Stat. 2156), and the Federal Aviation Administration has similar overlapping jurisdiction under the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(b)). It is expected that the expertise of these agencies will be utilized in the subject rule making proceeding.

Background of present regulations. Following a prohibition against shipment of radioactive material by mail in 1936 to protect unexposed film, safety regulations for shipping radioactive material were adopted by the Interstate Commerce Commission in 1948. Those regulations were based on a report of a National Academy of Sciences–National Research Council Subcommittee on Transportation of Radioactive Material. The basic principles reflected in those regulations were reviewed and adopted, with minor modifications and some elaboration, by the International Atomic Energy Agency (IAEA) in 1961 and reflected in recommended International Standards for the Safe Transport of Radioactive Material. In 1964, on the basis of shipping experience up to that date and an analysis of transportation accidents prepared by the United Kingdom Atomic Energy Authority, the IAEA issued revised transport regulations incorporating specific accident damage test standards which were incorporated into the NRC (then AEC) and DOT (then within the jurisdiction of the ICC) regulations by 1968. Except for changes in the regulations to deal with specific problems (e.g., leak testing of packages containing liquids, prompt pickup and monitoring of packages, restrictions on shipments of plutonium on passenger aircraft, opening and closing procedures), the safety regulations have remained essentially the same since that time.

The safety standards for transportation, as set forth in NRC's regulation in 10 CFR Part 71 and DOT regulations in 49 CFR Parts 170–178, are based on two main considerations: (1) Protection of the public from external radiation and (2) assurance that the contents are unlikely to be released during either normal or accident conditions of transport or, if the container is not designed to withstand accidents, that its contents are so limited in quantity as to preclude a significant radiation safety problem if released. These safety standards are applicable to packages used in all models of transport and were developed with the objective of providing an acceptable level of safety for transport of radioactive material by any mode.[1] With respect to air shipments, it was considered that, taking into account the high integrity of the packaging[2] and the low accident probability for air transportation (no more than one accident per 100 million miles, the risk of an air accident resulting in a release of radioactive material from a package was small.

[1] In contrast to the safety standards described above, NRC's requirements for the physical protection (security) of strategic quantities of special nuclear material, including plutonium, in 10 CFR Part 73, are specific as to the mode of transport.

[2] Container designs required to meet accident conditions are evaluated under current regulations against the following accident test conditions in sequence: 30-foot free drop of the container in the most damaging position onto a flat, essentially unyielding surface, 40-inch drop onto a steel bar to test the ability to withstand puncture, 30-minute fire test at 1475° F and 3-foot water immersion test for eight hours. The puncture test and the drop test are engineering qualification tests. The test conditions were chosen to provide reproducible laboratory conditions representative of severe transportation accident environments. For example, a 30-foot drop onto an unyielding surface produces impact or shock loads which are more severe than drops of several thousand feet onto targets such as land, water, or even city streets which would tend to yield when struck by the package. Because of the conservatism of most designs, packages, when subjected to tests involving free fall from much greater heights than 30-feet, have either remained undamaged or continued to contain their contents. For example, a number of packages which pass the NRC qualification tests have also been tested under extra severe conditions such as a 250-foot free fall onto an essentially unyielding surface. Packages currently approved for bulk shipment of plutonium oxide and nitrate will survive such test conditions. These extra severe tests provide added assurance that containers, in much the same manner as aircraft flight recorders, could survive severe air accidents. A description of these tests is set forth in SC–DR–72 0597 (Sept. 1972), "Special Tests for Plutonium Shipping Containers 6M, SP5795, and L–10", a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

[3] A Type B package is required for quantities in excess of a few millicuries and up to 20,000–50,000 curies, depending upon the radionuclide. Such packages are required to be designed to withstand accident conditions as well as normal conditions of transport.

NRC packaging standards are applicable to shipments by NRC licensees, while DOT regulations are applicable to transportation of radioactive material by land in interstate and foreign commerce, on civil aircraft, and on water. DOT regulations in Title 49 of the Code of Federal Regulations and FAA regulations in 14 CFR Part 103 cover labeling and conditions for shipment and carriage as well as certain packaging. NRC regulations exempt carriers from their application in view of the controls exercised over carriers by DOT and its component parts, including FAA.

For the purpose of developing and implementing consistent, comprehensive and effective regulations for the safe transport of radioactive material and to avoid duplication, the DOT (then ICC) and the AEC (NRC's predecessor) entered into a Memorandum of Understanding in 1966 which was superseded by a revised Memorandum of Understanding signed on March 22, 1973. Under the revised memorandum, the AEC (now NRC) develops performance standards for package designs and reviews package designs for Type B[3] fissile and large quantity packages. The DOT develops safety standards governing handling and storage of all radioactive material packages while in possession of a common, contract or private carrier, as well as standards for Type A packages.[4] DOT requires AEC (now NRC) approval prior to use of all Type B, fissile and large quantity package designs. DOT is the National Competent Authority with respect to foreign shipments under the IAEA transport standards. IAEA Certificates of Competent Authority are issued by DOT with technical assistance provided by NRC as requested.

Re-evaluation of present regulations. Consistent with the considerations expressed in the first paragraph of this notice, the NRC has decided that its regulations governing air transportation of radioactive material, including packaging, should be re-evaluated from the standpoint of radiological health safety and prevention of diversion and sabotage as well. In connection with this re-evaluation, the NRC has instructed its staff to commence preparation of a generic environmental impact statement on the air transportation of radioactive materials, including packaging and related ground transportation. The statement will be directed at air transportation. However other transportation modes—land and water transport—will be considered in light of the requirement of the National Environmental Policy Act of 1969 (NEPA) that the relative costs and benefits of alternatives to certain proposed Federal actions be fully considered. It is anticipated that the draft generic environmental impact statement will be available by the time that any proposed changes to the regulations eventuating from this rule making proceeding are published for comment in the FEDERAL REGISTER. While the generic impact statement is in preparation, impact statements or impact appraisals for individual NRC licensing actions related to the transportation of radioactive materials, such as import licenses for significant quantities of plutonium and other special nuclear material, will be prepared as required by NEPA and 10 CFR Part 51.

In order to aid the NRC in this re-evaluation of existing regulations pertaining to radioactive material transported by air, interested persons are invited to submit information, comments and suggestions with respect to those aspects of the above-referenced NRC regulations. The NRC is particularly interested in receiving views on the following:

1. Whether radioactive materials should continue to be transported by air, considering the need for, and the benefits derived from such transportation, the risks to public health and safety and the common defense and security associated with such transportation, and the relative risks and benefits of other modes of transport.

[4] A Type A package is required for less than Type B quantities of radioactive material and is required to be designed to withstand normal conditions of transport only.

2. Assuming a justifiable need for air transportation of radioactive materials, to what extent should safety requirements be based on:

(a) Accident probabilities;

(b) Packaging;

(c) Procedural controls;

(d) Combinations of the above?

3. What is the relative risk of transport of radioactive material by air compared to other modes of transport, and to other hazards faced by the public which may or may not be the subject of regulation?

4. Are improvements in applicable regulations necessary, and if so, what improvements should be considered?

Documentation supporting the views expressed by interested persons would be helpful to the NRC in re-evaluation of its regulations relating to air transportation of radioactive materials and consideration of possible changes to such regulations.

It should be noted that there are some related issues which will be, or are presently, the subject of consideration in other rule making proceedings and, therefore, will not be included in this proceeding. They are:

1. Physical security protection requirements for strategic quantities of special nuclear material that would apply to all modes of transport (39 FR 40036).

2. Requirements for advance notice of shipments of strategic quantities of special nuclear material (40 FR 15098).

3. Quality assurance requirements for packages for all special nuclear material (38 FR 35190).

4. Radiation levels from radioactive material transported in passenger aircraft.

If it subsequently appears that additional issues should more properly be treated in a separate proceeding, or proceedings, appropriate notices to that effect will be published in the FEDERAL REGISTER.

Interested persons should send comments and suggestions, with supporting documentation, to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by August 1, 1975. Copies of comments received may be examined in the NRC Public Document Room at 1717 H Street NW., Washington, D.C.

After comments have been received and considered, the NRC will publish its views as to NRC rules pertaining to air transportation of radioactive material in the FEDERAL REGISTER. When the aforementioned draft environmental impact statement is prepared, notice of its availability will be published in the FEDERAL REGISTER and opportunity for public comment afforded pursuant to NRC regulations implementing the National Environmental Policy Act of 1969 (10 CFR Part 51). In addition, background information on the subject of regulation of transportation of radioactive materials has been placed in the NRC Public Document Room at 1717 H Street NW., and at its local public document rooms throughout the nation. Copies of such background information are available upon request in writing to the Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Interim evaluation. Recently there have been several requests that air shipments of plutonium and other special nuclear materials (and related ground transportation of special nuclear materials incidental thereto) be suspended pending reexamination of presently applicable regulations. In assessing the appropriateness of such action at this time, the NRC has considered the following:

1. In more than 25 years of shipping special nuclear material, including plutonium, in civilian aircraft, there have been no air accidents involving the material.

2. The experience in shipping thousands of packages per year of all forms of radioactive materials by all modes of transport under existing NRC, DOT, and FAA regulations has been very favorable.

3. The requests that have been received do not set forth any significant new information which would indicate that present package or security requirements are inadequate.

4. In view of the physical security measures now required by 10 CFR Part 73, the protection provided against severe accidents by the high integrity packaging required by NRC, DOT, and FAA regulations (summarized supra), the consistency of these requirements with international standards, the low accident probability (supra), and the favorable experience to date, the risk involved in the transportation of radioactive material under currently effective regulations is believed to be small.

Accordingly, it is presently the view of the NRC, subject to consideration of comments to be received, that its currently effective regulations can continue to be applicable during the period in which this rule making proceeding is in progress. More particularly, in light of present information as to the safety and security of air shipments of radioactive material, the Commission finds no sound basis, for the reasons stated above, for requiring the suspension of such shipments.

Notwithstanding the foregoing, in view of the concerns expressed and the fact that requests have been received for the suspension of air shipments of plutonium and other special nuclear materials, comments are specifically invited on the matter of whether suspension or other limitations on the air transportation of plutonium and other special nuclear materials are justified during the period that the subject rule making proceeding is being conducted. Views on this particular matter, together with the supporting basis for these views, should be submitted to the Secretary of the Commission, U.S. Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by July 2, 1975. The NRC will decide, after evaluating the views and comments received, whether a different course should be pursued during the pendency of this rule making proceeding and publish its conclusions in the FEDERAL REGISTER. Currently effective regulations will continue to be applied until a decision on this matter is made.

As indicated above, related specific issues will be, or are presently, the subject of consideration in other rule making proceedings, and the NRC will continue to take appropriate action, as justified by the circumstances, to assure that the risk associated with the transportation of radioactive materials remains small.

Dated at Washington, D.C. this 29th day of May 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-14519 Filed 5-30-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Release Nos. 33-5586, IC-8784, File No. S7-564]

PROSPECTUSES OF VARIABLE ANNUITY SEPARATE ACCOUNTS

Proposed Requirement of Hypothetical Illustrations

On July 30, 1974, the Securities and Exchange Commission published notice (Securities Act Release No. 5516, Investment Company Act Release No. 8438, published in the FEDERAL REGISTER for August 20, 1974, 39 FR 30051) that it had under consideration an amendment of the Statement of Policy (15 FR 5469, as amended 20 FR 793, 22 FR 8977), which would permit investment companies issuing variable annuity contracts to employ standardized illustrations based on hypothetical investment results in sales literature and prospectuses. All interested persons were invited to comment on the proposal.

Having considered all of the comments and suggestions received, the Commission determined to adopt new paragraph(s) of the Statement of Policy, together with sample tables and charts, in the form set forth in Securities Act Release No. 5582 (Investment Company Act Release No. 8772, published in the FEDERAL REGISTER for May 19, 1975, 40 FR 21711). The new paragraph(s) along with the sample illustrations, is attached as an appendix to this Release.[1]

In addition to requesting comment on the form of the proposed illustrations, the notice of the proposed amendment to the Statement of Policy (Securities Act Release No. 5516, Investment Company Act Release No. 8438, 39 FR 30051, August 20, 1974) stated that:

The Commission is also considering requiring prospectuses for variable annuity contracts to include standardized illustrations as set forth in this amendment in order to

[1] Appendix is filed with the original document.

facilitate contract comparisons and to further the statutory objectives of full and fair disclosure, and therefore requests comment on this possibility.

Standardized illustrations, as adopted in the Statement of Policy (as amended May 19, 1975, 40 FR 21711), could materially assist investors in understanding the operation of the variable annuity contract, including the effects of costs on investment returns, and in comparing aggregate charges among the various contracts offered.

If illustrations in standardized form are permitted under the Statement of Policy (as amended May 19, 1975, 40 FR 21711), but not required of all issuers, investors may not have this valuable information, and their ability to make comparisons among contracts may be impaired. Therefore, the Commission proposes to amend Forms S-5 and S-6 under the Securities Act of 1933 to require that, over time, hypothetical illustrations which are in accordance with the Statement of Policy (as amended May 19, 1975, 40 FR 21711) be introduced into variable annuity separate account prospectuses.

§§ 239.15, 239.16 [Amended]

The action proposed by the Commission would amend Form S-5 by adding a new paragraph 4 entitled "Variable Annuity Illustrations" to Part I., Information Required in the Prospectus,[2] and would amend Form S-6 by adding a new subparagraph (b)(3) to Instruction 1, Instructions As to the Prospectus. The language of each of the new provisions would be identical, as follows:

Any prospectus or post-effective amendment to the prospectus filed by a variable annuity separate account after December 31, 1975, shall contain hypothetical illustrations of investment results which are in accordance with the Commission's Statement of Policy under the Securities Act of 1933 regarding advertising and sales literature, as amended April 28, 1975, and as subsequently amended.

The amendments are proposed pursuant to sections 6, 7, 10, and 19(a) of the Securities Act of 1933.

All interested persons are invited to submit written comments in triplicate to be received not later than June 30, 1975, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Please refer to File No. S7-564.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 9, 1975.

[FR Doc.75-14295 Filed 5-30-75;8:45 am]

[2] The present paragraph 4, "Financial Statements and Exhibits" under Part II. Other Information, would accordingly be renumbered paragraph 5.

notices

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 19 (Rev. 4)]

DEPUTY COMMISSIONER, ET AL.

Payment of Expenses; Authority Delegation

In the matter of payment of expenses incident to transfers or appointments of employees to new official stations, vacation leave travel, and similar items.

1. This order delegates authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 72 Revised, to authorize or approve the allowance and payment from Government funds of expenses allowable under Office of Management and Budget Circular No. A-56, as amended. The following officers may authorize or approve the incurrence of such expenses, and make related determinations, subject to the restrictions in the succeeding paragraphs of this order and pursuant to implementing regulations in Treasury Department Administrative Circular No. 19, as revised, and IRM 1760 and related instructions:

Deputy Commissioner
Assistant to the Commissioner (Public Affairs)
Assistant Commissioners
Chief Counsel
Division Directors
Director of International Operations
Director, National Computer Center
Fiscal Management Officer
Regional Commissioners
Regional Inspectors
Regional Counsel
District Directors
Service Center Directors
Director, IRS Data Center

2. This delegation does not include the authority to agree to the payment of moving expenses by an office other than the gaining office in transfers between the Internal Revenue Service and another agency, department, bureau of the Treasury Department, etc.

3. This delegation does not include the authority to agree to payment of travel and transportation of new appointees to first post of duty.

4. This delegation does not include the authority to approve a period of service of less than two years, or to accept separation from service before the end of a year of service, with respect to employees serving outside the continental United States under circumstances requiring two years of service.

5. Only the Fiscal Management Officer may make determinations and authorizations with respect to the transportation of privately owned motor vehicles of Internal Revenue Service employees appointed or transferred to posts of duty other than those located in the contiguous 48 States and the District of Columbia.

6. No redelegation of this authority may be made except that:

(1) Regional Commissioners may redelegate, but not lower than to Branch Chiefs in the Regional Office,

(2) District Directors, Service Center Directors, and the Director, IRS Data Center, may redelegate, but not lower than to Division Chiefs.

7. Delegation Order No. 19 (Rev. 3), issued May 10, 1972 is superseded.

Date of issue: May 23, 1975.

Effective date: May 23, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc. 75-14369 Filed 5-30-75;8:45 am]

[Order No. 77 (Rev. 8)]

ASSISTANT REGIONAL COMMISSIONERS AND EXECUTIVE ASSISTANTS

Delegation of Authority To Issue Statutory Notices of Deficiency

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.7701-9, 26 CFR 301.6212-1 and 26 CFR 301.6861-1 to sign, and send to the taxpayer by registered or certified mail any statutory notice of deficiency is hereby delegated to the following officials:

a. Assistant Regional Commissioners and Executive Assistants (Employee Plans and Exempt Organizations),

b. Chiefs and Assistant Chiefs of Appellate Branch Offices,

c. Director of International Operations,

d. Service Center Directors,

e. Assistant District Directors,

f. Assistant Service Center Directors,

g. Chiefs of Audit Divisions,

h. Chiefs of Correspondence Audit Branch, and

i. Chiefs of Employee Plans and Exempt Organizations Divisions.

2. This authority may be redelegated only by District Directors, Service Center Directors, and the Director of International Operations, but not lower than to Reviewers or Conferees, Grade GS-9, in Audit Divisions, and Reviewers, Grade GS-12, in Employee Plans and Exempt Organizations Divisions.

3. This Order supersedes Delegation Order No. 77 (Rev. 7), issued March 31, 1975.

Date of issue: May 29, 1975.

Effective date: May 29, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-14370 Filed 5-30-75;8:45 am]

ART ADVISORY PANEL

Notice of Closed Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a closed meeting of the Art Advisory Panel will be held on July 15 and 16, 1975, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This involves the discussion of material in individual tax returns made confidential by the provisions of sections 6103 and 7213 of Title 26 of the United States Code and the regulations issued thereunder.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552(b) (3), (4), (5), (6) and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-14371 Filed 5-30-75;8:45 am]

EMPLOYEE BENEFIT PLANS

Proposed Class Exemptions From Prohibitions Respecting Certain Transactions in Which Multiemployer Plans are Involved

CROSS REFERENCE: For a document concerning class exemptions from the prohibited transactions provisions of section 4975 of the Internal Revenue Code of 1954 and section 406(a) and 407(a) of the Employee Retirement Income Security Act of 1974, prepared by both the Internal Revenue Service and the Department of Labor relating to certain transactions in which multiemployer plans are involved, see FR Doc. 75-14533, *infra*.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 23, 1975.

The USAF Scientific Advisory Board ad hoc Committee on the Location, Identification, and Destruction of Surface Targets by Tactical Air Forces Under All-Weather Conditions will hold a meeting on July 7 through 25, 1975 from 8:30 a.m. to 3:30 p.m. each day at the Houston House/Fenno Estate Carriage House, Woods Hole, Massachusetts.

The meeting will be closed to the public in accordance with Title 5, U.S.C.

552(b) (1), (4) and (5). The Committee will hear classified briefings on efforts to improve the capability of tactical air forces to be employed under adverse weather conditions. Informal working sessions will be held to draft a final report on the Committee's conclusions and recommendations.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

W. K. RICHARDSON,
Colonel, USAF,
Deputy Director of Administration.

[FR Doc.75–14305 Filed 5–30–75;8:45 am]

Department of the Army

FORT LEONARD WOOD MILITARY RESERVATION AND CLARK NATIONAL FOREST, MO.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lie within the exterior boundaries of the Clark National Forest, Missouri, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which lie within Pulaski County, Missouri and the exterior boundaries of Fort Leonard Wood Military Reservation, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to outstanding rights or interests of record.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to the laws applicable to other military lands comprising the Fort Leonard Wood Military Reservation. The military lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.[1]

Effective date. This order will be effective as of date of June 2, 1975.

[1] Map of Clark National Forest is filed as part of the original document.

Dated: March 4, 1975.

HOWARD H. CALLAWAY,
Secretary of the Army.

Dated: April 8, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Fifth Principal Meridian, Missouri

T. 34 N., R. 11 W.,
Sec. 12, That part of the SW¼SW¼ lying westerly of the center of the right-of-way of the public road containing 12 acres more or less;
Sec. 22, NE¼SE¼, E½NW¼SE¼, N½N½S½SE¼, N½SW¼, SW¼SW¼;
Sec. 23, W½NW¼SW¼, SE¼NW¼.

T. 34 N., R. 12 W.,
Sec. 3, NE¼SE¼, W½SE¼, That part of the SW¼ lying left (southeasterly) of the center of the main channel of Roubidoux Creek containing 105 acres more or less;
Sec. 9, SE¼, S½NE¼;
Sec. 10, SW¼, W½E½, E½NW¼, SW¼NW¼, That part of the NW¼NW¼ lying east of the ditch (branch of the Roubidoux Creek) containing 20 acres more or less.

T. 35 N., R. 10 W.,
Sec. 8, That part of the S½SW¼ and SE¼ lying right (southerly) of the center of the Big Piney River containing 83.70 acres more or less;
Sec. 9, That part of the SW¼ lying right (southerly) of the center of the Big Piney River containing 92.98 acres more or less, that part of the SE¼ described as beginning at the southwest corner of said SE¼; thence easterly along the south line of said SE¼, 27.09 chains; thence N 11°30' E to the center of the Big Piney River; thence in a westerly direction upstream along the center of the Big Piney River, 32.33 chains to the west line of said SE¼; thence southerly along the west line of said SE¼ to the point of beginning, containing 92.12 acres more or less;
Sec. 16, W½NE¼, NW¼, N½SW¼, SE¼SW¼, That part of the SW¼SW¼ lying right (easterly) of the center of the Big Piney River containing 39.8 acres more or less;
Sec. 17, That part lying right (easterly) of the center of the Big Piney River containing 394.9 acres more or less;
Sec. 21, That part of the E½W½ lying easterly of the center of the right-of-way of State Highway "J" containing 61.5 acres more or less.

T. 36 N., R. 10 W.,
Sec. 14, Part of the W½NW¼ described as commencing at the northwest corner of said section 14; thence easterly along the north line of said section 14, a distance of 1,027.2 feet; thence with an angle of 90° to the right, 463.52 feet to a point on the easterly right-of-way line of the Fort Leonard Wood Railroad, being the point of beginning of the tract of land herein described; thence S 8°39' W, making an angle of 168°38' with said railroad right-of-way line, 810.5 feet; thence S 2°03' W, 1,360.4 feet to the south line of said W½NW¼ of section 14; thence N 87°22' W along the south line of said W½NW¼, 711.65 feet to the easterly right-of-way line of State Highway "J"; thence N 9°34' E along said highway right-of-way line, 1,191 feet to a point on said easterly right-of-way line of the Fort Leonard Wood Railroad; thence in a northeasterly direction along said railroad right-of-way line, 1,182.8 feet to the point of beginning, containing 22.12 acres more or less.

T. 37 N., R. 9 W.,
Sec. 20, That part of the S½NW¼ lying southerly of the southerly right-of-way line of the St. Louis-San Francisco Railroad as it existed 26 Novmber 1940, except the right-of-way of the Fort Leonard Wood Railroad, containing 68.6 acres more or less.

Subject to any and all easements for public roads and utilities.

Total tracts as described in Exhibit A contain in all 2,412.72 acres more or less.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Fifth Principal Meridian, Missouri

T. 34 N., R. 12 W.,
Sec. 1, E½ of Lot 7 of the NE¼ containing 25.76 acres more or less.

T. 35 N., R. 10 W.,
Sec. 21, That part of the SW¼SE¼ lying westerly of the center of the right-of-way of State Highway "J" containing 0.52 acres more or less;
Sec. 28, That part of the W½NE¼ lying westerly of the center of the right-of-way of State Highway "J" containing 6.0 acres more or less.

T. 35 N., R. 11 W.,
Sec. 31.

T. 35 N., R. 12 W.,
Sec. 36, E½SE¼.

The tracts as described, contain in all 754.36 acres more or less.

[FR Doc.75–14287 Filed 5–30–75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON DEPARTMENT OF DEFENSE SPACE SHUTTLE UTILIZATION

Advisory Committee Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization will meet in closed session on 18 and 19 June 1975 at the Pentagon, Washington, D.C. 20301.

The mission of the Defense Science Board is to advise the Secretary of De-

fense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine how the Space Shuttle with its new capabilities can lead to more effective space operations in the future.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MAY 28, 1975.

[FR Doc.75-14301 Filed 5-30-75;8:45 am]

ACQUISITION ADVISORY GROUP

Meeting

The Acquisition Advisory Group will meet in closed session on 17 June 1975 at the IDA Building, Arlington, Virginia.

The mission of the Acquisition Advisory Group is to examine and assess the recommendations made by the Army Materiel Acquisition Review Committee, the Navy Marine Corps Acquisition Review Committee and the Secretary of the Air Force relative to major weapon systems acquisition which suggest changes of current procedures or policies in the Office of the Secretary of Defense. The Acquisition Advisory Group will report its findings and recommendations to the Deputy Secretary of Defense.

The purpose of this meeting is to discuss the operations of the military departments and segments of the Office of the Secretary of Defense as they relate to the Defense Systems Acquisition Review Council (DSARC) process. The participants will specifically be discussing major weapon systems and their acquisition. Therefore, a considerable amount of the presentations will be devoted to matters that are specifically required by Executive Order to be kept secret in the interest of national defense. This will involve presentations by various defense contractor officials and representatives, including program managers. The Group will intermittently be discussing classified information. It is neither practicable or feasible to separate the discussions of classified and non-classified material.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Acquisition Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MAY 29, 1975.

[FR Doc.75-14395 Filed 5-30-75;8:45 am]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, New York 10014 on 20 June 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infra red systems, and microelectronics. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MAY 28, 1975.

[FR Doc.75-14396 Filed 5-30-75;8:45 am]

DEPARTMENT OF THE INTERIOR

[INT-DES-75-34]

Bureau of Reclamation

LYMAN PROJECT, WYOMING

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 covering various alternatives for completion of the Lyman Project in southwestern Wyoming. Statement concerns provision of regulatory storage on Smiths Fork drainage to provide supplementary irrigation water and additional municipal supply for three Bridger Valley communities. Written comments may be submitted to the Regional Director (address below) on or before July 17, 1975.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4091.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111, Telephone (801) 524-5404.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: May 28, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-14353 Filed 5-30-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: David C. Smith, International Bird Rescue Research Center, 2701 Eighth Street, Berkeley, California 94710.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

OMB NO. 43-R1670

4. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
The banding of orphaned, oiled, ill, and injured birds listed as endangered native wildlife that have come into our possession for the purpose of rehabilitation and release. Such banding will augment general knowledge of these species and enable our evaluation of treatment techniques. (We do not capture nor encourage capture of these birds.)

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
David C. Saith
International Bird Rescue Research Center
2701 Eighth Street
Berkeley, California 94710

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
68"	140 lbs.

DATE OF BIRTH	COLOR HAIR	COLOR EYES
10-06-44	Brn.	Brn.

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER
(415)841-9086	569-64-5920

OCCUPATION
Biologist

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
International Bird Rescue Research Center
2701 Eighth Street
Berkeley, California 94710

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Biological Research and Wildlife Rehabilitation: Non-Profit Corporation

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
J.M.Harris, D.V.M., Chmn.(415)654-0100

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
California

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
20440

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
Calif. Fish & Game Wildlife Permit and Memorandum of Understanding for possession of endangered rails, pelicans &terns.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 1 July '75

11. DURATION NEEDED: Until revocation for cause.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.23 (#'s 1 through 7)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (DO NOT SIGN UNTIL INSTRUCTED TO DO SO) — DATE: 5/9/75

James M. Harris, D.V.M.,

3-200
(6/74)

Attachments: As per Part 17.23

(1) Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit:

Eagle, Southern Bald (*Haliaeetus leucocephalus leucocephalus*): (As we have no memorandum covering possession of this species, we would only be banding occasional individuals that had been held by groups with proper federal and state authorizations including birds held by California Fish & Game itself.)

Pelican, Brown (*Pelicanus occidentalis*): Occasional individuals that had come to us because of bone fractures, entanglement in fishing line, involvement in oil spills, etc.

Rail, California Clapper (*Rallus longirostris obsoletus*): Occasional individuals that had come to us because of bone fractures, involvement in oil spills, etc.)

Tern, California least (*Sterna albifrons browni*): Occasional individuals that had come to us because of bone fractures, entanglement in fishing line, involvement in oil spills, etc.

Falcon, American peregrine (*Falco peregrinus anatum*): (As we have no memorandum covering possession of this species, we would only be banding occasional individuals that had been held by groups with proper federal and state authorizations including birds held by California Fish & Game itself.)

(2) Not applicable.

(3) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

We would like to stress that no importation nor capture of any of these birds from the wild is intended. We would only be banding birds that, at the time they were taken into possession by an authorized organization or agency, were unable to survive in the wild. They would be banded following rehabilitation by qualified veterinarians and biologists with proper authorizations. Band returns would be useful for evaluation of rehabilitation techniques and also useful for normal studies of migration, population, distribution, and age. Treatment techniques, which variously include drug therapy, fracture repair, suturing, etc., are carefully recorded and filed for future reference. At no time are these birds put on display during rehabilitation or otherwise. Carcasses are turned over to Fish and Wildlife Biologists or to California Fish & Game Biologists.

(4) A description and the address of the institution or other facility where the wildlife will be used or maintained;

Location A (currently in use): 2701 Eighth Street, Berkeley, California 94710. Two well-ventilated inside rooms cleaned daily including weekends. Two outside enclosures each with a pool of water measuring 2 m by 3 m by 0.5 m deep. The balance of the enclosures consist of an inclined ramp and deck measuring 2 m by 1.5 m. Two additional outside enclosures measuring 3 m by 3 m and 2 m by 5 m have only troughs of water measuring 1 m by 2 m and 9 cm deep. These enclosures are also cleaned daily and on weekends.

Location B (under construction): Southeast Corner, Aquatic Park, Berkeley, Calif. Facilities will be essentially the same as at *Location* A except more capacious and supplied by a dual water supply offering both fresh and salt water.

(5) Not applicable.

(6) Not applicable.

(7) Not applicable.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 2, 1975.

Dated: May 28, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-14312 Filed 5-30-75;8:45 am]

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., c.d.t., on Friday, June 20, 1975, at the Red Lantern Inn, Banquet Room, Lake Front Drive, Beverly Shores, Indiana.

The Commission was established by Pub. L. 89-761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman).
Mrs. Anna R. Carlson.
Mr. Harry W. Frey.
Mrs. Ione F. Harrington.
Mr. John A. Hillenbrand II.
Mr. Harold G. Rudd.
Mr. John R. Schnurlein.
Mr. William L. Staehle (Secretarial Consultant).

Matters to be discussed at this meeting include:

1. Mt. Baldy Development Discussion.
2. Status of Congressional legislation on expansion of Indiana Dunes National Lakeshore.
3. Review of Indiana Dunes summer interpretive program.
4. Status of land acquisition.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139–A, Chesterton, Indiana 46304, telephone area code 219, 926–7561.

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12 (Kemil Road), Chesterton, Indiana.

Dated: May 22, 1975.

ROBERT L. GILES,
Acting Regional Director, Midwest Region, National Park Service.

[FR Doc.75-14260 Filed 5-30-75;8:45 am]

Office of the Secretary

EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

The Emergency Advisory Committee for Natural Gas will meet at 9 a.m. on June 19, 1975 at the O'Hare Hilton Hotel at O'Hare International Airport, Chicago, Illinois. The purpose of the meeting is to begin a study of natural gas curtailments and emergency preparedness plans and programs needed to reduce the adverse impacts of such natural gas curtailments as requested by the Department of the Interior.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343–6226.

Dated: May 27, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75-14240 Filed 5-30-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NATIONAL TOBACCO ADVISORY COMMITTEE

Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the National Tobacco Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for tobacco, production adjustment and stabilization programs, and other matters relating to this commodity. The Secretary has determined that renewal of this Committee is in the public interest in connection with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Pub. L. 92–463.

Signed at Washington, D.C. on May 27, 1975.

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

[FR Doc.75-14286 Filed 5-30-75;8:45 am]

FORT LEONARD WOOD MILITARY RESERVATION AND CLARK NATIONAL FOREST, MO.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document issued jointly by the Secretary of the Army and the Secretary of Agriculture concerning jurisdiction of lands, see FR Doc. 75–14287, Department of Defense, Department of the Army, *supra*.

ADVISORY COMMITTEE ON MEAT AND POULTRY INSPECTION

Renewal

Notice is hereby given that the Advisory Committee on Meat and Poultry Inspection is being renewed under provisions of Pub. L. 92–463. It was previously established pursuant to authority of section 301(a)(4) (21 U.S.C. 661(a)(4)) of the Wholesome Meat Act (P.L. 90–201) and Section 5(a)(4) (21 U.S.C. 454(a)(4)) of the Wholesome Poultry Products Act (P.L. 90–492).

It is in the public interest to renew the Committee in connection with the duties imposed on the Department by law. The purpose of the Committee is to advise the Secretary concerning State and Federal meat and poultry inspection programs.

The Committee represents States with meat and poultry inspection programs, and the membership includes State officials responsible for such programs.

This Committee shall terminate June 11, 1977, unless renewed prior to that date.

This notice is given in compliance with OMB Circular A–63, Revised.

Dated May 28, 1975.

JOSEPH R. WRIGHT,
Assistant Secretary for Administration.

[FR Doc.75-14352 Filed 5-30-75;8:45 am]

DEPARTMENT OF COMMERCE

[Docket No. S–452]

Maritime Administration

DELTA STEAMSHIP LINES, INC.

Application

Notice is hereby given that Delta Steamship Lines, Inc., has filed an application dated May 14, 1975, under the Merchant Marine Act, 1936, as amended (the Act), for grant of written permission to serve Puerto Rico pursuant to section 805(a) of the Act, which permission was originally granted on May 21, 1970, and expired on May 20, 1975. The application requests the same written permission as previously granted under section 805(a) to transport a total of approximately 43,000 tons of cargo southbound and 6,000 tons northbound in regular service between Mobile, Alabama; New Orleans, Louisiana; Houston, Texas; and San Juan, Mayaguez, and Ponce, Puerto Rico; and in irregular service between Freeport, Galveston, Texas; Baton Rouge, Lake Charles, Louisiana; Gulfport, Pascagoula, Mississippi; Pensacola and Tampa, Florida; and ports in Puerto Rico en route to and from ports on Trade Routes 14–2 and 20. Delta requests that the Maritime Administration grant permission for Delta to provide this service up to and including December 31, 1976.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on June 11, 1975, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are re-

ceived from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: May 28, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-14354 Filed 5-30-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, July 30, 1975, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of two work groups which are addressing the areas of Problem Definition and Benchmark Program Transferability.

The public wi'l be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301-921-3485).

Dated: May 28, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-14357 Filed 5-30-75;8:45 am]

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Wednesday, July 23, 1975, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3551).

Dated: May 28, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-14358 Filed 5-30-75;8:45 am]

HOME PLAYGROUND EQUIPMENT

Recommended Voluntary Standard

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 219b, "Safety Requirements for Home Playground Equipment."

This circulation is being made in accordance with the provisions of section 10.5 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970).

The purpose of the recommended standard is to establish nationally recognized safety requirements for home playground equipment. The recommended standard has requirements for swing sets and the various types of swinging elements and members of swing sets, slides, merry-go-rounds, climbing towers/jungle gyms, and other types of home playground equipment intended for use by children aged from 2 through 10 years.

Copies of this recommended standard may be obtained from the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234. Written comments concerning the standard should be submitted to the Standards Development Services Section on or before July 17, 1975.

Dated: May 28, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-14359 Filed 5-30-75;8:45 am]

National Oceanic and Atmospheric Administration

STEINHART AQUARIUM

Issuance of Permit for Marine Mammals

On April 1, 1975, notice was published in the FEDERAL REGISTER (40 F.R. 14625) that an application had been filed with the National Marine Fisheries Service by the Steinhart Aquarium, California Academy of Sciences, Golden Gate Park, San Francisco, California 94118, for a permit to take three (3) Pacific whitesided dolphins (Lagenorhynchus obliquidens) for the purpose of public display.

Notice is hereby given that, on May 12, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above described taking to the Steinhart Aquarium, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 12, 1975.

ROBERT F. HUTTON,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-14313 Filed 5-30-75;8:45 am]

Issuance of Endangered Species Permit

On April 10, 1975, notice was published in the FEDERAL REGISTER (40 F.R. 16227), that an application had been filed with the National Marine Fisheries Service by the Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, for a Scientific Purposes Permit to take until January 1, 1980, specimen materials from bowhead whales (Balaena mysticetus) and gray whales (Eschrichtius robustus), which are found dead and beached, dead and floating at sea, or killed by an Alaskan Indian, Aleut or Eskimo for subsistence purposes. The application also sought permission to conduct an aerial survey of Alaskan bowhead and gray whale populations.

Notice is hereby given that, on May 27, 1975, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), for the above described activities to the Northwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein. Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with and is subject to Parts 220 and 222 of the National Marine Fisheries Service regulations governing endangered species permits (39 F.R. 41367, November 27, 1974). A similar permit (39 F.R. 33386, September 17, 1974) for the taking of bowhead whales and gray whales has been issued under the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

The Scientific Purposes Permit is available for review by interested persons in

the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109, and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: May 27, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-14315 Filed 5-30-75;8:45 am]

MICHAEL L. BONNELL AND BURNEY J. LeBOEUF

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following applicants have applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Mr. Michael L. Bonnell, Assistant Marine Specialist, Coastal Marine Laboratory, Division of Natural Sciences, University of California, Santa Cruz, California, and Dr. Burney J. LeBoeuf, Associate Professor, Department of Biology, Division of Natural Sciences, University of California, Santa Cruz, California 95064 to take by tagging up to five-thousand ten (5,010) northern elephant seals (Mirounga angustirostris) and up to six (6) California sea lions (Zalophus californianus) over a period of five years.

The applicants propose to place color coded plastic Roto-tags on the interdigital webbing of the hind flippers of up to 5,000 northern elephant seals. The color coded tags are used to designate each of the different island populations. A less visible more permanent monel tag is attached at the same time. The tags are attached while the animals are asleep and in many instances the animals do not waken. The tagging allows observation of the animals by binoculars or telescope at some distance from the haul out areas. Data on seasonal movements, social behavior, and immigration will be compiled. A second aspect of the research will be to chemically immobilize 10 female elephant seals and 6 California sea lions for the purpose of attaching radio tags. The animals to be tagged will be selected from those separated from the breeding rookery. In the case of the elephant seals the radio tagged animals are expected to return to the rookery to molt at which time the radio packs will be removed. In the event that an elephant seal is not sighted, the radio tag harness is designed with a corrosible safety link bolt which will dissolve after three months. The sea lions to be radio tagged will be juveniles who are located peripheral to the adult breeding population. The applicants state that the injection and monitoring of the animals to be immobilized by drugs will be supervised by a licensed veterinarian. At the time the radio tags are attached, milk samples will be taken from the elephant seals and the female sea lions. Also at this time a five cc blood sample will be taken from each animal.

The applicants state that the aim of this research is to describe the size, distribution, structure and movements of populations of pinnipeds inhabiting the waters and islands of the Southern California Continental Borderland as part of a contract from the Bureau of Land Management. These baseline studies of the populations, will be utilized to assess the environmental impact of oil exploration and extraction in this biologically important and sensitive area and contribute to planning for the area's resources.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before July 2, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 28, 1975.

DONALD R. JOHNSON,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-14314 Filed 5-30-75;8:45 am]

COASTAL ZONE MANAGEMENT; WASHINGTON

Preliminary Approval of Application

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, has granted preliminary approval to the State of Washington's coastal zone management program developed pursuant to section 306 of the Coastal Zone Management Act (Pub. L. 92-583) and its implementing regulations (15 CFR Part 923). The authority to grant preliminary approval is contained under 15 CFR Part 923.3(b) and 923.20 of the regulations promulgated by OCZM on January 9, 1975. This section provides that the Secretary of Commerce may grant preliminary approval to a State's coastal zone management program which substantially complies with the substantive requirements of the Coastal Zone Management Act. OCZM has determined that the State of Washington's application for program approval submitted February 14, 1975, is in substantial compliance with the substantive requirements set forth in the Coastal Zone Management Act of 1972 and its implementing guidelines.

Washington's shoreline management program comprises a comprehensive and innovative method for the effective management of its coastal zone. Pursuant to 15 CFR Part 923.3(b) the State of Washington shall continue to be eligible for funding under section 305 of the Act which provides for development grants to a State for the purpose of developing a coastal zone management program. The State of Washington, however, shall not be eligible for funding under section 306 of the Act until such time as its program has received final approval by the Secretary of Commerce. Furthermore, the Federal consistency provisions contained under section 307 of the Act shall not attach to the State of Washington's program until final approval has been given.

The Washington application for approval, together with the Draft Environmental Impact Statement on the proposed approval action by the Secretary of Commerce, was distributed by the Office of Coastal Zone Management to all relevant Federal agencies for review on March 25, and March 21, 1975, respectively. Informal and formal comments on the program application have been received by OCZM from many of the Federal agencies. Verbal and written comments on the DEIS have also been received. Both the Federal agencies and the State of Washington have indicated a willingness to cooperate in the refinement and implementation of an organizational network which will insure that all interests are adequately considered during the administration of its coastal zone management program.

The final 30 day period for Federal agency review of new material in a State program provided for in NOAA's interim regulations, 15 CFR Part 925.5(c), will be suspended until such time as the State of Washington submits a final approval document. That document will be distributed for comment to relevant Federal officials through the official representatives designated by each agency. Similarly, a final Environmental Impact Statement, containing appropriate amendments, will be filed after receipt of the final approval document. It should be emphasized that OCZM and the State of Washington invite the participation of all concerned parties during the period leading to final approval of the Washington program.

The purpose of preliminary approval is to provide formal recognition that a State

has substantially complied with the criteria for management program approval, but has not fully developed either its legislative authorities or organizational network. The Washington program contains the necessary authorities, but has not fully developed its organizational network.

While it is anticipated that the program will qualify for final approval in the near future, it should be emphasized that preliminary approval does not constitute statutory approval under section 306, nor a binding undertaking to grant such approval, and OCZM may require such further State action or documentation as it deems necessary as a condition of such approval.

R. H. HAGEMEYER,
Acting Assistant Administrator for Administration.

[FR Doc.75-14058 Filed 5-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL CANCER INSTITUTE SMOKING AND HEALTH PROGRAM CONTRACTORS

Meeting

Notice is hereby given of a meeting of contractors supported by the National Cancer Institute Smoking and Health Program on July 17–18, 1975, The Homestead, Hot Springs, Virginia.

This conference will be open to the public from 9:30 a.m. July 17 to adjournment on July 18, 1975 to discuss smoking and health. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. Gio B. Gori, Building 31, Room 11AO3, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–6616.

Dated: May 22, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-14319 Filed 5-30-75;8:45 am]

Office of Education

THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting; Correction

In the FEDERAL REGISTER of Tuesday, May 20, 1975, on page 22018 there was an announcement of a meeting of the National Advisory Council on Extension and Continuing Education to be held June 13–14, 1975, in Salons A and B at the Westbury Hotel, 380 Sutter Street, San Francisco, California. The dates of the meeting have been changed to June 12–13.

LLOYD H. DAVIS,
Executive Director.

MAY 27, 1975.

[FR Doc.75-14219 Filed 5-30-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION INTERAGENCY COMMITTEE

Public Meeting

Notice is hereby given, pursuant to PL–92–463, that the next meeting of the Interagency Committee of the National Advisory Council on Vocational Education will be held June 26 and 27, 1975 from 9 a.m. to 5 p.m., Central Time and on June 28, 1975 from 9 a.m. to 12 Noon, Central Time, at the United Tribes Center, Bismarck, North Dakota.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with asistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Interagency Committee shall be open to the public. The proposed agenda includes:

June 26, 1975:
On-site visit to United Tribes Vocational Education facilities.
Committee general business meeting. Discussion of priorities.
June 25, 1975: On-site visit to Standing Rock School Hearings on Indian Vocational Education.
June 28, 1975: Committee meeting to discuss hearings and critique on-site visit.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425–13th Street, NW, Washington, D.C. 20004.

Signed at Washington, D.C. on May 27, 1975.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.75-14309 Filed 5-30-75;8:45 am]

Office of the Secretary

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the President's Advisory Committee on Refugees will hold a meeting on Tuesday, June 3, 1975, from 10 a.m. to 2 p.m. The meeting will be held in Room 4203, New Executive Office Building, 17th and Pennsylvania Ave., NW, Washington, DC 20503.

The meeting of the committee shall be open to the public. The proposed agenda includes the development of the formative activities for the operation of the committee.

Because of the necessity to commence the humanitarian activities of the committee as soon as possible, the usual requirement for advance notice of the committee's meeting has been waived.

Records shall be kept of all committee proceedings (and shall be available for public inspection at the Library of the Department of Health, Education, and Welfare, located in Room 1436, 330 Independence Ave., SW, Washington, DC 20201).

Dated: May 29, 1975.

WILLIAM S. BALLENGER,
Assistant to the Secretary.

[FR Doc.75-14438 Filed 5-29-75;2:25 pm]

MEDICAL AND SURGICAL PROCEDURES

Department-wide Procedural Terminology and Coding System for Department Programs

Issue. For several years the Department has been evaluating the need for developing a standard terminology (or description) and code (numeric representations) to identify medical and surgical procedures for purposes of reimbursement. During the course of this review, it has been determined that a need exists for a procedural terminology and coding standard to be used by existing programs such as Medicare and Medicaid. In addition, in the event that a comprehensive National Health Insurance program becomes a reality, such a standard will become a necessity. With the advent of NHI, the frequency of reporting medical procedures would increase many-fold, thus emphasizing the need for a single uniform and accurate means of reporting that would enable providers of medical care to accurately report in a clear, efficient and economical manner the appropriate information needed to insure prompt and accurate payment. Accordingly, the Department is developing plans for a Department-wide procedural terminology and coding system to be used for all Department programs.

The review also revealed that while many medical procedures are currently reported in a nearly uniform manner, one area lacked uniformity in both terminology and coding. This area is related to the reporting of medical visits (or encounters) as that term is applied to all provider settings: home, office, hospital, nursing home, etc. It was also determined that while the procedural terminology used to describe visits (or encounters) constitutes somewhat less than 5 percent of all medical terminology, it accounts for more than 50 percent of all medical procedures reported.

Proposal for "visit" category. As a first phase in establishing a uniform terminology and coding system for reporting medical and surgical procedures, the De-

partment plans to evaluate the benefits to be derived from the implementation of a standard for the procedural terminology and coding used to report medical visits for payment purposes for the programs of the Department. Since the visit area has, over the years, been loosely or poorly defined, it is our intention to add the qualifying element of time to each descriptor.

The system that is proposed has three descriptive codes, each represented by a single digit. The first digit will represent the place of the visit; the second digit will indicate whether the patient is being seen for the first time for the illness, sympton or problem, or whether he is being seen in a follow-up situation for the same illness, symptom or problem; the third digit will reflect the provider's evaluation of the level of complexity involved in the visit. It is to this code that the element of time has been added. The time element has been added to assist the provider in evaluating which descriptive code most accurately reflects his judgment about the level of complexity that he encountered during the visit.

Set forth below is the proposed procedural terminology and coding system:

Proposed uniform procedural terminology and code (visits only). The proposed uniform procedural terminology and code consists of a three-digit code to denote three key characteristics required for determining reimbursement to the phyiscian:

1. Place (setting)
2. Type of Encounter
3. Level of Complexity

Within these three characteristics are the ranges of identification of extent of services to be reported. The first digit is the Place Code[1] and indicates the setting of patient-physician service:

0—Office
1—Home
2—Hospital—Inpatient
3—Hospital—Outpatient (Include Health Centers)
4—Hospital—Emergency Room
5—Nursing Home (Single Patient Visit)
6—Nursing Home (Multiple Patients Visit)
7—Reserved for Future Use
8—Other (To be Explained)

The second digit is the Encounter Code and identifies the type of encounter:

1—New Patient
2—Established Patient—Same Illness
3—Established Patient—New Illness
4—Consultation

The third digit is the Complexity Code and establishes the level of service based on "keywords" which are supported by descriptive paragraphs:

1—Non-Physician Service
2—Limited (normally less than 10 minutes)
3—Intermediate (normally 10 to 20 minutes)
4—Extended (normally 20 to 45 minutes)
5—Other

[1] Place Code, as it appears on the preprinted SSA-1490 Form, was used for purpose of the physician-usage survey.

These descriptive paragraphs facilitate code use by characterizing the complexity level at sufficient depth to test the results in uniformity in the claims submitted by different physicians.

1. *Non-physician service.* A service rendered by someone other than a physician which does not require the presence of a physician, but does warrant his supervision and availability, if necessary.

2. *Limited.* A service concerning a relatively simple problem requiring a limited amount of time; limited history and limited physician examination, including initiations of diagnostic and treatment programs.

3. *Intermediate.* A service consisting of a physical examination; an initiation of a diagnostic and treatment plan involving one or more organ systems, but not requiring the evaluation of the patient as a whole.

4. *Extended.* A level of service involving a complete medical history where appropriate, and a complete evaluation or re-evaluation of the patient as a whole with discussions of findings, diagnostic and treatment programs.

5. *Other.* This code should be used only for the relatively few cases that do not fit elsewhere, and its use must be explained in the additional space furnished.

The model will be evaluated by testing it in several jurisdictions. An expert review committee will be selected to monitor the testing. The test will not commence until the Department has had an opportunity to review and evaluate comments on this General Notice.

Comments on this General Notice are invited from all interested parties on or before July 2, 1975. Comments should be addressed to Director, Office of Policy Development and Planning, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Maryland 20852. The Department will review all comments received and, where appropriate, incorporate them into the proposed test.

Dated: May 27, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-14334 Filed 5-30-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-275; FDAA-469-DR]

NORTH DAKOTA

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 24, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from flooding from rains and snowmelt beginning about April 10, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of North Dakota.

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. Donald G. Eddy, HUD Region VIII, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of North Dakota to have been adversely affected by this declared major disaster:

The counties of:

Barnes	Mountrail
Bottineau	Renville
Cass	Rolette
Dunn	Sioux
Grand Forks	Stutsman
La Moure	Ward
McHenry	Wells

Dated: May 24, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-14298 Filed 5-30-75;8:45 am]

[Docket No. NFD-274; FDAA-468-DR]

KENTUCKY

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 24, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Kentucky resulting from severe storms and flooding beginning about May 17, 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 Kentucky.

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. Thomas P. Credle, HUD Region IV, to act

as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Kentucky to have been adversely affected by this declared major disaster:

The counties of:

Letcher Pike

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 24, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-14297 Filed 5-30-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

[CGD 75-103]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from April 15, 1973 to June 2, 1975 (List No. 8-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

The West Products Company, P.O. Box 707, Newark, New Jersey 07101, no longer manufactures certain kapok life preservers and Approval Nos. 160.002/98/0 and 160.002/99/0 were therefore terminated effective March 18, 1975.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

The Stearns Manufacturing Company, Division Street at 30th, St. Cloud, Minnesota 56301, Approval No. 160.048/2/0 expired and was therefore terminated effective March 23, 1975.

The Stearns Manufacturing Company, Division Street at Thirtieth, St. Cloud, Minnesota 56301, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/56/1 was therefore terminated effective March 23, 1975.

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

The Pac-Kit Safety Equipment Company, Inc., 1 Seneca Place, Greenwich, Connecticut 06830, Approval No. 160.054/5/0 expired and was terminated effective June 2, 1975.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

The West Products Corporation, 236 South Street, Newark, New Jersey 07093, no longer manufactures certain unicellular plastic foam life preservers and Approval Nos. 160.055/92/0 and 160.055/93/0 were therefore terminated effective March 18, 1975.

MARINE BUOYANT DEVICE

The West Products Corporation, 161 Prescott Street, East Boston, Massachusetts 02128, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/607/0 and 160.064/608/0 were therefore terminated effective March 18, 1975.

The Taperpro USA, 558 Library Street, San Fernando, California 91341, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/755/0, 160.064/756/0 and 160.064/757/0 were therefore terminated effective March 3, 1975.

PRESSURE VACUUM RELIEF VALVES FOR TANK VESSELS

The GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval No. 162.017/95/1 expired and was therefore terminated effective February 20, 1974.

The GPE Control, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval No. 162.017/97/1 expired and was therefore terminated effective January 9, 1974.

The Anderson, Greenwood & Company, 5425 South Rice Avenue, Houston, Texas 77036, Approval No. 162.017/101/0 expired and was therefore terminated effective April 15, 1973.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Barbron Corporation, 14580 Lesure Avenue, Detroit, Michigan 48227, Approval No. 162.041/114/0 expired and was therefore terminated effective January 21, 1975.

Dated: May 22, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-14318 Filed 5-30-75;8:45 am]

[CGD 75-102]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 7, 1975 to March 19, 1975 (List No. 9-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/16/0, Bristol marine hand red flare distress signal, 500 candlepower, 2 minute burning time, Bristol dwg. No. 506, revised May 14, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Standard Railway Fusee Corporation, P.O. Box 178, Boonton, New Jersey 07005, effective March 18, 1975.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/199/1, Type SS 1404 small survival capsule launching system (winch-type); approved as an alternate to a lifeboat davit for a maximum working load of 6,000 lbs. on a single fall; identified by general arrangement drawing SS 1404, revision A dated January 30, 1975, electrical system accept-

able in Class I, Group D hazardous locations as defined by 46 CFR 111.80-5, approved for installation with Lake Shore, Inc. Model LS-555-DS lifeboat winch (Approval No. 160.015/106/0) for use on artificial islands, fixed structures, and drilling rigs, both self-propelled and nonself-propelled, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective March 7, 1975. (It supersedes Approval No. 160.032/199/0 dated October 31, 1974 to show design revisions.)

SIGNALS, DISTRESS, HAND, ORANGE SMOKE FOR MERCHANT VESSELS

Approval No. 160.037/12/0, Bristol marine hand held orange smoke distress signal, Bristol dwg. No. 600, revised June 2, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Standard Railway Fusee Corporation, P.O. Box 178, Boonton, New Jersey 07005, effective March 18, 1975.

MARINE BUOYANT DEVICE

Approval No. 160.064/663/0, adult small, Style White Water Vest, cloth covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, California 92173, manufacturers plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B.C., Mexico, effective March 11, 1975. (It supersedes Approval No. 160.064/663/0 dated May 13, 1974 to show change of address of manufacturer.)

Approval No. 160.064/664/0, adult medium, Style White Water Vest, cloth covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, California 92173, manufacturers plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B. C., Mexico, effective March 11, 1975. (It supersedes Approval No. 160.064/664/0 dated May 13, 1974 to show change of address of manufacturer.)

Approval No. 160.064/665/0, adult large, Style White Water Vest, cloth covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, California 92173, manufacturers plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B. C., Mexico, effective March 11, 1975. (It supersedes Approval No. 160.064/665/0 dated May 13, 1974 to show change of address of manufacturer.)

Approval No. 160.064/666/0, adult X-large, Style White Water Vest, cloth covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, California 92173, manufacturers plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B. C., Mexico, effective March 11, 1975. (It supersedes Approval No. 160.064/666/0 dated May 13, 1974 to show change of address of manufacturer.)

Approval No. 160.064/855/0, adult, Model No's 500, 510, 540 or 550, cloth covered unicellular plastic foam "Fishing or Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 211, factory location: 301 Mulberry Street, Pine Bluff, Arkansas 71601, Type III PFD, manufactured by Himalayan Industries, Inc., P.O. Box 5668, Pine Bluff, Arkansas 71601, effective March 18, 1975.

FLOATING ELECTRIC WATER LIGHT

Approval No. 161.010/3/1, Automatic Lite Company, Save-U-Lite, Model WL001 floating electric water light with mounting bracket, manufactured by Automatic Lite Company, 900 N. Iris Avenue, Baltimore, Maryland 21205, effective March 18, 1975. (It supersedes Approval No. 161.010/3/0 dated May 19, 1972 to show revision).

PRESSURE VACUUM RELIEF VALVES FOR TANK VESSELS

Approval No. 162.017/113/5, Midland pressure vacuum relief valves Nos. A-825, A-830, A-840, A-850, A-860, and A-880, Brass(ASTM B62) or stainless (CF-8, CF-8M) body, Atmospheric Pattern with Flame Screen, approval includes 2½", 3", 4", 5", 6", and 8", may be provided with optional lift handle, manufactured by Midland Manufacturing Corporation, 7733 Gross Point Road, Skokie, Illinois 60076, effective March 18, 1975. (It supersedes Approval No. 162.017/113/4 dated November 7, 1973 to show modifications.)

Approval No. 162.017/115/1, Midland pressure vacuum relief valves Nos. A-826, A-831, A-841, A-851, A-861, and A-881, Brass(ASTM B62) or stainless (CF-8, CF-8M) body, atmospheric pattern with flame screen and flanged outlet, approval includes sizes 2½", 3", 4", 5", 6" and 8", may be provided with optional lift handle (see 162.017/113 for drawing), manufactured by Midland Manufacturing Corporation, 7733 Gross Point Road, Skokie, Illinois 60076, effective March 18, 1975. (It supersedes Approval No. 162.017/115/0 dated November 7, 1973 to show modifications.)

Approval No. 162.017/117/0, Model 94030 8" marine breather valve, dwg. No. 9403-00080, approved for pressure vacuum relief on cargo oil tanks with a maximum pressure setting of 3 p.s.i.g. and a maximum vacuum setting of 1 p.s.i.g., manufactured by GPE Controls, Division of Vapor Corporation, 6511 Oakton Street, Morton Grove, Illinois 60053, effective March 19, 1975.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/188/0, Barbron flame arrester Model No. 57159B, for gasoline engines; brass element, base and cover, alternate material for base and cover is anodized aluminum (Model 571519A), opening in base is 2.625 inches in diameter, element height is 1.50 inches; element diameter is 5.75 inches, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit, Michigan 48227, effective March 14, 1975.

Dated: May 22, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-14322 Filed 5-30-75;8:45 am]

[CGD 75-117]

SHIP STRUCTURE COMMITTEE

Open Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Ship Structure Committee will conduct an open meeting on Tuesday, June 24, 1975, at the Nassif Building, Room 8236, 400 Seventh Street, SW., Washington, D.C., beginning at 10:00 a.m.

This meeting is being held to discuss the research program and operations of the Ship Structure Committee. This committee's objective is to conduct an aggressive research program which will, in the light of the changing technology in marine transportation, improve the design, materials, and construction of the hull structure of ships, by an extension of knowledge in these fields, for the ultimate purpose of increasing the safe operation of ships.

Public attendance at the meeting will be limited to the space available. Interested persons may file statements and arrange for an appearance before the committee by writing to: Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

MAY 22, 1975.

[FR Doc.75-14321 Filed 5-30-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL. (DUANE ARNOLD ENERGY CENTER)

[Order for Modification of License]

I. Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative (Licensees) are the holders of Facility Operating License No. DPR-49 which authorizes operation of the Duane Arnold Energy Center (the Facility) at steady-state reactor core power levels not in excess of 1658 megawatts thermal (rated power). The Facility is a boiling water reactor (BWR) located at the Licensees' site near Palo in Linn County, Iowa.

II. 1. By telephone calls on April 17, 18 and 21, 1975, and by letter of April 22, 1975, the NRC Staff was informed by the General Electric Company (GE) that fuel inspections in a foreign BWR had revealed significant wear and some cracking of several zircaloy fuel channel boxes. The discovery of this damage had been preceded by anomalous signals of certain incore neutron detector instruments. The Staff has tentatively concluded that damage to the fuel element channel boxes and the anomalous instrument readings may be due to vibration of the instrument tubes which may be produced by coolant flow through bypass holes in the reactor lower core support plate. To determine whether or not any BWRs within the United States could be subject to similar damage, GE notified the operators of eleven United States plants having a similar design that have utilized bypass holes in the reactor lower core support plate and asked that they inspect the incore neutron detector instrument readings from the traversing incore probe (TIP).

2. GE was informed, and subsequently informed the NRC Staff at a meeting held on April 24, 1975, that anomalous readings, similar to those experienced in the foreign reactor, were found at the Cooper Nuclear Station (the Cooper Station) operated under Facility Operating License No. DPR–46 by the Nebraska Public Power District (NPPD). Such anomalous readings are indicative of possible damage or cracking of the channel box. With this indication of possible damage existing in the core, further operation under similar conditions could lead to further core damage, and if continued, could result in an unsafe condition. In view of the foregoing, NPPD agreed on or about April 26, 1975 that it would not operate the Cooper Station at core power levels exceeding 50 per cent of rated power or core flow rates exceeding 50 per cent of design flow rate without prior written approval of the NRC Staff. The NRC Staff confirmed this agreement by an Order dated April 26, 1975.[1]

3. The NRC Staff, by letter dated April 26, 1975, also informed NPPD and the operators of the other ten nuclear power reactors referred to in paragraph 1 above that, pursuant to 10 CFR § 50.54 (f), they were required to take specific action to assess the potential for damage to the fuel element channel boxes in each reactor and report the results to the NRC Staff. Specifically, the letter required the Licensees of the eleven nuclear reactors to:

(1) Review all the results from TIP or LPRM monitoring that has been performed within the last three months to identify any anomalous behavior, and report the findings within 7 days, (2) During power operation of your reactor, following receipt of this letter, and at intervals not to exceed one day, obtain unfiltered TIP monitoring traces such that during the course of each seven-day period all operable TIP positions are traversed at least one, (3) If special studies or tests of neutron flux behavior other than that described in paragraphs 1, 2 are being conducted with the LPRM subsystem or the TIP subsystem, provide the results to NRC within ten days of the initiation of the tests or studies, (4) If in your examination of the TIP monitoring traces required in 1 or 2 above, you observe that the ratio of noise band width to signal amplitude, for signals of frequency greater than one Hz, exceeds 0.06 over any ten inches of axial core length, inform NRC immediately by telephone, (5) For successive TIP traces at the same instrument tube location, if the noise band width changes by more than 50% peak to peak over an axial core length of one foot, the NRC shall be informed immediately by telephone."

4. On May 6, 1975 the Licensees informed the NRC Staff that prior to a shutdown for maintenance work on May 5, 1975, the TIP monitoring traces from the Duane Arnold Energy Center (Facility) had displayed a ratio of noise level width to signal amplitude exceeding 0.06 for signals of frequency greater than one Hz. During the slow power ascension following the shutdown, the Licensees performed tests to monitor the TIP noise and conducted special tests to determine the signal characteristics of the Low Power Range Monitors (LPRMs). These tests showed that at core flow rates of approximately 55 percent, the anomalies in the TIP traces were no longer observed, substantiating the belief derived from earlier experience[2] that, at flows of approximately 50 percent of full core flow, the flow through the bypass holes were reduced sufficiently to substantially reduce excessive vibration of the instrument thimbles located in the bypass region. This, in turn, should reduce further channel box damage. On May 17, 1975, the Licensees notified the NRC Staff by telephone that the reactor had reached 100 percent flow and 96 percent power and that a TIP trace taken on May 17, 1975 had displayed a ratio of noise band width to signal amplitude of 0.0625. On October 8, 1974 a similar TIP trace taken in the same location indicated no noise, *i.e.*, displayed no significant ratio of noise band width to signal amplitude. This indicates that in the interim period noise at the Facility increased significantly.

5. The Licensees' May 17 report of the anomalous TIP trace reading exceeded the 0.06 criterion established by the NRC Staff in its letter of April 26. Moreover, the May 17 anomalous TIP trace reading is similar to those experienced at the foreign reactor and at the Cooper Station. As indicated above, such anomalous readings are indicative of possible damage or cracking of the channel box. With this indication of possible damage existing in the core, further operation of the Facility under similar conditions could lead to further core damage, and if continued, may result in an unsafe condition. As indicated above, further tests are being conducted by GE, and additional studies and investigations by GE and others are underway. Nonetheless, as an interim measure, in order to minimize the possibility of any further damage to the fuel channel boxes at the Facility, the NRC Staff has concluded that core flow should not be allowed to exceed 50 percent of design flow. This, in turn, will require facility power to be reduced to approximately 50 percent of full power. Operation at this power level will provide assurance of facility safety while further data are being developed.

6. The Licensees have agreed that they will not operate the facility at core power levels exceeding 50 percent of rated power or core flow rates exceeding 50 percent of design flow rate without prior written approval of the NRC Staff. The NRC Staff believes that the Licensees' action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

7. Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., 20555 and are being placed in the Commission's Local Public Document Room, Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE, Cedar Rapids, Iowa: (1) Safety Evaluation by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to Channel Box Wear in the Vermont Yankee Nuclear Power Station (Docket No. 50–271) and the Pilgrim Nuclear Power Station (Docket No. 50–293) dated October 26, 1973; (2) Letter dated April 22, 1975, from the General Electric Company to the NRC Staff; (3) Order for Modification of License, In the Matter of Nebraska Public Power District (Cooper Nuclear Station), Docket No. 50–298, dated April 26, 1975. Copies of the letter dated April 26, 1975 from the NRC Staff to the Iowa Electric Light and Power Company are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., 20555, and the Commission's Local Public Document Room, Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar

[1] See Order For Modification of License, *In the Matter of Nebraska Public Power District* (Cooper Nuclear Station), Docket No. 50–298, dated April 26, 1975.

[2] Tests to monitor TIP noise and to determine the signal characteristics of the LPRMs were also performed during April 1975 at the Cooper Station. These tests are similar to those performed by the Licensees and the results are consistent. In addition, in late 1973 and early 1974, channel box damage due to control curtain vibration was observed in the Vermont Yankee Nuclear Power Station, in the Pilgrim Nuclear Power Station, and in a foreign reactor. In those instances, excessive vibrations of certain temporary control curtains located in the bypass region between the channel boxes had caused the channel box damage. In connection with the Vermont Yankee and Pilgram facilities, tests at a GE flowtest facility demonstrated that the vibration of the control curtains in the bypass region resulting from flow through bypass flow holes was substantially reduced at flow conditions of approximately 50% full flow. See Safety Evaluation by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to Channel Box Wear in the Vermont Yankee Nuclear Power Station (Docket No. 50–271) and the Pilgrim Nuclear Power Station (Docket No. 50–293) dated October 26, 1973. It should be noted that the bypass holes in the Pilgrim Nuclear Station were plugged in August 1974.

Rapids, Iowa. In addition, copies of the Traversing Incore Probe (TIP) traces submitted to the NRC Staff by the Licensees, including the TIP traces dated May 16–17, 1975, are being placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., 20555 and in the Commission's Local Public Document Room, Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *it is ordered*, That Facility Operating License No. DPR–49 is hereby amended by adding the following new provision:

By reason of the circumstances outlined in the Order for Modification of License, dated May 21, 1975, the Licensees shall not operate the Facility at core power levels exceeding 50 percent of rated power or core flow rates exceeding 50 percent of design flow rate without prior written approval of the Director, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 21st day of May, 1975.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.75–14266 Filed 5–30–75;8:45 am]

[Docket No. 50–219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR–16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment authorizes operation with 8 x 8 fuel assemblies and changes to the Technical Specifications in order to: (1) reduce the maximum allowable in sequence control rod reactivity worth, (2) require a greater degree of operability of the rod worth minimizer, and (3) change related procedural controls during reactor startup.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on March 28, 1975 (40 F.R. 14123). 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 May 31, 1974 and January 31, 1975, and supplements dated March 25 and 29, April 24 and 30, and May 14 and 23, 1975, (2) Amendment No. 9 to License No. DPR–16, with Change No. 25 and (3) the Commission's related Safety Evaluation. 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 Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey.

A copy of items (2) and (3) 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, Maryland this May 24, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–14267 Filed 5–30–75;8:45 am]

[Docket No. 50–219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR–16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, Unit 1, located in Ocean County, New Jersey.

The amendment incorporates operating limits in the Technical Specifications for the facility based on an acceptable evaluation model that conforms with the requirements § 50.46 of 10 CFR Part 50.

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 Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on April 4, 1975 (40 F.R. 15137). 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 March 25 and 29, 1975, (2) Amendment No. 8 to License No. DPR–16 with change No. 24, (3) the Commission's related Safety Evaluation, and (4) the 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 Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753.

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, Maryland, this 24th day of May, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–14268 Filed 5–30–75;8:45 am]

[Docket No. 50–219]

JERSEY CENTRAL POWER & LIGHT CO. (OYSTER CREEK NUCLEAR GENERATING STATION)

Proposed Changes to License; Negative Declaration

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Provisional Operating License No. DPR–16. These changes would authorize the Jersey Central Power & Light Company (the licensee) to operate the Oyster Creek Nuclear Generating Station (located 10 miles south of Toms River, New Jersey) with changes to the limiting conditions for operation associated with fuel assembly specific power (average planar linear heat generation rate) resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with a partial core refueling with 8 × 8 fuel.

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–16, Oyster Creek Nuclear Generating Station, 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 Oyster Creek Nuclear Generating Station issued in December 1974.

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 Ocean County Library, 5 Hooper Avenue, Toms River, New Jersey.

Dated at Rockville, Maryland, this 30th day of April, 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-14269 Filed 5-30-75;8:45 am]

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-62, which was issued to Carolina Power & Light Company on December 27, 1974. Amendment No. 2 to DPR-62 revises the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit 2, located on the Cape Fear River, near Southport in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The purpose of this amendment to the Technical Specifications is to permit a reduction in the minimum count rate (Source Range Monitor) to 0.3 cps when the neutron source strength is low.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (The Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see: (1) the application for amendment, dated April 25, 1975; (2) Amendment No. 2 to License No. DPR-62, with Change No. 2; and (3) the Commission's related Safety Evaluation. 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 Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of Items (2) and (3) 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, Maryland, this 23rd day of May, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-14302 Filed 5-30-75;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS & ELECTRIC CORP. (STERLING POWER PROJECT NUCLEAR UNIT 1)

Change in Local Public Document Room

Please take notice that effective May 21, 1975, the new location for the local public document room for the Sterling Power Project Nuclear Unit 1 is the Oswego City Library, 120 East Second Street, Oswego, New York 13126.

Documents concerning Rochester Gas & Electric Corporation's application for a construction permit for the Sterling Power Project Nuclear Unit 1 are available for inspection by the public from 12 noon to 9 p.m. Monday, Tuesday and Thursday, and from 10:30 a.m. to 6 p.m. Wednesday and Friday, and from 9 a.m. to 5 p.m. on Saturdays.

Dated at Bethesda, Maryland this 23rd day of May, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactor Project Branch 1-1, Division of Reactor Licensing.

[FR Doc.75-14270 Filed 5-30-75;8:45 am]

[Dockets Nos. 50-266, 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 6 and 8 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Power Plant, Units 1 and 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of their date of issuance.

The amendments permit the modification of the Technical Specifications for the addition of limiting conditions for operation and surveillance requirements for the control room emergency filtration system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments to not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated January 24, 1975, (2) Amendments Nos. 6 and 8 to Licenses Nos. DPR-24 and DPR-27, with Changes Nos. 11 and 14 and (3) the Commission's related Safety Evaluation. 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 Document Department, University of Wisconsin—Stevens Point Library, Steven Point, Wisconsin 54481.

A copy of items (2) and (3) 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, Maryland, May 27, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-14271 Filed 5-30-75;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), for operation of the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska.

The amendment would revise the provisions in the Technical Specifications in accordance with licensee's application for license amendment dated April 10, 1975. The revisions would allow reactor operation at 100 percent of licensed power by modifying those Technical Specification operating limits which presently limit reactor power to less than 87 percent of licensed power.

By July 2, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C.

20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Hope Babcock, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated April 10, 1975, which 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 68008. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy 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, Maryland this 28th day of May, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-14418 Filed 5-30-75;8:45 am]

[Docket Nos. 50-522, 50-523]

PUGET SOUND POWER AND LIGHT CO. (SKAGIT NUCLEAR POWER PROJECT UNITS 1 AND 2)

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed Skagit Nuclear Power Project Units 1 and 2 to be constructed by Puget Sound Power and Light Company in Skagit County, Washington, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington. The Final Environmental Statement is also being made available at the Office of the Governor, Office of Program Planning and Fiscal Management, Olympia, Washington 98504.

The Notice of Availability of the Draft Environmental Statement for the Skagit Nuclear Power Project Units 1 and 2 and requests for comments from interested persons was published in the FEDERAL REGISTER on January 28, 1975 (40 FR 4195). The comments received from Federal, State, and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG 75/055 may be purchased from the National Technical Information Service, Springfield, Virginia, 22161, at a cost of $8.75 for printed copies and $2.25 for microfiche.

Dated at Rockville, Maryland, this 28th day of May 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-14419 Filed 5-30-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27292; Order 75-5-112]

CARIBWEST AIRWAYS LTD.

Foreign Air Carrier Permits; Tentative Findings and Conclusions; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of May, 1975.

Caribwest Airways Limited (Caribwest), a Barbadian air carrier, holds a foreign air carrier permit [1] authorizing: (a) nonscheduled foreign air transportation of property and mail between a point or points in Barbados, the intermediate points Antigua, Dominica, Grenada, Guadeloupe, Martinique, St. Kitts, St. Lucia, St. Maarten, St. Vincent, and Tortola-Beef Island, and the coterminal points San Juan, Puerto Rico, and Miami, Florida; and (b) the performance of charter trips in foreign air transportation pursuant to Part 212 of the Board's Economic Regulations.

By application filed on November 18, 1974, as amended on April 9, 1975, Caribwest requests an amendment of its permit so as to authorize it to engage in foreign air transportation to and from the additional coterminal point Houston, Texas.

Caribwest proposes to transport oil exploration equipment from Houston to Barbados. Caribwest plans to utilize Super Constellations and other suitable aircraft to perform the service proposed. The carrier provided copies of letters from oil drilling companies expressing an interest in the possibility of contracting with Caribwest to transport oil exploration equipment from Houston to the Caribbean.[2] An opportunity for reciprocity exists for similar U.S. air carrier operations to Barbados.

In granting Caribwest access to San Juan and Miami, the Board found that the carrier met the fitness standards of the Act and that the services proposed were in the public interest.

On the basis of the records before us, Caribwest has demonstrated that the extension of its service to Houston, Texas is in the public interest, and that it possesses the necessary fitness, willingness, and ability to provide these services, and to conform to the provisions and requirements of the Act and the Board's Regulations.

In view of the foregoing, the Board tentatively finds and concludes that: (a) it is in the public interest to amend the foreign air carrier permit held by Caribwest Airways Limited so as to authorize the carrier to engage in foreign air transportation to the additional coterminal point Houston, Texas; (b) Caribwest is fit, willing, and able to provide the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder; and (c) the public interest requires that the exercise of the privileges that would be granted in Caribwest's amended permit should be subject to the terms, conditions, and limitations contained in the attached proposed form of permit, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

Accordingly, it is ordered, That:

1. All interested persons are hereby directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and why an amended foreign air carrier permit substantially in the form attached to this order should not be issued, subject to the approval of the President;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 20 days after the adoption of this order. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

[1] Order 73-5-49, approved May 8, 1973.

[2] Docket 27292, Amendment No. 2 of April 29, 1975.

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[3]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Caribwest Airways Limited, Pan American World Airways, Inc., Eastern Air Lines, Inc. and the Ambassador of Barbados.

This order will be published in the FEDERAL REGISTER, and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

SPECIMEN PERMIT

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)
Caribwest Airways Limited

is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to property and mail, as follows: Between a point or points in Barbados; intermediate points in Antigua, Dominica, Grenada, Guadeolupe, Martinique, St. Kitts, St. Lucia, St. Maarten, St. Vincent, and Tortola-Beef Island; and the coterminal points San Juan, Puerto Rico, Miami, Florida, and Houston, Texas.

The authority granted above shall be subject to the condition that the holder shall not engage in scheduled international air service.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall not provide foreign air transportation under this permit unless (1) there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and (2) there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Barbados for Barbadian international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Barbados shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto, and will use their best efforts to agree upon modification thereof satisfactory to the Board and the holder.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted herein shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective _____, and shall terminate on May 8, 1978: *Provided, however*, That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Barbados are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the _____.

Secretary

[SEAL]

Issuance of this permit to the holder approved by the President of the United States on _____, in Order _____.

[FR Doc.75-14335 Filed 5-30-75;8:45 am]

[Docket No. 27701; Order 75-5-114]

CHINA AIRLINES, LTD., ET AL.

U.S.-Taipei Economy Class Roundtrip Group Fares; Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of May, 1975.

United States-Taipei 30/90-day economy-class round-trip group fares proposed by China Airlines, Ltd., Philippine Air Lines, Inc., and Pan American World Airways, Inc.

On April 23, 1975, China Airlines, Ltd. (CAL) filed tariff revisions effective May 23, 1975 proposing new 21/90-day individual and group excursion fares from points in the U.S. to Taipei.[1] The fares, which were proposed pursuant to instructions of the Republic of China Government, are intended to compete with similar fares currently available from the United States to Manila.[2] The tariff filing was later revised to eliminate the proposed individual excursion fare, and to increase the minimum stay on the group fare to 30 days.

By complaints filed April 17 and April 29, 1975, and April 25, 1975, respectively, Northwest Airlines, Inc. (Northwest) and Pan American World Airways, Inc. (Pan American) request suspension and investigation of the CAL proposal. Northwest states that it does not oppose the basic concept of the fares, but insists that the minimum-stay period should be 30 days as in the case of the Philippines fares. Pan American asserts that the proposed CAL fares are uneconomic in that they are not cost-related and undercut the agreed IATA fares.

Northwest's complaints have been effectively mooted by CAL's increase from 21 to 30 days in the minimum-stay period, and Pan American's complaint has been mooted insofar as it is directed to the individual fare which CAL has since withdrawn. The only remaining issue raised by the complaints, therefore, is Pan American's contention that the group fare is uneconomic. The Board has determined to dismiss the complaint insofar as it seeks suspension on the basis that the proposed U.S.-Taipei group fare represents a legitimate competitive response by CAL to similar fares, subject to virtually identical conditions, which have been available to Manila since 1973. We will, however, institute an investigation of the fares, and consolidate it with that of the Philippines fares set down by Order 75-5-61.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions set forth in the tariff pages in the Appendix hereto,[3] and all subsequent revisions thereto, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, reguluations, or practices;

2. The investigation ordered herein be and hereby is consolidated into that instituted by Order 75-5-61 in Docket 27701;

3. Except to the extent granted herein, the complaints of Northwest Airlines, Inc. in Dockets 27753 and 27788, and Pan American World Airways, Inc. in Docket 27777, be and hereby are dismissed; and

4. Copies of this order be served upon Philippine Air Lines, Inc., China Airlines, Ltd., Northwest Airlines, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-14336 Filed 5-30-75;8:45 am]

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[3] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Philippine Air Lines, Inc. and Pan American World Airways, Inc. later filed to match the CAL fares.

[2] The U.S.-Philippines fares, which have been available since 1973, were recently extended by government order through February 29, 1976. The Board adopted an order suspending the extension, but the Board's action was disapproved by the President and the Board subsequently ordered an investigation of the fares, Order 75-5-61 (May 16, 1975).

[3] Appendix filed as part of the original document.

[Docket No. 26494; Order 75-5-108; Agreement C.A.B. 25112 R-1—R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

South Pacific Air Fares; Order

Issued under delegated authority May 27, 1975.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, proposed to be effective July 1, 1975 through March 31, 1976, would establish fares over the South Pacific.

The agreement would generally increase all fares for U.S. originating travel over the South Pacific by about 10 percent; and impose stopover restrictions on various promotional fares not heretofore so restricted. Free stopovers in connection with the 28 day excursion and 35 day individual inclusive tour fare would be limited to a total of five with additional stopovers available at a charge of $25 each. Examples of present and proposed fares are shown in Appendix A.

The purpose of this order is to establish dates for the submission of carrier justifications in support of the subject agreement and comments from other interested persons. The carriers' justifications should include historical data, as reported to the Board in Form 41 reports by functional account, for total Pacific services for the year ended March 31, 1975 adjusted to exclude all charter and cargo operations so as to establish the present economic status of passenger services in the areas covered by the subject agreement.[1] The carriers will also be expected to include a forecast for the year ending March 31, 1976, both including and excluding the increased fares for which they seek approval.

Accordingly, it is ordered That:

1. All United States air carrier members of the International Air Transport Association operating scheduled South Pacific services shall file within twenty days after the date of service of this order, full documentation and economic justification (as described above) in support of the subject agreement;

2. Comments and/or objections from interested persons shall be submitted within thirty days after the date of service of this order; and

3. Tariffs implementing the subject agreement shall not be filed in advance of Board action on the agreement.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-14337 Filed 5-30-75;8:45 am]

[Docket No. 25280; Order 75-5-109; Agreement C.A.B. 25101 R-1—R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates; Order

Issued under delegated authority May 27, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 2, 1975. As set forth in the attachment hereto, the agreement cancels numerous specific commodity rates and names an additional specific commodity rate, reflecting a reduction from the applicable general cargo rate, for application from Sydney to Honolulu.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the to the conditions hereinafter ordered.

Accordingly, it is ordered That:

Agreement C.A.B. 25101, R-1 and R-2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.[1]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-14338 Filed 5-30-75;8:45 am]

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[1] Attachment on Rates Cancelled Under Existing Commodity Rates is filed as part of the original document.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-33000/259 (FRL 381-2)]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before August 1, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 1, 1975.

Dated: May 27, 1975.

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

APPLICATIONS RECEIVED (OPP-33000/259)

EPA File Symbol 8123-TA. ABC Chemical Corp., 14288 Meyers Rd., Detroit MI 48227. RAT KILL NEW IMPROVED RAT BAIT. Active Ingredients: 3(a-acetonylbenzyl)-4-hydroxycoumarin (warfarin) 0.025%; N1-

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[1] Appendices A and B are filed as part of the original document.

[2] A suggested format is shown in Appendix B, which should also be used to set forth historical and forecast information relating to traffic and capacity.

2-quinoxalinylsulfanilamide(sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 36118-R. Amchlor Corp. of Maryland, 9120 Talbot Ave., Silver Spring MD 20910. AMCIDE FOR ALGAE CONTROL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl Ammonium Chlorides 8.40%; n-Dialkyl (60% C14, 30% C16, 5% C12, 5% C18) Methyl benzyl Ammonium Chlorides 1.60%. Method of Support: Application proceeds under 2(b) of interim policy. Originally published as 2(c). PM24

EPA Reg. No. 5481-102. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. DURHAM DURAGON 2.67 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (0-0-Dimethyl S-(N-Methylcarbamoylmethyl) Phosphorothioate 31.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA Reg. No. 960-173. Balcom Chemicals, Inc., 240 22nd St., PO Box 667, Greeley CO 80631. BALCOM METHYL PARATHION 4-E. Active Ingredients: 0,0-dimethyl 0-p-nitrophenyl thiophosphate 45.5%; Xylene Range Aromatic Solvent 49.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 9444-20. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. INDOOR FOGGER INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide Technical 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 352-375. E. I. DuPont De-Nemours & Co. (Inc.), Biochemical Dept., 7056 DuPont Bldg., Wilmington DE 19898. "LEXONE" METRIBUZIN WEED KILLER FOR PRE- AND/OR POST EMERGENCE WEED CONTROL IN POTATOES. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5 (4H) one 50%. Method of Support. Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25

EPA File Symbol 352-GTI. E. I. DuPont De Nemours & Co. (Inc.), Biochemicals Dept., 7056 DuPont Bldg., Wilmington DE 19898. "VELPAR" WEED KILLER SOLUBLE POWDER. Active Ingredients: 3-cyclohexyl-6-(dimethylamino)-1-methyl-s-triazine - 2,4 (1H, 3H)-dione 90%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 1677-40. Economics Laboratory, Inc., Osborn Bldg., St. Paul MN 55102. FLECHA FOR THE CONTROL OF INSECTS IN FOOD PROCESSING PLANTS. Active Ingredients: Petroleum distillate 98.416%; N-Octyl bicycloheptene dicarboximide 0.834%; Technical piperonyl butoxide 0.500%; Pyrethrins 0.250%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1182-RT. Hubman Chemicals, 1123 W. Goodale Blvd., Columbus OH 43212. MAGNA 'Q5'. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 10711-4. Lawn-A-Mat Chemical & Equipment Corp., 153 Jefferson Ave., Mineola NY 11501. LAWN-A-MAGIC 'PERMA-KILL'. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 2.32%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 5316-42. Namco Chemicals, 765 Landess Ave., Milpitas CA 95035. NAMCO NAMFUME METHYL BROMIDE ODORIZED WITH CHLOROPICRIN. Active Ingredients: Methyl Bromide 99.75%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM11

EPA Reg. No. 5857-1. Phostoxin Sales, Inc., Box 469, Alhambra CA 91802. PHOSTOXIN NEW COATED TABLETS. Active Ingredients: Aluminum phosphide 55%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amended labeling. PM11

EPA Reg. No. 5857-2. Phostoxin Sales, Inc., Box 469, Alhambra CA 91802. PHOSTOXIN COATED PELLETS. Active Ingredients: Aluminum Phosphide 55%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amended labeling. PM11

EPA File Symbol 359-ATO. Rhodia Inc., Agri. Div., 23 Belmont Dr., Somerset NJ 08873. RHODIA OXADIAZON TECHNICAL. Active Ingredients: Oxadiazon [2-tert-butyl-4-(2,4-dichloro-5 - isopropoxyphenyl) - Δ2-1,3,4-oxadiazolin-5-one] 97.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 9115-0. Sun-Ray Chemical Co., Industrial Maint. Products Div., 119 W. Jackson, Phoenix AZ 85003. X-TRA ALL PURPOSE CLEANER. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%; Sodium metasilicate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 6735-EGG. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE WEED & FEED WITH TREFLAN FOR COTTON & SOYBEANS—FALL APPLICATION. Active Ingredients: trifluralin (a,a,a-trifluoro-2,6-dinitro-N, N-dipropyl-p-toluidine) 0.35%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM23

EPA File Symbol 1783-TU. Trio Chemical Works, Inc., 341 Scholes St., Brooklyn NY 11206. INSECTICIDE, AEROSOL RESMETHRIN-1.2%. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2,-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 1.20%; Related compounds 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

Corrected Items

The following are corrections to the list of applications received previously published.

EPA File Symbol 150-UL. Anderson Chem. Co., PO Box 1041, Litchfield MN 55355. ANSAN-SOFT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 3.3%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.3%; Isopropyl Alcohol 1.5%; Ethyl Alcohol 1.25%. Method of support: Application proceeds under 2(b) of interim policy. PM31 Originally published with incorrect percentages. (40 FR 18587)

EPA File Symbol 12367-I. Lich Paper Co., 929 5th Ave., McKeesport PA 15132. LICO FORMULATION 66-25. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25% (originally published as 2.21%); Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.00%; Method of Support: Application proceeds under 2(b) of interim policy. PM31 (40 FR 16236)

EPA File Symbol 3238-IN. Standard Spray & Chem Co., PO Box 63, Lakeland FL 33802. MICRO-FLO BASIC COPPER SULFATE. Active Ingredients: Metallic (in the form of Basic Copper Sulfate) 29.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM22 Originally published with incomplete active ingredient statement. (40 FR 16873)

EPA File Symbols 15771-R, 15771-E, and 15771-G. Capital Janitorial Supply Co., 2711 Byron St., Richmond VA 23223. PM31 Originally published without company address. (40 FR 16238)

EPA File Symbol 10882-O. Chem-Power, 15 Wing Dr., Hanover Industrial Park, Cedar Knolls NJ 07927. WEED & GRASS KILLER. Active Ingredients: Monuron Trichloroacetate 3-(p-chlorophenyl)-1,1-dimethylurea trichloroacetate 3.19%; Aromatic Petroleum Derivative 91.67% (rather than 9.67% as published). Method of Support: Application proceeds under 2(c) of interim policy. PM25 (40 FR 17196)

[FR Doc.75-14213 Filed 5-30-75;8:45 am]

[OPP-33000/260 (FRL 381-3)]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the Federal Register (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the Federal Register a notice containing the information shown below. The labeling furnished by applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before August 1, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the Federal Register of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in acocrdance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the

applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 1, 1975.

Dated: May 27, 1975.

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

APPLICATIONS RECEIVED (OPP—33000/260)

EPA File Symbol 551-EGI. Baird & McGuire, Inc., S. St., Holbrook MA 02343. METHOXYCHLOR 25-HAN. Active Ingredients: Methoxychlor, technical 25%; Aromatic Petroleum Derivative Solvent 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 9444-UT. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. PURGE TOTAL RELEASE AEROSOL INSECTICIDE WITH VAPONA AND RONNEL. Active Ingredients: 2,2-Dichlorovinyl Dimethyl Phosphate (DDVP) 6.50%; related compounds 0.50%; Ronnel [O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate)] 2.00%; petroleum distillates 5.00%; Xylene 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 36845-G. Connolly-R & D Associates, 10 Linda St., Parsippany NJ 07054. DOG TICK AND FLEA KILLING SOAP. Active Ingredients: Pyrethrin 0.050%; Technical Piperonyl Butoxide 0.500%; Rotenone 0.031%; Other Cube Resins 0.062%; Petroleum Distillate 0.200%; 2,3:4,5 Bix (2-butylene) tetrahydro-2-furaldehyde 0.200%; Anhydrous Soap 83.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 36845-E. Connolly-R & D Associates, 10 Linda St., Parsippany NJ 07054. DOG TICK AND FLEA SOAP. Active Ingredients: Pyrethrin 0.050%; Technical Piperonyl Butoxide 0.500%; Rotenone 0.031%; Other Cube Resins 0.062%; Petroleum Distillate 0.200%; Anhydrous Soap 83.000%. Method of Support. Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6009-G. Eastern Color & Chem. Co., 35 Livingston St., Providence RI 02940. EASTERN ECCO MP-170-CONC FUNGICIDE. Active Ingredients: 2,2'methylenebis(4-chlorophenol) 17.0%; Methyl iso-butyl ketone 8.4%, Petroleum waxes 46.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 6009-I. Eastern Color & Chem. Co. EASTERN ECCO MP-2004 FUNGICIDE. Active Ingredients: 2,2'-methylene bis (4-chlorophenol) 20.0%; Methyl iso-butyl ketone 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 6009-T. Eastern Color & Chem. Co. EASTERN ECCO MP-2006 FUNGICIDE. Active Ingredients: 2,2'-methylenebis (4-chlorophenol) 20.0%; Methyl iso-butyl ketone 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 6009-L. Eastern Color & Chem. Co. EASTERN ECCO MP 400-20 FUNGICIDE. Active Ingredients: 2,2'-methylenebis (4-chlorophenol) 20.0%; Sodium hydroxide 3.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 6009-A. Eastern Color & Chem. Co. EASTERN ECCO MP-400 FUNGICIDE. Active Ingredients: 2,2'-methylenebis (4-chlorophenol) 30.0%; Sodium hydroxide 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 257-GNE. Fuld-Stalfort, Inc., 1354 Old Post Rd., Havre De Grace MD 21078. NEW VITOZONE FLEA AND TICK KILLER AND REPELLENT. Active Ingredients: Pyrethrins 0.07%; Piperonyl butoxide, technical 0.14%; N-Octyl Bicycloheptene Dicarboximide 0.23%; Methoxychlor, Technical 0.50%; 2,3:4,5-Bix (2-butylene) tetrahydro-2-furaldehyde 0.20%; Petroleum distillate 2.36%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 257-GNU. Fuld-Stalfort, Inc. FULD PROFESSIONAL STRENGTH FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, technical 1.00%; N-Octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 257-GNG. Fuld-Stalfort, Inc. FULD HOUSEHOLD INSECTICIDE PRESSURIZED SPRAY. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.25%; Piperonyl butoxide, technical 0.80%; N-octyl bicycloheptene dicarboximide 0.40%; Petroleum distillate 8.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 257-GNG. Fuld-Stalfort, Inc. FULD HOUSE & GARDEN PRESSURIZED SPRAY. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.30%; Piperonyl butoxide, technical 0.60%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 8.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 2392-EIL. Hopkins Agricultural Chem. Co., PO Box 584, Madison WI 53701. HOPKINS VEGETATION KILLER. Active Ingredients: Prometon: 2,4-bis (isopropylamino) - 6 - methoxy-s-triazine 3.73%; Petroleum distillate 81.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2392-EIA. Hopkins Agricultural Chem. Co., PO Box 584, Madison, WI 53701. HOPKINS "READY TO USE" VEGETATION KILLER. Active Ingredients: Prometon: 2,4-bis (isopropylamino) - 6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 24909-RU. Knapp Chem. Co., 5227 E. Pine Ave., Fresno CA 93727. SPRA-GON SUPER INSECT SPRAY. Active Ingredients: Pyrethrins 0.50%; Technical Piperonyl Butoxide 1.00%; N-Octyl Bicycloheptene Dicarboximide 1.00% Petroleum Hydrocarbons 97.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 12047-E. Lone Star Brush and Chem. Co., 2406 Irving Blvd., PO Box 10053, Dallas TX 75207. PURE PINE OIL DISINFECTANT. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 7001-EER. Occidental Chem. Co., PO Box 198, Lathrop CA 95330. ABATE 1% GRANULES. Active Ingredients: O,O,-O', O'-Tetramethyl O,O'-thiodi-p-phenylene phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 7001-EEU. Occidental Chem. Co. KOCIDE 5 DUST. Active Ingredients: Copper Hydroxide 4.15%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 7001-EEE. Occidental Chem Co. EDB-85. Active Ingredients: Ethylene Dibromide 84%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 9779-EET. Riverside Chem. Co., PO Box 171199, Memphis TN 38117. RIVERSIDE POULTRY NUF DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 201-GON. Shell Chem. Co., Suite 200, 1025 Conn. Ave., NW., Washington DC 20036. SHELL LIQUID FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.075%; Technical piperonyl butoxide 0.150%; N-octyl bicycloheptene dicarboximide 0.250%; Petroleum distillate 99.525%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 7378-I. Skasol Corp., 112 Glencoe, PO Box 13088, Webster Groves MO 63119. SCALE REMOVER TOILET BOWLS & URINALS. Active Ingredients: Hydrogen Chloride 24.57%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.30%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 0.30%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Method of Support changed from 2(b) to 2(c). PM32.

EPA File Symbol 7401-ETU. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. HI-YIELD 50% METHOXYCHLOR W. P. Active Ingredients: Methoxychlor, technical 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 7401-ETL. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham, TX 75418. HI-YIELD DAIRY AND LIVESTOCK DUST. Active Ingredients: Methoxychlor, technical 5%; Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 5427-AR. Wright Chem. Corp., 1319 W. Wabansia Ave., Chicago IL 60622. WRICO TSL. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

[FR Doc.75-14214 Filed 5-30-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

PRIVATE LAND MOBILE RADIO SERVICES WORKING GROUP

Meeting; Addendum

The meeting of the Private Land Mobile Radio Services Working Group assisting in the preparations for the 1979 WARC scheduled for June 4, 1975 and announced in the FEDERAL REGISTER of May 19, 1975 (40 FR-21771) has been cancelled and re-scheduled for June 26, 1975. This meeting will be held in Washington, D.C. from 9 a.m. to 4 p.m. at the Commission's office at 2025 M Street, N.W. in Room 8210. Task Force Meetings scheduled for June 3, 1975 have also been cancelled. For those Task Force Chairmen who wish to re-schedule their meetings to June 25, 1975, Room 6331

at 2025 M Street has been reserved for their use on that date.

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

[FR Doc.75-14328 Filed 5-30-75;8:45 am]

FCC PBX TECHNICAL STANDARDS SUBCOMMITTEE

Meeting

MAY 23, 1975.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the PBX Technical Standards Subcommittee to be held June 24-25, 1975 in Washington, D.C. The meeting on June 24 will commence at 10 a.m. and will be held in Room 752, 1919 M Street NW, and will be related to the work of the Glossary Task Group. The meeting on June 25 will commence at 10 a.m. and will be held in Room A-205, 1229 20th St. NW., and will be related to the work of the Interface Criteria Task Group, the Equipment Test Standards and Inspection Task Group, the On-Site Test and Inspection Task Group, and the Glossary Task Group.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the June 24 Glossary Task Group will be as follows:

(1) Status report on computer operations.
(2) Review of latest draft glossary printout to eliminate duplicate definitions and to improve definitions.
(3) Homework assignments.

The agenda for the June 25 Subcommittee Meeting will be as follows:

(1) Interface Criteria Task Group.
a. Status report.
b. Review revised interface criteria document (replacement for T89) for approval and inclusion in report to FCC.
c. Establish priorities for ongoing work on new sections.
(2) Equipment Test Standards and Inspection Task Group.
a. Reactivate Task Group.
b. Discuss priorities and schedule.
(3) On-site Test and Inspection Task Group.
a. Reactivate Task Group.
b. Discuss Priorities and schedule.
(4) Glossary Task Group.
a. Status Report.
b. Review plans for completion of work.

4. *Public Participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

For more information, contact the Common Carrier Bureau on (202) 632-6917.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-14326 Filed 5-30-75;8:45 am]

FILING OF TARIFFS FOR MOBILE SERVICE

Policy

MAY 15, 1975.

Non-wire common carriers licensed in the Domestic Public Land Mobile Radio Service (RCC) are being reminded of the Commission's policy with respect to the filing of tariffs for RCC service as set forth in the Sept. 16, 1965 public notice (30 FR 12263).[1]

It was announced in the September 16, 1965 public notice that an RCC, whose base station's reliable service area does not extend beyond the borders of the state in which it is located, need no longer file tariffs with the FCC to cover message relay of one-way signalling service. That policy is consistent with the regulatory treatment accorded an RCC providing two-way radiotelephone service whose reliable service area does not extend beyond the borders of the state in which its base station is located. In addition, an RCC whose reliable service area does extend beyond state borders is not required to file tariffs with the FCC for such service wherever RCC service is subject to regulation by state or local authority. However, it should be noted that in those cases where an RCC applies a charge for its portion of interstate message toll service furnished through interconnection with a land line carrier, such charge is to be set forth in tariffs filed with the FCC either by the RCC in its tariff or by an issuing carrier, on behalf of the RCC, in tariffs providing for interstate message toll telephone service.

Therefore, RCC's which have tariffs on file with the FCC should consider the information above with the view of cancelling promptly such tariffs in accordance with the foregoing. Failure of the carriers to take such action may subject the tariff to being rejected by the Commission. The tariffs may be cancelled by means of a properly numbered transmittal letter, and for this purpose the requirements of § 61.57 of the Commission's Rules are waived. Questions concerning this news item should be directed to personnel in the Common Carrier Bureau's Tariffs Branch.

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

[FR Doc.75-14327 Filed 5-30-75;8:45 am]

[1] Filed as part of the original document.

FEDERAL ENERGY ADMINISTRATION

COAL INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Coal Industry Advisory Committee will meet Thursday, June 26, 1975 at 10 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D.C.

The Committee was established to assist the Administrator of the Federal Energy Administration in encouraging the expansion of a readily-usable energy source—coal—and maintaining a fair and reasonable consumer price for such supplies subject to the Federal Energy Administration Act of 1974.

The agenda for the meeting is as follows:

1. Federal Government's Role in Expanding Coal Production.
2. Program to Open 250+ New Large Mines by 1985.
3. Preservation of Coal Rail Access Routes.
4. Role of Coal Futures Market.
5. Consideration of a Coal Stockpile Concept.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on May 27, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-14217 Filed 5-30-75;8:45 am]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, June 19, 1975 at 9 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with diversified knowledge and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Electric Utilities—New Method of Fixing Utility Rates—New Mexico
2. Natural Gas Deregulation
3. Old Business
4. New Business

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on May 28, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-14311 Filed 5-30-75;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention To Issue Prohibition Orders to Certain Powerplants

Correction

In FR Doc. 75-13974 appearing on page 23530 in the issue for Friday, May 30, 1975, the first line of the fifth paragraph in the third column on page 23531, now reading "1. OFU-160, Alabama Electric Cooper-", should read "1. OFU-060, Alabama Electric Cooper-".

FEDERAL POWER COMMISSION

[Docket No. E-9450]

VIRGINIA ELECTRIC AND POWER CO.

Tendered Supplemental Contract

MAY 22, 1975.

Take notice that on May 19, 1975, Virginia Electric and Power Company, (VEPCO), tendered for filing a revised contract supplement for Mayo-Dunbar Delivery Point (proposed FPC Rate Schedule No. 90-22, dated November 20, 1974). VEPCO states that the tendered supplement supersedes FPC Rate Schedule No. 90-9 dated March 4, 1969. The company requests an effective date of November 10, 1974. The company states that it no longer owns the protective equipment listed under item 5(3) of the contract supplement for Mayo-Dunbar Delivery Point of the Edgecombe-Martin County Electric Membership Corporation, (Membership Corporation), and that there will be no increase in the unit cost of electricity to Membership Corporation as a result of the corrections in item 5(3) of the contract supplement.

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, DC. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 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.75-14232 Filed 5-30-75;8:45 am]

[Docket No. CP75-323; CP75-300]

COLORADO INTERSTATE GAS CO. AND CERTAIN PRODUCER RESPONDENTS

Extension of Procedural Dates

MAY 22, 1975.

On May 20, 1975, Koch Exploration filed a motion to extend the procedural dates fixed by order issued May 1, 1975, in the above-designated matter. The motion states that Colorado Interstate Gas Company (CIG) and Staff Counsel 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 Direct Evidence by *CIG*, the producer respondents and the supporting Intervenors, June 10, 1975.
Hearing, July 1, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14224 Filed 5-30-75;8:45 am]

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Tariff Filing and Motion To Place Tariff Sheets Into Effect

MAY 23, 1975.

Take notice that on May 16, 1975, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, certain revised substitute and alternative tariff sheets to its FPC Gas Tariff, providing proposed adjustments to its rates contained on the tariff sheets submitted in the notice of change in rates filed at Docket No. RP75-39 on December 16, 1974, and currently under suspension until June 16, 1975.[1]

El Paso states that the rates set forth on the tendered tariff sheets differ from the rates which were suspended in Docket No. RP75-39 in that: (i) The suspended rates have been adjusted to include the effect of the increase in rates authorized in El Paso's notice of change in rates filed February 24, 1975, at Docket Nos. RP72-155 and RP74-57, pursuant to the purchased gas cost adjustment provisions ("PGAC") applicable to El Paso's said tariff and placed into effect on April 1, 1975, and April 2, 1975; and (ii) the suspended rates in Docket No. RP75-39 have been adjusted to include an amortization charge of 1.39¢ per Mcf attributable to certain special overriding royalty costs incurred by El Paso during the period July 10, 1974, through December 1, 1974, and also placed into effect on April 2, 1975.[2] El Paso states further that as a result of the above adjustments the net increase above its counterpart rates currently in effect is 5.48¢ per Mcf (3.67¢ per Mcf as to Rate Schedule X-1 and the special rate schedules keyed thereto), which is 1.73¢ per Mcf less than the overall increase of 7.21¢ per Mcf (5.40¢ per Mcf under Rate Schedule X-1 and the special rate schedules keyed thereto) included in rates suspended at Docket No. RP75-39. El Paso states that the change in the increase is attributable to the effect upon its average purchased gas cost permitted in the recent PGAC authorizations made effective on April 1, 1975, and April 2, 1975.

In the event that the said adjustments, described above, in suspended rates contained on the tendered tariff sheets described in the filing are not permitted to become effective on June 16, 1975, El Paso has also submitted alternate tariff sheets containing the suspended rates as originally proposed in El Paso's notice of change filed at Docket No. RP75-39 adjusted only to add the total PGAC adjustment authorized and amorization charge described above. Such alternative tariff sheets reflect a net increase of 7.21¢ per Mcf above currently effective rates.

The filing states that El Paso has concurrently filed its motion to place into effect on June 16, 1975, the end of the suspension period in Docket No. RP75-39, increased rates in Docket No. RP75-39 contained in the instant tender.

In order to effectuate the purposes of the instant filing, El Paso has requested that the Commission grant such waiver of its Regulations Under the Natural Gas

[1] By order issued January 15, 1975, at Docket No. RP75-39, the Commission, among other matters, accepted for filing the said revised tariff sheets and suspended the use thereof until June 16, 1975, or until such time as they are made effective in the manner prescribed by the Natural Gas Act.

[2] The PGAC increase and the amortization charge were made effective by Commission orders issued March 31, 1975, and May 5, 1975, at Docket Nos. RP72-155, *et al.*

Act as may be necessary in order to effectuate the instant filing.

El Paso states that copies of the filing and attachments thereto, have been served upon all parties of record in Docket No. RP75–39 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before June 6, 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 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14225 Filed 5-30-75;8:45 am]

[Docket No. E-9309]

INTERSTATE POWER CO.

Application

MAY 23, 1975.

Take notice that on May 20, 1975, Interstate Power Company (Applicant) filed its first supplemental application with this Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing Applicant, in the alternative, to issue short-term unsecured promissory notes to be sold as commercial paper to direct purchasers and/or through commercial paper dealers, as well as such notes issued to commercial banks, from time to time during 1975, 1976 and 1977, notes to be issued as commercial paper to mature not more than nine months from the date of issuance, but in no event later than December 31, 1977, and to bear interest at rates dependent upon the terms of the notes and the money market conditions at the time of issuance, provided that the aggregate of such notes issued as commercial paper, together with notes issued to commercial banks as authorized by Order issued in this Docket on April 8, 1975, shall not exceed the sum of $40 million at any one time outstanding.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

Applicant states that the requested alternative authorization of issuing commercial paper will provide it with greater flexibility in its short-term borrowing. The net proceeds to be derived from the short-term borrowing will be used to provide working capital and funds for current corporate transactions.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14226 Filed 5-30-75;8:45 am]

[Docket Nos. CP74-202 and CP74-226]

NATURAL GAS PIPELINE CO. OF AMERICA AND NORTHERN NATURAL GAS CO.

Withdrawal

MAY 23, 1975.

On April 17, 1975, Natural Gas Pipeline Company of America and Northern Natural Gas Company jointly filed a withdrawal of their applications filed February 5, 1974 and March 4, 1974, respectively, in the above designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above applications became effective May 19, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14227 Filed 5-30-75;8:45 am]

[Docket No. CP75-336]

NORTHERN NATURAL GAS CO.

Application

MAY 22, 1975.

Take notice that on May 13, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75–336, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to deliver natural gas to Northern Illinois Gas Company (NI-Gas) pursuant to a rescheduling-of-deliveries arrangement, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Under terms of an agreement between the parties dated March 25, 1975, Applicant would reduce deliveries to NI-Gas during each of the winter periods (October 1 through March 31) of 1975–76 and 1976–77 by 3,600,000 Mcf (annual quantity). During the summer periods (April 1 through September 30) of 1976 and 1977, Applicant would deliver natural gas through an existing interconnection near Dubuque, Iowa, to NI-Gas in an amount equal to the total volume of equivalent 1,000 Btu gas by which deliveries to NI-Gas were reduced during the preceding winter period. The application states that no additional facilities are required to accommodate the proposed rescheduling-of-deliveries arrangement.

Applicant would pay to NI-Gas, according to the agreement, charges determined as follows:

(a) $306,000 per month for the months October 1975 through September 1976, provided, however, if during the preceding winter period the volumes rescheduled are reduced at NI-Gas' option, Applicant would receive a credit in the amount of the product of $1.02 times the volumes in Mcf by which the volumes rescheduled are less than the annual quantity;

(b) for the months October 1976 through September 1977, $306,000 per month, multiplied by a fraction determined as follows: a numerator of NI-Gas' computed average cost of all storage service taken from Natural Gas Pipeline Company of America as computed on March 1, 1976, for calendar year 1975, at a load factor identical to that achieved by NI-Gas for the same service in calendar 1974, and a denominator of $1.02; however, if during the preceding winter period the volumes rescheduled are reduced at NI-Gas' option, Applicant would receive a credit in the amount of the product of the volumes in Mcf by which the volumes rescheduled are less than the annual quantity, times a charge per Mcf equal to the numerator of the above fraction.

Applicant further states that the effectuation of the proposed rescheduling-of-deliveries arrangement between the parties will enable Applicant to alleviate its supply problems during the 1975–76 and 1976–77 heating seasons, thus, providing its utility customers with the most reliable and adequate service as present supplies and capacities will permit and will assist NI-Gas in filling its storage fields during the summers of 1976 and 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Fed-

eral Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14228 Filed 5-30-75;8:45 am]

[Docket No. RP73-108 (AP75-1)]

PANHANDLE EASTERN PIPE LINE CO.

Stipulation and Agreement and Motion for Change in Procedure

MAY 23, 1975.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on May 21, 1975, filed a Motion for a Change in Procedure and a proposed Stipulation and Agreement (Stipulation). Panhandle's motion states that the purpose of the motion is to schedule a prompt hearing in order to introduce the attached Stipulation which is designed to resolve all issues in this proceeding. Presently, the hearing is scheduled for July 2, 1975.

Panhandle requests that a prompt hearing date be established at which time it will offer its testimony and the Stipulation for certification to the Commission. The Stipulation indicates it is supported by the Commission Staff. It would permit Panhandle to continue to include in its Account 166 the specified advance payments to producers under certain conditions and agreements. Panhandle states the counsel for the sole intervener, Michigan Gas Storage Company, has no objection to the change in procedure.

Any person desiring to file a comment upon the filing of the aforesaid motion and the enclosed Stipulation should file such comment 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 June 12, 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.75-14229 Filed 5-30-75;8:45 am]

[Docket No. RP73-57; PGA No. 75-2]

SOUTH TEXAS NATURAL GAS GATHERING CO.

PGA Rate Increase Filing

MAY 22, 1975.

Take notice that on April 15, 1975, as supplemented May 7 and May 9, 1975, South Texas Natural Gas Gathering Company (South Texas) tendered for filing proposed changes in its FPC Rate Schedule No. 2. South Texas states that the proposed changes reflect increased purchased gas costs. The filing is made pursuant to South Texas' PGA clause.

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., Watshington, 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 June 13, 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.75-14230 Filed 5-30-75;8:45 am]

[Docket Nos. RP73-114 and RP74-24]

TENNESSEE GAS PIPELINE CO.

Proposed Rate Change Under Tariff Rate Adjustment Provisions

MAY 23, 1975

Take notice that on May 16, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective July 1, 1975, consisting of the following revised tariff sheets: Eighth Revised Sheet Nos. 12A and 12B.

Tennessee states that the purpose of Eighth Revised Sheet Nos. 12A and 12B is to adjust Tennessee's rates pursuant to Articles XXIII and XXIV of the General Terms and Conditions, consisting of a negative PGA rate adjustment and a rate adjustment to reflect curtailment demand charge credits.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 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 June 16, 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 proceding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14231 Filed 5-30-75;8:45 am]

[Docket No. G-2570, *et al.*]

BURMAH OIL AND GAS CO.

Redesignation

MAY 23, 1975.

By a certificate of Amendment of a Certificate of Incorporation dated May 13, 1974, filed with the Commission June 7, 1974, Signal Oil and Gas Company, has changed its corporate name to Burmah Oil and Gas Company.

Accordingly, the certificates of public convenience and necessity issued by the Commission pursuant to section 7(c) of the Natural Gas Act, the proceedings pending before the Commission, and the rate schedules on file with the Commission (without change in numerical designation), set forth in the Appendix hereto,[1] are designated as those of Burmah Oil and Gas Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14234 Filed 5-30-75;8:45 am]

FEDERAL RESERVE SYSTEM

BUTTE STATE CO.

Formation of Bank Holding Company

Butte State Company, Butte, Nebraska, 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 acquisition of 80 per cent or more of the voting shares of Butte State Bank, Butte, Nebraska. 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)).

Butte State Company, Butte, Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Butte State Agency, Butte, Nebraska. Notice of the application was published on May 15, 1975 in The Butte Gazette, a newspaper circulated in Butte, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency on the premises of Butte State Bank in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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[1] Appendix filed as part of the original document.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 24, 1975.

Board of Governors of the Federal Reserve System, May 27, 1975.

[SEAL] ROBERT SMITH,
Assistant Secretary of the Board.

[FR Doc.75-14256 Filed 5-30-75;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by First City Bancorporation of Texas, Inc., Houston, Texas ("First City"), for a determination that following the proposed transfer of all of First City's shares in South Main Bank, Houston, Texas ("South Main Bank"), as well as the shares owned by James A. Elkins, Jr., and Ralph A. Harper, to Peter Brooks and other members of his purchasing group, First City will not in fact be capable of controlling South Main Bank, or Peter Brooks, or other members of his purchasing group, notwithstanding the fact that purchase of the shares of South Main Bank is being financed by a loan from First City's banking subsidiary, First City National Bank of Houston, Houston, Texas.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 23, 1975. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, like reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony at such oral hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, May 23, 1975.

[SEAL] ROBERT SMITH,
Assistant Secretary of the Board.

[FR Doc. 75-14257 Filed 5-30-75;8:45 am]

AMES NATIONAL CORPORATION

Formation of Bank Holding Co.

Ames National Corporation, Ames, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the First National Bank, Ames, Iowa. The factors that are considered in acting on the application are set forth in § 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1975.

Board of Governors of the Federal Reserve System, May 22, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-14306 Filed 5-30-75;8:45 am]

MOUNTAIN BANKS, LTD.

Acquisition of Bank

Mountain Banks, Ltd., Colorado Springs, Colorado, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Fort Collins National Bank, Fort Collins, Colorado. The factors that are considered in acting on the application are set forth in § 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 Kansas City. 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 24, 1975.

Board of Governors of the Federal Reserve System, May 23, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-14307 Filed 5-30-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, on June 17, 1975, from 8:30 a.m. to 4 p.m., Room 2225, Building 41, Denver Federal Center, Denver, Colorado. The meeting will be concerned with the review of the conceptual design for the new Federal Building, Huron, South Dakota. Frank and open critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), the meeting will not be open to the public.

MICHAEL J. NORTON,
Regional Administrator.

[FR Doc.75-14415 Filed 5-30-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

DILSTON CORP. AND BUCHANAN COUNTY COAL CORP.

Applications for Renewal Permits, Electric Face Equipment Standard; Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4195-000, DILSTON CORPORATION, Mine No. 3, Mine ID No. 44 01549 0, Grundy, Virginia:
ICP Permit No. 4195-002—R-1 (S & S Tractor, I.D. No. 2),
ICP Permit No. 4195-003—R-1 (S & S Tractor, I.D. No. 3),
ICP Permit No. 4195-004—R-1 (Bailey Tractor, I.D. No. 4),
ICP Permit No. 4195-005—R-1 (Bailey Tractor, I.D. No. 5),
ICP Permit No. 4195-006—R-1 (Bailey Tractor, I.D. No. 6),
ICP Permit No. 4195-007—R-1 (Bailey Tractor, I.D. No. 7),

(2) ICP Docket No. 4373-000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 7, Mine ID No. 44 03471 0, Big Rock, Virginia:
ICP Permit No. 4373-002—R-2 (Mescher HD-12 Tractor, I.D. No. D-1),
ICP Permit No. 4373-003—R-1 (Mescher HD-12 Tractor, I.D. No. D-2).

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 June 17, 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 27, 1975.

[FR Doc.75-14238 Filed 5-30-75;8:45 am]

BUCHANAN COUNTY COAL CORP.

Applications for Renewal Permits, Electric Face Equipment Standard; Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4374-000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 7, Mine ID No. 44 01748 0, Big Rock, Virginia:
ICP Permit No. 4374-003—R-1 (Mescher HD-12 Tractor, I.D. No. L4-2),
ICP Permit No. 4374-004—R-1 (Mescher HD-12 Tractor, I.D. No. L4-3),
ICP Permit No. 4374-006—R-1 (Paul's Roof Bolter, I.D. No. L4-2).
(2) ICP Docket No. 4375-000, BUCHANAN COUNTY COAL CORPORATION, Mine Nos. 9A and 9C, Mine ID No. 44 00403 0, Big Rock, Virginia:
ICP Permit No. 4375-004—R-1 (Mescher HD-12 Tractor, I.D. No. B7-3),
ICP Permit No. 4375-606—R-1 (Paul's Roof Bolter, I.D. No. B7-2),
ICP Permit No. 4375-010—R-1 (Kersey 444 Tractor, I.D. No. B7-4),
ICP Permit No. 4375-011—R-1 (Paul's Roof Bolter, I.D. No. B7-3),
ICP Permit No. 4375-012—R-1 (Paul's Roof Bolter, I.D. No. B7-4).

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 June 17, 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, DC. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 27, 1975.

[FR Doc.75-14237 Filed 5-30-75;8:45 am]

B & S COAL CO., INC.

Applications for Renewal Permits, Electric Face Equipment Standard; Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4011-000, B & S COAL COMPANY, INC., Mine No. 21, Mine ID No. 15 02749 0, Vicco, Kentucky:
ICP Permit No. 4011-001—R-1 (Joy 14BU Loader, I.D. No. 13-1),
ICP Permit No. 4011-002—R-1 (Joy 7-B Sullivan Cutting Machine, I.D. No. 7-3),
ICP Permit No. 4011-009—R-1 (Kersey 944 Tractor, I.D. No. 10-2),
ICP Permit No. 4011-010—R-1 (Kersey 944 Tractor, I.D. No. 12-3),
ICP Permit No. 4011-11—R-1 (Kersey 944 Tractor, I.D. No. 6-4).

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 June 17, 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 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, DC. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

[FR Doc.75-14236 Filed 5-30-75;8:45 am]

SHERMAN COAL CO. AND DEBBIE COAL CO.

Applications for Renewal Permits, Electric Face Equipment Standard; Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4335-000, SHERMAN COAL COMPANY, Mine No. 2, Mine ID No. 46 01721 0, Iaeger, West Virginia:
ICP Permit No. 4335-001—R-2 (Jeffrey 35-L Cutting Machine, Ser. No. 265),
ICP Permit No. 4335-003—R-2 (S & S 80 4-Wheel Battery Tractor, Ser. No. 427),
ICP Permit No. 4335-004—R-2 (S & S 80 4-Wheel Tractor, Ser. No. 283).
(2) ICP Docket No. 4336-000, DEBBIE COAL COMPANY, Mine No. 4, Mine ID No. 46 01703 0, Iaeger, West Virginia:
ICP Permit No. 4336-001—R-2 (Jeffrey 35-L Cutting Machine, Ser. No. 30194),
ICP Permit No. 4336-005—R-2 (Mescher 3-Wheel Battery Tractor, Ser. No. 3901).

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 June 17, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 Fed. Reg. 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.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

MAY 28, 1975.

[FR Doc.75-14235 Filed 5-30-75;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 28, 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 HEALTH, EDUCATION, AND WELFARE

National Institute of Education, State Dissemination Grants Program Application Procedures, NIE 116, single-time, chief State school officer, Human Resources Division, Planchon, P., 395-3532.

DEPARTMENT OF JUSTICE

Departmental and other, Accounting System and Financial Capability Questionnaire, 7120, other (see SF-83), nonprofit agencies and businesses, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Certification of Compliance—Cropland Adjustment, Cropland Conversion, and Water Bank Programs, ASCS-817, annually, farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, A Survey of Occupational Employment in Nuclear or Nuclear Related Energy Activities, BLS 2870, on occasion, business firms, Strasser, A., 395-3880.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:

Honey Storage Contract, Schedule of Warehouses, Schedule of Rates, CCC-56, on occasion, honey warehousemen, Marsha Traynham, 395-4529.

Application for Approval of Warehouse for Honey Storage Contract, CCC-55, on occasion, honey warehousemen, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Patent Office, Form—Re Character of Applicants, POL-61, on occasion, individual familiar with applicant, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-14393 Filed 5-30-75;8:45 am]

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 27, 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 COMMERCE

Bureau of the Census, Survey of Food Stamp Recipients: CPS Supplements for August 1975, December 1975, and April 1976, CPS-1, single-time, households, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, House Price Survey—Pretest, 3402, 3402A, single-time, local tax assessors and recorder of deeds, Raynsford, R., 395-3814.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Nonfat Dry Milk Price Survey, monthly, producers of spray process Nonfat Dry Milk, Raynsford, R., 395-3814.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:

Monthly Report on Credit Accounts—Multiunit Firm, BUS-707A, monthly, Marsha Traynham, 395-4529.

Monthly Retail Trade Report—Multiunit, BUS-20C, monthly, Marsha Traynham, 395-4529.

Current Retail Sales Report, Current Report on Retail Credit Accounts (Firms Operating Less Than Eleven Stores), BUS 50, monthly, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-14392 Filed 5-30-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings on June 19 and 20, 1975 at the offices of J. C. Penney Co., 10th floor conference room, 715 Peachtree Street, NE., Atlanta, Georgia 30308, beginning at 8:30 a.m. Initial notice of this meeting was published in the Federal Register on April 28, 1975.

The summarized agenda for the meeting is as follows:

1. Review of the recommendations of the Working Group on Displacement and the Limit Order Book.

2. Preparation of the Committee's final summary report.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-14294 Filed 5-30-75;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

MAY 23, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 24, 1975 through June 2, 1975.[1]

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-14288 Filed 5-30-75;8:45 am]

[File No. 500-1]

CROWN CORP.

Suspension of Trading

MAY 23, 1975.

The common stock of Crown Corp. being traded on the Honolulu Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (e.d.t.) on May 23, 1975 through midnight (e.d.t.) on June 1, 1975.[1]

By the Commission.

SHIRLEY E. HOLLINS,
Assistant Secretary.

[FR Doc.75-14289 Filed 5-30-75;8:45 am]

[1] This document was received by the Office of the Federal Register at 11:45 a.m., May 28, 1975.

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

MAY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 27, 1975 through June 5, 1975.[1]

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-14290 Filed 5-30-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

MAY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 27, 1975 through June 5, 1975.[1]

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-14291 Filed 5-30-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

MAY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 27, 1975 through June 5, 1975.[1]

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-14292 Filed 5-30-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

MAY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 27, 1975 through June 5, 1975.[1]

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-14293 Filed 5-30-75;8:45 am]

VETERANS ADMINISTRATION

CHIEF MEDICAL DIRECTOR'S AD HOC ADVISORY COMMITTEE ON SPINAL CORD INJURY

Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Chief Medical Director's Ad Hoc Advisory Committee on Spinal Cord Injury has been renewed by the Administrator of Veterans Affairs for a two year period beginning June 6, 1975 through June 6, 1977.

Dated: May 28, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-14373 Filed 5-30-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 9:30 a.m., June 19, 1975, at the General Accounting Office Building in Room 4454, 441 G Street, NW, Washington, DC. The agenda for the meeting is as follows:

1. Review of work in progress
2. Review of the quarterly release on bargaining settlements
3. Review of 1975-76 studies relating to FLSA
4. Preview of the 1974 union membership study—Union Directory
5. Union wage scales
6. Area wage studies
7. Employment Cost Index

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 20th day of May 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-14221 Filed 5-30-75;8:45 am]

Labor-Management Services Administration

EMPLOYEE BENEFIT PLANS

Proposed Class Exemptions From Prohibitions Respecting Certain Transactions in Which Multiemployer Plans are Involved

Notice is hereby given of proposals to exempt certain classes of transactions in which multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (the Act) and section 414(f) of the Internal Revenue Code of 1954 (the Code)) are involved from the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14.

The Department of Labor (the Department) and the Internal Revenue Service (the Service) have been informed that multiemployer plans engage in numerous transactions which are established and customary in nature, widespread in usage, and reasonable in their terms, but which may be prohibited transactions within the meaning of sec-

[1] This document was received by the Office of the Federal Register at 11:45 a.m., May 28, 1975.

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tions 406 and 407(a) of the Act and section 4975(c)(1) of the Code.

There have been identified to the Department and the Service several classes of such transactions. Three of these classes of transactions are the subject of the proposed class exemptions described below.

It is asserted that class exemptions are necessary in the case of collectively bargained multiemployer plans because such plans frequently engage in operationally similar transactions having common characteristics which are distinctive for multiemployer plans generally, notwithstanding that a variety of industries with a multiplicity of parties and differing relationships are involved. It is also asserted that class exemptions are justifiable for classes of transactions engaged in by collectively bargained multiemployer plans because such plans are jointly administered within the meaning of section 302(c)(5) of the Labor-Management Relations Act of 1947 (29 U.S.C. 186(c)(5)).

The Department and the Service propose to grant the class exemptions described below. Each proposed class exemption, if granted as proposed or as modified, will be applicable to a particular transaction only if the transaction satisfies the conditions specified for the class in which it falls.

The Department and the Service are continuing to consider additional exemptions from the restrictions of sections 406 and 407(a) of the Act and taxes imposed by section 4975 of the Code with respect to other specific classes of transactions involving multiemployer plans which have been identified. The two agencies are prepared to consider promptly any applications which may hereafter be made to the agencies for such exemptions with respect to other classes of transactions involving multiemployer plans.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemptions contained herein do not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interest of the plan or plans and of their participants and beneficiaries, and protective of the rights of such participants and beneficiaries; and

(4) The exemptions proposed herein and which may be subsequently proposed as part of this proceeding would, if granted, be effective according to their terms notwithstanding anything to the contrary in sections 408(b), 414, and 2003(c)(2) of the Act and section 4975(d) of the Code.

All interested persons are invited to submit written comments on the proposal contained herein, on any particular exemption proposed herein, or on any particular aspect of this proposal. Such comments should be in the form of an original and five copies, and should be addressed to the Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224 Attention: E:EP:T.

In order to receive consideration, such comments must be received by the Internal Revenue Service on or before June 30, 1975. All such comments will be open to public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

Delinquent employer contributions. An employer participating in a multiemployer plan (a "participating employer") is generally obligated under the terms of a collective bargaining agreement to make periodic contributions to a plan which is maintained pursuant to the terms of such collective bargaining agreement. Multiemployer plans are often confronted with the problem of delinquency in participating employer contributions, since such plans, by their very nature, have a multiplicity of participating employers of varying size and financial strength, and at times one or more participating employers may be delinquent in making such contributions. In the course of their collection efforts, multiemployer plans frequently delay or extend the time for payment of contributions pursuant to understandings, arrangements, or agreements in circumstances where it appears that collection of the full amount due the plan would be jeopardized were the plan to attempt to force immediate full payment. A question has been raised as to the extent to which such delinquencies, delays, or extentions may constitute prohibited transactions under sections 406 and 407(a) of the Act and section 4975(c)(1) of the Code.

The class exemption set forth in sections I and II below is proposed in order to eliminate the uncertainty that may exist in this area and the adverse effects to multiemployer plans and their participants and beneficiaries that may be caused by such uncertainty. The exemption sets forth conditions under which the payment of employer contributions to multiemployer plans may be delayed without the need to seek a specific exemption for each individual transaction. Any delays in the payment of such contributions or any arrangements for the payment of delinquent contributions which do not meet the conditions of the proposed class exemption may, nevertheless, be the subject of exemptions granted under appropriate conditions and safeguards on a case-by-case basis.

It should be noted that even if a transaction is not in violation of, or is exempt from, the prohibited transactions provisions, any failure to make a contribution may result in a failure to meet the minimum funding standards contained in part 3 of title I of the Act and, where relevant, section 412 of the Code. Nothing in this proposed exemption should be construed as a proposal to exempt participating employers from the funding requirements of the Act or the Code.

Proposed exemption. It is proposed that the following exemption be granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14.

Sec. I. Prospective. Effective upon the granting of the exemption set forth in this section I, the restrictions of section 406(a) and section 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the failure of a participating employer to make a contribution to a multiemployer plan, or to any agreement, arrangement or understanding between such employer and such a plan whereby the time is extended for the making of a contribution by such employer to such plan, if such failure, agreement, arrangement or understanding is—

(a) For a period ending no later than 60 days after the date that such contribution was originally due; or

(b) For a period ending no later than 24 months after the date such contribution was originally due, if within the period described in paragraph (a) the obligation of the employer to pay such contribution is, for that part of such period which extends beyond the period described in paragraph (a), evidenced by promissory notes or other written agreements between the employer and the plan which must provide for the following:

(1) Security for payment of such obligation, by collateral or third party guarantees of payment, which meets the standard of section 404(a)(1)(B) of the Act.

(2) Interest on the unpaid portion of the obligation, which meets the standard of section 404(a)(1)(B) of the Act, computed from the date the contribution was originally due.

(3) Maturity of the principal amount of the delinquent contribution and all interest thereon in full no more than 24 months after the original due date of such contribution, and installment payments of such principal and interest under a schedule no less favorable to the plan than equal quarterly installments, except that provision may be made for an extension of the due date for all or any part of any installment for a period not exceeding the shorter of 60 days or a period which ends 24 months from the original due date of the contribution.

Sec. II. Retroactive. Effective from January 1, 1975, to the effective date of the exemption under section I of this exemption, the restrictions of section 406 (a) and section 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c) (1) (A) through (D) of the Code, shall not apply to the failure of an employer to make a contribution to a multiemployer plan, or to any agreement, arrangement or understanding between an employer and such a plan whereby the time is extended for the making of a contribution by such employer to such plan, if such failure, agreement, arrangement or understanding—

(a) Is of a type similar in nature to those which ordinarily and customarily occurred or were entered into with respect to delinquent employer contributions to multiemployer plans before January 1, 1975; and

(b) Was not a prohibited transaction within the meaning of section 503(b) of the Internal Revenue Code of 1954 or the corresponding provisions of prior law.

Construction loans. Multiemployer plans covering employees in the building and construction trades have traditionally invested a percentage of their assets in construction loans in order to provide work opportunities for their participants. Generally, the decision to make a particular loan is made by a bank or insurance company which is responsible for making investment decisions for such plans.

The proposal under consideration herein would provide an exemption from the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c) (1) (A) through (D) of the Code, to permit a multiemployer plan to make construction loans to employers contributing to the plan under conditions designed to safeguard the plan assets used to make such loans.

Proposed exemption. It is proposed that the following exemption be granted under the authority of section 408(a) of the Act and section 4975(c) (2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–20 I.R.B. 14.

Sec. I. Prospective. Effective June 2, 1975, the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c) (1) (A) through (D) of the Code, shall not apply to a loan made by a multiemployer plan to a participating employer, provided that—

(a) The loan is a construction loan;

(b) The decision to make the loan is made by a bank or insurance company which meets the requirements of section 3(38) of the Act, pursuant to its sole discretionary authority or control with respect to the management or disposition of the plan assets used to make such loan, subject only to broad investment guidelines, if any, established by the trustees of the plan;

(c) Neither the plan, the participating employer to whom the loan is made, nor the employee organization any of whose members are covered by the plan has the power to exercise a controlling influence over the management or policies of such bank or insurance company;

(d) The bank or insurance company commonly makes similar loans on similar terms and conditions from its own funds;

(e) Such loan satisfies the qualifications established by the bank or insurance company for making similar loans from its own funds;

(f) Before the loan is made, the participating employer to whom the loan is made and the plan have received a written commitment running to both such employer and the plan as construction lender for permanent financing from a person other than the plan to enable full repayment of such loan upon completion of construction;

(g) As a result of the making of such loan, (1) the aggregate amount of investments (including loans) of the plan in such participating employer does not exceed 10 percent of the fair market value of the assets of the plan and (2) the aggregate amount of investments of the plan in loans to all participating employers does not exceed 35 percent of the fair market value of the assets of the plan;

(h) The plan maintains or causes to be maintained a separate set of records setting forth the details of all such transactions; and

(i) Notwithstanding anything to the contrary in subsections (a) (2) and (b) of section 504 of the Act, the records referred to in paragraph (h) are unconditionally available for review during normal business hours by duly authorized representatives of (1) the Secretary of Labor, (2) the Commissioner of Internal Revenue, and (3) plan participants and beneficiaries.

Sec. II. Retroactive. Effective January 1, 1975, to June 2, 1975, the restrictions of section 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c) (1) (A) through (D) of the Code, shall not apply to a loan made by a multiemployer plan to a participating employer, *provided*, That—

(a) Such loan was made on or before June 2, 1975, or was made after such date pursuant to a written commitment to make such loan which was binding on the plan on such date;

(b) At the time such loan was made, it was not a prohibited transaction within the meaning of section 503(b) of the Code or the corresponding provisions of prior law; and

(c) Except for paragraphs (f) and (g), such loan met the requirements of section I of this exemption. The requirements of paragraphs (h) and (i) of section I of this exemption shall be deemed met if met on or before the 60th day after the date on which this exemption is granted.

Sec. III. Definitions. For purposes of sections I and II above—

(a) The term "sole discretionary authority or control" means that the bank or insurance company has sufficient authority or control with respect to such assets to enable it, without reporting to the plan, obtaining its approval or comments, or permitting it a veto, to entertain a proposal to make such loan, negotiate its terms, and make such loan. The fact that the bank or insurance company performs these functions under broad investment guidelines from the plan, which may include instructions to the bank generally to cause a part of the plan's assets to be invested in a certain class of loans, shall not prevent the bank or insurance company from being considered to have such "sole discretionary authority or control".

(b) An affiliate of any participating employer shall be treated as the same entity as such participating employer. For this purpose a corporation or partnership is an affiliate of an incorporated or unincorporated participating employer if it is a member of a controlled group which includes such participating employer; and a controlled group shall be defined in the same manner as the term "controlled group of corporations" is defined in section 1563(a) of the Internal Revenue Code of 1954, except that "50 percent" shall be substituted for "80 percent" wherever the latter percentage appears in such section, and except that in the case of a partnership, the term "corporation" shall be read as including a partnership, and the term "stock" shall be read as including a capital or profits interest in a partnership.

Office space and administrative services. Multiemployer plans frequently lease office space and furnish administrative services to parties in interest and disqualified persons (as defined in section 3(14) of the Act and section 4975(e) (2) of the Code), such as an employee organization the members of which are participants or beneficiaries of the plan (a "participating employee organization"), an employer contributing to the plan (a "participating employer"), or an association of such employers (a "participating employer association"). Transactions involving leases of office space and the furnishing of administrative services are also frequent between multiemployer plans maintained by common plan sponsors ("related multiemployer plans"); and multiemployer plans may by reason of section 3(14) of the Act and section 4975(e) (2) of the Code be parties in in-

terest or disqualified persons with respect to each other.

The proposal under consideration herein would provide an exemption from the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, to permit a multiemployer plan to lease office space and to provide administrative services to certain parties in interest and disqualified persons under conditions designed to protect the interests of the plan and its participants and beneficiaries.

Proposed exemption. It is proposed that the following exemption be granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20, I.R.B. 14.

Sec. I. Plans and participating parties—prospective. Effective June 12, 1975, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the leasing of office space or the provision of administrative services by a multiemployer plan to a participating employee organization, participating employer, or participating employer association, *provided*, That—

(a) The terms of the transaction are at least as favorable to the plan as an arm's length transaction with an unrelated party would be;

(b) The arrangement allows the plan to terminate without penalty the relationship on reasonably short notice under the circumstances;

(c) The plan maintains or causes to be maintained a separate set of records setting forth the details of all such transactions; and

(d) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (c) are unconditionally available for review during normal business hours by duly authorized representatives of (1) the Secretary of Labor, (2) the Commissioner of Internal Revenue, and (3) plan participants and beneficiaries.

Sec. II. Plans and participating parties—retroactive. Effective January 1, 1975, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1) (A) through (D) of the Code, shall not apply to the leasing of office space or the provision of administrative services by a multiemployer plan to a participating employee organization, participating employer, or participating employer association which occurred before June 12, 1975, or which occurred before October 1, 1975 pursuant to a binding arrangement entered into before June 2, 1975, *provided*, That such transaction was—

(a) Of a type that was ordinarily and customarily engaged in by multiemployer plans before January 1, 1975; and

(b) At the time it was entered into, not a prohibited transaction within the meaning of section 503(b) of the Code or the corresponding provisions of prior law.

Sec. III. Plans and related plans—Prospective. Effective June 12, 1975, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, space or the provision of administrative services by a multiemployer plan to related multiemployer plans, *provided*, That—

(a) The terms of the transaction are at least as favorable to each plan as an arm's-length transaction with an unrelated party would be, except that the terms need not provide for a profit which would otherwise have been received by the plan providing such office space or services had such transaction been made at arm's-length;

(b) The arrangement allows any related multiemployer plan which is a party to the transaction to terminate without penalty the relationship on a reasonably short notice under the circumstances;

(c) The plan which leases the office space or provides the services to the related multiemployer plan maintains or causes to be maintained a separate set of records setting forth the details of all such transactions; and

(d) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (c) are unconditionally available during normal business hours for review by duly authorized representatives of (1) the Secretary of Labor, (2) the Commissioner of Internal Revenue, and (3) plan participants and beneficiaries.

Sec. IV. Plans and related plans—retroactive. Effective January 1, 1975, the restrictions of sections 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the leasing of office space or the provision of administrative services by a multiemployer plan to related multiemployer plans which occurred before June 12, 1975, or which occurred before October 1, 1975 pursuant to a binding arrangement entered into before June 2, 1975, *provided*, That such transaction was—

(a) Of a type that was ordinarily and customarily engaged in by multiemployer plans before January 1, 1975; and

(b) At the time it was entered into, not a prohibited transaction within the meaning of section 503(b) of the Code or the corresponding provisions of prior law.

For purposes of paragraph (b) of section IV only, a transaction shall not be deemed to be in violation of section 503 (b) of the Code or the corresponding provisions of prior law merely because the plan providing such office space or services does not receive a profit which would ordinarily have been received in an arm's-length transaction.

Signed at Washington, D.C., May 29, 1975.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

JAMES D. HUTCHINSON,
Acting Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.75-14533 Filed 5-30-75;10:08 am]

Office of the Secretary

[TA-W-27]

NORTHLAND SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 21, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the former workers of Northland Shoe Corporation, Fryeburg, Maine, a wholly owned subsidiary of Standard Prudential Corporation, New York, New York (TA-W-27). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like directly competitive with women's footwear produced by Northland Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before June 12, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of Interna-

tional Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW, Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of May 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-14222 Filed 5-30-75;8:45 am]

[TA-W-28]

THE WURLITZER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 21, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of the North Tonawanda New York plant of The Wurlitzer Company, Chicago, Illinois (TA-W-28). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with juke boxes and electronic organs produced by The Wurlitzer Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before June 12, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW, Washington, DC. 20210.

Signed at Washington, D.C. this 22nd day of May 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-14223 Filed 5-30-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 28, 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 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 June 12, 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 1936 (Sub-No. E4), filed May 30, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross St., Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment; (1) between points in Greene and Washington Counties, Pa., on the one hand, and, on the other, points in New York on and north of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 20 to junction New York Highway 43 to the New York-Massachusetts State line; and (2) between points in Allegheny County, Pa., on the one hand, and, on the other, points in New York on, east, and north of a line beginning at Lake Ontario and extending along New York Highway 98 to junction New York Highway 31, thence along New York Highway 31 to junction New York Highway 173, thence along New York Highway 173 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateways of Cuyahoga, Lake, or Lorain Counties, Ohio, or points in Medina County, Ohio on and north of U.S. Highway 224.

No. MC 1936 (Sub-No. E5), filed May 30, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment between points in Fayette County, Pa., on the one hand, and, on the other, points in that part of New York, on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along New York Highway 33 to junction New York Highway 77, thence along New York Highway 77 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 104, thence along New York Highway 104 to junction U.S. Highway 11, thence along New York Highway 11 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 73, thence along New York Highway 73 to junction New York Highway 9N, thence along New York Highway 9N to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of Cuyahoga, Lake, or Lorain Counties, Ohio, or points in Medina County on or north of U.S. Highway 224.

No. MC 5470 (Sub-No. E32), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 700 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys*, in bulk, in dump vehicles, from New Kensington, Pa., to points in Kentucky. The purpose of this filing is to eliminate the gateways of the railhead of Woodworth (Mahoning County) and Van Coram, Ohio.

No. MC 5470 (Sub-No. E44), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles; (a) between points in Beaver, Butler, Lawrence, and Mercer Counties, Pa., on the one hand, and, on the other, points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties); and (b) between points in Allegheny, Beaver, Butler, Lawrence, and Mercer Counties, Pa., on the one hand, and, on the other, points in New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of any railhead in Beaver, Butler, Lawrence, and Mercer counties, Pa., and Oil City, Pa.

No. MC 5470 (Sub-No. E49), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum skimmings*, in bulk, in dump vehicles, and *aluminum scrap*, loose and not in containers, in dump vehicles; (a) from Jackson and Saginaw, Mich., Kokomo, Ind., Chicago, Ill., St. Louis, Mo., and Philadelphia, Pa., to points in Ashtabula, Co-

lumbiana (except from Philadelphia, Pa.), Portage, Summit, and Trumbull (except from Philadelphia, Pa.) Counties, Ohio, and points in Pennsylvania within a 60 mile radius of any railhead in these counties (except from Philadelphia, Pa.); (b) from Jackson and Saginaw, Mich., to points in Stark, Carroll, Jefferson, Harrison, and Belmont Counties, Ohio, within the radius of 60 miles of any railhead in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio; (c) from Chicago, Ill., to points in Ohio within a 60 mile radius of any railhead in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio (except points in Ottawa, Sandusky, Seneca, Crawford, Erie, Huron, Richland, Ashland, Morrow, and Knox Counties, Ohio); (d) from Kokomo, Ind., to points in Lorain, Stark, Carroll, and Jefferson Counties, Ohio, within a 60 mile radius of any railhead in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio; (e) from Philadelphia, Pa., to points in Coshocton, Holmes, Knox, Morrow, Richland, Ashland, Wayne, Stark, Crawford, Huron, Medina, Erie, and Lorain Counties, Ohio, within a 60 mile radius of any railhead in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio; and (f) from St. Louis, Mo., to points in Erie, Huron, Lorain, Medina, Wayne, Stark, Carroll, and Jefferson Counties, Ohio, within a 60 mile radius of any railhead in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and railheads in Ohio Counties of Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull.

No. MC 5470 (Sub-No. E59), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand, filter sand*, and *sandblast sand*, in bulk, in dump vehicles; (a) from points in Allegheny, Beaver, Butler, Lawrence, and Mercer Counties, Pa., to points in that part of Indiana in and east of Lagrange, Noble, Whitley, Huntington, Wells, Blackford, Delaware, Henry, Fayette, Franklin, and Dearborn Counties, and that part of Michigan in and east of Bay, Saginaw, Gratiot, Clinton, Eaton, Calhoun, and Branch Counties; and (b) from points in Pennsylvania (except points in Washington, Somerset, Bedford, Fulton, Fayette, Greene, Westmoreland, Allegheny, Beaver, Butler, Lawrence, and Mercer Counties), and New York on and west of U.S. Highway 15, to points in that part of Indiana in and east of Lagrange, Noble, Whitley, Huntington, Wells, Blackford, Delaware, Henry, Fayette, Franklin, and Dearborn Counties, and that part of Michigan in and east of Bay, Saginaw, Gratiot, Clinton, Eaton, Calhoun, and Branch Counties. The purpose of this filing is to eliminate the gateways of: (a) Garrettsville (Portage County), Ohio; and (b) Warren (Trumbull County), Ohio, and Garrettsville, Ohio.

No. MC 5470 (Sub-No. E61), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in dump vehicles, from Canton and Mansfield, Ohio, and points in Ashtabula, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio, and from Oil City, Pa., and Erie, Pa., and points in Lawrence and Mercer Counties, Pa., to Baltimore, Md. The purpose of this filing is to eliminate the gateways of any railhead in Summit County, Ohio, and Transfer (Mercer County), Pa.

No. MC 5470 (Sub-No. E66), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles; (a) between points in Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), and points in New York on and east of U.S. Highway 15; (b) between Ashtabula County, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, Connecticut, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), and points in New York on, east, and south of a line beginning at the Pennsylvania-New York State line on New York Highway 14, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line; (c) between points in Beaver, Butler, Lawrence, and Mercer Counties, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New York on and east of U.S. Highway 15, and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties); and (d) between points in Allegheny County, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New York on and east of U.S. Highway 15, and points in New Jersey in Middlesex, Essex, Bergen, Hudson, and Union Counties. The operations herein are restricted against the performance of transportation from Baltimore, Md., to Oil City, Pa. The purpose of this filing is to eliminate the gateways of the railhead of Mercer, Pa., and Oil City, Pa.

No. MC 5470 (Sub-No. E68), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth, St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, clay, petroleum coke, coal tar pitch, pitch prell*, and *scrap metal*, in bulk, in dump vehicles; (a) between points in Ashtabula, Cuyahoga, Geauga, Summit, Portage, and Trumbull Counties, Ohio, and points in Ohio within a radius of 60 miles of any railhead in such counties (except in Knox, Coshocton, Guernsey, Tuscarawas, Harrison, Jefferson, Carroll, Columbiana, Stark, Mahoning, and Holmes Counties), on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New Jersey (except Mt. Hope, and points in Atlantic, Burlington, Camden, Cumberland, Cape May, Gloucester, and Salem Counties), New York, Rhode Island, and Vermont; (b) between Ashtabula, Cuyahoga, Summit, Geauga, Portage, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Delaware (except points in Sussex County); (c) between Columbiana County, Ohio, on the one hand, and, on the other, points in Connecticut (except Fairfield and New Haven Counties), Massachusetts, New Hampshire, New York (except points in Allegany County and those points in and south of Sullivan, Orange, and Duchess Counties), Rhode Island, and Vermont; and (d) between Mahoning County, Ohio, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Conneaut (Ashtabula County), Ohio, and Erie, Pa.

No. MC 5470 (Sub-No. E70), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke* and *salt* (other than for human consumption or animal feed), in bulk, in dump vehicles, from Mansfield, Ohio, and points in Ashtabula, Cuyahoga, Mahoning, Summit, Geauga, Portage, and Trumbull Counties, Ohio, to points in New York. The purpose of this filing is to eliminate the gateway of Conneaut (Ashtabula County), Ohio, and Erie, Pa.

No. MC 5470 (Sub-No. E78), filed October 15, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washing-

ton, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron and coke*, in dump vehicles; (1) from points in Allegheny, Fayette, Greene, and Washington Counties, Pa., within a 60 mile radius of the Pittsburgh, Pa., railhead, to points in New York; (2) from points in Beaver County, Pa., and East Liverpool, Ohio, to points in New York on and east of U.S. Highway 15; (3) from points in Pennsylvania (except in Mercer and Lawrence Counties), within a 60 mile radius of the Pittsburgh, Pa., railhead to points in Indiana; (4) from points in Mercer and Lawrence Counties, Pa., within a 60 mile radius of the Pittsburgh, Pa., railhead to points in Indiana on and south of Indiana Highway 32; (5) from points in Pennsylvania (except in Mercer, Lawrence, and Beaver Counties) within a 60 mile radius of the Pittsburgh, Pa., railhead to points in Michigan; (6) from points in Mercer County, Pa., within a 60 mile radius of the Pittsburgh, Pa., railhead, to points in Michigan in and north of Mason, Lake, Osceola, Missaukee, Roscommon, Ogemaw, and Alcona Counties; (7) from points in Lawrence County, Pa., within a 60 mile radius of the Pittsburgh, Pa.; railhead to points in Michigan in and north of Huron, Bay, Midland, Isabella, Mecosta, Newaygo, and Ocean Counties; (8) from points in Beaver County, Pa., within a 60 mile radius of the Pittsburgh, Pa., railhead to points in Michigan (except in Monroe and Lenawee Counties); and (9) from points within a 60 mile radius of the Pittsburgh, Pa., railhead in the Pennsylvania counties of Allegheny, Beaver, Butler, Lawrence, Westmoreland, Fayette, Greene, and Washington, and East Liverpool, Ohio, to points in Connecticut, Maine, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 5470 (Sub-No. E79), filed February 19, 1975. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McElligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in dump vehicles; (a) between points in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio, on the one hand, and, on the other, Newark, N.J.; (b) between points in Allegheny, Beaver, Butler, Lawrence, and Mercer Counties, Pa., on the one hand, and, on the other, Newark, N.J.; and (c) between Erie and Franklin, Pa., and points in Ohio, within 60 miles of any railhead at Transfer, Pa., on the one hand, and, on the other, Newark, N.J. The purpose of this filing is to eliminate the gateway of Transfer, Pa.

No. MC 21170 (Sub-No. E96), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of Section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, to points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Virginia Highway 22, thence along Virginia Highway 22 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 22, thence along Virginia Highway 22 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 22, thence along Virginia Highway 22 to junction Virginia Highway 618, thence along Virginia Highway 618 to junction Virginia Highway 715, thence along Virginia Highway 715 to junction Virginia Highway 684, thence along Virginia Highway 684 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Virginia Highway 207, thence along Virginia Highway 207 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Chesapeake Bay, and points in the Virginia Peninsula. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation, Inc., pursuant to MC-F-10199.

No. MC 21170 (Sub-No. E98), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economics regulation pursuant to the provision of Section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on, west, and south of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 16, thence along Iowa Highway 16 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Illinois State line, to points in Maine. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation, Inc., pursuant to MC-F-10199.

No. MC 30280 (Sub-No. E107) (Correction), filed January 24, 1975, published in the FEDERAL REGISTER April 17, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class 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 that part of Georgia on and north of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 78 to Athens, thence along Georgia Highway 72 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 1 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 301 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction U.S. Highway 421, thence along U.S. Highway 421 to Port Fisher, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction Interstate Highway 85, thence along Interstate Highway 85 to Charlotte, N.C., thence along U.S. Highway 21 to Statesville, N.C., thence along Interstate Highway 40 to junction U.S. Highway 601, thence along U.S. Highway 601 to Mount Airy, N.C., thence along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Greenville, S.C., and Charlotte, N.C. The purpose of this correction is to expand the territorial description and to correct a highway description.

No. MC 33093 (Sub-No. E15), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway,

New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, uncrated, between points in Kansas, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of Atoka, Choctaw, Haskell, Le Flore, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmataha Counties, Ohio, and Columbia County, Ark.

No. MC 33093 (Sub-No. E37), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, uncrated, between points in Arkansas on and west of U.S. Highway 71, 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 gateway of Atoka, Choctaw, Haskell, Le Flore, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmataha Counties, Okla., Columbia County, Ark., and New Orleans, La.

No. MC 95540 (Sub-No. E305) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER May 1, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to those points in New Mexico south of a line beginning at the New Mexico-Arizona State line and extending along Interstate Highway 10 to junction New Mexico Highway 81, thence along New Mexico Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Kingsport, Tenn. The purpose of this correction is to correct the highway descriptions.

No. MC 60437 (Sub-No. E2) (Correction), filed May 25, 1974, published in the FEDERAL REGISTER April 29, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 44359. Applicant's representative: Allan L. Timmerman (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed fruit products*, from Winchester, Va., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 655, Delaware (except Dover), Maryland, New Jersey, Ohio, Pennsylvania, Virginia (except Clarke, Culpeper, Fauquier, Frederick, Greene, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties), West Virginia (except Grant, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties), and the District of Columbia; and (2) *Canned fruit, canned fruit products*, and *canned tomato juice and puree*, from Winchester, Va., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia (except Clarke, Culpeper, Fauquier, Frederick, Greene, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties), West Virginia (except Grant, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Inwood, W. Va. The purpose of this correction is to correct the gateway.

No. MC 102567 (Sub-No. E60), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., which are south of a line beginning at a point on Texas Highway 21 near Caldwell, Tex., and extending along Texas Highway 21 to junction Texas Highway 158, thence along Texas Highway 158 to junction Texas Highway 30, thence along Texas Highway 30 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 102567 (Sub-No. E61), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop West, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south of a line beginning at West Monroe, La., and extending along U.S. Highway 80 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the Texas-Louisiana State line, thence along the Texas-Louisiana State line to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 315, thence along Texas Highway 315 to junction Texas Highway 225, thence along Texas Highway 225 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 79, thence along U.S. Highway 79 to a point on U.S. Highway 79 near Rockdale, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateways of points in that part of Louisiana north and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line.

No. MC 102567 (Sub-No. E62), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop West, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at a point on U.S. Highway 81 near Rhome, Tex., and extending along U.S. Highway 81 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Texas Highway 5, thence along Texas Highway 5 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, Tex., to those points in Arkansas east of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 23 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Arkansas Highway 35, thence along Arkansas Highway 35 to junction U.S. Highway 165, thence along U.S. Highway 165 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in that part of Louisiana north and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line.

No. MC 102567 (Sub-No. E63), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop West, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at Sherman, Tex., and extending along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 59, thence along U.S. Highway 59 to Humble, Tex., to those points in

Mississippi north of U.S. Highway 78. The purpose of this filing is to eliminate the gateways of points in that part of Louisiana north and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, and the site of the pipeline terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark.

No. MC 102567 (Sub-No. E80), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., which are north of Interstate Highway 30, to those points in Alabama east of a line beginning at the Mississippi-Alabama State line and extending along Interstate Highway 10 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 26, thence along Alabama Highway 26 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 102567 (Sub-No. E81), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., which are south of a line beginning at a point on Texas Highway 21 near Caldwell, Tex., and extending along Texas Highway 21 to junction County Highway 158, thence along County Highway 158 to junction Texas Highway 30, thence along Texas Highway 30 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 102567 (Sub-No. E82), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia and asphalt), from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at El Dorado, Ark., and extending along Arkansas Highway 15, thence along Arkansas Highway 15 to junction Louisiana Highway 2, thence along Louisiana Highway 2 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction U.S. Highway 167, thence along U.S. Highway 167 to Alexandria, La., to those points in Tennessee east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex.

No. MC 102567 (Sub-No. E83), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia and asphalt), from those points in Texas within 150 miles of Henderson, Tex., which are south and west of a line beginning at Gainesville, Tex., and extending along U.S. Highway 82 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, Tex., to those points in Tennessee east of a line beginning at the Tennessee-North Carolina State line and extending along Tennessee Highway 153, to junction Tennessee Highway 127, thence along Tennessee Highway 127 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex.

No. MC 102567 (Sub-No. E84), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia and asphalt), from those points in Texas, Louisiana and Arkansas within 150 miles of Henderson, Tex., which are west of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to junction Texas Highway 5, thence along Texas Highway 5 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, Tex., to points in Tennessee (except points in Shelby County, Tenn.), and from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at El Dorado, Ark., and extending along Arkansas Highway 15 to junction Louisiana Alternate Highway 2, thence along Louisiana Alternate Highway 2 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 146, thence along Louisiana Highway 146 to junction Interstate Highway 20, thence along Interstate Highway 20 to Monroe, La., to those points in Tennessee east of U.S. Highway 19W/23. The purpose of this filing is to eliminate the gateway of El Dorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex.

No. MC 102567 (Sub-No. E85), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia and asphalt), from Lake Charles, La., to points in Tennessee (except points in Shelby County, Tenn.). The purpose of this filing is to eliminate the gateway of El Dorado, Ark.

No. MC 102567 (Sub-No. E86), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gases), from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at Gainesville, Tex., and extending along U.S. Highway 82 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 7, thence along Louisiana Highway 7 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, Tex., to those points in Alabama north of a line beginning at the Alabama-Mississippi State line and ex-

tending along U.S. Highway 82 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateways of Cotton Valley, La., and points within 10 miles of Cotton Valley, La.

No. MC 102567 (Sub-No. E116), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemicals* (petrochemicals), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquefied petroleum gases), in bulk, in tank vehicles, from Lake Charles, La., to those points in Mississippi north of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 49 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 30, thence along Mississippi Highway 30 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub-No. E117), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemicals* (petrochemicals), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquefied petroleum gases), in bulk, in tank vehicles, from Lake Charles and Destrehan, La., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plantsite of Dow Chemicals U.S.A. in Columbia County, Ark.

No. MC 102567 (Sub-No. E119), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemicals* (petrochemicals), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquefied petroleum gases), in bulk, in tank vehicles, from Lake Charles, La., to those points in Texas north of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 82 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub-No. E120), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemicals* (petrochemicals), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquefied petroleum gases), in bulk, in tank vehicles, from Destrehan, La., to those points in Texas north of a line beginning at the Texas-Louisiana State line and extending along Interstate Highway 20 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 80, thence along U.S. Highway 80 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub-No. E121), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemicals*, in bulk, in tank vehicles, from the plantsite of American Cynamide Company at Avondale, La., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plantsite of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub-No. E122), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemicals*, in bulk, in tank vehicles, from the plantsite of American Cynamide Company at Avondale, La., to those points in Texas north of a line beginning at the Texas-Louisiana State line and extending along Interstate Highway 20 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 80, thence along U.S. Highway 80 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the plantsite of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub-No. E123), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemical*, in bulk, in tank vehicles, from the plantsite of Dow Chemicals, Columbia County, Ark., to those points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along Alabama Highway 96 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 10, thence along Alabama Highway 10 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the plantsite of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub-No. E124), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop West, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark., to those points in South Carolina 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 41, thence along South Carolina Highway 41 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of the plantsite of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub-No,. E125), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Chemicals, Columbia County, Ark., to those points in North Carolina east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 32 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction North Carolina Highway 141, thence along North Carolina Highway 141 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 17, thence along U.S. Highway 17 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of the plantsite of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub-No. E126), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop W., Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Chemicals, U.S.A., in Columbia County, Ark., to points in Florida. The purpose of this filing is to eliminate the gateway of the plantsite of American Cyanamid Company of Avondale, La.

No. MC 102567 (Sub-No. E127), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop W., Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals*, in bulk in tank vehicles, from the plantsite of Dow Chemicals, U.S.A., in Columbia County, Ark., to those points in Georgia south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 25 to junction Georgia Highway 144, thence along Georgia Highway 144 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 221, thence along U.S. Highway 221 to Georgia Highway 32, thence along Georgia Highway 32 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 82, thence along US. Highway 82 to junction Georgia Highway 62, thence along Georgia Highway 62 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La.

No. MC 106401 (Sub-No. E19), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) from points in Georgia on, east, and south of a line beginning at the Georgia-South Carolina State line and extending along Interstate Highway 20 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Georgia Highway 88, thence along Georgia Highway 88 to junction Georgia Highway 68, thence along Georgia Highway 68 to junction Georgia Highway 57, thence along Georgia Highway 57 to junction Georgia Highway 112, thence along Georgia Highway 112 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 27, thence along Georgia Highway 27 to the Georgia-Alabama State line, and points on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 301 to the Georgia-Florida State line, to points in South Carolina west and north of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties (except points on U.S. Highway 29 and U.S. Highway Alternate 29, U.S. Highway 23 and U.S. Highway 123, U.S. Highway 1, U.S. Highway 76 between Columbia and Florence, U.S. Highway 15 between Sumter and junction U.S. Highway 52 at or near Society Hill, and U.S. Highway 52 between Florence and Cheraw);

(2) from points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 34 to Newnan, thence along U.S. Highway 29 to junction Interstate Highway 285, thence along Interstate Highway 285 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 441, points on and west of U.S. Highway 441 from junction Interstate Highway 20 to junction U.S. Highway 129, thence along U.S. Highway 129 to Gray, thence along Georgia Highway 18 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Georgia Highway 112, points north and west of Georgia Highway 112 from the junction of U.S. Highway 80 to Cochran, U.S. Highway 129 to Hawkinsville, thence along Georgia Highway 27 to the Georgia-Alabama State line to points in South Carolina west and north of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties (except points in Oconee, Pickens, Greenville, and Anderson Counties, and except points on U.S. Highway 29 and U.S. Highway Alternate 29, U.S. Highway 1, U.S. Highway 76 between Columbia and Florence, U.S. Highway 15 between Sumter and the junction of U.S. Highway 52 at or near Society Hill, and, U.S. Highway 52 between Florence and Cheraw); (3) from points in Georgia on and south of Georgia Highway 99 between Ludowici and the Atlantic Ocean at or near Volona, Ga., and east of a line beginning at Ludowici and extending along U.S. Highway 25 to Jessup, thence along U.S. Highway 301 to Dillon, thence along South Carolina Highway 34 to Bishopville, thence along U.S. Highway 15 to junction South Carolina Highway 441, thence along South Carolina Highway 441 to junction U.S. Highway 378, thence along U.S. Highway 378 to the western boundary of Sumter County (Wateree River), and points north and west of the northern and western boundaries of Calhoun, Orangeburg, and Barnwell Counties (except points on U.S. Highway 29 and U.S. Highway Alternate 29, U.S. Highway 23 and U.S. Highway 123, U.S. Highway 1, U.S. Highway 76 between Columbia and the Richland-Sumter County line, U.S. Highway 15 between junction South Carolina Highway 34 and junction U.S. Highway 52 at or near Society Hill, and, U.S. Highway 52 between junction South Carolina Highway 34 and Cheraw);

(4) from points in Georgia on and south of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 378 to Washington, thence along Georgia Highway 44 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Interstate Highway 20 and junction U.S. Highway 129, thence along U.S. Highway 129 to Gray, thence along Georgia Highway 18 from Gray to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Georgia Highway 112, points west and north of Georgia Highway 112 between junction U.S. Highway 80 and Toomsboro, Georgia Highway 57 from Toomsboro to junction Georgia Highway 68, thence along Georgia Highway 68 to junction Georgia Highway 88, thence along Georgia Highway 88 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, to points in South Carolina west and north of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties, and points east of a line beginning at the North Carolina-South Carolina State line and extending along the eastern boundary of Greenville County to junction South Carolina Highway 14, thence along South Carolina Highway 14 to Laurens, thence along U.S. Highway 221 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to Chappells, thence along the eastern boundaries of Greenwood and McCormick Counties, S.C., to the South Carolina-Georgia State line (except points on U.S. Highway 29 and U.S. Alternate Highway 29, U.S. Highway 1, U.S. Highway 76 between Columbia and Florence, U.S. Highway 15 between Sumter and junction U.S. Highway 52 at or near Society Hill, and, U.S. Highway 52 between Florence and Cheraw);

(5) from points in Georgia east and north of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 301 to Ludowici, thence along Georgia Highway 99 to the Atlantic Ocean at or near Volona, Ga., to points in South Carolina west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to Pageland, thence along South Carolina Highway 151 to junction U.S. Highway 1, thence along U.S. Highway 1 to Camden, thence along South Carolina Highway 34 to the western boundary of Kershaw County, thence along the western boundary of Kershaw County to the northern boundary of Richland County, thence along the northern and western boundary of Richland County to South Carolina Highway 215, thence along South Carolina Highway 215 to Jenkinsville, thence along South Carolina Highway 213 to junction

U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 6, thence along South Carolina Highway 6 to junction South Carolina Highway 215, thence along South Carolina Highway 215 to junction South Carolina Highway 302, thence along South Carolina Highway 302 to junction U.S. Highway 278, thence along U.S. Highway 278 to the South Carolina-Georgia State line (except points on U.S. Highway 29 and U.S. Highway Alternate 29, U.S. Highway 23 and U.S. Highway 123, and U.S. Highway 1); (6) from points in Georgia north of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 378 to junction Georgia Highway 44, thence along Georgia Highway 44 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 285, thence along Interstate Highway 285 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Georgia Highway 34, thence along Georgia Highway 34 to the Georgia-Alabama State line to points in South Carolina west and north of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties, and south and east of a line beginning at the North Carolina-South Carolina State line and extending along South Carolina Highway 200 to Winnsboro, thence along South Carolina Highway 34 to Chappells, thence along the southern and eastern boundaries of Newberry, Greenwood, and McCormick Counties, S.C., to the South Carolina-Georgia State line (except points on U.S. Highway 1, U.S. Highway 76 between Columbia and Florence, U.S. Highway 15 between Sumter and the junction of U.S. Highway 52 at or near Society Hill, and, U.S. Highway 52 between Florence and Cheraw. The purpose of this filing is to eliminate the gateway of Graniteville, S.C.

No. MC 106836 (Sub-No. E1), filed May 12, 1974. Applicant: PRESCOTT TRANSFER & STORAGE INC., P.O. Box 210, Prescott, Ark. Applicant's representative: F. L. Wyeke, 2425 Wilson Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods;* (1) between those points in Arkansas on and north of a line beginning at the Arkansas-Tennessee State line, and extending along Interstate Highway 40 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Texas State line, on the one hand, and, on the other, those points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 79 to junction Louisiana Highway 146, thence along Louisiana Highway 146 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line; (2) between those points in Arkansas north and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-Arkansas State line, on the one hand, and, on the other, points in Louisiana.

(3) between those points in Arkansas bounded by a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction Arkansas Highway 275, thence along Arkansas Highway 275 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line, and extending along the Arkansas-Mississippi State line to the Arkansas-Louisiana State line, and thence along the Arkansas-Louisiana State line to junction U.S. Highway 65, on the one hand, and, on the other, those points in Missouri north of U.S. Highway 36; (4) between those points in Arkansas south and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 65 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Arkansas Highway 275, thence along Arkansas Highway 275 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Missouri; (5) between those points in Arkansas north and east of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 55 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line, on the one hand, and, on the other, those points in Oklahoma west of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 63, thence along Oklahoma Highway 63 to the Oklahoma-Texas State line.

(6) between those points in Arkansas south of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 40 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Texas State line, on the one hand, and, on the other, points in Oklahoma; (7) between those points in Arkansas east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Texas; (8) between points in Arkansas north and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, those points in Texas south of a line beginning at the Texas-Arkansas State line and extending along Interstate Highway 30 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Texas Highway 176, thence along Texas Highway 176 to the Texas-New Mexico State line; (9) between those points in Arkansas on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line, on the one hand, and, on the other, those points in Mississippi south of a line beginning at the Mississippi-Louisiana State line and extending along Mississippi Highway 26, thence along Mississippi Highway 26 to junction U.S. Highway 98 thence along U.S. Highway 98 to the Mississippi-Alabama State line.

(10) between those points in Arkansas on, south, and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 229, thence along Arkansas Highway 229 to junction U.S. Highway 270,

thence along U.S. Highway 270 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in Mississippi; (11) between those points in Arkansas on and west of a line beginning at the Arkansas-Louisiana State line and extending along Arkansas Highway 81, thence along Arkansas Highway 81 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Missouri State line, on the one hand, and, on the other, those points in Tennessee west of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 53, thence along Tennessee Highway 53 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Alabama-Tennessee State line; (12) between those points in Arkansas, on, south, and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 48, thence along Arkansas Highway 48 to junction Arkansas Highway 229, thence along Arkansas Highway 229 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Prescott, Ariz., and points within 50 miles thereof.

No. MC 107002 (Sub-No. E197), filed May 13, 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, from Taylorsville, Miss., to points in Georgia. The purpose of this filing is to eliminate the gateways of Fox, Ala., and Mobile, Ala.

No. MC 107002 (Sub-No. E198), filed May 13, 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* (except petrochemicals), in bulk, in tank vehicles, from Taylorsville, Miss., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 107295 (Sub-No. E211), (Correction), filed May 9, 1974, published in the FEDERAL REGISTER April 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: Prefabricated and precut buildings or houses, complete, knocked down or in sections and all component parts necessary to the construction, erection, or completion of such buildings or houses, when shipped with same (1) from points in that part of Virginia located in and east of Allegheny, Botetourt, Roanoke, Franklin, and Henry Counties to points in Florida, (2) from points in that part of Virginia located in and east of Alleghany, Botetourt, Roanoke, Franklin, and Henry Counties to points in that part of Kentucky located in and west of Oldham, Shelby, Anderson, Mercer, Garrard, Rockcastle, Laurel, Knox, and Bell Counties. The purpose of this filing is to eliminate the gateway of (1) Lumberton, N.C., (2) points in Tennessee, Rockcastle Laurel, Knox, and Bell Counties. The purpose of this correction is to correct the destination points in (2) above.

No. MC 107295 (Sub-No. E216), (Correction), filed May 9, 1974, published in the FEDERAL REGISTER April 15, 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: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts*, thereof, and equipment and materials incidental to the erection and completion of such buildings, (1) from points in Florida to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and points in that part of Texas located in and west of Val Verde, Edwards, Kimble, Mason, San Saba, Lampasas, Coryell, McLennan, Hill, Ellis, Kaufman, Van Zandt, Karnes, Hopkins, and Red River Counties, and (2) from points in Florida to points in that part of Ohio located in Williams, Defiance, Paulding, Van Wert, Mercer, Darke, Preble, Butler, and Hamilton Counties. The purpose of this filing is to eliminate the gateway of (1) Pine Bluff, Ark., and (2) points in Illinois. The purpose of this correction is to clarify the destination points in (2) above.

No. MC 107295 (Sub-No. E226), (Correction), filed May 9, 1974, published in the FEDERAL REGISTER on April 29, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections; (2) from points in that part of Texas in and west of Wichita, Archer, Young, Stephens, Eastland, Brown, McCulloch, Mason, Kimble, Kerr, Bandera, Uvalde, and Maverick Counties to points in that part of Mississippi located in Warren, Hinds, Rankin, Scott, Newton, and Lauderdale Counties (Pine Bluff, Ark.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the territorial description in (2) above. The remainder of this letter-notice remains as previously published.

No. MC 108207 (Sub-No. E17), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plant site of Armour and Company near Worthington, Minn., to points in New Mexico and Arizona. Restriction: The authority herein is limited to shipments originating at the plant site of Armour and Company near Worthington, Minn. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 108207 (Sub-No. E24), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts* (except canned or packaged meats, and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Mississippi to points in Indiana, Minnesota, and Wisconsin. Restriction: The operations authorized herein are restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and Hernando, Miss.

No. MC 108207 (Sub-No. E34), filed June 6, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, 273, and 766, *bakery goods, salads, salad dressing, candy and confections, and frozen foods*, all in vehicles equipped with mechanical refrigeration, from points in that part of New Mexico on and east of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 285 to junction New Mexico Highway 20, thence

along New Mexico Highway 20 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-New Mexico State line, to points in California. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 108207 (Sub-No. E65), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (1) from the facilities utilized by Wilson and Co., Inc., at or near Cherokee, Iowa, to points in Texas and Louisiana (points in Oklahoma)*; and (2) from the facilities utilized by Wilson and Co., Inc., at or near Cherokee, Iowa, to points in Arizona and New Mexico (points in Oklahoma and Texas)*. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson and Co., Inc., at or near Cherokee, Iowa. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111401 (Sub-No. E63), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from points in Texas on and east of U.S. Highway 83 to points in California, Nevada, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Ft. Worth, Tex.

No. MC 111401 (Sub-No. E94), filed May 6, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Texas on, south, and west of a line beginning at the Corpus Christi Bay and extending along Interstate Highway 37 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico to points in Arkansas, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wyoming, the District of Columbia, and those points in Florida on, east, or south of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 129 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico coast. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 112617 (Sub-No. E67), (Correction), filed May 11, 1974, published in the FEDERAL REGISTER April 10, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in that part of Maryland on and east of a line beginning at Baltimore, Md., extending along Interstate Highway 83 to the Pennsylvania-Maryland State line, and points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line extending along Interstate Highway 83 to junction Interstate Highway 81, thence along Interstate Highway 81 to Scranton, Pa., thence along Pennsylvania Highway 590 to the New York-Pennsylvania State line, to points in Illinois, Indiana, Tullahoma, Tenn., and points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 70 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of any point in Kentucky. The purpose of this correction is to clarify the destination points.

No. MC 113908 (Sub-No. E174), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Lyndonville and North Rose, N.Y., to points in California, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113908 (Sub-No. E177), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Lyndonville and North Rose, N.Y., to Nixa and Springfield, Mo., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 113908 (Sub-No. E179), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Delta and Denver, Colo., to points in Arkansas with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Marionville, Mo.

No. MC 113908 (Sub-No. E180), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Rogers, Ark., to points in California, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113908 (Sub-No. E183), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Memphis, Tenn., to points in California, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113908 (Sub-No. E298), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar* and *vinegar stock*, in bulk, in tank vehicles, from Rogers, Ark., to points in New York, and those in Pennsylvania north and east of a line extending from the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to the Pennsylvania-New York State line, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Belding, Mich.

No. MC 113974 (Sub-No. E8), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310

Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateways of New York (except New York City), and Pennsylvania.

No. MC 113974 (Sub-No. E10), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel*, and *steel products*, which, because of size or weight, require specialized handling or rigging, between points in Michigan on and south of Interstate Highway 94, on the one hand, and, on the other, points in Pennsylvania and West Virginia within 125 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateway of Erie County, Ohio.

No. MC 113974 (Sub-No. E11), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from points in Ohio to points in Massachusetts. The purpose of this filing is to eliminate the gateway of North Madison and Ashtabula (and points within 15 miles of Ashtabula), Ohio.

No. MC 113974 (Sub-No. E12), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, P.O. Box 67, Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, powerplant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks*, and *tanks* (except lumber and lumber products, restricted to transportation requiring special equipment), between points in Massachusetts and Connecticut west of a line beginning at the New York-Connecticut State line and Connecticut Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to Fitchburg, Mass., thence along Massachusetts Highway 2A to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in New York within 65 miles of Poughkeepsie.

No. MC 113974 (Sub-No. E13), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used machinery*, between points in Massachusetts east of Interstate Highway 91 and points in New Hampshire, and Rhode Island, on the one hand, and, on the other, points in Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Massachusetts within 25 miles of Boston, Newark, N.J., and New York, N.Y.

No. MC 113974 (Sub-No. E14), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of New York, N.Y., and Newark, N.J.

No. MC 113974 (Sub-No. E15), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, asphalt and composition roofing products, composition boards, urethane products* and *insulating materials* (except commodities in bulk), from points in Massachusetts, Rhode Island, and Connecticut to points in Alabama, Arkansas, Kentucky, Illinois, Indiana, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateways of Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, Edgewater, and Cateret, N.J., and Philadelphia, Pa.

No. MC 113974 (Sub-No. E16), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and articles* requiring the use of special equipment and handling because of size or weight, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, New York, and New Jersey.

No. MC 113974 (Sub-No. E17), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, from points in Delaware, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia to Boston, Mass. The purpose of this filing is to eliminate the gateways of points in Cumberland, Salem, Gloucester, Atlantic, Camden, and Burlington Counties, N.J., within 30 miles of Philadelphia, Pa., and New York, N.Y.

No. MC 113974 (Sub-No. E18), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials*, and *supplies* used in the installation of sheet metal products which require the use of special equipment by reason of size or weight, from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island to points in Florida and Georgia. The purpose of this filing is to eliminate the gateways of points in New York and New Jersey within 35 miles of Columbus Circle, N.Y., and the plant site of Acme Manufacturing Co., at Philadelphia, Pa.

No. MC 113974 (Sub-No. E19), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in New York (except New York City), within 35 miles of Columbus Circle, N.Y.

No. MC 113974 (Sub-No. E31), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO.,

P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products*, that require the use of special equipment or handling by reason of size or weight, from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island to points in Florida and Georgia. The purpose of this filing is to eliminate the gateways of New York, New Jersey, and the plant site of Acme Mfg. Co., at Philadelphia, Pa.

No. MC 113974 (Sub-No. E33), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Pittsburgh, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Ohio to points in Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of points in West Virginia within the Weirton commercial zone.

No. MC 114457 (Sub-No. E135), filed May 25, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in South Dakota in and north of Lawrence, Meade, Haakon, Stanley, Hughes, Hyde, Buffalo, Jerauld, Sanborn, Miner, Lake, and Moody Counties, to points in Missouri in and east of Scotland, Knox, Shelby, Monroe, Audrain, Boone, Cole, Maries, Phelps, Texas, and Howell Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E136), filed May 25, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Kansas in and west of Nemaha, Jackson, Shawnee, Wabaunsee, Lyon, Greenwood, Elk, and Chautauqua Counties, to points in Wisconsin in and north of Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 115322 (Sub-No. E183) (correction), filed January 27, 1975, published in the FEDERAL REGISTER April 30, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Charleston, S.C., to points in Virginia and West Virginia within 70 miles of Winchester, Va. The purpose of this filing is to eliminate the gateway of Winchester, Va. The purpose of this correction is to correct the territorial description.

No. MC 115322 (Sub-No. E192) (Correction), filed January 27, 1975, published in the FEDERAL REGISTER April 30, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from Westfield, N.Y., to Brunswick, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va. The purpose of this correction is to correct the "E" number, previously published as E129.

No. MC 115603 (Sub-No. E45), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Henry Piwowarek (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (a) between points in New Mexico on and east of a line extending from the New Mexico-Colorado State line on U.S. Highway 84 to junction New Mexico Highway 17, thence along New Mexico Highway 17 to junction New Mexico Highway 537, thence along New Mexico Highway 537 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 57, thence along New Mexico Highway 57 to junction New Mexico Highway 264, thence along New Mexico Highway 264 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-Nebraska State line, and extending along Colorado Highway 176 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction unnumbered highway near Granada, thence along unnumbered highway to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction unnumbered highway near Pritchett, thence along unnumbered highway to the Colorado-Oklahoma State line; (b) between points in Colorado on and north of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 40 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. highway 50, thence along U.S. Highway 50 to junction Colorado Highway 101, thence along U.S. Highway 101 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction unnumbered highway near Pritchett, thence along unnumbered highway to the Colorado-Oklahoma State line, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line and extending along New Mexico Highway 18 to junction New Mexico Highway 156, thence along New Mexico Highway 156 to junction unnumbered highway west of Jordan, thence along unnumbered highway to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 20, thence along New Mexico Highway 20 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction New Mexico Highway 13, thence along New Mexico Highway 13 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction New Mexico Highway 24, thence along New Mexico Highway 24 to junction New Mexico Highway 137, thence along New Mexico Highway 137 to junction unnumbered highway, thence along unnumbered highway to the New Mexico-Texas State line; (c) between points in New Mexico on and south of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 70 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Colorado Highway 94, thence along Colorado Highway 94 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction unnumbered highway south of Delhi, thence along unnumbered highway to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 389, thence along Colorado Highway 389 to the Colorado-New Mexico State line; and (d) between points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line and extending along New Mexico Highway 325 to junction New Mexico Highway 370, thence along New Mexico Highway 370 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction New Mexico Highway 88, thence along New Mexico Highway 88 to junction New Mexico Highway 330, thence along New Mexico Highway 330 to junction New Mexico Highway 116, thence along New Mexico Highway 116 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Colorado within Mesa, Delta, Montrose, and San Miguel Counties. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E46), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box

94626, Oklahoma City, Okla. 73109. Applicant's representative: Henry Piwowarek (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (a) between points in Wyoming on and north of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wyoming-South Dakota State line, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the New Mexico-Arizona State line extending along U.S. Highway 180 to junction New Mexico Highway 12, thence along New Mexico Highway 12 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Mexico Highway 3, thence along Mexico Highway 3 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 56, thence along along U.S. Highway 56 to junction New Mexico Highway 193, thence along New Mexico Highway 193 to junction New Mexico Highway 325, thence along New Mexico Highway 325 to junction New Mexico Highway 551, thence along New Mexico Highway 551 to the New Mexico-Colorado State line; and (b) between points in Wyoming on and north of a line beginning at the Wyoming-Idaho State line and extending along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the New Mexico-Arizona State line and extending along Interstate Highway 10 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction New Mexico Highway 26, thence along New Mexico Highway 26 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction New Mexico Highway 72, thence along New Mexico Highway 72 to junction New Mexico Highway 325, thence along New Mexico Highway 325 to junction New Mexico Highway 551, thence along New Mexico Highway 551 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115841 (Sub-No. E126), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods* (except frozen fruits, frozen berries, and frozen vegetables), and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods, from points in that part of Tennessee west of that portion of the Tennessee River extending from a point on the Tennessee-Kentucky State line (south of Paducah, Ky.) to a point on the Tennessee-Alabama State line (north of Florence, Ala.), to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E130), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods* (except frozen fruits, frozen berries, and frozen vegetables), and *frozen fruits, frozen berries*, and *frozen vegetables* from Golden Meadow, Hammond, Independence, Morgan City, New Orleans, Ponchatoula, and Violet, La., to points in Iowa and Missouri and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 115841 (Sub-No. E142) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 6, 1975. Applicant: COLONIAL REFRIGERATION TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen fruits, frozen berries*, and *frozen vegetables*, in vehicles equipped with mechanical refrigeration, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and to points in California located on and south of a line beginning at the Nevada-California State line, thence along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or Nashville, Tenn. The purpose of this correction is to clarify the destination description.

No. MC 117344 (Sub-No. E61), filed May 21, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* which are chemicals, in bulk, in tank vehicles, from Leach, Ky., to points in Illinois on and north of a line beginning at Chester and extending along Kentucky Highway 150 to junction Kentucky Highway 154, thence along Kentucky Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, those in Minnesota on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to Minneapolis, Minn., thence along Minnesota Highway 65 to Littlefork, Minn., and thence along U.S. Highway 71 to the United States-Canada International Boundary line, and those in Missouri on and east of a line beginning at Louisiana, Mo., and extending along U.S. Highway 54 to junction U.S. Highway 65, and thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 117344 (Sub-No. E83), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, P.O. Box 5241, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Decatur, Ind., to points in Pennsylvania on and east of U.S. Highway 11 and points in West Virginia (except those in Brooke, Hancock, Marshall, Ohio, and Wetzel Counties). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117416 (Sub-No. E7), filed May 31, 1974. Applicant: NEWMAN AND PEMBERTON CORPORATION, Knoxville, Tenn. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and processed foodstuffs* (except in bulk or frozen), restricted against the transportation of meats and meat products, meat by-products, and dairy products, from Louisville, Ky., to points in Alabama (except points in Autauga, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Marshall, Morgan, Perry, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston Counties), points in Arkansas, Florida, Georgia, Kentucky (except points in Jefferson, Shelby, Oldham, Boone, Campbell, and Kenton Counties and points within the Louisville and Ashland commercial zones as defined by the Commission), Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia (except points in Kanawha County and points in the Huntington commercial

zone as defined by the Commission), and the District of Columbia (Jeffersonville, Ky.)*; and (2) *Paper* and *paper products*, from points in McMinn County, Tenn. (except those on U.S. Highway 411), to Louisville, Ky. (points within the New Albany, Ind., commercial zone which are not within the commercial zone of Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119774 (Sub-No. E303), filed March 4, 1975. Applicant: EAGLE TRUCKING COMPANY, 301 E. Main St., P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan F. Killingsworth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel conduit;* (1) from Ft. Smith, Ark., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, North Dakota, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; and (2) from Ft. Smith, Ark., and Little Rock, Ark., on the one hand, and, on the other, points in Arizona, Colorado, Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Montana, Nebraska, New Jersey, New Mexico, Oklahoma, Pennsylvania, South Dakota, Utah, Wisconsin, Wyoming, and the District of Columbia; restricted to the transportation of traffic that has an immediate prior movement by water. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 119774 (Sub-No. E304), filed March 4, 1975. Applicant: EAGLE TRUCKING COMPANY, 301 E. Main St., P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan F. Killingsworth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, the transportation of which because of size or weight, require the use of special equipment, from points in Arkansas (except Newport, Ark., and points in its commercial zone), on and west of Interstate Highway 30 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to the Arkansas-Oklahoma State line to points in Alabama on and south of U.S. Highway 80, points in Mississippi on and south of Interstate Highway 20 and U.S. Highway 80, points in Georgia on and south of U.S. Highway 80, thence along U.S. Highway 80 to the Georgia-South Carolina State line, and points in Florida. The purpose of this filing is to eliminate the gateway of Shreveport, La.

No. MC 119774 (Sub-No. E305), filed March 4, 1975. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, 301 E. Main St., Kilgore, Tex. 75662. Applicant's representative: Nolan F. Killingsworth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, the transportation of which require the use of special equipment or handling, because of size or weight, from Little Rock, Ark., to points in Florida east of Florida Highway 77. The purpose of this filing is to eliminate the gateway of Shreveport, La.

No. MC 119774 (Sub-No. E306), filed March 4, 1975. Applicant: EAGLE TRUCKING COMPANY, 201 E. Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan F. Killingsworth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from the facilities of the United States Pipe and Foundry Company and of the American Cast Iron Pipe Company at Birmingham, Ala., to points in Arizona, Colorado, Iowa on and west of a line from the Missouri-Iowa State line along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, Minnesota on and west of U.S. Highway 71, Montana, Nebraska, North Dakota, South Dakota, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 123685 (Sub-No. E7) (correction), filed May 15, 1974, published in the FEDERAL REGISTER April 30, 1975. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products*, and *paper wrappers;* (1) from points in Ohio on, south, and east of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, to points in Michigan on and north of a line beginning at Detroit, Mich., thence along Interstate Highway 94 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and points in Illinois on and west of U.S. Highway 66; (2) from those points in Ohio on, north, and east of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, to those points in the Upper Peninsula of Michigan including Mackinaw City, and those points in Illinois on, west, and south of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line; (3) from points in Wayne, Stark, Summit, Portage, Trumbull, Mahoning, Columbiana, Jefferson, Carroll, Harrison, and Tuscarawas Counties, Ohio, to points in Illinois; (4) from points in Wayne County, Ohio, to those points in Michigan on and north of a line beginning at Lake Michigan and extending along Interstate Highway 94 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 27, thence along Michigan Highway 27 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to Lake Huron, and those points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of the facilities of the Grief Board Corporation, in Stark County, Ohio. The purpose of this correction is to correct the origin points.

No. MC 123685 (Sub-No. E9) (correction), filed May 15, 1974, published in the FEDERAL REGISTER April 23, 1975. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers.* (1) from points in Williams, Defiance, Paulding, Van Wert, Fulton, Allen, Putnam, Henry, Lucas, Wood, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Marion, Crawford, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Summit, Wayne, and Stark Counties, Ohio to those points in Pennsylvania on, south and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-New York State line; (2) from points in Ohio on, east and north of a line beginning at Lake Erie and extending along Ohio Highway 4 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Ohio-Indiana State line, to those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U. S. Highway 219 to the Pennsylvania-New York State line; (3) from points in Stark, Wayne, Ashland, Richland, Crawford, Wyandot, Hardin, Allen, Paulding, Van Wert, Mercer, and Auglaize Counties, Ohio, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the facilities of Greif Board Corporation, in Stark County, Ohio. The purpose of this correction is to correct the territorial and destination points.

No. MC 126593 (Sub-No. E1), filed May 27, 1974. Applicant: TRANSPORT VAN LINES, INC., 2105 Wall Avenue,

Ogden, Utah 84401. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission and *emigrant movables*, (1) between Pine Bluffs, Wyo., and points within 30 miles thereof, on the one hand, and, on the other, points in Iowa, Missouri, and points in South Dakota on and east of U.S. Highway 81; (2) between Pine Bluffs, Wyo., and points within 30 miles thereof which are on and south of U.S. Highway 30, on the one hand, and, on the other, points in South Dakota on and bounded by a line beginning at the Nebraska-South Dakota State line extending along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 25, thence along South Dakota Highway 25 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota State line to point of origin; and (3) between the junction of U.S. Highway 80 and Wyoming Highway 213 near Burns, Wyo., on the one hand, and, on the other, points in South Dakota on or bounded by a line beginning at Huron, S. Dak., extending along U.S. Highway 14 to junction South Dakota Highway 25, thence along South Dakota Highway 25 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to point of origin. The purpose of this filing is to eliminate the gateway of Bradshaw, Nebr., and points within 25 miles thereof.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14339 Filed 5-30-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 28, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 17, 1975.

FSA No. 42996—*Grain and Related Articles Between Points in Illinois and Arkansas, Louisiana, Mississippi, Tennessee and Texas; Also from Points in Illinois to Points in Texas and Arkansas.* Filed by Southwestern Freight Bureau, Agent, (No. B-527), for interested rail carriers. Rates on grain, grain products and related articles, also seeds, in carloads, as described in the application, between points in Illinois and points in Arkansas, Louisiana, also Natchez, Mississippi, Memphis, Tennessee, and Texarkana, Texas, on the one hand; also from points in Illinois to points in Texas, also Texarkana, Arkansas.

Grounds for relief—Market competition.

Tariffs—Supplements 157, 190, and 121, to Southwestern Freight Bureau, Agent, tariffs, 180-L, 182-J, and 225-M, I.C.C. Nos. 4901, 4967, and 4971, respectively. Rates are published to become effective on July 3, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14340 Filed 5-30-75;8:45 am]

[Notice No. 779]

ASSIGNMENT OF HEARINGS

MAY 28, 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 52579 Sub 143, Gilbert Carrier Corp., now assigned July 8, 1975, at New York, N.Y. is cancelled and the application is dismissed.

MC-C-8507, Harry Schreiber, Schreiber Freight Carriers, Inc., Schreiber Freight Lines, Inc., W-P Truck Lines, Inc., Gerald S. Lesher, and Dorothy H. Loughman, DBA Waynesburg-Pittsburgh Local Express—Investigation of Operations and Revocations of Certificates and MC-F-12368, Harry Schreiber, Schreiber Schreiber Freight Carriers, Inc., Schreiber Freight Lines, Inc., and Gerald S. Lesher—Investigation of Control—Dorothy H. Loughman, DBA Waynesburg-Pittsburgh Local Express has been continued to June 10, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 Sub 717, National Trailer Convoy, Inc., now assigned June 17, 1975 at Washington, D.C. is canceled and the application is dismissed.

MC 45544-Sub 5, Silver Line, Inc., now being assigned July 8, 1975 (1 day), at New York, N.Y.; in a hearing room to be designated later.

MC-F-12339, H. W. Taynton Company, Inc.—Purchase—Margaret B. Bowser and the Estate of Robert Bowser and MC 109821 Sub 40, H. W. Taynton Company, Inc., now being assigned July 14, 1975 (1 week) at Philadelphia, Pennsylvania; in a hearing room to be designated later.

MC 112989 Sub 41, West Coast Truck Lines, Inc., now being assigned July 14, 1975 (1 day), at Portland, Oregon; in a hearing room to be designated later.

MC-FC-75620, C & F Trucking, Inc., Transferee and Towers Transportation, Inc., Transferor, now being assigned prehearing conference June 3, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12451, William M. and Barbara R. Gully—Control—C. L. Connors, Inc., now being assigned July 10, 1975 (2 days), in St. Louis, Missouri; in a hearing room to be designated later.

MC 119777 Sub 304, Ligon Specialized Hauler, Inc., now assigned July 10, 1975 at St. Louis, Mo. is canceled and application dismissed.

MC 111231 Sub 189, Jones Truck Line, Inc., now assigned July 16, 1975 at Kansas City, Missouri is cancelled and the application is dismissed.

MC 1515 Sub 196, Greyhound Lines, Inc., now assigned July 28, 1975 at Newark, New Jersey is canceled and reassigned on July 28, 1975 at Hempstead, New York, at the Holiday Inn, 80 Clinton Street.

MC 119493 Sub 134, Monkem Company, Inc., now being assigned July 17, 1975 (2 days), at Kansas City, Missouri; in a hearing room to be designated later.

MC 133591 Sub 13, Wayne Daniel Truck, Inc., now being assigned July 16, 1975 (1 day), at Kansas City, Missouri; in a hearing room to be designated later.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14341 Filed 5-30-75;8:45 am]

[Notice No. 60]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 28, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 190TA), filed May 21, 1975. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Gary L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as

defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Potlatch Corporation, located in Desha County, Ark., as an off-route point in conjunction with applicant's regular route operations authorized in Docket MC 2229 and subs thereof: Joinder and interline: Applicant intends to join the requested authority with its existing regular route authority in MC 2229 and subs thereunder, for 180 days. In addition, applicant states it intends to interline with other carriers but has not provided the specific interchange points as required by the Commission. Supporting shipper: Potlatch Corporation, P.O. Box 1016, Lewiston, Idaho 83501. Opal M. Jones, Transportation Assistant, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 30844 (Sub-No. 541TA), filed May 14, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsite of ITT Gwaltney at Smithfield, Va., to points in Maine, New Hampshire, and Vermont, restricted to the transportation of traffic originating at the above origin and destined to the above named destinations, for 180 days. Supporting shipper: ITT Continental Baking Co., Box 731, Rye, N.Y. 10580. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 33322 (Sub-No. 16TA), filed May 19, 1975. Applicant: JOHN N. APGAR, (IRVING L. APGAR, JOHN N. APGAR FR., AND THE FIRST NATIONAL BANK OF CENTRAL JERSEY, EXECUTORS AND TRUSTEES), STERLING E. APGAR (MORRIS RUTER, TRUSTEE), AND DOROTHY E. ANDERSON, doing business as APGAR BROS. 232 West Union Avenue, Bound Brook, N.J. 08805. Applicant's representative: Irving L. Apgar (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in shipper's hopper van containers, from points in Bound Brook, N.J., to points in Warren, Ohio, for 180 days. Supporting shipper: Union Carbide Corporation, P.O. Box 670 River Road, Bound Brook, N.J. 08805. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 40494 (Sub-No. 10TA), filed May 16, 1975. Applicant: NEWLAND INCORPORATED, 6th and Locust St., Wellsville, Kans. 66092. Applicant's representative: John L. Richeson, First National Bldg., Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractors with attachments, and related parts for the commodities transported when moving therewith* (except truck tractors and truck tractor attachments), from points in Lees Summit, Missouri to points in Kansas, Missouri, Oklahoma, Colorado, Nebraska, Iowa and points in Texas on and west of Interstate 35 and on north of U.S. 380, for 180 days. Supporting shipper: J. I. Case, 2133 Broadway, Kansas City, Mo. 66108. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 41849 (Sub-No. 31TA) (Amendment), filed April 14, 1975, published in the FEDERAL REGISTER issue of April 24, 1975, and republished as corrected this issue. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th St., St. Louis, Mo. 63110. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fired clay aggregate*, in bulk, from the plantsites of Arkansas Lightweight Aggregate Corporation, located at or near West Memphis and England, Ark., to points in Cape Girardeau, Sikeston, St. Louis, and Poplar Bluff, Mo., and points in Jefferson, St. Louis and St. Charles Counties, Mo., for 180 days. Supporting shipper: Arkansas Lightweight Aggregate Corporation, P.O. Box 323, West Memphis, Ark. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operation, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101. The purpose of this republication is to change the commodity description.

No. MC 66650 (Sub-No. 11TA), filed May 19, 1975. Applicant: STUART M. SMITH, INC., 3511 E. North Ave., Baltimore, Md. 21213. Applicant's representative: Walter T. Evans, 7401 Wisconsin Ave. NW., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, non-frozen*, from the facilities of Tasty Kake, Inc., Division of Tasty Baking Company, Philadelphia, Pa., to points in Bridgeport, Conn.; Cumberland, Maryland, and Providence and Manville, R.I., for 180 days. Supporting shipper: Richard A. Kearns, Traffic Manager, Tasty Kake, Inc., Div. of Tasty Baking Company, 2801 Hunting Park Ave., Philadelphia, Pa. 19129. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 82841 (Sub-No. 155TA), filed May 20, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, from the plantsite of Nucor Steel Division of Nucor Corporation, located at or near Norfolk, Nebr., to points in Indiana and Iowa, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, R. D. Bisping, Traffic Manager, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 99625 (Sub-No. 3TA), filed May 14, 1975. Applicant: LUCIEN BISSON, INC., P.O. Box 262, West Bath, Maine 04530. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paneling and molding*, from points in West Bath, Maine, to points in Maine, restricted to the transportation of shipments having a prior movement by rail, for 180 days. Supporting shipper: Evans Products Company, 201 Dexter St., West, Chesapeake, Va. 23324. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 107403 (Sub-No. 942TA), filed May 13, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., 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: *Fly Ash*, in bulk, in tank vehicles, from points in Milliken Station, N.Y., to points in Crooked Creek Dam Site at or near Tioga, Pa., for 180 days. Supporting shipper: J. S. Groves & Sons Company, Box 387, Tioga, Pa. 16949. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 541TA), filed May 14, 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: *Human blood samples, urine samples and diagnostic reports*, between the plantsite of Reference Diagnostics at Fairfield, Conn., on the one hand, and, on the other, points in Kent, Newport, Providence, and Washington Counties, R.I., for 90 days. Supporting shipper: Reference Diagnostics, Inc., P.O. Box 355, 1700 Post Road, Fairfield, Conn. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111936 (Sub-No. 14TA), filed May 16, 1975. Applicant: MURROW'S TRANSFER, INCORPORATED, P.O. Box 4095, High Point, N.C. 27263. Applicant's representative: J. Darrell Peace (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Hillsborough, Pinellas, and Manatee Counties, Fla., to points in Alabama, Georgia, Kentucky, Maryland, District of Columbia, Illinois, Indiana, South Carolina, Tennessee, Michigan, Ohio, New York, New Jersey, North Carolina, Virginia and Pennsylvania, for 180 days. Supporting shippers: Fashion Craft Mfg. Co., 4705 W. Cayuga, Tampa, Fla. 33614. Liberty Furniture, Drawer E, Liberty, N.C. 27298. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 113908 (Sub-No. 343TA), filed May 20, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and wine products*, in bulk, between points in New York City, N.Y. and Newark, New Brunswick and Paterson, N.J., and their respective commercial zones on the one hand, and, on the other hand, Atlanta and Roberta, Ga., and their respective commercial zones, for 180 days. Supporting shipper: Monarch Wine Company, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Varry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114840 (Sub-No. 14TA), filed May 16, 1975. Applicant: EBY BROTHERS, INC., 8000 Overland Road, Route 2, Boise, Idaho 83705. Applicant's representative: Kenneth G. Bergquist, 307 Sonna Bldg., P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe*, from points in Ada County, Idaho, to points in Adams, Benton, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Chelan, Walla Walla and Yakima Counties, Washington; points in Gilliam, Morrow, Sherman, and Wasco Counties, Oreg., and points in Nevada, for 180 days. Supporting shipper: Spokane Culvert & Fabricating Co., P.O. Box 238, Airway Heights, Wash. 99001. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho.

No. MC 115523 (Sub-No. 174TA), filed May 16, 1975. Applicant: CLARK TANK LINES COMPANY, 1450 Beck St., Salt Lake City, Utah 84111. Applicant's representative: F. Robert Reeder, 79 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from points in Fredonia, Ariz., to points in the state of Utah, for 180 days. Supporting shippers: Arizonia Refining Company, 1505 No. Arco Dr., Phoenix, Ariz. 85009. Utah Dept., of Highways Maintenance Div., 606 State Office Bldg., Salt Lake City, Utah 84114. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 116645 (Sub-No. 19TA), filed May 19, 1975. Applicant: DAVIS TRANSPORT CO., P.O. Box 56, Gilcrest, Colo. 80623. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distillery solubles*, in bulk, in tank vehicles, from points in Atchison, Kans., to points in Johnstown, Colo., for 180 days. Supporting shipper: Loomix of Colorado, Incorporated, P.O. Box 490, Arroyo Grande, Calif. 93420. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 118560 (Sub-No. 1TA) (Correction), filed March 25, 1975, published in the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this issue. Applicant: GENERAL TRUCKING COMPANY, INC., P.O. Box 269, 1100 School Street, Columbia, Tenn. 38401. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag by-products of phosphate furnaces*, in bulk, from Plants of Southern Stone Company, Inc., located in Maury County, Tenn., to points in Kentucky, Georgia, Alabama and Mississippi, for 180 days. Supporting shipper: Southern Stone Company, Inc., 2111 Eighth Ave., S., Birmingham, Ala. 35233. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, Tenn. 37203. The purpose of this republication is to add Georgia as a destination point.

No. MC 119700 (Sub-No. 27TA), filed May 15, 1975. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, Mo. 64125. Applicant's representative: James J. Allinder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, aluminum, aluminum articles, and tanks and parts*, between points in Liberty County, Tex., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri and Oklahoma, for 180 days. Supporting shipper: Pittsburg Des Moines Steel Co., P.O. Drawer E—Ensley Station, Birmingham, Ala. 53218. Send protests to: Vernon V. Coble, iDstrict Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119710 (Sub-No. 22TA), filed May 12, 1975. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from points in Duncan, Nebr., to points in Iowa, restricted to service performed under a continuing contract with the Farr Better Feed Division of W. R. Grace & Co., for 180 days. Supporting shipper: Farr Better Feeds Division of W. R. Grace & Co., P.O. Box 52, Lucerne, Colo. 80646. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 121082 (Sub-No. 9TA), filed May 15, 1975. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, Mich. 48238. Applicant's representative: Robert E. McFarland, 860 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* for a freight forwarder in interstate and foreign commerce, the forwarding authority of which is limited to articles not exceeding 100 pounds in weight, and moving in shipments not exceeding 500 pounds in weight, from one consignor to one consignee on any one day, between various points and places in that part of the Lower Peninsula of Michigan on and south of a line extending from Lake Michigan along the northern boundaries of Muskegon, Kent, Montcalm, Isabella, Midland and Bay Counties, Mich., and thence along the shorelines of Saginaw Bay and Lake Huron, to Port Huron, Mich., for 180 days. Supporting shipper: American Delivery System, Inc., Joseph T. Bambrick, Vice President, Operations, 700 E. Seven Mile Road, Detroit, Mich. 48203. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 123048 (Sub-No. 323TA), filed May 14, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bus bodies, semi-knocked down, and metal stampings*, from the plantsite of A M General Corporation, at or near Woodlawn, Tex., to points in South Bend and Mishawaka, Ind., for 180 days. Supporting shipper: A M General Corporation, 13200 McKineley, Mishawaka, Ind. 46544. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 123255 (Sub-No. 52TA), filed May 16, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Sehnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in Pabst, Ga., to points in Dayton and Toledo, Ohio, for 180 days. Supporting shippers: Heidelberg Distributing Company, 1226 Schaeffer St., Dayton, Ohio 45404. Great Lakes Distributors, Inc., 3928 West Detroit Avenue, Toledo, Ohio 43612. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 125628 (Sub-No. 3TA), filed May 16, 1975. Applicant: S. S. BAIRD & SONS, LIMITED, 1000 Hanwell Road, Fredericton, New Brunswick, Canada E3e 2R7. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors, construction, lumbering and farm equipment, machinery and supplies, requiring special equipment for the transportation thereof*, from points in Wisconsin, Minnesota, Ohio, Illinois, Iowa, Pennsylvania, Michigan, and Indiana, to ports of entry on the United States-Canada International Boundary line located in Minnesota, Ohio, New York, Houlton, and Calais, Maine, restricted to traffic destined to points in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, Canada, for 180 days. Supporting shippers: (1) Tractors & Equipment (1972) Ltd., Fredericton, New Brunswick, Canada. (2) Lounsbury Industrial Ltd., Fredericton, New Brunswick, Canada. (3) Rosser Sales, Ltd., Fredericton, New Brunswick, Canada. (4) Atmus Equipment Ltd., Fredericton, New Brunswick, Canada. (5) LaHave Equipment Ltd., Fredericton, New Brunswick, Canada. (6) Barker Equipment Ltd., P.O. Box 39, Fredericton, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 125724 (Sub-No. 2TA), filed May 15, 1975. Applicant: SINGER TRANSPORT, INC., S3030 Baker Road, Orchard Park, N.Y. 14127. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Quarry tile and glazed tile*, from points in Lewisport and Cloverport, Ky., and Lansdale and Quakertown, Pa., to points in New York State in and west of Cayuga, Tompkins, and Tioga Counties and *returned, rejected and refused shipments*, in the reverse direction, for 180 days. Supporting shipper: American Olean Tiles of Western N.Y., 6140 West Quaker St., Orchard Park, N.Y. 14127. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 126109 (Sub-No. 2TA), filed May 16, 1975. Applicant: TRECHO TRANSPORT, INC., 2756 Short St., York, N.Y. 14592. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated homes, parts and/or components thereof, and articles used in erection thereof*, from points in Wheatland, N.Y., to points in Pennsylvania on and west of U.S. Route 15, for 180 days. Supporting shipper: Stylex Homes-Pacesetter Homes, Scottsville, N.Y. 14546. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 128320 (Sub-No. 6TA), filed May 19, 1975. Applicant: ART QUIRING, 118½ West Fourth St., P.O. Box 1481, Grand Island, Nebr. 68801. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, from points in Davenport, Iowa to points in Nevada. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts, with Lusk Candy Co., of Davenport, Iowa, for 180 days. Supporting shipper: Ernie Simon, Senior Vice President, Lusk Candy Company, P.O. Box 3973, Davenport, Iowa 52802. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68508.

No. MC 133684 (Sub-No. 15TA), filed May 13, 1975. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in the Los Angeles Commercial Zone in California to points in Everett, Wash., for 180 days. Supporting shipper: Clark Distributing Company, Inc., 2202 36th St., Everett, Wash. 98206. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 134783 (Sub-No. 31TA), filed May 14, 1975. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles M. Williams, 646 Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Kansas and Nebraska, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 134922 (Sub-No. 127TA), filed May 14, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber articles*, from points in Wooster, Ohio, to points in California, restricted against commodities in bulk; restricted against the transportation of commodities which because of size or weight require the use of special equipment; restricted to traffic originating at the plantsite of Rubbermaid, Inc., at or near Wooster, Ohio, destined to California, for 180 days. Supporting shipper: Rubbermaid, Inc., 1205 East Bowman, Wooster, Ohio 44691. Send protests to: William H. Land, Jr., District Supervisor, 2510 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136220 (Sub-No. 19TA), filed May 15, 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: *Coal*, from the plantsites of Southwestern Coal Co., at Spadra, Ark., and Buckhorn Coal Co., Ltd., at Prairie View, Ark., to the plantsites of Floyd Charcoal Company at Salem, Mo., and Royal Oak Charcoal Company (a division of Georgia-Pacific Corp.), at Memphis, Tenn., for 180 days. Supporting shippers: Floyd Charcoal Company, E. Leon Floyd, V. P. & Gen. Mar., P.O. Box 494, Salem, Mo. 65560. Royal Oak Charcoal Co., A Div. of Georgia-Pacific, Herman L. Quinn, Pur. Dir., 1648 N. Thomas St., Memphis, Tenn. 38107. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136669 (Sub-No. 6TA), filed May 16, 1975. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 515, Dakota City, Nebr. 68731. Applicant's representative: John F. Roeser, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Section 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 points in Amarillo, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Iowa Beef Processors, Inc., H. L. Dennison, General Traffic Manager, P.O. Box 515, Dakota City, Nebr. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14 St., Omaha, Nebr. 68102.

No. MC 139396 (Sub-No. 4TA), filed May 15, 1975. Applicant: MITCHELL & SON, INC., 1940 Carolyn Lane, Pearl, Miss. 39208. 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: *New furniture, upholstered, crated and uncrated*, from points in New Albany, Oklona, Tupelo, and Guntown, Miss.; and Rocky Mount and Turkey, N.C.; to points in California, Oregon, Washington, Montana, Idaho, Wyoming, Nevada, Utah, Arizona, Colorado, and New Mexico, for 180 days. Supporting shipper: Futorian Corporations, Highway 78 West, New Albany, Miss. 38652. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 139541 (Sub-No. 2TA), filed May 14, 1975. Applicant: JOSEPH RAIMO III, INC., P.O. Box 321, Temple, Pa. 19560. Applicant's representative: Bert Collins, 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: *Scrap metal*, in dump vehicles, from points in Altoona, Pa., to points in Sayreville, N.J., for 180 days. Supporting shipper: Raimo Re-Cycling Industries, Inc., P.O. Box 231, Temple, Pa. 19560. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, William J. Green, Jr., Federal Bldg., 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 140026 (Sub-No. 1TA), filed May 15, 1975. Applicant: ELDEN LYNN, JR. AND VIRGIL NEWELL, doing business as LYNN & NEWELL TRANSPORTATION, Route No. 1, De Soto, Kans. 66018. Applicant's representative: John L. Richeson, Second and Main, P.O. Box 7, Ottawa, Kans. 66067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete, components used in prestressed concrete and equipment for the handling of prestressed concrete products*, from the plantsite of Rocky Mountain Prestress, Inc., at or near Edwardsville, Kans., to points in Missouri, Colorado, Nebraska, Iowa and Oklahoma, and Illinois, for 180 days. Supporting shipper: Rocky Mountain Prestress, Inc., P.O. Box 11307, Kansas City, Kans. 66111. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 140353 (Sub-No. 2TA), filed May 15, 1975. Applicant: DWANE BLACHOWSKE, doing business as BLACHOWSKE TRUCK LINES, Route #1, Fairmont, Minn. 56031. Applicant's representative: Elton A. Kuderer, 114 West Second St., Fairmont, Minn. 56031. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washed sand, gravel and concrete aggregate*, in bulk, from points in Estherville, Iowa and points within four miles thereof to points in Martin and Faribault Counties, Minn., for 180 days. Supporting shippers: Hallett Construction Company, Box 90, St. Peter, Minn. 56082. Paradise Ready Mix, 827 E. First St., Fairmont, Minn. 56031. County of Martin, 12th & Marcus St., Fairmont, Minn. 56031. Fairmont Cast Stone Company, 811 E. Fourth St., Fairmont Minn. 56031. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140647 (Sub-No. 1TA), filed May 14, 1975. Applicant: SPIKLIE SALES AND CONSTRUCTION, INC., Antelope, Mont. 59211. Applicant's representative: William E. O'Leary, P.O. Box 225, Helena, Mont. 59601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Margarine*, mayonnaise, salad dressing, syrup and plastic containers, from points in Multnomah County, Oreg., to (1) points in Great Falls, Billings and Missoula, Montana; (2) points in North Dakota (including Bismarck, Williston, Minot), South Dakota (including Rapid City, Pierre, and Sioux Falls), and Minnesota (including Minneapolis, and the commercial area thereof, and Hipkins), for 180 days. Supporting shipper: Gregg's Food Products, Inc., 9000 N.E. Marx Drive, Portland, Oreg. 97220. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 140781 (Sub-No. 1TA), filed May 14, 1975. Applicant: ROGERS MOTOR LINES, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, 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 or used in the operation of retail department stores, for the account of Allied Stores Corporation, between points in New York, N.Y., and North Bergen, N.J., on the one hand, and, on the other, points in Tampa, Clearwater, Fort Myers, Gainesville, Lakeland, St. Petersburg, Sarasota, Bradenton, Naples, Miami, Melbourne, Fort Lauderdale, Merritt Island, Pompano, West Palm Beach, Hollywood, Orlando, and Daytona Beach, Fla., for 180 days. Supporting shipper: Allied Stores Corp., 1114 Avenue of the Americas, New York, N.Y. 10036. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140795 (Sub-No. 2TA), filed May 16, 1975. Applicant: MID-ATLANTIC LEASING CORP., 4209 South Military Highway, Chesapeake, Va. 23321. Applicant's representative: Elliott Bunce, 618 Perpetual Bldg., 1111 E St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers, and empty containers, having an immediately prior or subsequent movement by water, between points in the Commercial Zone of Norfolk, Va., for 180 days. Supporting shippers: Columbus Lines, Inc., 2000 Seaboard Ave., Portsmouth, Va. 23707. American Export Lines, 7737 Hampton Blvd., Norfolk, Va. 23505. Anders Williams & Co., Inc., 1 Commercial Place, Norfolk, Va. 23510. Associated Container Transportation, 7737 Hampton Blvd., Norfolk, Va. 23505. Sea-Land Service Inc., 10 Parsonage Road, P.O. Box 900, Edison, N.J. 08817. Send protests to: C. M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Bldg., 400 North Eighth St., Richmond, Va. 23240.

No. MC 140882 (Sub-No. 1TA), filed May 15, 1975. Applicant: JOE WHITE, REX WHITE AND CHAT WHITE, doing business as WHITES, P.O. Box 30, Lane, Okla. 75555. Applicant's representative: Joe White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged charcoal* (for the account of U.S. Carbon Co.), from points in Coalgate, Okla., to points in Florida, for 180 days. Supporting shipper: U.S. Carbon Co., A Corporation, Eugene W. Brychek, 333 Melvin Drive, Northbrook, Ill. 60062. Send protests to: Marie Spillars, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 140890 (Sub-No. 1TA), filed May 13, 1975. Applicant: D D & D TRUCK LINES, INC., 270 U.S. Highway 90 East, Baldwin, Fla. 32234. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, sawdust, and shavings*, from points in Jacksonville, Fla., to points in Clayattville and St. Marys, Ga., for 180 days. Supporting shipper: Duval Lumber & Supply Company, 11960 W. Beaver St., Jacksonville, Fla. 32220. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 140908 (Sub-No. 1TA), filed May 16, 1975. Applicant: COMMERCIAL & PACKAGE DELIVERY SERVICE, INC., Route 6, Box 53-A, Wilmington, N.C. 28401. Applicant's representative: Jerry R. Williams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, commodities in bulk, dangerous explosives, commodities requiring special equipment and household goods as defined by the Commission); restricted to packages not to exceed 150 pounds in weight; and restricted to traffic having a prior or subsequent movement by air or rail transportation; and (2) Refrigeration equipment and air conditioning coils; restricted to traffic having a prior or subsequent movement by air or rail, between points in Charlotte, North Carolina, on the one hand, and, on the other, Wilmington, Jacksonville, Richlands, Wallace, Burgaw, Southport and Shallotte, N.C., and points within their respective commercial zones, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 140912 (Sub-No. 1TA), filed May 16, 1975. Applicant: STATES WAREHOUSES, INC., 16000 Heron Ave., La Mirada, Calif. 90638. Applicant's representative: Donald Murchison, 9454 Wilshire Bldg., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and syrups*, in bulk *and blends thereof*, in bulk *and granulated sugar*, in bulk, from points in Los Angeles, Calif., to points in the counties of Cochise, Coconino, Graham, Maricopa, Navajo, Pima, Pinal, Yavapai and Yuma, Ariz., and the County of Clark, Nevada, and return of off-quality of unsaleable product, for 180 days. Supporting shipper: Amstar Corporation, Spreckels Sugar Division, 50 California St., San Francisco, Calif. 94111. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Room 1312 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140914 TA (Correction), filed May 2, 1975, published in the FEDERAL REGISTER issue of May 19, 1975, and republished as corrected this issue. Applicant: DOBSON TRUCKING, INC., P.O. Box 498, Dobson, N.C. 27017. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, rock, top soil, road building aggregates, and hot and cold plant mixed asphalt*, in bulk, in dump vehicles, from points in Surry County, N.C., to I-77 Highway construction sites in Carroll County, Va., located along proposed I-77 from the North Carolina-Virginia State line, north to Carroll County Road 775, for 180 days. Supporting shipper: Ararat Rock Products Company, P.O. Box 988, Mt. Airy, N.C. 27030. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205. The purpose of this republication is to correct the docket number.

No. MC 140933 (Sub-No. 1TA), filed May 15, 1975. Applicant: RON FLOOD TRUCKING OF ARIZONA, INC., 3120 West Fillmore, Phoenix, Ariz. 85008. Applicant's representative: Ron Flood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in San Juan County, N. Mex., to the Navajo Generating Station, located approximately four (4) miles east of Page, Ariz.; or to the rail loading facility of the Black Mesa and Lake Powell railroad, located near the intersection of Arizona State Highway 160, and Highway 564, approximately 20 miles west of Kayenta, Ariz., for 180 days. Supporting shipper: Salt River Project Agricultural Improvement & Power Dist., P.O. Box 1980, Phoenix, Ariz. 85001. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 140956 (Sub-No. 1TA), filed May 16, 1975. Applicant: STARR'S TRANSPORTATION, INC., Upper Main St., North Troy, Vt. 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, fertilizer and fertilizer ingredients*, from ports of entry on the International Boundary Line, between the United States and Canada, at or near Rouses Point, N.Y., Highgate Springs, North Troy and Derby Line, Vt., to points in Vermont, on traffic originating at Cornwall, Ontario, Bedford, Montreal and Farnham, Quebec, Canada, for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 140959 TA, filed May 15, 1975. Applicant: M. P. HURLIMAN, doing business as EDELWEISS TRANSFER, Route 2, Box 228, Forest Grove, Oreg. 97116. Applicant's representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tires, camelback, lug stock, retreading equipment and supplies*, from points in Livermore, Calif., to points in Fairbanks, Alaska; and (b) *Tires*, from points in Fairbanks, Alaska to points in Livermore, Calif., for 180 days. Supporting shipper: Mobat Tire & Rubber Co., Inc., 5828 Naylor Ave., Livermore, Calif. 94550. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140960 TA, filed May 15, 1975. Applicant: VARCO TRUCKING, INC., 2320 Rudkin Road, P.O. Box 122, Yakima, Wash. 98907. Applicant's representative: Robert A. Felthous, P.O. Box 156, Selah, Wash. 98942. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, fruit juice concentrates, frozen, canned or bottled* (in bulk or tank vehicles), from points in Wenatchee, Cashmere, and Selah, Wash., to points in Shasta, Sonoma, Sacramento, Contra Costa, Alameda, Santa Clara, Stanislaus, Riverside, San Bernardino, Los Angeles, Ventura, Orange, San Diego, and Fresno Counties, in the state of California, for 180 days. Supporting shipper: Tree Top, Inc., P.O. Box 248, Selah, Wash. 98942. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140961 TA, filed May 15, 1975. Applicant: JOE WAYLON MILAM, Route 4, Athens, Tex. 75751. Applicant's representative: William H. Kugle, Jr., P.O. Box 152, Athens, Tex. 75751. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greyhound track dogs*, between points in Texas and Florida; between Texas and Rhode Island, New Hampshire and Connecticut; between Texas and Colorado; and between Texas and Arizona; and between Texas and Oregon, for 180 days. Supporting shippers: There are 42 supporting shippers to this application, for further information contact Dallas, Interstate Commerce Commission office. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14342 Filed 5-30-75;8:45 am]

[I.C.C. Order No. 141 Under Revised Service Order No. 994]

BURLINGTON NORTHERN INC. AND NORFOLK & WESTERN RAILWAY CO.

Rerouting Traffic

In the opinion of Lewis R. Teeple, Agent, Burlington Northern Inc. and

Norfolk and Western Railway Company are unable to interchange traffic over their line at Hannibal, Missouri, because of flooding and track damage.

It is ordered, That: (a) Burlington Northern Inc. and Norfolk and Western Railway Company, being unable to interchange traffic over their line at Hannibal, Missouri, because of flooding and track damage, are hereby authorized to reroute or divert such traffic via Jacksonville, Illinois, to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(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 carriers' 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 11:00 a.m., May 9, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 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 9, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.75-14343 Filed 5-30-75;8:45 am]

[I.C.C. Order No. 142, Rev. S. O. No. 994]

LOUISIANA MIDLAND RAILWAY CO.

Rerouting Traffic

In the opinion of Lewis R. Teeple, Agent, the Louisiana Midland Railway Company is unable to transport traffic over its line between Archie, Louisiana, and Rhinehart, Louisiana, because of high water.

It is ordered, That:

(a) *Rerouting traffic.* The Louisiana Midland Railway Company, being unable to transport traffic over its line between Archie, Louisiana, and Rhinehart, Louisiana, because of high water, is hereby authorized to reroute or divert such traffic via any available route.

(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 11:59 a.m., May 12, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 19, 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 12, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.75-14344 Filed 5-30-75;8:45 am]

[F.D. 26449]

ATCHISON, TOPEKA AND SANTA FE RAILWAY

Abandonment of Service

MAY 21, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served April 22, 1975, applicant was required to publish a notice in the Tom Green, Schleicher, and Sutton Counties, Texas, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the April 22, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 75-14345 Filed 5-30-75;8:45 am]

[AB 43 (Sub-No. 31)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Service; Dyersburg Branch Between Roberts and Dyersburg, in Madison, Crockett, and Dyer Counties, Tenn.

MAY 21, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served April 22, 1975, applicant was required to publish a notice in the Madison, Crockett, and Dyer Counties, Tennessee, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the April 22, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14346 Filed 5-30-75;8:45 am]

federal register

MONDAY, JUNE 2, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 106

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of Environment

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 381-6]

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Wood Furniture and Fixture Production

On November 14, 1974, notice was published in the FEDERAL REGISTER (39 FR 40236), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the wood furniture and fixture production without water wash spray booth(s) or laundry facilities, the wood furniture and fixture production without water wash spray booth(s) but with laundry facilities, the wood furniture and fixture production with water wash spray booth(s), but without laundry facilities, and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategories of the timber products processing category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the timber products processing category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 429 by adding thereto the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory (Subpart Q), and the wood furniture and fixture production with water wash spray booth(s) or with laundry facilities subcategory (Subpart R). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory, the wood furniture and fixture production without wash water spray booth(s), but with laundry facilities subcategory, the wood furniture and fixture production with water wash spray booth(s), but without laundry facilities subcategory, and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory. In addition, the regulation as proposed was supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Wood Furniture and Fixture Manufacturing Segment of the Timber Products Processing Point Source Category" (November 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Wooden Furniture and Fixture Manufacturing Segment of Timber Products Processing Industry Phase II" (October 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: Effluent Standards and Water Quality Information Advisory Committee, U.S. Department of Agriculture, Southern Furniture Manufacturers Association, Michigan Department of Natural Resources, DeSoto, Inc., the U.S. Department of Commerce, and the U.S. Department of Health, Education, and Welfare.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

A number of commentors questioned the proposed "no discharge of process waste water pollutants" limitation (Southern Furniture Manufacturers Association; DeSoto, Inc.; U.S. Department of Commerce; Effluent Standards and Water Quality Information Advisory Committee). Some reasons that the limitation was questioned were: effluent limitations and standards for the furniture industry are not necessary; the volume of waste water discharged would be considerably less than one million gallons per day for the total industry and, therefore, not a significant factor in the degradation of water quality; the fact that an estimated 90 plus percent of the industry currently discharges to municipal systems.

The effluent limitations and guidelines as proposed were developed within the guidance and constraints of The Federal Water Pollution Control Act Amendments of 1972. "The Act" directs the Agency to determine the capability of technology to reduce or eliminate the discharge of pollutants to navigable waters from the various segments or subcategories of industry. Also determined are the costs of the application of those technologies both in terms of dollar costs, energy and non-water quality environmental impacts. The comment that stated that the volume of process water was inconsequential with regard to the Nation's water quality does not consider the fact that the addition of any pollutants to the surface waters results in a net decrease in water quality, either by adding a material not normally present or by interfering with the natural balance of life that should be present in a water phase ecosystem. Information received during the review of the proposed regulation indicates that some furniture plants generate greater volumes of process waste water than those discussed in the development document. This may be true during full-time operations and also is particularly true during periods of reduced production schedules when equipment such as water wash spray booths must be flushed and cleaned to prevent the buildup of paint and finishing materials on surfaces of the equipment. A request for information concerning the applicability of treatment, the efficiency of treatment, the constituents being controlled, and other factors related to the treatment of wood furniture process water was made in the proposed regulation. There was no response to this request. The volume of waste water generated by the wood furniture and fixture manufacturing segment is small, on a per plant basis. Those plants which have laundry facilities or water wash spray booth equipment do generate more waste water than plants without these operations. It is not possible to develop a relationship of the volume of laundry process water and the normal production criteria such as units of production, value of manfacture, or number of employees. Furniture finishing laundries may service more than one production plant. Also, depending on the type of finishing treatment applied, the method of application, and the amount of launderable material generated, the technique or procedure of cleaning the material will vary. Procedures and practices for flushing and cleaning of water wash spray booths differ considerably among plants in the industry that utilize this method to collect and contain overspray. The frequency of this flushing and cleaning is dependent on considerations such as operating time of the finishing operation, the type of material being applied in the finishing operation, the size and shape of the pieces being finished, and the size and water capacity of the booth. An intermittently operating booth may require flushing and cleaning when production is interrupted after, say five or less days operation, where a spray booth might operate four weeks

or longer without flushing and cleaning if operation occurred on a daily basis.

One commentor questioned whether the methods and procedures presented to achieve the proposed no discharge limitation were feasible.

The options discussed in the support document for the proposed regulation were presented as alternatives that are applicable in many situations. Because it was not feasible to survey all of the 7000+ plants in this segment, although it is probable, it canot be stated absolutely that at least one of the alternatives presented is available to every plant. The regulation was modified to allow a discharge from all plants except those with only glue systems waste water sources.

One commentor questioned the reference in the support documeht to the possibility of significant water flows from a wet scrubber operation and the fact that the effect of a potential wet scrubber water source is not reflected in the subcategorization scheme.

A review of the plant information available, discussions with the contractor who submitted the draft report, and discussions with industry representatives determined that there are apparently no wet scrubber air pollution control systems in place in the industry. However, wet scrubbing installations are in the planning and construction stage, and, wet scrubbers removing the same type of wood waste are operating in other timber products processing installations as closed systems.

One commentor suggested that proposed effluent limitations and standards did not adequately address the potential health hazards related to materials that are present in wood furniture manufacturing facilities; particularly in the finishing area. It was also stated that adequate consideration was not given to the health effects of the alternative methods for disposal of process waste waters.

The development of effluent limitations and standards is primarily technology based, i.e., levels of control and treatment technology appropriate for subcategories in the industry were determined, and the practicality and feasibility of the application of these controls were determined. A number of options were provided to achieve the limitations. Any one of these options may not be acceptable for every establishment. As stated elsewhere in the preamble to this regulation, the principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR 241) may be used as guidance for acceptable land disposal techniques. Other sections of "the Act" and other federal, state, and local guidelines and regulations regarding health effects, air quality, water quality, and land use will control the potential adverse effects of materials present in this industry's wastes.

One commentor questioned the conclusion that prices would increase to reflect pollution control costs.

During periods of general economic downturn it is not likely that prices will substantially reflect pollution control costs. However, for those firms affected, prices are expected to increase in the long run by as much as 0.4 percent during more representative periods. This is supported by the relative prices inelasticity in the consumer market which would be reflected in the wholesale market, though to a lesser degree. However, even if prices were not to increase as a result of pollution control costs, the conclusions regarding closure would remain unchanged.

One commentor stated that the economic analysis was not based on an adequate data base.

Since there are many small privately held firms in this industry which do not generally publish financial or other statistics on their operations, data developed through Department of Commerce information were supplemented by surveys of firms in the industry, surveys of industry associations and others knowledgeable of industry practice, and background data accumulated by the contractor over time. Because of the large number of plants involved, it was necessary to collect data by representative samples. However, the focus was on those firms most likely to be impacted, i.e., the small operations. The consistency of the data within the industry segments suggests that they are representative and adequate for the purpose of assessing economic impact.

One commentor questioned the validity of the economic analysis because it was based on data and assumptions which do not reflect current economic conditions.

The furniture industry's financial performance is cyclical and is related to general economic conditions. Rather than base the economic analysis on peak or depressed periods, data from a more representative period was used. Specifically, data was drawn from 1972. Under representative conditions, it was concluded that prices would increase sufficiently to recover all or most of the pollution control costs. In addition, the capital requirements were small in relation to internally generated cash so that the availability of capital would not be a constraint. Sensitivity analysis was performed which demonstrated that even if all costs were absorbed, profits and cash flow would not be significantly reduced and would not be a sufficient or a primary reason for closure. Finally, the costs associated with the final regulations for 1977 are less than the proposed regulations for some subcategories. This reinforces the conclusion that closures should not occur primarily as a result of these limitations.

One commentor stated that the economic analysis did not properly emphasize the impact on small manufacturers.

The economic analysis segmented the industry in order to identify groups of plans which would be affected similarly by effluent control requirements. It was recognized that economic impact would be related to the size of plant, and therefore plant size was an important criterion used to segment the industry. In addition, the impact analysis and the sensitivity analysis focused primarily on small operations. The conclusion of these analyses was that in general the costs of compliance would not significantly affect profits or cash flow and would not result in closure. The costs of compliance were based on effluent flows and the cost of landfill, and the cost of settling, as shown in the development document. These effluent flows and costs are considered to be maximum. However, in individual cases, if the costs of control were to substantially exceed these costs, closures could occur.

Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The regulations covering the wood furniture and fixture manufacturing industry have been reduced from four subcategories, as proposed, to two subcategories.

(2) The regulation (Subpart R) was modified to allow a discharge from wood furniture manufacturing operations that utilize water wash spray booths or have a laundry facility on-site.

(3) The settleable solids limitation specified for Subpart R, Wood Furniture and Fixture Production with Water Wash Spray Booths or Laundry Facilities, limits the discharge of solids heavier than water that are present in effluents from water wash spray booths. The most commonly used heavier than water materials, and their approximate specific gravity, are: carbon black, 2; iron oxides, 5; silica, 2.3; gypsum, 2.3; talc, 2.75; and umbers, 3.8. These materials are settleable to a 0.2 ml/l Imhoff cone test, particularly with the addition of a deflocculant.

Usual operating procedure with water wash spray booths involves the addition of a deflocculant to the water reservoir of the booth. The deflocculant promotes settling of the material removed from the air stream as the air stream passes through the spray booth. When booth operation is stopped at the end of a production period, normal practice involves physically removing the settled sludge from the booth reservoir before discharge of the water portion. By the removal of sludge from the booth reservoir and the inclusion of a period of settling before discharge to the environment, the settleable solids in the effluent are reduced to a level that minimizes adverse effects on the environment. The application of more restrictive limits, i.e., the no discharge limitations proposed for all sub-

categories in this industry, could have an adverse economic impact for some plants with relatively high volume flows if low cost technologies were unavailable. Best Available Technology, required to be implemented by 1983, is no discharge of waste water pollutants. The 1983 limitation as well as the economic impact of the cost associated with that limitation will be reexamined at a later date.

(4) The pretreatment standards for new sources promulgated below for the wood furniture and fixture production without water wash spray booths or laundry facilities (Subpart Q) and the wood furniture and fixture production with water wash spray booths or with laundry facilities (Subpart R) subcategories were modified to indicate the pollutants present in process waste waters generated by these subcategories and to allow the discharge of pollutants in amounts that can be adequately treated by publicly owned treatment systems.

(c) *Economic impact.* The cost of compliance for these industry sectors is not expected to significantly affect prices, industry production, employment or growth. These guidelines will only affect less than 10 percent of the plants in these sectors because the remaining plants already discharge their waste waters to municipal sewage systems, contract them to be hauled away by commercial disposal companies, or use a combination of these methods. For those plants affected by these guidelines, prices are expected to increase up to 0.4 percent to reflect pollution control costs and, as a result, profits and cash flow are not expected to be significantly affected. The capital costs associated with meeting the effluent limitations are expected to range from 0.1 to 4.6 percent of net assets and are not expected to present a capital availability problem. Therefore, no closures on employment or community impacts are expected as a result of the costs associated with these guidelines. Further, abatement costs are not expected to affect the balance of trade or industry growth.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the wood furniture and fixture manufacturing segment of the timber products processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Wood Furniture and Fixture Manufacturing Segment of the Timber Products Processing Point Source Category" (November 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Wooden Furniture and Fixture Manufacturing Segment of the TIMBER PRODUCTS PROCESSING INDUSTRY PHASE II" (October 1974). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the wood furniture and fixture manufacturing segment of the timber products processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Wood Furniture and Fixture Manufacturing Segment of the Timber Products Processing Point Source Category," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 429, Timber Products Processing Manufacturing Point Source Category, is hereby amended by adding additional subparts R and S to read as set forth below. This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609–73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective June 2, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective July 2, 1975.

Dated: May 27, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart Q—Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Laundry Facilities Subcategory

Sec.

Subpart R—Wood Furniture and Fixture Production With Water Wash Spray Booth(s) or with Laundry Facilities Subcategory

Subpart Q—Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Laundry Facilities Subcategory

§ 429.170 Applicability; description of the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood furniture and fixtures at establishments that (a) do not utilize water wash spray booths to collect and contain the overspray from spray applications of finishing materials and (b) do not maintain on-site laundry facilities for fabric utilized in various finishing operations.

§ 429.171 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.174 [Reserved]

§ 429.175 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.176 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the wood furniture and fixture production without water wash spray booths or laundry facilities subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart R—Wood Furniture and Fixture Production With Water Wash Spray Booth(s) or With Laundry Facilities Subcategory

§ 429.180 Applicability; description of the wood furniture and fixture production with water wash spray booth(s) or with laundry facilities subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood furniture and fixtures that either (a) utilize water wash spray booth(s) to collect and contain the overspray from spray applications of finishing materials, or (b) utilize on-site laundry facilities for fabric utilized in various finishing operations; or (c) do both.

§ 429.181 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	*Effluent limitation*
Settleable Solids	0.2 ml/l.
pH	Within the range 6.0 to 9.0.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable. There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.184 [Reserved]

§ 429.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
Settleable Solids	0.2 ml/l.
pH	Within the range 6.0 to 9.0.

§ 429.186 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the wood furniture and fixture production with water wash spray booths or with laundry facilities and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.

[FR Doc.75-14360 Filed 5-30-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 429]

[FRL 381-7]

TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Proposed Pretreatment Standards for Existing Sources

Notice is hereby given pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will amend 40 CFR 429 Timber Products Processing Point Source Category, Subparts Q and R, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the wood furniture and fixture production without water wash spray booth(s) or laundry facilities, and the wood furniture and fixture production with water wash spray booth(s) or with laundry facilities subcategories of the timber products processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards (40 CFR 429) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 429.166, 429.176, 429.186, and 429.196 of the proposed regulation for point sources within the wood furniture and fixture production without water wash spray booth(s) or laundry facilities, the wood furniture and fixture production without water wash spray booth(s) but with laundry facilities, the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities, and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategories (Nov. 14, 1974; 39 FR 40236), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 429.176 and 429.186 which states the applicability of standards of performance for purposes of pretreatment standards for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Wood Furniture and Fixture Manufacturing Segment of the Timber Products Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Wooden Furniture & Fixture Manufacturing Segment of Timber Products Processing Industry Phase II", was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of wood furniture and fixtures, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of wood furniture and fixtures. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the wood furniture and fixture manufacturing category (39 FR 40236, Nov. 14, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 429) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the wood furniture and fixture production without water wash spray booth(s) or laundry facilities, and the wood furniture and fixture production with water wash spray booth(s) or with laundry facilities subcategories, the Agency has, essentially three options. The first is to allow unrestricted discharge to publicly owned treatment works of materials known to be adequately treated in such works (commonly classed as compatible pollutants). The second is to require the application of best practicable control technology based (1977) limitations to those pollutants which interfere with, pass through or otherwise are incompatible with such works. The third is to establish a different discharge limitation for those pollutants which are treated to a

known degree in publicly owned treatment works but such treatment is relatively inadequate.

The wood furniture and fixture manufacturing segment of the timber products processing industry includes an estimated 7,000 + plants. The largest single manufacturer controls only three percent of the market. More than 90 percent of the existing plants discharge to publicly owned treatment works.

The major sources of process waste water generated by this industry are from water wash spray booth operations, laundry operations for cleaning fabrics used in furniture and fixture finishing operations, and to a lesser extent, glue system clean up operations. All these operations result in a potential intermittent discharge. On-site laundry facilities are becoming less common in the furniture industry according to employees of the furniture industry contacted during development of these guidelines and standards. Many plants purchase this service from commercial laundries. The purpose of spray booths is to contain and collect excess material resulting from the application of finishing materials by spraying. There are two basic types of spray booths; dry booths and water wash booths. Furniture plants may have none, one type or both types. The material a water wash spray booth removes from the process air stream is usually a heavier than water, insoluble in water, material that collects in the water reservoir of the spray booth. Normal cleaning procedures involve removing the solid material from the reservoir by hand with appropriate tools and disposal as a solid waste.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 429 be amended to add §§ 429.174 and 429.184 as set forth below. All comments received on or before July 2, 1975, will be considered.

Dated: May 27, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart Q is amended by adding § 429.174 as follows:

§ 429.174 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory which is a user of a publicly owned treatment and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart R is amended by adding § 429.184 as follows:

§ 429.184 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the wood furniture and fixture production with water wash spray booth(s) or with laundry facilities subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

[FR Doc.75-14361 Filed 5-30-75;8:45 am]

federal register

MONDAY, JUNE 2, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 106

PART III

COMPTROLLER GENERAL

■

FEDERAL ELECTION COMMISSION

■

IMPLEMENTATION OF FEDERAL ELECTION CAMPAIGN ACT

Revocations; Interim Guidelines and Proposed Rules

Title 11—Federal Elections

CHAPTER I—COMPTROLLER GENERAL

CAMPAIGN COMMUNICATIONS AND DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

Revocations

The Federal Election Campaign Act Amendments of 1974, Public Law 93-443, 88 Stat. 1263, October 15, 1974, has made extensive changes in the Federal laws relating to Federal election campaign financing and disclosure. Among these changes are (1) the replacement of the three supervisory officers (Comptroller General, Secretary of the Senate, and Clerk of the House of Representatives) named in the Federal Election Campaign Act of 1971, Public Law 92-225, 86 Stat. 3, by a new Federal Election Commission; (2) the repeal of title I—Campaign Communications—of the Federal Election Campaign Act of 1971, relating to communications media charges for campaign advertising, expenditure limitations for the use of communications media, and certification requirements for the use of communications media; (3) extensive amendments to title III of the Federal Election Campaign Act of 1971, relating to registration and financial reporting by candidates for Federal elective office and supporting political committees; and (4) a transition period between the enactment of the new law and the appointment and organization of the newly created Federal Election Commission.

The transition provision, which is section 208(b) of the Federal Election Campaign Act Amendments of 1974, 88 Stat. 1286, states that the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall continue to carry out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971, as such titles existed prior to the date of enactment of the Amendments, until the appointment and qualification of all the members of the Federal Election Commission and its general counsel, and until the transfer provided for in section 208(b).

The Federal Election Commission, on May 13, 1975, published a notice in the FEDERAL REGISTER, 40 FR 20854, stating that, as provided by section 208(b), the transfer of authority from the supervisory officers designated by the Federal Election Campaign Act of 1971 to the Federal Election Commission will be completed by May 30, 1975. Accordingly:

(1) Title 11, Chapter 1, Subchapter A, entitled "Campaign Communications" and Subchapter B, entitled "Disclosure of Federal Campaign Funds" of the Code of Federal Regulations are revoked effective May 30, 1975.

(2) Title 11, Chapter 1, Supplement B—Federal Campaign Funds: Comptroller General—which contains questions and answers on the administration of the Federal Election Campaign Act of 1971 by the Office of Federal Elections in the General Accounting Office, is revoked effective May 30, 1975.

(3) The communications media expenditure limitations applicable to each Federal election during 1975, issued by the General Accounting Office pursuant to title I of the Federal Election Campaign Act of 1971, and published in the FEDERAL REGISTER on February 18, 1975 (40 FR 7080), are revoked effective May 30, 1975.

The Federal Election Commission has stated its intention, on an interim basis, to accept registration statements and financial reports prepared in conformity with the provisions of Subchapter B—Disclosure of Federal Campaign Funds—with certain modifications, with respect to campaigns for nomination or election to the offices of President and Vice President of the United States. For further information, see the Federal Election Commission's notice published in Part III of today's FEDERAL REGISTER.

(Secs. 205(b), 208(b), and 208(c), 88 Stat. 1263, 1278, 1286.)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-14506 Filed 5-30-75;3:45 am]

CHAPTER II—FEDERAL ELECTION COMMISSION

[Notice 1975-1]

INTERIM GUIDELINES; REPORTS

Pending the issuance of revised regulations and forms under the Federal Election Act Amendments of 1974, committees, candidates and others subject to the Act may, in complying with the reporting requirements of the Act, as amended, submit such reports in conformance with regulations promulgated by the previous Supervisory Officers under the Federal Election Campaign Act of 1971, the Secretary of the Senate, the Clerk of the House of Representatives, and the Comptroller General of the United States.

Such reports will be accepted by the Federal Election Commission on forms heretofore published by the previous Supervisory Officers. The Commission recommends that reporting parties observe the following modifications in completing said forms:

(1) In connection with reports due on or before July 10, 1975, on the front page of the Reports of Receipts and Expenditures (for either a political committee or a candidate) issued by the previous Supervisory Officers, the date July 10 should be typed in the section captioned "Type of Report." Committees, candidates and others who have heretofore filed reports with the Secretary of the Senate or the Clerk of the House of Representatives should file the July 10, 1975 reports with those officers as before. Committees, candidates and others who have heretofore filed reports with the Comptroller General of the United States should file the July 10 report with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. All other persons subject to the Act should file with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

(2) The definition of "file," "filed" and "filing" has been superseded by provisions of the 1974 Act which stipulated that the U.S. postmark shall be deemed to be the date of filing. [2 U.S.C. 436 (d)]

(3) The definition of "periodic reports" has been revised to mean reports filed not later than the tenth day following the close of a calendar quarter. [2 U.S.C. 434(a)(1)(C)]

(4) The definition of "pre-election report" has been revised to mean those reports filed not later than the tenth day before the date on which such elections are held. [2 U.S.C. 434 (a)(1)(A)(i)]

(5) The instructions entitled "Dates for Closing Books" have been modified by provisions of the 1974 Act which stipulate that pre-election reports shall be complete as of the 15th day before such election; that reports filed not later than the 30th day after an election shall be complete as of the 20th day after such election, and that periodic reports shall be complete as of the close of the calendar quarter. [2 U.S.C. 434(a)(1) (A), (B), and (C)]

(6) In Parts 5 and 10 on the Summary Page issued by the previous Supervisory Officers, both the total amount of transfers and the portion thereof comprised of transfers between political committees which support the same candidate and which do not support more than one candidate should be entered on the same line separated by an oblique (/), pursuant to the requirements of 2 U.S.C. 434(b) (8) and (11). For example, the Part 5 entry might be 800/500, the 800 figure representing the total transfers, the 500 after the oblique representing the amount transferred between political committees supporting the same and no other candidate. In computing the "Total Receipts" amount in the line immediately below Part 5, the total transfer figure (in the foregoing example, 800) should be used. In computing the "Total Expenditures" amount in the line immediately below Part 10, the total transfer figure (the figure before the oblique /) should similarly be used.

(7) Expenditures, including communications media expenditures, need be itemized only when they aggregate in excess of $100 to any individual in a calendar year [See 2 U.S.C. 434(b)(9)]. Communications media expenditures need not be separately itemized under Part 6 of the Summary Page issued by the previous Supervisory Officers, but may be included under Part 9 of the Summary Page.

The Commission will at the earliest possible date issue interim guidelines relating to the following matters (as well as matters described in the Commission's Notice of Proposed Rulemaking published in today's FEDERAL REGISTER): (a) When and how a candidate should designate a principal campaign committee; (b) when and how a candidate should designate campaign depositories.

Effective date: May 30, 1975.

THOMAS B. CURTIS,
Chairman, for the Federal Election Commission.

[FR Doc.75-14505 Filed 5-30-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Ch. II]

[Notice 1975-2]

IMPLEMENTATION OF FEDERAL ELECTION CAMPAIGN ACT

Notice of Proposed Rulemaking

The Federal Election Commission (FEC) was established by the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443, 2 U.S.C. 431 et seq.). The FEC is responsible for the administration of, for obtaining compliance with, and for formulating policy with respect to the Federal Election Campaign Act of 1971, as amended (the Act), and sections 608, 610, 611, 613, 614, 615, 616 and 617 of Title 18, United States Code (the Act and these sections are collectively referred to herein as the "Statutory Provisions".) Pursuant to these responsibilities, the FEC is preparing regulations to implement certain of the Statutory Provisions; the FEC proposes to make rules with respect to some or all of the aforementioned matters. Such regulations will be designed to insure that all persons and organizations subject to the Statutory Provisions are equally treated, and that the public interest requiring a clear development of constitutional safeguards is served.

Any interested person or organization is invited to submit written comments to the FEC concerning any part of this notice. The facts, opinions, and recommendations presented in writing, in response to this notice will be considered in drafting regulations related to the Statutory Provisions.

Set forth below is a general description of the subjects and issues that the FEC believes require the most immediate attention:

I. PROCEDURES

A. Comments should be directed to whether or not the Commission has the authority to issue regulations generally for 18 U.S.C. 608, 610, 611, 613, 614, 615, 616 and 617, similar to its authority with respect to Title 2, or whether the Commission can only issue regulations in respect to Title 18 so far as there is a question of:

1. General policy;

2. Where such regulations are necessary or appropriate in connection with the reporting requirements under Title 2; or

3. Where there are parallel references in Titles 2 and 18.

B. Comments should be addressed to general rulemaking procedures of the FEC and consideration should be given to the manner in which comments should be solicited, hearings (if deemed appropriate, the timing, location and duration of said hearings), and the manner in which notices and regulations shall be made public.

C. Advisory opinion requests. Among other considerations, comments should be addressed to whether or not the FEC should have a procedure for issuing opinions to other than the categories of persons listed in 2 U.S.C. 437f(a).

[See generally 2 U.S.C. 437f.]

D. Complaints. Comments should be addressed to whether or not complaint hearings such as those contemplated by 2 U.S.C. 437g(a)(4) should, if ever, be closed to the public. Additional comments as to the entire complaint procedure may be submitted.

E. Comments are invited concerning the manner in which requests under the Freedom of Information Act should be processed.

F. The regulations and procedures necessary to carry out the provision of 2 U.S.C. 439a requiring disclosure of excess contributions and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office.

II. DEFINITIONS

A. "News story, commentary or editorial" is used in the definition of "expenditure" under the Act at 2 U.S.C. 431(f) and in 18 U.S.C. 591(f) but is not mentioned in the definition of "contribution" in 2 U.S.C. 431(e) of the Act and 18 U.S.C. 591(e). Comments may be addressed to the issue of whether a "news story, commentary or editorial" is to be included in the definition of a "contribution".

B. "Debt" is not defined in the Act or in Title 18. Comments may be addressed to the distinction between "debt" and "loan" and " anything of value". In this regard comments are solicited concerning "debts" incurred in the normal course of business and consideration should be given to both contingent fees and 18 U.S.C. 610. In addition, comments may be addressed to the question of whether both the expenditure of the proceeds of a loan and the repayment of the loan itself are "expenditures" for the purposes of 2 U.S.C. 431(f) of the Act and 18 U.S.C. 591(f); similar attention should be given to a "debt".

[See 2 U.S.C. 436(c).]

C. "Slate cards" are defined in 2 U.S.C. 431 of the Act and 18 U.S.C. 591 to require the listing of three or more candidates and costs involving such cards are excluded from expenditures. Comments regarding further definitions of "slate cards" may be concerned with the treatment of slate cards that include partial slates and the printing requirements of such cards in regards to the size and type of print of the cards.

D. "Unreimbursed payment for travel expense" is used in 2 U.S.C. 431(e)(5)(D) and 431(f)(4)(E) of the Act and 18 U.S.C. 591(e)(5)(D) and 591(f)(4)(E), but is not defined. Comments may be addressed to the issue of whether or not the $500 limitation regarding unreimbursed travel expenses is applicable to travel to a campaign site, to travel expenses at or near the campaign site, and to living expenses at said campaign site.

E. Comments are invited with respect to interpretive rules governing the application of 18 U.S.C. 608(e), the "independent expenditure" limitation, including the definition of the word "directly or indirectly, on behalf of a particular candidate" in 18 U.S.C. 608(b)(6) so as to make it clear that only truly independent expenditures will be considered under 18 U.S.C. 608(e), and the scope of activities covered.

F. "Ordinary and necessary expenses incurred * * * in connection with his duties as a holder of Federal office" is used in 2 U.S.C. 491(a) but is not defined. Comments may be submitted concerning the distinctions between "ordinary and necessary expenses" and political expenses, whether or not there should be time limits placed on the use of excess funds prior to and after an election, whether or not a distinction should be drawn between a declared and non-declared candidate for reelection and other matters concerning 2 U.S.C. 439(a).

G. Comment is invited as to whether the term "new party" as defined in 26 U.S.C. 9002(8) includes only organizations that formally considered themselves political parties and nominate candidates for a number of offices, or whether it includes any political organization which serves as the principal campaign committee for a presidential candidate which does not qualify as a "major party" or "minority party" under 26 U.S.C. 9002(6), (7).

III. COMMITTEES

Persons and/or organizations commenting on this section should attempt to suggest ideas and recommendations that will allow local committees to file relatively simple, although comprehensive, reports that will not require extensive backup material or a professional staff to maintain said backup material or prepare the required reports. One purpose of the Act is to encourage widespread participation in the political process, and to such end the FEC will attempt to avoid any regulation tending to limit the economic feasibility of local committees.

1. Comments are invited concerning allocation of expenditures among candidates by multi-candidate committees and by hybrid committees contributing to both non-Federal and Federal candidates.

2. Comments are invited concerning filing requirements for multi-candidate committees and local and State committees, both Federal and non-Federal. Comments may involve whether such committees are required to file and/or register with the FEC and/or file with a principal campaign committee. Standards for such filings may involve the degree of control and/or fund interchange among various committees.

3. Comments are invited concerning the issue of whether local and State party committees are required to register with the FEC.

IV. ELECTIONS

1. *Unopposed primary nominations.* Comments are invited to discuss whether or not a candidate who is unopposed on the last day of filing for a party nomination and otherwise qualifies to be the nominee of a party should be entitled to the same expenditures under 18 U.S.C. 608(c)(1) during the primary period as a candidate running opposed in the primary.

2. *Independent nominees.* Comments are invited to discuss whether or not candidates not chosen by a primary election, who may [or may not] be required to secure nominating petitions before appearing on the general election ballot, should be entitled to the same expenditures under 18 U.S.C. 608(c)(1) during the primary period as a candidate running opposed in the primary.

V. CAMPAIGN DEFICITS

1. Comments are invited to discuss whether or not contributions made after January 1, 1975, the effective date of the Act, should be allowed to reduce a campaign deficit in existence prior to January 1, 1975 and whether or not such contributions should be counted toward the limits of the next "election".

2. Comments are invited to discuss whether or not the 1974 Amendments to the Act should be applied to a run-off election held after January 1, 1975 but arising out of an election in 1974.

3. Comments are invited to discuss whether or not contributions received after an election to retire a deficit should be counted for the election just completed. Comments are invited to discuss how businesses should be allowed to deal with valid business debts which a political committee or candidate cannot pay due to lack of campaign funds or expenditure limits.

VI. NATIONAL CONVENTIONS

1. Comments are invited on the method which should be used to determine payout schedules and amounts.

2. Comments are invited to discuss the treatment of "in kind" contributions, such as reduced room rates, reduced car rental, payment of expenses to site selecting committees, and reduced charges for use of convention halls.

VII. PUBLICATIONS

Comments are solicited on the number, type and orientation of materials which the Commission should publish to serve as guides to compliance with the laws in the most convenient form and efficient manner.

Comments with respect to additional matters not specifically mentioned are also invited.

Comment Period. Comments should be mailed to Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 by July 1, 1975. For further information call (202) 382-5162.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

MAY 29, 1975.

[FR Doc.75-14504 Filed 5-30-75;8:45 am]