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Title 3—The President

EXECUTIVE ORDER 11822

Designation of Certain Officers To Act as Secretary of the Treasury

By virtue of the authority vested in me by section 3347 of title 5 and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. During any period when, by reason of absence, disability, or vacancy in office, either the Secretary of the Treasury or his Deputy Secretary is not available to exercise the powers or perform the duties of the office of Secretary, an officer from the Department of the Treasury appointed by the President—by and with the advice and consent of the Senate, in such order as the Secretary of the Treasury may from time to time prescribe—shall act as Secretary until the absence or the disability of the incumbent shall cease, or until a successor is appointed. If no such order of succession is in effect at that time, then such officers shall act as Secretary in the descending order of rank, as established by their offices being listed in sections 5314, 5315 or 5316 of title 5 of the United States Code and, at each level of the Executive Schedule, in the order which they shall have taken the oath as such officers.

SECTION 2. Executive Order No. 11680 of August 21, 1972, entitled "Designation of Certain Officers to Act as Secretary of the Treasury" is hereby revoked.

Gerald R. Ford

THE WHITE HOUSE,
December 10, 1974.

[FR Doc.74-29072 Filed 12-10-74;1:21 pm]

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 40—Protection of Environment

[FRL 296-3]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Arizona: Approval of Compliance Schedules

On May 14, 1973 (39 FR 12704), the Administrator promulgated a replacement regulation (40 CFR 52.126(b)) for the control of particulate matter from stationary process sources in the Phoenix-Tucson Intrastate Air Quality Control Region pursuant to section 110(c) of the Clean Air Act, as amended. 42 U.S.C. 1857c-5(c). Environmental Protection Agency regulations in 40 CFR 52.134(a) (38 FR 12704, 12705, May 14, 1973) require sources in the State of Arizona, subject to 40 CFR 52.126(b), to comply with the Federally promulgated air pollution control regulation by January 31, 1974, or to submit to the Administrator for approval proposed compliance schedules that demonstrate compliance with 40 CFR 52.126(b) as expeditiously as practicable but no later than July 31, 1975.

On March 5, 1974 (39 FR 8351, 8352) compliance schedules submitted by 32 sources, demonstrating compliance with 40 CFR 52.126(b), were proposed by the Administrator. After due notice (39 FR 8351, March 5, 1974), a public hearing was held on April 3, 1974, in Phoenix, Arizona on the proposed compliance schedules. At the public hearing, Arizona Feeds submitted test data into the record which demonstrated they were presently in compliance and therefore no longer require a compliance schedule. In addition, two typographical errors in the March 5, 1974, proposal were pointed out and are corrected in this promulgation, as follows: (1) the final compliance date for Producers Cotton Oil Company, three gins, is corrected from July 31, 1974 to July 31, 1975, and (2) the final compliance date for Independent Gin Company is corrected from March 15, 1975 to July 31, 1975. No additional comments were received concerning the proposed compliance schedules listed in the March 5, 1974, FEDERAL REGISTER. In addition, the final compliance date for eleven sources will have passed by the date of publication and the sources are, therefore, required to be in compliance with 40 CFR 52.126(b). Accordingly, the Administrator will take no action with respect to the compliance schedules submitted for these eleven sources.

Each approved revision establishes a new date by which the individual source must comply with the Federally promulgated emission limitation of 40 CFR 52.126(b). This date is indicated in the table below under the heading "Final compliance date." The schedules include incremental steps towards compliance with the Federally promulgated emission limitations. While the table below does not include these interim dates, the actual compliance schedules do. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act, as amended.

The Administrator has determined that the compliance schedules for the 20 sources listed below are consistent with the requirements of the Clean Air Act, as amended, and 40 CFR Part 51, and the schedules are approved and added to the table appearing in the FEDERAL REGISTER on March 21, 1974 (39 FR 10582; see 40 CFR 52.134(b)).

A copy of the complete Arizona implementation plan, including these schedules, and an evaluation report setting forth the Environmental Protection Agency's position on each schedule is available for public inspection at the Environmental Protection Agency, Office of Public Affairs, 401 M Street, S.W., Washington, D.C. 20460; at the Agency's regional office, 100 California Street, San Francisco, California 94111; and at the Arizona Health Services Department, Bureau of Air Pollution Control, 1740 West Adams Street, Phoenix, Arizona 85007.

This regulation will become effective January 13, 1975.

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

Dated: December 3, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart D—Arizona

1. In § 52.134(b) the table is amended by adding the following schedules:

§ 52.134 Compliance schedules.

* * * * *

(b) * * *

Source	Location	Regulation involved	Effective date	Final compliance date
Spreckels Sugar Division	Maricopa County	40 CFR 52.126(b)[1]	Jan. 31, 1974	July 31, 1975
Producers Cotton Oil Co.:				
a. Avra Gin	Pima County	40 CFR 52.126(b)[1]	do	Do.
b. Coolidge Gin	Pinal County	40 CFR 52.126(b)[1]	do	Do.
c. Magma Gin	do	40 CFR 52.126(b)[1]	do	Do.
American Smelting and Refining Co.: a. Reverberatory furnaces and roasters.	do	40 CFR 52.126(b)[1]	do	Nov. 1, 1974
Magma Copper Co.:				
a. Reverberatory furnaces	do	40 CFR 52.126(b)[1]	do	May 15, 1975
b. Converters	do	40 CFR 52.126(b)[1]	do	Dec. 30, 1974
Independent Gin Co	do	40 CFR 52.126(b)[1]	do	July 31, 1975
Arizona Gins Co.:				
a. Liberty Gin	Maricopa County	40 CFR 52.126(b)[1]	do	June 30, 1975
b. South Mountain Gin	do	40 CFR 52.126(b)[1]	do	June 15, 1975
c. Cashion Gin	do	40 CFR 52.126(b)[1]	do	July 15, 1975
d. Santa Rosa Gin	Pinal County	40 CFR 52.126(b)[1]	do	June 1, 1975
e. Chico Gin No. 1	Pima County	40 CFR 52.126(b)[1]	do	July 10, 1975
f. Chico Long Staple Gin	do	40 CFR 52.126(b)[1]	do	July 31, 1975
Chandler Ginning Co.:				
a. Chandler Gin	Maricopa County	40 CFR 52.126(b)[1]	do	Dec. 31, 1974
b. Scrape Gin	do	40 CFR 52.126(b)[1]	do	Do.
c. Higley Gin	do	40 CFR 52.126(b)[1]	do	Nov. 20, 1974
d. Queen Creek Gin	do	40 CFR 52.126(b)[1]	do	Dec. 31, 1974
Casa Grande Oil Mill:				
a. Meal loading system	Pinal County	40 CFR 52.126(b)[1]	do	Nov. 1, 1974
b. Pneumatic transfer system	do	40 CFR 52.126(b)[1]	do	Do.

[1] Federally promulgated regulation.

[FR Doc.74-28889 Filed 12-11-74;8:45 am]

[FRL 296-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval of Compliance Schedules

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

In August, 1974, 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.

Accordingly, the Administrator proposed approval of these schedules on October 3, 1974, in the FEDERAL REGISTER, 39 FR 35685. The proposed approval of these schedules published in the October 3, 1974, 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 hearing held by Kansas. 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.

One schedule proposed in the October 3, 1974 FEDERAL REGISTER was revised and reproposed in a later FEDERAL REGISTER document. That source is Farmers National Bank, Abilene.

Since a 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 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, SW., Washington, D.C., and the Kansas State Department of Health and Environment, Forbes Air Force Base, Building 740, Topeka, Kansas.

This rulemaking will become effective December 12, 1974. 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.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: December 3, 1974.

JOHN QUARLES,
Acting 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
C. K. Processing Co., Inc.: Alfalfa Dehydrator.	Manhattan	28-19-20	June 28, 1974	Immediately	Nov. 1, 1974
Far-Mar-Co., Inc.:					
Elevator A—Rail Car Unloading.	Wichita	28-19-20	do	do	Aug. 15, 1974
Elevator B—Rail Car Unloading.	do	28-19-20	do	do	Do.
Elevator A—Basement Conveyor.	do	28-19-20	do	do	Do.
Elevator A—Head House Legs.	do	28-19-20	do	do	Do.
Elevator B—Head House Legs.	do	28-19-20	do	do	Do.
Elevator B—Basement Conveyor.	do	28-19-20	do	do	Do.
Elevator C—Basement Conveyor.	do	28-19-20	do	do	Do.
Elevator D—Basement Conveyor.	do	28-19-20	do	do	Do.
Elevators C and D—Head House Legs.	do	28-19-20	do	do	Do.
First National Bank: Incinerator.	Great Bend	28-19-40	do	do	Aug. 31, 1974
Gove County Hospital: Incinerator.	Quinter	28-19-40	do	do	Feb. 1, 1975
Hanover-Washington County Hospital: Incdrator.	Hanover	28-19-40	do	do	July 1, 1975
Kansas Refine Helium Co.: Safety Flare.	Otis	28-19-45	do	do	Sept. 1, 1974
Rush County Hospital: Incinerator.	LaCrosse	28-19-40	do	do	Oct. 1, 1974
Kansas State University Health Center: Incinerator	Manhattan	28-19-40	do	do	Jan. 1, 1975
Peoples State Bank: Incinrator	McPherson	28-19-40	do	do	Apr. 30, 1975
Farmers National Bank: Incinerator.	Abilene	28-19-40	do	do	Sept. 1, 1974
Satanta District Hospital: Incinerator.	Satanta	28-19-40			
		28-19-41	June 28, 1974	Immediately	Jan. 1, 1975
Stevens County Hospital: Incinerator.	Hugoton	28-19-40			
		28-19-41	June 28, 1974	Immediately	June 30, 1975
St. Joseph Memorial Hospital: Incinerators Nos. 1 and 2.	Larned	28-19-40C			
		28-19-40D			
		28-19-41	June 28, 1974	Immediately	July 31, 1975
U.S.D. No. 459: Bucklin High School Incinerator.	Bucklin	28-19-40	do	do	Do.
U.S.D. No. 457:					
Friend Elementary Incinerator.	Garden City	28-19-40	do	do	Sept. 1, 1974
Jenny Barker Elementary Incinerator.	do	28-19-40	do	do	Do.
Lincoln Elementary Incinerator.	do	28-19-40	do	do	Do.
Pierceville-Plymell Elementary Incinerator.	do	28-19-40	do	do	Do.
Theoni Elementary Incinerator.	do	28-19-40	do	do	Do.
Valentine Elementary Incinerator.	do	28-19-40	do	do	Do.
U.S.D. No. 219:					
Incinerator (Minneola High)	Minneola	28-19-40	do	do	July 31, 1975
Pratt County Hospital: Incinerator.	Pratt	28-19-40			
		28-19-41	June 28, 1974	Immediately	June 30, 1975
Kiowa District Hospital: Incinerator.	Kiowa	28-19-40			
		28-19-41	June 28, 1974	Immediately	Nov. 1, 1974
U.S.D. No. 381:					
Spearville Grade Incinerator.	Spearville	28-19-40	do	do	July 31, 1975
Spearville High Incinerator	do	28-19-40	do	do	Do.
Windthorst Middle Grade Incinerator:	do	28-19-40	do	do	Do.
New Era Milling Co.: Grain Screening Separator.	Arkansas City	28-19-20	do	do	Sept. 1, 1974
U.S.D. No. 342:					
McLouth Elementary Open Burning.	McLouth	28-19-45	do	do	July 1, 1975
McLouth High Open Burning.	do	28-19-45	do	do	Do.
Walton Foundry, Inc: Cupola	Iola	28-19-20	do	do	Dec. 31, 1974
Lane County Hospital: Incinerator.	Dighton	28-19-40	July 26, 1974	do	July 31, 1975

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Morton County Hospital: Incinerator.	Elkhart	28-19-40			
		28-19-41	July 26, 1974	Immediately	Do.
Gold Bond Building Products:					
Calcining Kettles (3)	Medicine Lodge	28-19-20	do	do	Aug. 1, 1974
Raymond Mills (3)	do	28-19-20	Dec. 14, 1973	do	Oct. 1, 1974
Block Grinders (2)	do	28-19-50	do	do	Apr. 1, 1975
Board End Trimming	do	28-19-50	do	do	Do.
Rotary Calciners (2)	do	28-19-20	do	do	June 1, 1975
Ross Industries, Inc.: Terminal Elevator.	Wichita	28-19-20	July 26, 1974	do	June 15, 1975
Killough-Clark, Inc.:					
Primary Impactor Crushers (2).	Ottawa	28-19-20	do	do	Sept. 1, 1974
Secondary Hammer Mill (2)	do	28-19-20	do	do	Do.
Tertiary Screening Plant (1)	do	28-19-20	do	do	Do.
Highland Community Junior College: Incinerators Nos. 1 and 2.	Highland	28-19-40C			
		28-19-41A	June 28, 1974	Immediately	Mar. 1, 1975
Gulf Oil Chemicals Co.: Coal Burning Facilities.	Pittsburg	28-19-31	do	do	June 1, 1975

[FR Doc.74-28890 Filed 12-11-74;8:45 am]

[FRL 299-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval of Compliance Schedules

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

In June, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 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 strategies of Kansas.

Accordingly, the Administrator proposed approval of these schedules on September 16, 1974, in the FEDERAL REGISTER, 39 FR 33236. The proposed approval of these schedules published in the September 16, 1974, 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 hearing held by Kansas. 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.

Sixteen of the sources, U.S.D. #506, Altamont; U.S.D. #479, Kincaid; U.S.D. #466, Scott City; U.S.D. #415, Hiawatha; U.S.D. #407, Russell; U.S.D. #395. La Crosse; U.S.D. #387, Buffalo; U.S.D. #374, Sublette; U.S.D. #312, Haven; U.S.D. #269, Palco; U.S.D. #256, Moran; U.S.D. #208, Wakeeney; U.S.D. #247, Cherokee; U.S.D. #200, Tribune; Mammel Food Stores, Plainville; and Plainville State Bank, Plainville; will cease operation, and therefore the applicable compliance schedules contain final compliance dates only.

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

This rulemaking will become effective immediately upon publication. 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.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: December 3, 1974.

JOHN QUARLES,
Acting 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) * * *

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
*	*	*	*	*	*
U.S.D. No. 506 (Open Burning):					
Altamont Grade School	Altamont	28-19-45	June 21, 1974	Immediately	Sept. 1, 1974
Fairview Grade School	do	28-19-45	do	do	Do.
Bartlett Grade School	do	28-19-45	do	do	Do.
Ellis Grade School	do	28-19-45	do	do	Do.
Edna Grade School	do	28-19-45	do	do	Do.
Angola Grade School	do	28-19-45	do	do	Do.
Mound Valley Grade School	do	28-19-45	do	do	Do.
Dennis Grade School	do	28-19-45	do	do	Do.
Meadow View Grade School	do	28-19-45	do	do	Do.
U.S.D. No. 479:					
Kincaid Attendance Center Incinerator.	Kincaid	28-19-40	do	do	July 31, 1975
Colony Attendance Center Incinerator.	do	28-19-40	do	do	Do.
U.S.D. No. 482:					
Alamota Grade School Open Burning.	Dighton	28-19-45	do	do	Sept. 1, 1974
Amy Grade School Open Burning.	do	28-19-45	do	do	Do.
Shields Grade School Open Burning.	do	28-19-45	do	do	Do.
U.S.D. No. 466:					
Scott City Junior High Incinerator.	Scott City	28-19-40	do	do	Aug. 16, 1974
Beaver Flats School Open Burning.	do	28-19-45	do	do	Do.
Manning Elementary Open Burning.	do	28-19-45	do	do	Do.
Modoc Elementary Open Burning.	do	28-19-45	do	do	Do.
Scott City Elementary Open Burning.	do	28-19-45	do	do	Do.
Shallow Water Elementary Open Burning.	do	28-19-45	do	do	Do.
Scott City High Open Burning.	do	28-19-45	do	do	Do.

Kansas—Continued

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
U.S.D. No. 374:					
Sublette High Open Burning	Sublette	28-19-45	do	do	July 31, 1975
Sublette Grade Open Burning	do	28-19-45	do	do	Do.
U.S.D. No. 415:					
Fairview Elementary Open Burning.	Hiawatha	28-19-45	do	do	July 31, 1974
Hiawatha Elementary Open Burning.	do	28-19-45	do	do	Do.
Hiawatha High Open Burning.	do	28-19-45	do	do	Do.
Reserve Elementary Open Burning.	do	28-19-45	do	do	Do.
Robinson Elementary Open Burning.	do	28-19-45	do	do	Do.
Robinson Junior High Open Burning.	do	28-19-45	do	do	Do.
U.S.D. No. 395:					
La Crosse High School Open Burning.	La Crosse	28-19-45	do	do	July 1, 1975
McCracken High School Open Burning.	do	28-19-45	do	do	Do.
Rush Center Open Burning	do	28-19-45	do	do	Do.
Alexander Grade School Open Burning.	do	28-19-45	do	do	Do.
U.S.D. No. 387:					
Altoona Junior High School Open Burning.	Buffalo	28-19-45	do	do	Mar. 1, 1975
Midway School Open Burning.	do	28-19-45	do	do	Do.
Altoona Elementary Incinerator.	do	28-19-40	do	do	Do.
U.S.D. No. 407:					
Central Office Incinerator	Russell	28-19-40	do	do	July 1, 1975
Ruppenthal Incinerator	do	28-19-40	do	do	Do.
Simpson Incinerator	do	28-19-40	do	do	Do.
Bickerdyke Incinerator	do	28-19-40	do	do	Do.
Dorrance High Incinerator	do	28-19-40	do	do	Do.
Dorrance Elementary Incinerator.	do	28-19-40	do	do	Do.
Gorham High Open Burning	do	28-19-45	do	do	Do.
Gorham Elementary Open Burning.	do	28-19-45	do	do	Do.
Luray Open Burning	do	28-19-45	do	do	Do.
Lucas Open Burning	do	28-19-45	do	do	Do.
U.S.D. No. 312:					
Elreka Elementary Open Burning.	Haven	28-19-45	do	do	Do.
Mount Hope Elementary Open Burning.	do	28-19-45	do	do	Do.
Yoder Elementary Open Burning.	do	28-19-45	do	do	Do.
U.S.D. No. 269:					
Zurich Grade School Incinerator.	Palco	28-19-40	do	do	Do.
Palco Grade Open Burning	do	28-19-45	do	do	Do.
Palco High Open Burning	do	28-19-45	do	do	Do.
Zurich Grade Open Buring	do	28-19-45	do	do	Do.
Damar Grade Open Burning	do	28-19-45	do	do	Do.
U.S.D. No. 256:					
Marmaton Valley High Incinerator.	Moran	28-19-40	do	do	Sept. 1, 1974
Moran Elementary Incinerator.	do	28-19-40	do	do	Do.
Elsmore Elementary Incinerator.	do	28-19-40	do	do	Do.
U.S.D. No. 208:					
Trago Community High	Wakeeney	28-19-45	do	do	July 1, 1975
Wakeeney Grade	do	28-19-45	do	do	Do.
Collyer Grade	do	28-19-45	do	do	Do.
Ogallah Grade	do	28-19-45	do	do	Do.
U.S.D. No. 260:					
Swaney Elementary Incinerator.	Derby	28-19-41B	do	do	Do.
Derby Junior High Incinerator.	do	28-19-41B	do	do	Do.
Carlton Junior High Incinerator.	do	28-19-41B	do	do	Do.
Cooper Elementary Incinerator.	do	28-19-41B	do	do	Do.
Oaklawn Elementary Incinerator.	do	28-19-41B	do	do	Do.
Pleasant Elementary Incinerator.	do	28-19-41B	do	do	Do.
Winsteer Elementary Incinerator.	do	28-19-41B	do	do	Do.
U.S.D. No. 247:					
Cherokee Grade School Incinerator.	Cherokee	28-19-40	do	do	Dec. 31, 1974
McCune School Incinerator	do	28-19-40	do	do	Do.
Southeast High Incinerator	do	28-19-40	do	do	Do.
West Mineral Grade Incinerator.	do	28-19-40	do	do	Do.
Weir Attendance Center Incinerator.	do	28-19-40	do	do	Do.
U.S.D. No. 200: Open Burning	Tribune	28-19-45	do	do	July 31, 1975

Kansas—Continued

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
U.S.D. No. 252:					
Hartford High Open Burning	Hartford	28-19-45	do	do	Dec. 1, 1974
Board Office Open Burning	do	28-19-45	do	do	Do.
U.S.D. No. 246:					
Arma Elementary	Arma	28-19-45	do	do	Aug. 15, 1974
Arcadia Elementary	do	28-19-45	do	do	Do.
Northeast High	do	28-19-45	do	do	Do.
Allen County Hospital: Incinerator.	Iola	28-19-40	do	do	May 1, 1975
Stanton County Hospital: Incinerator.	Johnson	28-19-40	do	do	July 31, 1975
Bates County Rock, Inc.: Primary, Secondary Crushing, Screening and Fines Mill.	Linn County	28-19-20	do	do	Sept. 15, 1974
Mammel Food Stores: Open Burning.	Plainville	28-19-45	do	do	July 1, 1975
Plainville State Bank: Open Burning.	do	28-19-45	do	do	Do.
St. Margaret's Mercy Hospital: Incinerator.	Fredonia	28-19-40	do	do	Do.
Greenwood County Hospital: Incinerator.	Eureka	28-19-40	do	do	Nov. 1, 1974

[FR Doc.74-28891 Filed 12-11-74;8:45 am]

[FRL 306-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Compliance Schedules for California; Correction

In FR Doc. 74-23841 appearing at page 36963 in the October 16, 1974, issue of the FEDERAL REGISTER, under the heading "Regulation Involved" in the table of Federal compliance schedules appearing on page 36964, the entry for Witteman Steel Mills should read "Rule 50A", not "Rules 52A & 54A."

(42 USC 1857c-5)

Dated: December 9, 1974.

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

[FR Doc.74-29017 Filed 12-11-74;8:45 am]

[FRL 300-2]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Availability of Unleaded Gasoline

Regulations were promulgated on January 10, 1973 (38 FR 1254) by the Environmental Protection Agency to require retail outlets with annual gasoline sales of 200,000 gallons or more to offer unleaded gasoline for sale in order to protect catalytic emission control systems on a substantial number of 1975 and subsequent model year light duty motor vehicles. Results of an extensive analysis conducted to assess the adequacy of that provision in making unleaded gasoline "generally available" indicate that the provision will provide general accessibility of unleaded gasoline in cities and in all but the most sparsely populated rural counties. As was stated in the preamble to regulations proposed on May 7, 1974 (39 FR 16137) under the 200,000 gallon requirement, the average ratio of gasoline stations required to carry unleaded gasoline to total stations will vary from 1 of 1.4 stations (70 percent) to 1 of 2.2 (45 percent) throughout most of the nation except in rural counties.

In rural counties (defined as counties with population densities of less than 50 persons per square mile calculated by excluding cities with populations of 50,000 or more persons), the 200,000 gallon regulation would require only 1 of every 3.4 stations (29 percent) to carry unleaded gasoline. Since stations are usually more widely dispersed in rural counties than in urban areas, regulations that require only 29 percent of the stations to carry unleaded gasoline could result in inadequate coverage. While many retailers are expected to sell unleaded gasoline voluntarily, although not required to do so by the regulations, it is impossible to assure sufficient coverage with reliance solely on voluntary coverage.

To rectify that situation it was proposed on May 7, 1974 (39 FR 16137) that after January 1, 1975 an owner or operator of a retail outlet located in a rural county must offer unleaded gasoline at outlets which sold at least 150,000 gallons of gasoline in 1971 or in any subsequent year. It was estimated that with the inclusion of that provision in the regulations the average ratio of stations required to carry unleaded gasoline to total stations in rural areas will be increased to 1 of every 2.1 stations or 48 percent. A notice of proposed rulemaking published on July 3, 1974 (39 FR 24617) indicated that the Agency was considering advancing the date of compliance for the 150,000 gallon per year rule to October 1, 1974.

Forty-one rural counties were identified in the May 7, 1974 notice of proposed rulemaking as possibly having no service stations required to carry unleaded gasoline even if the proposed 150,00 gallonage threshold for rural counties were adopted. Since May the Agency has further investigated the availability of unleaded gasoline in each of those counties. Currently unleaded gasoline is being offered for sale by one or more retail outlets in at least 32 of the 41 counties. In 3 of the remaining 9 counties at least one or more retail outlets will be required by these regulations to carry a grade of unleaded gasoline. A list of the 6 counties which according to EPA data do not currently have any retail outlets offering unleaded gasoline for sale and which may not have any retail outlets required to offer unleaded gasoline for sale under the 150,000 gallon rule is provided below:

State	*County*
Colorado	Hinsdale
Idaho	Camas
Nebraska	Arthur
Nebraska	Banner
North Dakota	Slope
Texas	Kennedy

Comments on the May 7, 1974 and July 3, 1974 proposed rules were received from members of the petroleum industry, automobile industry, a petroleum retail equipment manufacturer, and a group representing automobile owners. Comments from the automobile industry and an association of automobile owners uniformly supported advancing the compliance date to October 1, 1974. Comments from persons affected by these regulations in the gasoline industry generally reflected a concern that the 150,000 gallon per year rule could cause a severe economic hardship on some persons required to comply and that total industry compliance by October 1, 1974 or January 1, 1975 would be unlikely due to present and projected procurement delays for equipment necessary for compliance with the regulations. The petroleum retail equipment manufacturer also indicated that in some cases delivery of nozzle spouts for use in dispensing unleaded gasoline would not be possible by October 1, 1974. Other commentators from the gasoline industry expressed a belief that adequate coverage in rural areas will be accomplished through the action of persons voluntarily carrying the unleaded product and that the proposed regulations were not necessary.

It is the position of the Agency that in order to assure that unleaded gasoline is generally available in rural counties, the 150,000 gallon per year rule should be promulgated with January 31, 1975 as the compliance date. This date was chosen in order to alleviate potential nozzle spout procurement problems and to provide retailers with additional time to come into compliance. Although some stations in rural areas will voluntarily carry a grade of unleaded gasoline, adequate availability of unleaded gasoline in many rural counties cannot be assured without this regulation. This availability regulation shall apply to all gasoline retail outlets located in the rural counties except those located within cities of population of at least 10,000 persons. A list of rural counties (counties with a population density of less than 50 persons per square mile calculated by excluding cities with populations of 50,000 or more persons) affected by this regulation is contained in Appendix C.

For some persons compliance with this regulation could result in severe economic hardship. Therefore, the Regional Administrator or his authorized representative may grant a time extension for compliance to any retailer upon a showing that compliance with this regulation

would cause him to go out of business or would otherwise result in a severe economic hardship. The Regional Administrator or his authorized representative may renew any such extension upon a reevaluation of the retailer's situation and a determination that the retailer continues to qualify for such extension.

Some retailers covered by this regulation may experience delays in the procurement of storage tanks if they decide to carry unleaded gasoline as a third grade; however, few retailers have indicated that they intend to install a third tank to comply. Whether or not a retailer plans ultimately to install a third tank, retailers without third tanks are expected to substitute unleaded gasoline for an existing grade, unless by doing so they would qualify for a severe economic hardship deferment.

The Agency has recently conducted a survey of several manufacturers and marketers of nozzles and nozzle spouts. All of the marketers had inventories of unleaded nozzles and most had inventories of unleaded nozzle spouts. The marketers with unfilled orders for nozzle spouts had backlogs of no greater than two weeks. The nozzle spout manufacturers indicated that unleaded nozzle spout backlogs had been reduced and that current shipments consisted of normal replacement orders. Although the shortage of unleaded nozzles and nozzle spouts has largely diminished, some localized shortages may continue to exist in certain areas of the nation. In such cases, the Regional Administrator or his authorized representative may grant time extensions for retailers affected by this rule who have ordered the required nozzles in a timely fashion, have been unable to get them, and have otherwise made good faith attempts to comply. This time extension may be renewed by the Regional Administrator or his authorized representative if the retailer continues to qualify for such an extension. The Regional Administrator or his authorized representative may also grant a renewable time extension for compliance with this regulation to retailers experiencing delays in the procurement of unleaded gasoline. These three extensions are included in § 80.22 by the addition of §§ 80.22(c)(3) and 80.22(c)(4).

One petroleum marketer commented that it is not uncommon for a gasoline retailer temporarily to have some equipment non-operational while necessary repairs are being made. It was suggested that EPA amend its regulatory language to acknowledge that any noncompliance with the regulations resulting from such unavoidable circumstances not be considered a violation. In response to that comment the Agency has determined that when a retailer temporarily ceases to offer a grade of unleaded gasoline for sale for reasons beyond his control (such as downtime for repair of a leaking underground storage tank), the Agency will not charge him with a violation of the regulations. However, the Agency will scrutinize closely any situation wherein a retailer may arbitrarily make unleaded gasoline sales bear the brunt of any such problems (such as arbitrarily designating a leaking tank as the unleaded tank). Situations may also arise where, in a *bona fide* emergency, a retailer who has no unleaded gasoline at his station dispenses a few gallons of leaded gasoline into a vehicle requiring unleaded fuel. A *bona fide* emergency could arise when the gasoline tank of a vehicle is almost empty and there is no other station within a several mile radius that is available to dispense unleaded gasoline. Only enough leaded fuel (low lead if available) should be introduced to enable the driver to reach the next open unleaded station or his destination, whichever is closer. Such emergency introduction of leaded fuel into a vehicle requiring unleaded gasoline does not constitute a violation of § 80.22(a). A provision to this effect is included in the regulations at § 80.23(e)(2). In order to qualify for the limited exception to the general prohibition of § 80.22(a), the party deemed in violation will be required to demonstrate that, in fact, the introduction of the leaded gasoline into the vehicle was in response to a *bona fide* emergency and that only as much leaded fuel as was reasonably necessary to alleviate the circumstances of the particular emergency was introduced into the vehicle. The Agency interprets this exception narrowly and will closely scrutinize all such cases which arise.

Some gasoline retail outlets that sell 200,000 or more gallons of gasoline per year dispense a significant portion of that gasoline to other than light duty motor vehicles. The Agency's objectives is to assure that unleaded gasoline is generally available to automobiles and light duty trucks only where they normally seek it. Therefore, an exemption is provided for those retail outlets otherwise covered by § 80.22(b) that have sold or dispensed less than 100,000 gallons of gasoline to light duty motor vehicles in 1971 and in each subsequent year.

The Agency maintains a continuing interest in assuring that unleaded gasoline is generally accessible throughout the country and requests any information regarding the unavailability of unleaded gasoline. Any such information should be sent to the Director, Mobile Source Enforcement Division (EG-340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The regulations as promulgated are directed to the availability and quality of unleaded gasoline which is offered for sale to the public. A considerable number of vehicles are controlled and operated by private businesses (including rental and company fleets) and governmental entities which have their own bulk gasoline dispensing facilities. The impairment of the emission control systems of such vehicles which require unleaded gasoline could detrimentally affect air quality. The Agency proposed on May 7, 1974 (39 FR 16137) that the owners and operators of such vehicle fleets be subject to the provisions of the regulations which prohibit the introduction of leaded gasoline into vehicles requiring unleaded fuel and which require appropriate labels, signs, and equipment at all dispensing facilities. Fleet operators would not be required to carry a grade of unleaded gasoline. If a grade of unleaded gasoline is voluntarily carried, however, then compliance with the Federal standards for lead and phosphorus content would be required.

It was proposed that to achieve this purpose a change be made to the definition of retail outlet to include fleet gasoline dispensing facilities and that an exception be provided whereby such facilities would not be included under § 80.22(b) which requires certain retailers to offer a grade of unleaded gasoline for sale. Under that proposed change a fleet owner would be defined as a retailer. However, several commentators indicated that fleet owners and operators are wholesale purchasers and ultimate consumers of gasoline and they are not "retailers" in the industry sense of the word. The Agency agrees that fleet owners and operators should be distinguished from retailers and redesignates them as wholesale purchaser-consumers in these regulations.

A wholesale purchaser-consumer is defined as any organization that is an ultimate consumer of gasoline and which purchases or obtains gasoline from a supplier and receives delivery of that product into a storage tank of at least 550-gallon capacity. The storage tank must be substantially under the control of that organization and used for dispensing gasoline into motor vehicles. A threshold bulk storage capacity of at least 550 gallons has been established so as to exclude from the requirements of the regulations small bulk purchasers (such as farmers) who generally have few vehicles requiring unleaded gasoline.

Some commentators suggested that the labeling and sign posting requirements of the regulations should not be applicable to wholesale purchaser-consumers since they consider that these requirements are designed for the benefit of the public and thus serve no useful purpose at facilities where gasoline is dispensed only to fleet-operated vehicles. The purpose of the labeling and sign posting provisions of the regulations is to prevent the unintentional introduction of leaded gasoline into any car requiring unleaded gasoline by providing notice to both employees working at the gasoline-dispensing facility and to consumers. Since such unintentional conduct could occur at any gasoline-dispensing facility, including those servicing fleets, there is no justification for not applying the requirements to wholesale purchaser-consumer facilities. A number of commentators expressed concern that the proposed amendment would require fleet operators to make available a grade of unleaded gasoline. The May 7, 1974 (39 FR 16137) proposal exempted fleet owners and operators from this requirement but proposed that they be required to comply

with all of the other provisions of the regulations. The Agency continues to believe that owners and operators of vehicle fleets as wholesale purchaser-consumers should be subject to all the provisions of the regulations with the exception of offering for sale or carrying a grade of unleaded gasoline, and the regulations are promulgated in that form. The redesignation of fleet owners and operators as wholesale purchaser-consumers necessitates several revisions in the regulations. These revisions are in form only and subject fleets, as wholesale purchaser-consumers, to the regulations only to the extent proposed on May 7, 1974. This requires, for example, that a wholesale purchaser-consumer post the proper signs and labels (§ 80.22 (d) and (e)), be equipped with the proper leaded and unleaded nozzles (§ 80.22(f)), and comply with all other provisions of the regulations except § 80.22(b).

A clarifying change is made to § 80.22 (a) to make clear the intent of that prohibition and to conform that language to the language of § 80.21 which establishes a similar prohibition against the misrepresentation of leaded gasoline as unleaded. Section 80.22(a) is revised to read "After July 1, 1974 no retailer or his employee or agent or wholesale purchaser-consumer or his employee or agent shall sell, dispense or offer for sale gasoline represented to be unleaded unless such gasoline meets the defined requirements for unleaded gasoline in § 80.2(g); * * *"

A clarifying change is also made to the definition of a retail outlet to read "any establishment at which gasoline is sold or offered for sale for use in motor vehicles." The regulations remain applicable to all such outlets at which gasoline is sold or offered for sale to members of the public with the exception of those outlets (such as marinas) at which gasoline is not sold or offered for sale for use in motor vehicles.

The provisions of these regulations which relate to wholesale purchaser-consumers shall become effective on January 31, 1975. Because other provisions of the regulations either provide for compliance by January 31, 1975, or are clarifying changes to existing regulations, the Agency finds that there is good cause for making these regulations effective December 12, 1974.

Secs. 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-6(c) and 1857g (a)).

Dated: December 4, 1974.

JOHN QUARLES,
Acting Administrator.

Part 80 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The title of § 80.22 is revised as follows:

§ 80.22 Controls applicable to gasoline retailers and wholesale-purchaser-consumers.

2. In § 80.2 paragraphs (j), (l) and (n) are revised and a new paragraph (o) is added as follows:

§ 80.2 Definitions.

* * * * *

(j) "Retail outlet" means any establishment at which gasoline is sold or offered for sale for use in motor vehicles.

* * * * *

(l) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery and any retail outlet or wholesale-purchaser-consumer's facilities.

* * * * *

(n) "Reseller" means any person who purchases gasoline identified by the corporate, trade, or brand name of a refiner from such refiner or a distributor and resells or transfers it to retailers or wholesale-purchaser-consumers displaying the refiner's brand, and whose assets or facilities are not substantially owned, leased, or controlled by such refiner.

(o) "Wholesale-purchaser-consumer" means any organization that is an ultimate consumer of gasoline and which purchases or obtains gasoline from a supplier for use in motor vehicles and receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that organization.

3. Section 80.4 is revised as follows:

§ 80.4 Right of entry: tests and inspections.

The Administrator, the Regional Administrator or his authorized representative, upon presentation of appropriate credentials shall have a right to enter upon or through any retail outlet, wholesale purchaser-consumer facility, or the premises or property of any distributor, and shall have the right to make inspections, take samples, and conduct tests to determine compliance with this part of the Act.

4. Section 80.21 is revised as follows:

§ 80.21 Controls applicable to gasoline distributors.

After July 1, 1974 no distributor shall sell or transfer to any distributor, retailer or wholesale purchaser-consumer any gasoline which he represents is unleaded unless such gasoline does, in fact, met the defined requirements for unleaded gasoline in § 80.2(g).

5. Section 80.22 is amended as follows:

(a) Paragraph (a) is revised.
(b) Paragraph (b) is revised.
(c) Paragraph (c)(2) is revised to refer to paragraph (b)(1)(i).
(d) Paragraph (c)(3) is revised and redesignated as paragraph (c)(4).
(e) A new paragraph (c)(3) is added.
(f) Paragraph (d) is revised.
(g) Paragraph (e) is revised.
(h) Paragraph (f) is revised.
(i) A new paragraph (i) is added.

§ 80.22 Controls applicable to gasoline retailers and wholesale purchaser-consumers.

(a) After July 1, 1974 no retailer or his employee or agent and after January 31, 1975 no wholesale purchaser-consumer or his employee or agent shall sell, dispense, or offer for sale gasoline represented to be unleaded unless such gasoline meets the defined requirements for unleaded gasoline in § 80.2(g); nor shall he introduce, or cause or allow the introduction of leaded gasoline into any motor vehicle which is labeled "unleaded gasoline only," or which is equipped with a gasoline tank filler inlet which is designed for the introduction of unleaded gasoline.

(b) After July 1, 1974 every person who owns, leases, operates, controls or supervises one or more retail outlets with gasoline sales as described in paragraph (b)(1)(i) of this section or with gasoline sales and location as described in paragraph (b)(1)(ii) of this section shall offer for sale at each such retail outlet at least one grade of unleaded gasoline of not less than 91 Research Octane Number: *Provided, however,* That the octane number of unleaded gasoline offered for sale in areas where altitude is greater than 2,000 feet may be reduced one (1) octane number for each succeeding 1,000 feet, but not more than three (3) octane numbers in total.

(1) Unleaded gasoline must be offered for sale at each retail outlet:

(i) at which 200,000 or more gallons of gasoline were sold during any calendar year beginning with the year 1971;

(ii) at which 150,000 or more gallons of gasoline were sold during any calendar year beginning with the year 1971 if such retail outlet is located in a county containing a population density of less than 50 persons per square mile according to statistical data from the 1970 census of population and calculated by excluding cities[2] containing populations of 50,000 or more persons, unless such retail outlet is located in a city of 10,000 or more persons.

(2) Any retailer may defer compliance with paragraph (b)(1)(ii) of this section until January 31, 1975. However, if a retailer subject to paragraph (b)(1)-(ii) of this section offers for sale unleaded gasoline at such outlet prior to that date, the retailer shall comply with all applicable provisions of these regulations.

* * * * *

(c)(3) The Regional Administrator or his authorized representative may grant a time extension to any retailer to defer compliance with paragraph (b)(1)(ii) of this section upon a showing that

(i) compliance with this section within that period of time would result in an inability to continue in business or would result in severe economic hardship,

(ii) additional time is necessary to procure a nozzle spout as described in § 80.22(f)(2), or

(iii) additional time is necessary to prepare existing storage tanks to dispense unleaded gasoline and to offer unleaded gasoline for sale.

[2] "City" means a political subdivision of a State within a defined area over which a municipal corporation has been established to provide local government functions and facilities.

Time extensions under paragraph (i) may be granted for a period of time of up to six months. Time extensions under paragraphs (ii) and (iii) may be granted for a period of time of up to two months. Any extension under paragraph (c)(3) may be renewed by the Regional Administrator or his authorized representative upon a showing that the retailer continues to qualify for an extension.

(c)(4) All applications for exemptions or time extensions under paragraphs (c)(1), (c)(2) and (c)(3) of this section shall state the name and address of the applicant and address of the retail outlet and shall be sent to the appropriate Regional Administrator, or his authorized representative, of the Environmental Protection Agency in the EPA region in which the retail outlet is located. Time extensions to the regulations pursuant to paragraph (c)(3) may be granted upon conformance with the following conditions:

(i) Any retailer requesting a time extension under paragraph (c)(3)(i) of this section shall contact the Regional Administrator or his authorized representative in his region who will inform the applicant of the documentation required to support his request for an extension.

(ii) Any retailer requesting a time extension under paragraph (c)(3)(ii) of this section shall present to the Regional Administrator or his authorized representative, upon his request, evidence that the equipment was ordered in a timely manner but delivery was delayed for reasons beyond the control of the retailer, and an attempt to procure equipment from an alternative source was made promptly and continues to be made by the retailer upon receipt of the notice of the delay.

(iii) Any retailer requesting a time extension under paragraph (c)(3)(iii) of this section shall present to the Regional Administrator or his authorized representative, upon his request, evidence that unleaded gasoline was ordered in a timely manner but delivery was delayed for reasons beyond the control of the retailer, and an attempt to procure unleaded gasoline from an alternative source was made promptly by the retailer upon receipt of notice of the delay, and continues to be made (including an active application for the assignment of a supplier on file with his regional Federal Energy Administration Office).

A listing of the addresses of the Environmental Protection Agency regional offices follows:

I. John F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203.

II. 26 Federal Plaza, Room 908, New York, New York 10007.

III. Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106.

IV. 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

V. 230 South Dearborn Street, Chicago, Illinois.

VI. 1600 Patterson Street, Suite 1100, Dallas, Texas 75201.

VII. 1735 Baltimore Avenue, Kansas City, Missouri 64108.

VIII. 1860 Lincoln Street, Suite 900, Denver, Colorado 80203.

IX. 100 California Street, San Francisco, California 94111.

X. 1200 6th Avenue, Seattle, Washington 98101.

(d) After July 1, 1974 every retailer shall prominently and conspicuously display in the immediate area of each gasoline pump stand, and after January 31, 1975 every wholesale purchaser-consumer shall prominently and conspicuously display in the immediate area of each pump stand, the following notice:

Federal law prohibits the introduction of any gasoline containing lead or phosphorus into any motor vehicle labeled "UNLEADED GASOLINE ONLY." Such notice shall be no smaller than 36-point bold type and shall be located so as to be readily visible to the retailer's or wholesale purchaser-consumer's employees and persons operating vehicles into which gasoline is to be dispensed.

(e) After July 1, 1974 every retailer shall affix to each gasoline pump stand a permanent legible label, and after January 31, 1975 every wholesale purchaser-consumer shall affix to each gasoline pump stand a permanent legible label as follows:

(1) For gasoline pump stands containing pumps for introduction of unleaded gasoline into motor vehicles, the label shall state: Unleaded gasoline.

(2) For gasoline pump stands containing pumps for introduction of leaded gasoline into motor vehicles, the label shall state: Contains lead anti-knock compounds. Any label required under this paragraph shall be located so as to be readily visible to the retailer's or wholesale purchaser-consumer's employees and persons operating motor vehicles into which gasoline is to be dispensed.

(f) After July 1, 1974 every retailer shall equip all gasoline pumps, and after January 31, 1975 every wholesale purchaser-consumer shall equip all gasoline pumps as follows:

(1) Each pump from which leaded gasoline is introduced into motor vehicles shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 0.930 inch (2.363 centimeters).

(2) Each pump from which unleaded gasoline is introduced into motor vehicles shall be equipped with a nozzle spout which meets the following specifications:

* * * * *

(i) An exemption to paragraph (b) of this section is provided for any retail outlet which is otherwise required to carry a grade of unleaded gasoline and which has sold less than 100,000 gallons of gasoline to light duty motor vehicles in the year 1971 and in each subsequent year.

6. Section 80.23 is amended as follows:

(a) Paragraph (a)(1) is revised.
(b) Paragraph (a)(2) is revised.
(c) Paragraph (b)(1) is revised.
(d) Paragraph (b)(2) is amended.
(e) Paragraph (c) is revised.
(f) Paragraph (d) is revised.
(g) Paragraph (e) is revised.

§ 80.23 Liability for violations.

* * * * *

(a)(1) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries appears on the pump stand or is displayed at the retail outlet or wholesale purchaser-consumer facility from which the gasoline was sold, dispensed, or offered for sale, the retailer or wholesale purchaser-consumer, the reseller (if any), and such gasoline refiner shall be deemed in violation. Except as provided in paragraph (b)(2) of this section, the refiner shall be deemed in violation irrespective of whether any other refiner, distributor, retailer, or wholesale purchaser-consumer or the employee or agent of any refiner, distributor, retailer, or wholesale purchaser-consumer may have caused or permitted the violation.

(2) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries does not appear on the pump stand and is not displayed at the retail outlet or wholesale purchaser-consumer facility from which the gasoline was sold, dispensed, or offered for sale, the retailer or wholesale purchaser-consumer and any distributor who sold that person gasoline contained in the storage tank which supplied that pump at the time of the violation shall be deemed in violation.

(b)(1) In any case in which a retailer or wholesale purchaser-consumer and any gasoline refiner or distributor would be in violation under paragraphs (a)(1) or (2) of this section, the retailer or wholesale purchaser-consumer shall not be liable if he can demonstrate that the violation was not caused by him or his employee or agent.

(2) In any case in which a retailer or wholesale purchaser-consumer, a reseller (if any), and any gasoline refiner would be in violation under paragraph (a)(1) of this section, the refiner shall not be deemed in violation if he can demonstrate:

* * * * *

(v) that the violation was caused by the action of a distributor subject to a contract with the refiner for transportation of gasoline from a terminal to a distributor, retailer or wholesale purchaser-consumer, in violation of a contractual undertaking imposed by the refiner on such distributor designed to prevent such action, and despite reasonable efforts by the refiner (such as periodic sampling) to insure compliance with such contractual obligation, or

(vi) that the violation was caused by a distributor (such as a common carrier) not subject to a contract with the refiner but engaged by him for transportation of gasoline from a terminal to a distributor, retailer or wholesale purchaser-consumer, despite reasonable efforts by the refiner (such as specification or inspection of equipment) to prevent such action, or

(vii) that the violation occurred at a wholesale purchaser-consumer facility: *Provided, however,* That if such

wholesale purchaser-consumer was supplied by a reseller, the refiner must demonstrate that the violation could not have been prevented by such reseller's compliance with a contractual undertaking imposed by the refiner on such reseller as provided in paragraph (b)(2)(iii) of this section.

(c) In any case in which a retailer or wholesale purchaser-consumer, a reseller, and any gasoline refiner would be in violation under paragraph (a)(1) of Section 80.23, the reseller shall not be deemed in violation if he can demonstrate that the violation was not caused by him or his employee or agent.

(d) In any case in which a retailer or wholesale purchaser-consumer and any gasoline distributor would be in violation under paragraph (a)(2) of this section, the distributor will not be deemed in violation if he can demonstrate that the violation was not caused by him or his employee or agent.

(e)(1) In any case in which a retailer or his employee or agent or a wholesale purchaser-consumer or his employee or agent introduced leaded gasoline from a pump from which leaded gasoline is sold, dispensed, or offered for sale, into a motor vehicle which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, only the retailer or wholesale purchaser-consumer shall be deemed in violation.

(2) If a retailer or a wholesale purchaser-consumer establishes that the conduct referred to in paragraph (e)(1) of this section was in response to the requirements of a *bona fide* emergency (such as when the gasoline tank of a vehicle is almost empty and no unleaded gasoline is available within a several mile radius), the retailer or wholesale purchaser-consumer will not be deemed in violation: *Provided, however,* That the amount of leaded gasoline which was introduced into the vehicle was limited to no more than was reasonably required to alleviate the circumstances of the particular emergency situation.

6. Appendix C is added.

State/ County	Population [1]
Alabama:	
Autauga	41
Baldwin	38
Barbour	25
Bibb	22
Blount	42
Bullock	19
Butler	28
Cherokee	28
Chilton	36
Choctaw	18
Clarke	22
Clay	21
Cleburne	19
Conecuh	18
Coosa	16
Covington	35
Creshaw	22
Escamibia	36
Fayette	26
Franklin	37
Geneva	38
Greene	17
Hale	24
Henry	24
Jackson	36
La Mar	24
Lawrence	40
Lowndes	18
Macon	40
Marengo	24
Marion	32
Monroe	20
Montgomery	46
Perry	21
Pickins	23
Pike	37
Randolph	32
St. Clair	44
Selby	48
Sumter	19
Tallapoosa	48
Tuscaloosa	39
Washington	15
Wilcox	18
Winston	27

[1] County density (persons per square mile) excluding cities of 50,000 or more.

State/ County	Population [1]
Alaska:	
Aleutian Islands	1
Angoon	1
Barrow	1
Bethel	1
Bristol Bay Borough	2
Bristol Bay	1
Cordova-McCarthy	1
Fairbanks	6
Haines	1
Juneau	11
Kenai-Cook Inlet	1
Ketchikan	7
Kobuk	1
Kodiak	2
Kuskokwim	1
Matanuska-Susitna	1
Nome	1
Outer Ketchikan	1
Prince of Wales	1
Seward	1
Sitka	3
Skagway-Yakutat	1
Southeast Fairbanks	1
Upper Yukon	1
Valdez-Chitina-Whittier	1
Wade Hampton	1
Wrangell-Petersburg	1
Yukon-Koyukuk	1
Arizona:	
Apache	3
Cochise	10
Coconino	3
Gila	6
Graham	4
Grcenlee	5
Maricopa	22
Mohave	2
Navajo	5
Pima	10
Pinal	13
Santa Cruz	11
Yavapai	5
Yuma	6
Arkansas:	
Arkansas	23
Ashley	27
Baxter	29
Boone	33
Bradley	20
Calhoun	9
Carroll	20
Chicot	28
Clark	25
Clay	29
Cleburne	19
Cleveland	11
Columbia	11
Columbia	34
Conway	30
Crawford	43
Cross	32
Dallas	15
Desha	25
Drew	18
Faulkner	49
Franklin	18
Fulton	13
Grant	15
Greene	43
Hempstead	27
Hot Springs	35
Howard	20
Independence	30
Izard	13
Jackson	33
Jefferson	32
Johnson	20
Lafayette	19
Lawrence	28
Lee	31
Lincoln	23
Little River	23
Logan	23
Lonoke	33
Madison	11
Marion	12
Monroe	26
Montgomery	8
Nevada	16
Newton	7
Quachita	42
Perry	10
Pike	15
Poinsett	35
Polk	15
Pope	35
Prairie	16
Randolph	20
St. Francis	49
Scott	9
Searcy	12
Sebastian	34
Sevier	22
Sharp	14
Stone	11
Union	43
Van Buren	12
White	38
Woodruff	20
Yell	15
California:	
Alpine	1
Amador	20
Calaveras	13
Colusa	11
Del Norte	14
El Dorado	26
Fresno	42
Glenn	13
Humboldt	28
Imperial	18
Inyo	2
Kern	32
Kings	48
Lake	16
Lassen	4
Madera	19
Mariposa	4
Mendocino	15
Modoc	2
Mono	1
Nevada	27
Plumas	5
Riverside	45
San Benito	13
San Bernardino	36
San Luis Obispo	33
Shasta	20
Sierra	2
Siskiyou	5
Tehama	10
Trinity	2
Tulare	39
Tuolumme	10
Colorado:	
Alamosa	16
Archuleta	2
Baca	2
Bent	4
Chaffee	10
Cheyenne	1
Clear Creek	12
Conejos	6
Costilla	3
Crowley	4
Custer	2
Delta	13
Dolores	2
Douglas	10
Eagle	4
Elbert	2
El Paso	48
Fremont	14
Garfield	5
Gilpin	9
Grand	2
Gunnison	2
Hinsdale	1
Huerfano	4
Jackson	1
Kiowa	1
Kit Carson	3
Lake	22
La Plata	11
Larimer	34
Las Animas	3
Lincoln	2
Logan	10
Mesa	16
Mineral	1
Moffat	1
Montezuma	6
Montrose	8
Morgan	16
Otero	19
Ouray	3
Park	1
Phillips	6
Pitkin	6
Prowers	8
Rio Blanco	1
Rio Grande	11
Routt	3
Saguache	1
San Juan	2
San Miguel	2
Sedgwick	6
Summit	4
Teller	6
Washington	2
Weld	22
Yuma	4
Florida:	
Alachua	45
Baker	16
Calhoun	14
Charlotte	39
Citrus	34
Collier	19
Columbia	32
De Soto	20
Dixie	8
Flagler	9
Franklin	13
Gilchrist	10
Glades	5
Gulf	18
Hamilton	15
Hardee	24
Hendry	10
Hernando	35
Highlands	30
Holmes	22
Jackson	37
Jefferson	15
Lafayette	5
Leon	48
Levy	12
Liberty	4
Madison	19
Marion	43
Nassau	32
Okeechobee	14
Osceola	19
Putnam	47
Santa Rosa	37
Sumter	27
Suwannee	23
Taylor	13
Union	34
Wakulla	10
Walton	15
Washington	20
Georgia:	
Appling	25
Atkinson	18
Bacon	28
Baker	11
Banks	30
Berrien	25
Bleckley	47
Brantley	13
Brooks	28
Bryan	15
Bullock	46
Burke	22
Calhoun	23
Camden	17
Candler	26
Charlton	7
Clay	18
Clinch	8
Coffee	37
Crawford	13
Dawson	17
Decatur	39
Dodge	31
Dooly	26
Early	24
Echols	5
Effingham	28
Elbert	48
Emanuel	27
Evans	39
Fannin	34
Franklin	49
Gilmer	20
Glascock	16
Grady	38
Greene	25
Hancock	19
Harris	25
Heard	18
Irwin	22
Jasper	15
Jeff Davis	28
Jefferson	32
Jenkins	24
Johnson	25
Jones	30
Lanier	28
Laurens	40
Lee	20
Liberty	34
Lincoln	31
Long	9
Lumpkin	30
McIntosh	17
Macon	32
Madison	48
Marion	14
Meriwether	39
Miller	22
Mitchell	37
Monroe	28
Montgomery	26
Morgan	28
Murray	38
Oconee	43
Oglethorpe	17
Pickens	43
Pierce	27
Pike	32
Pulaski	32
Putnam	25
Quitman	14
Rabun	23
Randolph	20
Schley	19
Screven	19
Seminole	29
Stewart	14
Talbot	17
Taliaferro	12
Tattnall	34
Taylor	20

State/County	Population[1]
Georgia—Con.	
Telfair	26
Terrell	35
Towns	28
Treutlen	29
Turner	30
Twiggs	23
Union	22
Ware	37
Warren	23
Washington	26
Wayne	28
Webster	12
Wheeler	15
White	32
Wilcox	18
Wilkes	22
Wilkinson	21
Worth	26
Hawaii:	
Hawaii	16
Kauai	48
Maui	39
Idaho:	
Ada	37
Adams	2
Bannock	47
Bear Lake	6
Benewah	8
Bingham	14
Blaine	2
Boise	1
Bonner	9
Bonneville	29
Boundary	4
Butte	1
Camas	1
Caribou	4
Cassia	7
Clark	1
Clearwater	4
Custer	1
Elmore	6
Franklin	11
Fremont	5
Gem	17
Gooding	12
Idaho	2
Jefferson	11
Jerome	17
Kootenai	28
Latah	23
Lemhi	1
Lewis	8
Lincoln	3
Madison	28
Minidoka	21
Nez Perce	36
Oneida	2
Owyhee	1
Payette	31
Power	3
Shoshone	8
Teton	5
Twin Falls	21
Valley	1
Washington	5
Illinois:	
Bond	37
Brown	18
Bureau	45
Calhoun	23
Carroll	42
Cass	38
Clark	32
Clay	32
Crawford	45
Cumberland	28
De Witt	43
Douglas	45
Edgar	34
Edwards	32
Fayette	30
Ford	34
Fulton	48
Gallatin	23
Greene	31
Hamilton	20
Hancock	30
Hardin	27
Henderson	22
Iroquis	30
Jasper	22
Jersey	49
Jo Daviess	36
Johnson	22
Lawrence	47
Livingston	39
Marshall	34
Mason	30
Menard	31
Mercer	31
Monroe	49
Montgomery	43
Moultrie	41
Perry	45
Piatt	35
Pike	23
Pope	10
Pulaski	43
Putnam	31
Richland	46
Schuyler	19
Scott	24
Shelby	30
Stark	26
Union	39
Warren	40
Washington	24
Wayne	24
White	34
Indiana:	
Benton	28
Brown	28
Carroll	47
Crawford	26
Fountain	46
Franklin	43
Fulton	46
Greene	49
Harrison	43
Jasper	36
Martin	32
Newton	28
Ohio	49
Orange	42
Owen	31
Parke	33
Pike	37
Pulaski	29
Ripley	48
Spencer	43
Sullivan	44
Switzerland	29
Union	39
Warren	24
Washington	37
White	42
Iowa:	
Adair	17
Adams	15
Allamakee	24
Appanoose	29
Audubon	21
Benton	32
Boone	46
Buchanan	38
Buena Vista	36
Butler	29
Calhoun	25
Carroll	40
Cass	30
Cedar	30
Cherokee	30
Chickasaw	30
Clarke	18
Clay	32
Clayton	26
Crawford	27
Dallas	44
Davis	16
Decateur	18
Delaware	33
Dickinson	33
Dubuque	48
Emmet	36
Effingham	28
Elbert	48
Emanuel	27
Evans	39
Fonnin	34
Franklin	49
Gilmer	20
Glascock	16
Grady	38
Greene	25
Hancock	19
Harris	25
Heard	18
Irwin	22
Jasper	15
Jeff Davis	28
Jefferson	32
Jenkins	24
Johnson	25
Jones	30
Lanier	28
Laurens	40
Lee	20
Liberty	34
Lincoln	31
Long	9
Lumpkin	30
Fayette	37
Floyd	39
Franklin	23
Fremont	18
Greene	22
Grundy	28
Guthrie	21
Hamilton	32
Hancock	24
Hardin	39
Harrison	23
Henry	41
Howard	24
Humboldt	29
Ida	22
Iowa	26
Jackson	32
Jasper	48
Jefferson	36
Jones	34
Keokuk	24
Kossuth	23
Louisa	27
Lucas	23
Lyon	23
Madison	20
Mahaska	39
Mills	26
Mitchell	28
Monona	17
Monroe	22
Montgomery	30
O'Brien	30
Osceola	21
Page	35
Palo Alto	24
Plymouth	28
Pocahontas	22
Pottawattamie	29
Poweshiek	32
Ringgold	12
Sac	27
Shelby	26
Sioux	37
Tama	28
Taylor	17
Union	32
Van Buren	18
Warren	49
Washington	33
Wayne	16
Winnebago	32
Winneshiek	32
Woodbury	21
Worth	22
Kansas:	
Allen	30
Anderson	15
Atchison	45
Barber	6
Barton	34
Bourbon	24
Brown	20
Butler	27
Chase	4
Chautaugua	7
Cherokee	37
Cheyenne	4
Clark	3
Clay	16
Cloud	19
Coffey	12
Comanche	3
Cowley	31
Decatur	6
Dickinson	23
Doniphan	23
Edwards	7
Elk	6
Ellis	27
Ellsworth	9
Finney	15
Ford	21
Franklin	35
Gove	4
Graham	5
Grant	10
Gray	5
Greeley	2
Greenwood	8
Hamilton	3
Harper	10
Haskell	6
Hodgeman	3
Jackson	16
Jefferson	23
Jewell	7
Kearney	4
Kingman	10
Kiowa	6
Labette	39
Lane	4
Linn	13
Logan	4
Lyon	38
McPherson	28
Marion	15
Marshall	15
Meade	5
Miami	33
Mitchell	11
Morris	9
Morton	5
Nemaha	17
Neosho	32
Ness	8
Norton	8
Osage	19
Osborne	7
Ottawa	9
Pawnee	11
Phillips	9
Pottawatomie	14
Pratt	14
Rawlins	4
Reno	48
Republic	12
Rice	17
Rooks	9
Rush	7
Russell	11
Scott	8
Seward	25
Sheridan	4
Sherman	7
Smith	8
Stafford	7
Stevens	6
Sumner	20
Thomas	7
Trego	5
Wabaunsee	8
Wallace	2
Washington	10
Wichita	5
Wilson	20
Woodson	10
Kentucky:	
Adair	35
Allen	36
Anderson	45
Ballard	32
Bath	32
Bracken	35
Breathitt	29
Breckinridge	27
Butler	22
Caldwell	37
Carlisle	27
Casey	30
Clay	39
Clinton	43
Crittenden	23
Cumberland	22
Elliott	29
Estill	25
Fleming	32
Gallatin	41
Garrard	40
Grant	40
Grayson	33
Green	37
Hancock	38
Harrison	46
Hart	33
Henry	38
Hickman	25
Jackson	30
Knott	41
Larue	41
Lee	25
Leslie	31
Letcher	28
Lewis	25
Lincoln	49
Livingston	24
Logan	39
Lyon	26
McCreary	30
McLean	35
Magoffin	34
Marion	49
Martin	41
Menifee	19
Metcalfe	28
Monroe	35
Morgan	27
Nicolas	32
Ohio	32
Owen	21
Owsley	25
Pendleton	36
Powell	45
Robertson	21
Rockcastle	40
Russell	44
Spencer	28
Todel	29
Trigg	21
Trinple	37
Union	47
Washington	35
Wayne	32
Webster	39
Wolfe	25
Louisiana:	
Allen	27
Avoyelles	45
Beauregard	19
Bienville	19
Caldwell	17
Cameron	6
Catahoula	16
Claiborne	22
Concordia	31
De Soto	25
East Carroll	30
East Feliciana	39
Evangeline	48
Franklin	37
Grant	20
Iberville	49
Jackson	27
Jefferson Davis	45
La Salle	21
Madison	23
Morehouse	40
Natchitoches	27
Plaquenines	24
Pointe Coupee	39
Red River	23
Richland	38
Sabine	21
St. Helena	24
St. Martin	44
Tensas	16
Union	21
Vermilion	36
Vernon	40
West Carroll	37
West Feliciana	28
Winn	17
Maine:	
Aroostook	14
Franklin	13
Hancock	23
Lincoln	45
Oxford	21
Penobscot	37
Piscataquis	4
Somerset	10
Waldo	32
Washington	12
Maryland:	
Garrett	33
Queen Annes	49
Michigan:	
Alcona	10
Alger	9
Antrim	26
Arenac	30
Baraga	9
Benzie	27
Charlevoix	40
Cheboygan	23
Chippewa	20
Clare	29
Crawford	12
Delta	31
Dickinson	31
Emmet	40
Gladwin	27
Gogebic	19
Houghton	34
Huron	42
Iosco	46
Iron	13
Kalkaska	9
Keweenaw	4

[1] County density (persons per square mile) excluding cities of 50,000 or more.

State/County	Population [1]
Michigan: Con.	
Lake	10
Leelanau	32
Luce	7
Mackinac	10
Manistee	37
Marquette	35
Mason	46
Menominee	24
Missaukee	13
Montmorency	9
Newaygo	33
Oceana	34
Ogemaw	21
Ontonagon	8
Osceola	26
Oscoda	8
Otsego	20
Presque Isle	20
Roscommon	19
Sanilac	37
Schoolcraft	7
Weford	35
Minnesota:	
Aitkin	6
Becker	19
Beltrami	11
Big Stone	16
Brown	47
Carlton	33
Cass	9
Chippewa	26
Chisago	42
Clay	45
Clearwater	8
Cook	3
Cottonwood	23
Crow Wing	35
Dodge	30
Douglas	35
Faribault	29
Fillmore	26
Goodhue	46
Grant	14
Houston	31
Hubbard	11
Isanti	38
Itaasca	13
Jackson	21
Kanabec	19
Kandiyohi	39
Kittson	6
Koochiching	5
Lac Qui Parle	15
Lake	6
Lake of the Woods	3
Le Sueur	48
Lincoln	15
Lyon	34
Mahnomen	10
Marshall	7
Martin	35
Meeker	30
Mille Lacs	28
Morrison	24
Murray	18
Nobles	33
Norman	11
Otter Tail	23
Pennington	21
Pine	12
Pipestone	28
Polk	17
Pope	17
Red Lake	12
Redwood	23
Renville	22
Rock	23
Roseau	7
St. Louis	36
Sherburne	43
Sibley	27
Stevens	20
Swift	18
Todd	23
Traverse	11
Wabasha	33
Wadena	23
Waseca	40
Watonwan	31
Wilkin	12
Yellow Medicine	19
Mississippi:	
Amite	19
Attala	27
Benton	18
Calhoun	25
Carroll	15
Chickasaw	33
Choctaw	20
Claiborne	21
Clarke	22
Clay	46
Copiah	32
Covington	34
Franklin	14
George	26
Greene	12
Grenada	46
Hancock	36
Holmes	30
Humphreys	35
Issaquena	7
Itawamba	31
Jasper	23
Jefferson	18
Jefferson Davis	31
Kemper	14
Lafayette	36
Lamar	30
Lawrence	26
Leake	29
Lincoln	45
Madison	41
Marion	42
Marshall	34
Monroe	44
Montgomery	32
Neshoba	37
Newton	33
Noxubee	21
Panola	39
Pearl River	34
Perry	14
Pontotoc	35
Prentiss	48
Quitman	39
Scott	35
Sharkey	20
Simpson	34
Smith	21
Stone	18
Tallahatchie	30
Tate	46
Tippah	34
Tishomingo	34
Tunica	26
Union	45
Walthall	31
Wayne	20
Webster	24
Wilkinson	16
Winston	30
Yalobusha	24
Yazoo	29
Missouri:	
Adair	39
Andrew	27
Atchison	17
Audrain	37
Barry	25
Barton	18
Bates	18
Benton	13
Missouri—Con.	
Bollinger	14
Butler	47
Caldwell	19
Callaway	31
Camden	21
Carroll	18
Carter	8
Cedar	19
Chariton	15
Christian	27
Clark	16
Clinton	30
Cooper	26
Crawford	20
Dade	14
Dallas	19
Daviess	15
Dekalb	17
Dent	15
Douglas	11
Gasconade	23
Gentry	17
Grundy	27
Harrison	14
Henry	25
Hickory	12
Holt	15
Howard	22
Howell	26
Iron	17
Johnson	41
Knox	11
Laclede	26
Lafayette	42
Lawrence	40
Lewis	22
Lincoln	29
Linn	24
Livingston	29
McDonald	23
Macon	19
Madison	17
Maries	13
Mercer	11
Miller	25
Mississippi	40
Moniteau	26
Monroe	14
Montgomery	21
Morgan	17
New Madrid	34
Nodaway	26
Oregon	12
Osage	18
Ozark	9
Perry	31
Phelps	44
Pike	25
Polk	24
Putnam	11
Ralls	16
Randolph	47
Ray	31
Reynolds	7
Ripley	15
St. Clair	11
Ste. Genevieve	26
Saline	33
Schuyler	15
Scotland	12
Shannon	7
Shelby	16
Stoddard	31
Stone	22
Sullivan	12
Taney	21
Texas	15
Vernon	23
Warren	23
Washington	20
Wayne	11
Webster	26
Worth	13
Wright	20
Montana:	
Beaverhead	1
Big Horn	2
Blaine	2
Broadwater	2
Carbon	3
Carter	1
Cascade	8
Chouteau	2
Custer	3
Daniels	2
Dawson	5
Deer Lodge	21
Fallon	2
Fergus	3
Flathead	8
Gallatin	13
Garfield	0
Glacier	4
Golden Valley	1
Granite	2
Hill	6
Jefferson	3
Judith Basin	1
Lake	10
Lewis and Clark	10
Liberty	2
Lincoln	5
McCone	1
Madison	1
Meagher	1
Mineral	2
Missoula	22
Musselshell	2
Park	4
Petroleum	0
Philips	1
Pondera	4
Powder River	1
Powell	3
Prairie	1
Ravalli	6
Richland	5
Roosevelt	4
Rosebud	1
Sanders	3
Sheridan	3
Stillwater	3
Sweet Grass	2
Teton	3
Toole	3
Treasure	1
Valley	2
Wheatland	2
Wibaux	2
Yellowstone	10
Nebraska:	
Antelope	11
Arthur	1
Banner	1
Blaine	1
Boone	12
Box Butte	9
Boyd	7
Brown	3
Buffalo	33
Burt	19
Butler	16
Cass	33
Cedar	16
Chase	5
Cherry	1
Cheyenne	9
Clay	15
Colfax	23
Cuming	21
Custer	6
Dawes	7
Nebraska—Con.	
Dawson	20
Deuel	6
Dixon	16
Dundy	3
Fillmore	14
Franklin	8
Frontier	4
Furnas	10
Gage	30
Garden	2
Garfield	4
Gosper	5
Grant	1
Greeley	7
Hamilton	17
Harlan	8
Hayes	2
Hitchcock	6
Holt	5
Hooker	1
Howard	12
Jefferson	18
Johnson	15
Kearney	13
Keith	8
Keya Paha	2
Kimball	6
Knox	11
Lancaster	23
Lincoln	12
Logan	2
Loup	1
McPherson	1
Madison	48
Merrick	18
Morrill	4
Nance	12
Nemaha	22
Nuckolls	13
Otoe	25
Pawnee	10
Perkins	4
Phelps	18
Pierce	15
Platte	40
Polk	15
Red Willow	18
Richardson	22
Rock	2
Saline	22
Saunders	22
Seward	25
Sheridan	3
Sherman	8
Sioux	1
Stanton	13
Thayer	13
Thomas	1
Thurston	18
Valley	10
Washington	34
Wayne	23
Webster	9
Wheeler	2
York	24
Nevada:	
Churchill	2
Clark	19
Douglas	10
Elko	1
Esmeralda	0
Eureka	0
Humboldt	1
Lander	0
Lincoln	0
Lyon	4
Mineral	2
Nye	0
Pershing	0
Storey	3
Washoe	8
White Pine	1
New Hampshire:	
Carroll	20
Coos	19
Grafton	32
New Mexico:	
Catron	0
Chaves	7
Colfax	3
Curry	28
De Baca	1
Dona Ana	18
Eddy	10
Grant	6
Guadalupe	2
Harding	1
Hidalgo	1
Lea	11
Lincoln	2
Luna	4
McKinley	8
Mora	2
Otero	6
Quay	4
Rio Arriba	4
Roosevelt	7
Sandoval	5
San Juan	10
San Miguel	5
Santa Fe	29
Sierra	2
Socorro	1
Taos	8
Torrance	2
Union	1
Valencia	7
New York:	
Allegany	44
Delaware	31
Essex	19
Franklin	26
Hamilton	3
Herkimer	47
Lewis	18
St. Lawrence	41
Schoharie	40
North Carolina:	
Alleghany	36
Anson	46
Beaufort	44
Bertie	29
Bladen	30
Brunswick	28
Camden	23
Caswell	45
Chatham	42
Cherokee	36
Clay	25
Currituck	28
Dare	18
Duplin	47
Gates	25
Graham	22
Greene	26
Hoke	42
Hyde	9
Jackson	44
Jones	21
Macon	31
Madison	36
Montgomery	39
Northampton	45
Pamlico	28
Pender	21
Perquimans	34
Polk	49
Sampson	48
Swain	17
Tyrell	10
Warren	37

State/County	Population[1]
North Carolina—Con.	
Washington	41
Yancey	40
North Dakota:	
Adams	4
Barnes	10
Benson	6
Billings	1
Bottineau	6
Bowman	3
Burke	4
Burleigh	25
Cass	12
Cavalier	5
Dickey	6
Divide	4
Dunn	2
Eddy	6
Emmons	5
Foster	7
Golden Valley	3
Grand Forks	42
Grant	3
Griggs	6
Hettinger	4
Kidder	3
Lamoure	6
Logan	4
McHenry	5
McIntosh	6
McKenzie	2
McLean	5
Mercer	6
Morton	11
Mountrail	5
Melson	6
Oliver	3
Pembina	10
Pierce	6
Ramsey	10
Ransom	8
Renville	4
Richland	12
Rolette	13
Sargent	7
Sheridan	3
Sioux	3
Slope	1
Stark	15
Steele	5
Stutsman	10
Towner	4
Traill	11
Walsh	13
Ward	29
Wells	6
Williams	9
Ohio:	
Adams	32
Harrison	42
Hocking	48
Meigs	45
Monroe	35
Morgan	29
Noble	26
Paulding	46
Pike	43
Vinton	23
Oklahoma:	
Adair	27
Alfalfa	8
Atoka	11
Beaver	4
Beckham	17
Blaine	13
Bryan	29
Caddo	23
Canadian	36
Carter	45
Cherokee	31
Choctaw	19
Cimarron	2
Coal	11
Comanche	32
Cotton	10
Craig	19
Creek	49
Custer	23
Delaware	25
Dewey	6
Ellis	4
Garvin	31
Grady	27
Grant	7
Greer	13
Harman	9
Harper	5
Haskell	16
Hughes	16
Jackson	38
Jafferson	9
Johnston	12
Kingfisher	14
Kiowa	12
Latimer	12
Le Flore	21
Lincoln	20
Logan	26
Coal	11
Comanche	32
Cotton	10
Craig	19
Creek	49
Custer	23
Delaware	25
Dewey	6
Ellis	4
Garvin	31
Grady	27
Grant	7
Greer	13
Harman	9
Harper	5
Haskell	16
Hughes	16
Jackson	38
Jefferson	9
Johnston	12
Kingfisher	14
Kiowa	12
Latimer	12
Le Flore	21
Lincoln	20
Logan	26
Love	11
McClain	25
McCurtain	16
McIntosh	21
Major	8
Marshall	21
Maves	36
Murray	25
Noble	14
Nowata	18
Okfuskee	17
Osage	13
Pawnee	20
Pittsburg	30
Pontotoc	39
Pushmataha	7
Roger Mills	4
Rogers	41
Seminole	40
Sequoyah	34
Stephens	40
Texas	8
Tillman	14
Wagoner	39
Washita	12
Woods	9
Woodward	12
Oregon:	
Baker	5
Clatsop	35
Columbia	45
Coos	35
Crook	3
Curry	8
Deschutes	10
Douglas	14
Gilliam	2
Grant	2
Harney	1
Hood River	25
Jackson	34
Jefferson	5
Josephine	22
Klamath	8
Lake	1
Lane	30
Lincoln	26
Linn	31
Malheur	2
Morrow	2
Polk	48
Sherman	3
Tillamook	16
Umatilla	14
Union	10
Wallowa	2
Warsco	8
Wheeler	1
Pennsylvania:	
Bedford	42
Cameron	18
Clinton	42
Elk	47
Forest	12
Huntingdon	44
Juniata	43
Pike	22
Potter	15
Sullivan	12
Susquehanna	41
Tioga	35
Wayne	40
Wyoming	48
South Carolina:	
Abbeville	42
Allendale	23
Bamberg	40
Barnwell	31
Calhoun	30
Chesterfield	43
Clarendon	43
Colleton	26
Edgefield	33
Fairfield	29
Georgetown	41
Hampton	28
Jasper	18
Kershaw	44
Lee	45
McCormick	22
Newberry	46
Saluda	32
Williamsburg	37
South Dakota:	
Aurora	6
Beadle	3
Bennett	15
Bon Homme	15
Brookings	28
Brown	22
Brule	7
Buffalo	4
Butte	3
Campbell	4
Charles Mix	9
Clark	6
Clay	32
Codington	28
Corson	2
Custer	3
Davison	40
Day	8
Deuel	9
Dewey	2
Douglas	11
Edmunds	5
Fall River	4
Faulk	4
Grant	13
Gregory	7
Haakon	2
Hamlin	11
Hand	4
Hanson	9
Harding	1
Hughes	16
Hutchinson	13
Hyde	3
Jackson	2
Jerauld	6
Jones	2
Kingsbury	9
Lake	20
Lawrence	22
Lincoln	20
Lyman	2
McCook	13
McPherson	4
Marshall	7
Meade	5
Mellette	2
Miner	8
Minnehaha	29
Moody	15
Pennington	21
Perkins	2
Potter	5
Roberts	11
Sanborn	6
Shannon	4
Spink	7
Stanley	2
Sully	2
Todd	5
Tripp	5
Turner	16
Union	21
Walworth	11
Washabaugh	1
Yankton	37
Ziebach	1
Tennessee:	
Benton	31
Bledsoe	19
Cannon	31
Carroll	43
Cheatham	43
Chester	35
Claiborne	44
Clay	28
Cumberland	31
Decatur	28
Dekalb	40
Dickson	45
Fayette	32
Fentress	25
Franklin	49
Giles	36
Grainger	49
Grundy	30
Hancock	29
Hardeman	34
Hardin	31
Haywood	38
Henderson	34
Henry	42
Hickman	20
Houston	29
Humphreys	26
Jackson	25
Johnson	39
Lake	48
Lauderdale	42
Lawrence	46
Lewis	24
Lincoln	42
McNairy	32
Macon	41
Marion	41
Marshall	46
Meigs	27
Monroe	36
Moore	29
Morgan	25
Overton	34
Perry	13
Pickett	24
Polk	27
Scott	27
Sequatchie	23
Sevier	47
Smith	39
Stewart	16
Trousdale	45
Union	43
Van Buren	15
Wayne	17
White	43
Texas:	
Anderson	26
Andrews	7
Aransas	32
Archer	6
Armstrong	2
Atascosa	16
Austin	21
Bailey	10
Bandera	6
Bastrop	19
Baylor	6
Bee	27
Blanco	5
Borden	1
Bosque	11
Brewster	1
Briscoe	3
Brooks	9
Brown	28
Burleson	15
Burnet	11
Caldwell	39
Calhoun	34
Callahan	10
Camp	42
Carson	7
Cass	26
Castro	12
Chambers	20
Cherokee	31
Childress	9
Clay	7
Cochran	7
Coke	3
Coleman	8
Collingsworth	5
Colorado	19
Comal	43
Comanche	13
Concho	3
Cooke	26
Coryell	34
Cottle	4
Crane	5
Crockett	1
Crosby	10
Culberson	1
Dallam	4
Dawson	18
Deaf Smith	13
Delta	18
De Witt	21
Dickens	4
Dimmit	7
Donley	4
Duval	6
Eastland	19
Ector	15
Edwards	1
El Paso	39
Erath	17
Falls	23
Fannin	25
Fayette	19
Fisher	7
Floyd	11
Foard	3
Franklin	18
Freestone	13
Frio	10
Gaines	8
Garza	6
Gillespie	10
Glasscock	1
Gonzales	16
Gray	29
Grimes	15
Guadalupe	47
Hale	35
Hall	7
Hamilton	9
Hansford	7
Hardeman	10
Hardin	33
Hartley	2
Haskell	10
Hays	43
Hamphill	3
Henderson	28
Hill	22
Hockley	22
Hood	15
Hopkins	26
Houston	14
Howard	41
Hudspeth	1
Hutchinson	28
Irion	1
Jack	7
Jackson	15
Jasper	27
Jeff Davis	1
Jim Hogg	4
Jim Wells	39
Jones	17
Karnes	18
Kaufman	40
Kendall	10
Kenedy	0
Kent	2
Kerr	18
Kimble	3
King	0
Kinney	1
Kleberg	39
Knox	7
Lamar	40
Lamb	17
Lampasas	13
La Salle	3
Lavaca	18
Lee	13
Leon	8
Liberty	28
Limestone	19
Lipscomp	4
Live Oak	6
Llano	7
Loving	0
Lubbock	37
Lynn	10
McCulloch	8
McMullen	1
Madison	16
Marion	22
Martin	5
Mason	4
Matagorda	24
Maverick	14
Medina	15
Menard	3
Midland	6
Milam	19
Mills	6
Mitchell	10
Montague	16
Montgomery	45

State/ County	Population [1]
Texas—Con.	
Moore	15
Morris	47
Motley	2
Nacogdoches	40
Navarro	29
Newton	12
Nolan	18
Nueces	44
Ochiltree	11
Oldham	2
Palo Pinto	31
Panola	18
Parker	38
Parmer	12
Pecos	3
Polk	13
Potter	50
Presidio	1
Rains	18
Randall	50
Reagan	3
Real	3
Red River	14
Reeves	6
Refugio	12
Roberts	1
Robertson	16
Rockwall	48
Runnels	11
Rusk	36
Sabine	16
San Augustine	17
San Jacinto	11
San Saba	5
Schleicher	2
Scurry	17
Shackelford	4
Shelby	25
Sherman	4
Smith	43
Somervell	14
Starr	15
Stephens	9
Sterling	1
Stonewall	3
Sutton	2
Swisher	12
Taylor	10
Terrell	1
Terry	16
Throckmorton	2
Titus	40
Tom Green	5
Travis	46
Trinity	11
Tyler	14
Upshur	36
Upton	4
Uvalde	11
Val Verde	8
Van Zandt	26
Walker	35
Waller	28
Ward	16
Washington	32
Webb	1
Wharton	34
Wheeler	7
Wichita	43
Wilbarger	16
Willacy	26
Williamson	34
Wilson	16
Winkler	11
Wise	21
Wood	26
Yoakum	9
Young	17
Zapata	5
Zavala	9
Utah:	
Beaver	1
Box Elder	5
Cache	36
Carbon	11
Daggett	1
Duchesne	2
Emery	1
Garfield	1
Grand	2
Iron	4
Juab	1
Kane	1
Millard	1
Morgan	7
Piute	2
Rich	2
San Juan	1
Sanpete	7
Sevier	5
Summit	3
Tooele	3
Unitah	3
Utah	42
Wasatch	5
Washington	6
Wayne	1
Vermont:	
Addison	31
Bennington	44
Caledonia	37
Essex	8
Franklin	47
Grand Isle	43
Lamoille	28
Orange	26
Orleans	28
Windham	43
Windsor	46
Virginia:	
Alleghany	28
Amelia	21
Appomattox	28
Augusta	45
Bath	10
Bedford	37
Bland	15
Botetourt	33
Brunswick	28
Buckingham	18
Caroline	26
Carroll	47
Charles City	34
Charlotte	26
Clarke	47
Craig	10
Culpeper	47
Cumberland	21
Dickenson	48
Dinwiddie	49
Essex	28
Fauquier	40
Floyd	26
Fluvanna	26
Franklin	39
Giles	46
Goochland	35
Grayson	34
Greene	34
Greensville	32
Halifax	38
Highland	6
King and Queen	17
King George	46
King William	27
Lee	46
Louisa	27
Lunenburg	26
Madison	26
Mecklenburg	48
Middlesex	48
Nelson	25
New Kent	25
Northumberland	49
Nottoway	46
Orange	39
Patrick	33
Powhatan	29
Prince Edward	40
Rappahannock	19
Richmond	34
Rockbridge	28
Scott	45
Shenandoah	45
Southampton	31
Spotsylvania	40
Surry	21
Sussex	23
Wythe	48
Washington:	
Adams	6
Asotin	22
Benton	39
Chelan	14
Clallam	20
Columbia	5
Douglas	9
Ferry	2
Franklin	21
Garfield	4
Grant	16
Grays Harbor	31
Jefferson	6
Kittitas	11
Klickitat	6
Lewis	19
Lincoln	4
Mason	22
Okanogan	5
Pacific	17
Pend Oreille	4
San Juan	22
Skagit	30
Skamania	3
Stevens	7
Wahkiakum	14
Walla Walla	33
Whatcom	39
Whitman	18
Yakima	34
West Virginia:	
Barbour	41
Braxton	25
Calhoun	25
Clay	27
Doddridge	20
Gilmer	23
Grant	18
Greenbrier	31
Hampshire	18
Hardy	15
Jackson	45
Lewis	46
Lincoln	43
Monroe	24
Morgan	37
Nicholas	35
Pendelton	10
Pocahontas	9
Preston	39
Randolph	24
Ritchie	22
Roane	29
Summers	38
Tucker	18
Tyler	39
Webster	18
Wirt	18
Wisconsin:	
Adams	14
Ashland	16
Barron	39
Bayfield	8
Buffalo	19
Burnett	11
Chippewa	47
Clark	25
Crawford	27
Door	41
Douglas	34
Dunn	34
Florence	7
Forest	8
Grant	42
Green	46
Green Lake	48
Iowa	25
Iron	9
Jackson	5
Juneau	24
Lafayette	22
Langlade	22
Lincoln	26
Marinette	26
Marquette	19
Menominee	7
Monroe	35
Oconto	26
Oneida	22
Pepin	31
Pierce	45
Polk	29
Pierce	12
Richland	29
Rock	16
St. Croix	47
Sauk	46
Sawyer	8
Shawano	36
Taylor	17
Trempealeau	32
Vernon	31
Vilas	13
Washburn	13
Waushara	24
Wyoming:	
Albany	6
Big Horn	3
Campbell	3
Carbon	2
Converse	1
Crook	2
Fremont	3
Goshen	5
Hot Springs	2
Johnson	1
Laramie	21
Lincoln	2
Natrona	10
Niobrara	1
Park	3
Platte	3
Sheridan	7
Sublette	1
Sweetwater	2
Teton	1
Uinta	3
Washakie	3
Weston	3

[FR Doc.74-28944 Filed 12-11-74;8:45 am]

[FRL 304-6]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Dinoseb

A petition (PP 1F1075) was filed (36 FR 12252) by The Dow Chemical Co., Post Office Box 1706, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide 2-*sec*-butyl-4,6-dinitrophenol applied as the phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salt, or sodium salt) in or on the raw agricultural comodities alfalfa and alfalfa hay, barley forage and straw, bean forage, birdsfoot trefoil and trefoil hay, clover and clover hay, oat forage and straw, pea vines, peanut vines, rye forage and straw, soybean forage, sweetclover and sweetclover hay, vetch and vetch hay, and wheat forage and straw at 1 part per million; and in or on almonds, apples, apricots, barley (grain), beans, blackberries, blueberries, boysenberries, cherries, citrus fruits, corn kernels and cobs (field corn, popcorn, and sweet corn), corn fodder and forage (field corn, popcorn, and sweet corn), cottonseed, cotton forage, cucurbits, currants, dates, figs, filberts, garlic, gooseberries, grapes, hops, loganberries, nectarines, oats (grain), olives, onions, peaches, peanuts, pears, peas, pecans, peppermint, plums, potatoes, prunes, raspberries, rye (grain), soybeans, spearmint, strawberries, walnuts, and wheat (grain) at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by (1) reducing the proposed tolerances in or on those raw agricultural commodities at 1 part per million to 0.1 part per million (negligible residue), (2) withdrawing the requests for tolerances for residues in or on peppermint, soybeans, and spearmint at 0.1 part per million (negligible residue), and (3) proposing tolerances for residues in or on almond hulls, bean hay, cottonseed hulls, and peanut hulls, at 0.1 part per million (negligible residue) and soybean hay at 1 part per million.

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

(1) The pesticide is useful as a fungicide and insecticide as well as a herbicide for the purpose for which the tolerances are being established.

(2) There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

(3) The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR

15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 F.R. 18805), § 180.281 is revised to read as follows:

§ 180.281 Dinoseb; tolerances for residues.

Tolerances are established for residues of the herbicide, insecticide, and fungicide dinoseb (2-*sec*-butyl-4,6-dinitrophenol) from application of its phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salt, or sodium salt) in or on raw agricultural commodities as follows:

1 part per million in or on soybean forage and hay.

0.1 part per million (negligible residue) in or on alfalfa; alfalfa hay; almonds; almond hulls; apples; apricots; barley (grain, forage and straw); beans; bean forage and hay; birdsfoot trefoil and trefoil hay; blackberries; blueberries; boysenberries; cherries; citrus; clover and clover hay; corn fodder and forage; corn grain including popcorn; fresh corn including sweet corn (kernels plus cob with husk removed); cotton forage; cottonseed; cottonseed hulls; cucurbits; currants; dates; figs; filberts; garlic; gooseberries; grapes; hops; loganberries; nectarines; oats (grain, forage, and straw); olives; onions; peaches; peanuts; peanut forage, hay, and hulls; pears; peas; pea forage and hay; pecans; plums (prunes); potatoes; raspberries; rye (grain, forage, and straw); soybeans; strawberries; vetch and vetch hay; walnuts; and wheat (grain, forage, and straw).

In the FEDERAL REGISTER of August 30, 1972 (37 FR 17554), interim tolerances were established for residues of the insecticide fungicide, and herbicide dinoseb (2-*sec*-butyl-4,6-dinitrophenol) and its alkanolamine, ammonium, and sodium salts in or on alfalfa and alfalfa hay, almond hulls, barley forage and hay, bean forage, birdsfoot trefoil and trefoil hay, clover and clover hay, oats forage and straw, pea vines, peanut vines, rye forage and straw, soybean forage, vetch and vetch hay, wheat forage and straw at 1 part per million and almonds, apples, apricots, barley, beans, blackberries, blueberries, cherries, citrus, corn fodder and forage, corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), cucurbits, currants, dates, filberts, garlic, gooseberries, grapes, hops, raspberries, oats, onions, peaches, peanut hulls, peanuts, pears, peas, pecans, peppermint, plums (prunes), potatoes, rye, soybeans, spearmint, strawberries, walnuts, wheat at 0.1 part per million.

These interim tolerances were established pending final review and evaluation of the data on the subject pesticide.

§ 180.319 [Amended]

Since the review and evaluation on the subject pesticide have been completed and permanent tolerances are being established by this order for its interim tolerance (with the exception of those on peppermint, soybeans, and spearmint) the listing of interim tolerances for dinoseb is no longer necessary, and § 180.319 *Interim tolerances* is amended by deleting the item "Dinoseb (2-*sec*-butyl-4,6-dinitrophenol) * * *" from the list of items in the table.

Any person who will be adversely affected by the foregoing order may at any time on or before January 13, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 12, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 6, 1974.

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

[FR Doc.74-28898 Filed 12-11-74;8:45 am]

[FRL 303-7]

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

Ethephon

A petition (PP 4F1490) was filed (39 FR 20840) by Amchem Products, Inc., Ambler, PA 19002, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity figs at 5 parts per million.

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

(1) The plant regulator is useful for the purpose for which the tolerance is being established.

(2) There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

(3) The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 F.R. 18805), § 180.300 is amended by revising the paragraph "5 parts per million * * *" to read as follows:

§ 180.300 Ethephon; tolerances for residues.

* * * * *

5 parts per million in or on apples, cranberries, and figs.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 13, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 12, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 6, 1974.

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

[FR Doc.74-28892 Filed 12-11-74;8:45 am]

[FRL 303-8]

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

Ethephon

In response to a petition (PP4E1440) submitted by Amchem Products, Inc., Ambler, PA 19002, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of September 27, 1974 (39 FR 34672), proposing (1) establishment of a tolerance for negligible residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the imported raw agricultural commodity coffee beans at 0.1 part per million resulting from application of the plant regulator to the growing crop and (2) the editorial revision of the paragraph "One-half part per million * * *" in § 180.300 so that it reads "0.5 part per million * * *". No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental

Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.300 is amended by revising the paragraph "One-half part per million * * *" and by adding the new paragraph "0.1 part per million * * *", as follows:

§ 180.300 Ethephon; tolerances for residues.

* * * * *

0.5 part per million in or on filberts and walnuts.

* * * * *

0.1 part per million (negligible residue) in or on coffee beans.

Any person who will be adversely affected by the foregoing order may at any time on or before January 13, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particurality the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 12, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: December 6, 1974.

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

[FR Doc.74-28893 Filed 12-11-74;8:45 am]

[FRL 304-3]

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

Linuron

In response to a petition (PP 3E1373) submitted by the State of California, Department of Food and Agriculture, 1220 N Street, Sacramento, CA 95814, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of October 17, 1974 (39 FR 37068), proposing establishment of a tolerance for residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) in or on the raw agricultural commodity asparagus at 0.25 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.184 is amended by revising the paragraph "0.25 part per million * * *" to read as follows:

§ 180.184 Linuron tolerances for residues.

* * * * *

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

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 13, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 12, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: December 6, 1974.

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

[FR Doc.74-28895 Filed 12-11-74;8:45 am]

[FRL 304-4]

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

Methidathion

A petition (PP 4F1513) was filed (39 FR 26479) by CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide methidathion (*O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one) in or on the raw agricultural commodity sunflower seeds at 0.5 part per million.

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

(1) The insecticide is useful for the purpose for which the tolerance is being established.

(2) There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

(3) The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.298 is amended by adding the new paragraph "0.5 part per million * * *" after the paragraph "2 parts per million * * *" as follows:

§ 180.298 Methidathion; tolerances for residues.

* * * * *

0.5 part per million in or on sunflower seeds.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 13, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 12, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 6, 1974.

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

[FR Doc.74-28896 Filed 12-11-74;8:45 am]

[FRL 304-5]

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

Paraquat

A petition (PP 4F1481) was filed (39 FR 14542) by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, CA 94801, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the

desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium) derived from application of either the bis(methyl sulfate) or the dichloride salt, calculated in both instances as the cation in or on the raw agricultural commodity nuts at 0.05 part per million. (This request represents the extension of already established tolerances (§ 180.205, 40 CFR) for residues of paraquat in or on the raw agricultural commodities almonds, filberts, macadamia nuts, and walnuts at 0.05 part per million to include the entire nut group.)

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

(1) The desiccant, defoliant, and herbicide is useful for the purpose for which the tolerance is being established.

(2) There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

(3) The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.205 is amended by revising the paragraph "0.05 part per million * * *" to read as follows:

§ 180.205 Paraquat; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on apples, apricots, avocados, bananas, barley grain, cherries, citrus fruit, coffee beans, fresh corn including sweet corn (kernels plus cob with husk removed), corn fodder and forage, corn grain, figs, guava, lettuce, melons, nectarines, nuts, oat grain, olives, papayas, peaches, pears, peppers, pineaples, plums (fresh prunes), rye grain, safflower seed, small fruit, sorghum forage and grain, soybeans, soybean forage, tomatoes, and wheat grain.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 13, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 12, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 6, 1974.

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

[FR Doc.74-28897 Filed 12-11-74;8:45 am]

[FRL 304-7]

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

2,4-D

In response to a petition (PP 1E1122) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan, Minnesota, North Dakota, and South Dakota, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of October 7, 1974 (39 FR 36031), proposing (1) establishment of a tolerance for residues of the herbicide and plant regulator 2,4-D (2,4-dichlorophenoxyacetic acid) in or on the raw agricultural commodity potatoes at 0.2 part per million and (2) deletion of the interim tolerance for residues of 2,4-D in or on potatoes at 0.1 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended as follows:

1. By revising § 180.142(a) to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) Tolerances are established for residues of the herbicide and plant regulator 2,4-D (2,4-dichlorophenoxyacetic acid) in or on raw agricultural commodities as follows:

5 parts per million in or on apples, citrus fruits, pears, and quinces. The tolerance on citrus fruits also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D isopropyl ester and 2,4-D butoxyethyl ester to lemons.

0.2 part per million in or on potatoes.

* * * * *

§ 180.319 [Amend]

2. By deleting the word "Potatoes" from the list of raw agricultural commodities for the item "2,4-D * * *" in the table in § 180.319 *Interim tolerances.*

Any person who will be adversely affected by the foregoing order may at any time on or before January 13, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 12, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: December 6, 1974.

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

[FR Doc.74-28899 Filed 12-11-74;8:45 am]

[FRL 282-3]

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

Certain Inert Ingredients in Pesticide Formulations

Correction

In FR Doc. 74-23945, appearing in the issue of Monday, October 21, 1974, at page 37378, § 180.1001(e), the sixth entry now reading "Manganous oxides—Solid diluent, carrier.", should read, "Manganous oxide—Solid diluent carrier.".

[FRL 304-2]

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

Isophorone; Correction

In FR Doc. 74-24254 appearing at page 37195 in the issue of Friday, October 18, 1974, the word "herbicide" was inadvertently omitted so that the phrase "for postemergence use on beets * * *" in the table under "Uses" should have read "for postemergence herbicide use on beets * * *". Therefore, the paragraph is corrected to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert Ingredients	Limits	Uses
*	*	*
Isophorone		Solvent and cosolvent for formulations used before crop emerges from soil, for postemergence use on rice before crop begins to head, and for postemergence herbicide use on beets (sugar beets and table beets).
*	*	*

Dated: December 6, 1974.

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

[FR Doc.74-28894 Filed 12-11-74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Eastern Neck National Wildlife Refuge, Maryland

The following special regulation is issued and is effective during the period January 1, 1975 through December 31, 1975.

§ 28.28 **Special regulations; recreation; for individual wildlife refuge areas.**

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Entrance into the refuge and use of parking areas and facilities is permitted during daylight hours for photography, hiking, nature study, bicycling, and access to fin fishing, shell fishing, and crabbing.

Boat access is permitted at Bogle's Wharf for commercial and sport fin and shell fishing and crabbing in accordance with Federal and State regulations.

The Ingleside Recreation Area is open from May 1, 1975 through September 30, 1975 and from November 22, 1975 through November 30, 1975. Boats may be launched at the launching site from May 1, 1975 through September 30, 1975.

Pets are permitted if on a leash not exceeding 10 feet in length, only in designated parking areas. Camping is not permitted.

The following activities are not permitted at the Eastern Neck Narrows during the period May 1, 1975 through September 30, 1975: Stopping or parking vehicles, standing on or fishing and crabbing from the roadside or shoreline and launching or removing boats.

Designated nature trails, boardwalks, and recreation sites are open for use. All other areas are closed.

Registered motor vehicles are permitted on refuge roads and in designated parking areas only. Parking and leaving vehicles unattended along the refuge roads is not permitted.

The refuge, comprising approximately 2,286 acres, is delineated on a map available from the Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

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

Dated: December 5, 1974.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.74-28936 Filed 12-11-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective from January 1, 1975, through December 31, 1975.

§ 28.28 **Special regulations; recreation; for the individual wildlife refuge areas.**

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Travel on foot or by motor vehicle is permitted on designated travel routes, for the purpose of nature study, photography, hiking and sight-seeing during daylight hours. Pets are permitted if on a leash not over 10 feet in langth.

The refuge area, comprising 10,818 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

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

Dated: December 5, 1974.

RICHARD E. GRIFFITH,
Regional Director, Fish and Wildlife Service.

[FR Doc.74-28935 Filed 12-11-74;8:45 am]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, New Jersey

The following special regulations are issued and are effective during the period January 1, 1975, through December 31, 1975.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the beach on Holgate Peninsula and Little Beach Island, except from those areas posted as closed. Saltwater sport fishing from the auto tour route is prohibited.

Freshwater sport fishing from the South Dike of the West Pool is permitted during daylight hours from July 20 through September 21, 1975. The possession of fish or minnows for use as bait is not permitted. Freshwater fishermen may park at the headquarters and South Tower parking areas only.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing are delineated on maps available at refuge headquarters, Oceanville, New Jersey, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, as set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

Dated: December 5, 1974.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.74-28933 Filed 12-11-74;8:45 am]

PART 33—SPORT FISHING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period January 1, 1975 through December 31, 1975.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing in state waters in compliance with state regulations is permitted from refuge lands. The four areas open for access to fishing are designated by signs and delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, R.D. #1, Box 1411, Seneca Falls, New York 13148 and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through December 31, 1975.

Dated: December 5, 1974.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.74-28937 Filed 12-11-74;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 330]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 13-19, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing

Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.630 Navel Orange Regulation 330.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fairly active. Prices f.o.b. averaged $3.62 per carton on a reported sales volume of 1,041 carlots last week, compared with an average f.o.b. price of $3.85 per carton and sales of 797 carlots a week earlier. Track and rolling supplies at 579 cars were up 70 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 10, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 13, 1974, through December 19, 1974, are hereby fixed as follows:

(i) District 1: 1,058,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 92,000 cartons."

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

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

Dated: December 11, 1974.

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

[FR Doc.74-29166 Filed 12-11-74;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended November 27, 1974 (39 FR 41356–41358), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended by adding to or deleting from the respective list therein as follows:

§ 97.2 [Amended]

WITHIN METROPOLITAN AREA ONE HOUR

Add: Clifton, New Jersey (Animal Import Center).

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendment shall become effective December 12, 1974.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of December 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-28948 Filed 12-11-74;8:45 am]

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

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 301—DEFINITIONS

Change in MPI Regional Offices

Statement of Considerations. Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), the Animal and Plant Health Inspection Service is amending the Federal meat inspection regulations (9 CFR Part 301) to reflect a realignment in the Meat and Poultry Inspection regional offices.

As a result of the realignment of the field offices of the Meat and Poultry Inspection Program on September 16, 1973, the States of North Dakota and South Dakota were transferred from the jurisdiction of the North Central Region to the jurisdiction of the Western Region. Therefore, the regulations are being amended to reflect this change.

Accordingly, the Federal meat inspection regulations (9 CFR 301 *et seq.*) are amended as follows:

§ 301.2 [Amended]

In § 301.2(iii), the portion of the text describing the North Central Region is amended to read: "The States of Illinois,

Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin."

Further, the portion of the text describing the Western Region is amended to read: "The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and Guam."

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

This amendment merely reflects an organizational change. It does not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures concerning this amendment are impracticable and unnecessary and good cause is found for making this amendment effective in less than 30 days after publication hereof in the FEDERAL REGISTER.

This amendment shall become effective December 12, 1974.

Done at Washington, D.C. on: December 6, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-28947 Filed 12-11-74;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Addition of Time Category

After consultation and coordination with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board as prescribed by section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)), the Board of Directors of the Federal Deposit Insurance Corporation has decided to amend Part 329 of the Corporation's rules and regulations (12 CFR Part 329) so as to create a new category of time deposit for interest rate purposes consisting of time deposits in the minimum amount of $1,000 with a minimum maturity of six years. The maximum rate of interest permissible on this new category of deposit will be 7½ percent for insured nonmember commercial banks and 7¾ percent for insured nonmember mutual savings banks.

1. Section 329.6 is amended by revising paragraph (b)(2) as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.[15]

* * * * *

(b) *Deposits of less than $100,000.*

* * * * *

(2) *Deposits of $1,000 or more with maturities of four years or more.* No insured nonmember bank shall pay interest on any time deposit of $1,000 or more with a maturity of four years or more at a rate in excess of the applicable rate under the following schedule:

Maturity:	*Maximum percent per annum*
4 years or more but less than 6 years	7¼
6 years or more	7½

[15] * * *

2. Section 329.7 is amended by revising paragraph (b)(4) as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.[16]

* * * * *

(b) *Maximum rates payable.*

* * * * *

(4) *Time deposits of $1,000 or more with maturities of four years or more.* No insured nonmember mutual savings bank shall pay interest or dividends on any time deposit of $1,000 or more with a maturity of four years or more at a rate in excess of the applicable rate under the following schedule:

Maturity:	*Maximum percent per annum*
4 years or more but less than 6 years	7½
6 years or more	7¾

* * * * *

(Sec. 9, 64 Stat. 881, (12 U.S.C. 1819); Sec. 18, 64 Stat. 893, 80 Stat. 824, (12 U.S.C. 1828).)

3. Inasmuch as these amendments have no adverse effect on existing rights afforded by those previously existing regulations which they amend, the Corporation's Board of Directors found that no purpose would be served by following the provisions of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date.

4. Effective date. This regulation is effective December 23, 1974.

By order of the Board of Directors, December 6, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-28920 Filed 12-11-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-EA-85; Amdt. 39-2045]

PART 39—AIRWORTHINESS DIRECTIVE

Canadair 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 Canadair CL-44D4 and CL-44J type airplanes.

There have been reports of cracks in the nose landing gear cross beams of the subject aircraft. Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued to require a repetitive inspection and 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 adding the new Airworthiness Directive.

CANADAIR. Applies to all Canadair Models CL-44D4 and CL-44J Aircraft

Compliance required as indicated.

1. Affects nose landing gear crossbeam P/N 44-85082-2.

a. Within the next 30 days, unless accomplished within the last 60 days, inspect the nose landing gear crossbeam in accordance with Canadair Service Information Circular No. 122-CL44, Issue 3, dated May 30, 1974, or an approved equivalent inspection.

b. The inspection specified in "a" above shall be repeated at intervals not to exceed 650 hours in service or 90 days, whichever occurs first.

2. A cracked crossbeam must be replaced prior to further flight with an unused part of the same part number or repaired by an approved method.

3. The aircraft may be flown in accordance with FAR 21.197 to a base where the inspection or repair can be performed.

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

This amendment is effective December 19, 1974.

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

Issued in Jamaica, N.Y., on December 5, 1974.

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

[FR Doc.74-28912 Filed 12-11-74;8:45 am]

[Docket No. 74-EA-71; Amdt. 39-2044]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 type airplanes.

There has been a report of an explosion due to fuel leaking into the nose

compartment of a PA–31 type aircraft. It was determined that the heater manual fuel shut-off valve had been leaking and allowing fuel into the nose compartment.

Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require an inspection and eventual removal of the valve and an alteration to the heater solenoid shut-off valve on certain early PA–31 type airplanes.

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

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

PIPER: Applies to Models PA–31 & PA–31–300 S/N 31–2 to 31–7401258 inclusive

Compliance required as indicated unless already accomplished: In order to eliminate explosion hazards associated with fuel leaking from the heater manual shut-off and solenoid shut-off valves in the nose compartment, accomplish the following:

a. Within 25 hours time in service after the effective date of this AD, conduct a pressure check of the P/N 492107 manual heater shut-off valve and P/N 756513 solenoid fuel regulator shut-off valve. This may be accomplished by operating the right electric fuel pump, turning on the heater manual fuel valve and visually inspecting for fuel seepage around the valve body and connecting line fittings of both shut-off valves.

If any leakage is observed, the valve must be replaced or repaired and the pressure check repeated.

b. Within 125 hours time in service after the effective date of this AD for Serial Numbers 31–2 to 31–7401258 inclusive, remove manual heater fuel shut-off valve P/N 492107 and bracket P/N 41948–00 in accordance with Piper Service Bulletin No. 417 and subsequent approved revisions.

c. Within 125 hours time in service after the effective date of this AD for Serial Numbers 31–2 to 31–103 inclusive, install shroud assembly Piper P/N 43493 with associated cover, overboard drain tube, sealing grommets and clamp over heater solenoid shut-off valve P/N 756513 in accordance with Piper installation drawing No. 41923 and Parts aCtalog No. 753703 Fig. 38.

d. Alternate equivalent modifications to those described above must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. Aircraft may be flown to a base where the maintenance required by this Airworthiness Directive may be performed per FAR's 21.197 and 21.199.

(Piper Service Bulletin No. 417 dated August 26, 1974, pertains to this subject.)

This amendment is effective December 19, 1974.

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

Issued In Jamaica, N.Y., on December 5, 1974.

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

[FR Doc.74–28913 Filed 12–11–74;8:45 am]

[Airspace Docket No. 74–SW–43]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dallas-Fort Worth, Tex., transition area.

On October 22, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 37505) stating the Federal Aviation Administration proposed to alter the Dallas-Fort Worth, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through 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., February 27, 1975, as hereinafter set forth.

In § 71.181 (39 FR 440), the Dallas-Fort Worth, Tex., transition area is amended to read, in part, by deleting "to point of beginning" and substituting therefor "to latitude 33°13'30" N, longitude 97°39'30" W; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°15'30" N, longitude 97°34'40" W, to latitude 33°12'00" N, longitude 97°31'30" W; to point of beginning."

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

Issued in Fort Worth, Tex., on December 2, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74–28914 Filed 12–11–74;8:45 am]

[Airspace Docket No. 74–GL–30]

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

Designation of Transition Area

On Page 33009 of the FEDERAL REGISTER dated September 13, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at the White County Airport, Monticello, Indiana.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Des Plaines, Illinois, on November 4, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

MONTICELLO, INDIANA

That airspace extending upward from 700 feet above the surface within a five mile radius of White County Airport (Latitude 40°42'30" N., Longitude 86°46'00" W.) and within three miles each side of the 185° bearing from the airport extending from the five mile radius area to 8.5 miles south.

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

[FR Doc.74–28915 Filed 12–11–74;8:45 am]

[Airspace Docket No. 74–GL–15]

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

Designation of Control Zone

On Page 26753 of the FEDERAL REGISTER dated July 23, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Aurora, Illinois.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

This amendment is made 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 November 25, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.171 (39 FR 354), the following control zone is added:

AURORA, ILLINOIS

That airspace within a 5-mile radius of the Aurora Municipal Airport (latitude 41°46'20" N., longitude 88°28'20" W.), and within 1½ miles either side of the DuPage VOR 217° radial extending from the 5-mile radius to 7½ miles NE of the Aurora Airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

[FR Doc.74–28916 Filed 12–11–74;8:45 am]

[Docket No. 14195; Amdt. No. 139-8]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Certain Provisional Airport Operating Certificate; Extension of Effective Date

The purpose of this amendment to Part 139 of the Federal Aviation Regulations (FARs) is to extend for a period of ninety days the effective date of each provisional airport operating certificate, issued under § 139.12 to an operator of a landing area that (1) is used for less than a daily average of one aircraft operation (landing or takeoff) during any three consecutive calendar months, and (2) is not used for any air carrier service conducted pursuant to a published schedule.

Part 139 of the Federal Aviation Regulations provides for the issuance of airport operating certificates for land airports serving CAB-certificated air carriers. As originally adopted, Part 139 was applicable only to land airports serving "scheduled" air carriers operating large aircraft (other than helicopters). Amendment 139-1 (38 FR 9795) published in the FEDERAL REGISTER on April 20, 1973, amended Part 139, effective May 21, 1973, to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board, and to provide for the issuance of provisional airport operating certificates for airports serving only unscheduled operations or operations with small aircraft. Amendment 139-6 (39 FR 29342; August 15, 1974) amended Part 139 effective August 15, 1974, to provide for the issuance of limited airport operating certificates and operations specifications for airports serving air carriers conducting only unscheduled operations or operations with small aircraft. Amendment 139-5 (39 FR 11874; April 1, 1974) provided for the expiration of all provisional airport operating certificates on December 15, 1974. Under Amendment 139-6, holders of provisional airport operating certificates issued under § 139.12 had the option of retaining that certificate until the termination date of December 15, 1974 and complying with the reporting requirements of § 139.12, or surrendering that provisional certificate and obtaining a "limited" certificate under § 139.12(a).

It has become apparent to the FAA that a number of CAB-certificated air carriers operate, on an infrequent or intermittent basis, for the purpose of receiving or discharging passengers or cargo, into landing areas which are not held out to be or generally recognized as "airports." Small aircraft operations into cleared areas for delivery of supplies to Forest Service fire towers, helicopter operations to fishing camps, farms or racetracks, and delivery of supplies, materials or personnel at remote construction sites, are examples of such operations.

Section 101(9) of the Federal Aviation Act of 1958 defines "airport" as "* * * a landing area used regularly by aircraft for receiving or discharging passengers or cargo." The FAA believes that the landing areas described above when used on an infrequent or intermittent basis, fall outside the definition of "airport" contained in the Act, and that certification of such sites is both unnecessary and impracticable at this time.

Accordingly, the FAA is proposing (Notice of Proposed Rule Making No. 74-37, issued concurrently with this Amendment) to amend Part 139 to include the definition of "airport" contained in the Federal Aviation Act of 1958, and to define the term "regularly" which is used in the definition of "airport" as meaning used, during the 12 calendar months preceding an aircraft operation (landing or takeoff), for either any air carrier service conducted pursuant to a published schedule, or an average of one or more aircraft operations (landing or takeoff) per day during any three consecutive calendar months.

In order to allow adequate time for receipt and consideration of comment in response to Notice 74-37, and to permit continued operations at that group of landing areas to which this amendment applies, § 139.12 is being amended to extend, until March 15, 1975, the effective date of those provisional airport operating certificates now held by operators of landing areas that are not used "regularly" as defined in Notice 74-37. Those provisions of § 139.12, which required the submission of a schedule for compliance and a compliance status report by October 15, 1974 and November 15, 1974, respectively, have been deleted as no longer applicable.

Since this amendment is an extension of the effective dates of new requirements and imposes no additional burden on any person, I find that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430(a), and 1432), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 139 of the Federal Aviation Regulations is amended, effective December 15, 1974, by amending § 139.12 to read as follows:

§ 139.12 Provisional airport operating certificates.

(a) A provisional airport operating certificate issued under § 139.12 of this part in effect prior to August 15, 1974, for a landing area that has not been used during the 12 calendar months preceding an aircraft operation for more than a daily average of one aircraft operation (landing or takeoff) during any three consecutive calendar months, and is not used for any air carrier service conducted pursuant to a published schedule, shall be effective until March 15, 1975, unless sooner surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(b) The holder of a provisional airport operating certificate shall maintain at least the level of safety at the airport on May 21, 1973.

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

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-28942 Filed 12-11-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS

Meetings With Non-Government Groups

In connection with its official duties, the Federal Trade Commission has from time to time met with outside (non-government) groups. These meetings have not been opened to the public. As a result, the Commission has received requests from media representatives calling for adoption of a policy that would render meetings between the Commission and outside groups open to the press and public. In consideration thereof and in keeping with other policies adopted by the Commission designed to provide greater public scrutiny of its business (press release of March 13, 1974, entitled "Commission Announces Increased Openness"; and press release of September 29, 1974, entitled "FTC Expands Openness Policies—Discloses Commissioners' Votes"), the Federal Trade Commission announces the adoption of the following general policy to open to the public future meetings between the Commission, as a body, and outside (non-government) groups:

Section 14.10 is added as follows:

§ 14.10 FTC meetings with outside (non-government) groups open to the public.

The Commission has determined that all future meetings between the Commission, as a body, and outside (non-Government) groups, where the planned or expected discussion will deal with the Commission's official duties, will be open to the public unless the Commission by vote of its members determines that such a meeting must be closed because a statute or regulation prevents the disclosure of certain information or the public interest otherwise requires such closing. Such meetings will be announced thirty days in advance by publication of notice in the FEDERAL REGISTER, and such notice will include a brief description of the expected topic, if available, identification of the participants, and an indication whether the meeting is to be open or closed. If the meeting is to be closed, it will be noted that the decision was made by vote of the Commission, and the reasons for the decision will be briefly indicated.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46); 80 Stat. 383, as amended, 81 Stat. 54; (5 U.S.C. 552))

By direction of the Commission dated November 29, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-28930 Filed 12-11-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Director, Office of Registrations and Reports

Under the provisions of section 10(a) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78jjj(a)], if a member of SIPC fails to file reports or information required under that Act or to pay all or any part of an assessment made thereunder, and such failure shall not have been cured within five days after receipt by such member of written notice of such failure given by or on behalf of SIPC, it is unlawful for such member, unless specifically authorized by the Securities and Exchange Commission, to engage in business as a broker or dealer. In the past, when such failure has been cured, it has been the practice for the Commission itself to reinstate such member. The Commission has determined that, except where it would appear to be otherwise warranted, the authority to reinstate such member when the failure has been cured be delegated to the Director of its Office of Registrations and Reports.

Commission action. Pursuant to the authority in section 10(a) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78jjj(a)] and the provisions of Public Law 87-592 [15 U.S.C. 78d-1], the Securities and Exchange Commission hereby amends Section 200.30-11 of Chapter II of Title 17 of the Code of Federal Regulations by redesignating paragraph (c) thereunder as paragraph (d), and by adding thereunder a new paragraph (c) reading as follows:

§ 200.30-11 Delegation of Authority to Director, Office of Registrations and Reports.

* * * * *

(c) With respect to the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa *et seq.*):

(1) To cause a written notice to be sent by registered or certified mail, upon receipt of a copy of a notice sent by or on behalf of the Securities Investor Protection Corporation that a broker or dealer has failed to timely file any report or information or to pay when due all or any part of an assessment as required under section 10(a) of this Act, to such delinquent member advising such member that it is unlawful for him or her under the provisions of such Section of the Act to engage in business as a broker-dealer while in violation of such requirements of the Act and requesting an explanation in writing within ten days stating what he or she intends to do in order to cure such delinquency;

(2) To authorize formerly delinquent brokers or dealers, upon receipt of written confirmation from or on behalf of the Securities Investor Protection Corporation that the delinquencies referred to in paragraph (c)(1) of this section have been cured, and upon having been advised by the appropriate regional office of this Commission and the Division of Enforcement and Division of Market Regulation that there is no objection to such member being authorized to resume business, and upon there appearing to be no unusual or novel circumstances which would warrant direct consideration of the matter by this Commission, to resume business as registered broker-dealers as provided in section 10(a) of this Act.

(d) Notwithstanding anything in the foregoing, in any case in which the Director of the Office of Registrations and Reports believes it appropriate, he may submit the matter to the Commission.

(Sec. 1, 76 Stat. 394, 15 U.S.C. 78d-1; sec. 10(a), 84 Stat. 1655, 15 U.S.C. 78jjj(a))

The Commission finds that the foregoing involves only matter of agency organization, practice and procedure and consequently the provisions of 5 U.S.C. 553 relating to notice and procedure are not applicable. Accordingly, the foregoing amendment shall become effective on October 31, 1974.

By the Commission.

Dated: OCTOBER 31, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FRDoc.74-28993 Filed 12-11-74;8:45 am]

Title 21—Food and Drugs

[FRL 304-1]

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subchapter C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Procyazine; Correction

In FR Doc. 74-26405 appearing at page 39869 in the issue of Tuesday, November 12, 1974, "§ 121.349" in the first column on page 39870 is corrected to read "§ 121.350".

Dated: December 6, 1974.

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

[FR Doc.74-28909 Filed 12-11-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-340]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On August 21, 1974, in 39 FR 30122, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Columbus, Ohio, as an eligible community and included map No. H 390170 55 which indicates that the Three Rivers Project, Columbus, Ohio, as recorded in the Office of the Records of Franklin County, Ohio in Plat Book No. 48, pages 36-37, is in its entirety within the Special Flood Hazard Area.

It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots No. 1 through 13; Lot No. 20; Lots No. 26 through 52; Lots No. 58 through 84; Lots No. 95 through 98; Lots No. 103 through 106; Lots No. 111 through 117; Lots No. 148 through 149; Lots No. 159 through 193; Lots No. 199 through 229; Lots No. 231 through 252; Lots No. 264 through 267; Lots No. 284 through 338; Lots No. 345 through 379 of the above mentioned property are not within the Special Flood Hazard Area. Accordingly, effective August 9, 1974, Map No. H 390170 55 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-29005 Filed 12-11-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On January 15, 1971, in 36 FR 607, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Aloca, Tennessee, as an eligible community and included map No. H 47 009

0030 02 which indicates that Lot No. 12, Woodmont Subdivision, (1039 Linden Drive) as recorded in the Office of the Register of Blount County, Tennessee in Deed Book 5 at page 62 is, in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly effective January 15, 1971, map No. H 47 009 0030 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-29007 Filed 12-11-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On April 16, 1971, in 36 FR 7239, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Garland, Texas, as an eligible community and included map No. H 48 113 2590 05 which indicates that the Gatewood Addition No. 1 as recorded in Abstract No. 761, page 9423, the Gatewood Addition No. 2 as recorded in Abstract No. 761, page 9737, the Gatewood Addition No. 3 and the Gatewood Addition No. 3, 2nd section as recorded in Abstract No. 761, page 9661 in the official records of the County Clerk of Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective August 11, 1971 map No. H 48 113 2590 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-29006 Filed 12-11-74;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Communities; Correction

On May 13, 1972, in 37 FR 9625, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps and Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated areas of Cass County, North Dakota, as an eligible community and included Map No. I 38 017 0000 01 through I 38 017 0000 10 which indicate that the unincorporated areas of Cass County, North Dakota, are participating in the Regular Flood Insurance Program. In view of the fact that all of the townships in the County are organized and capable of exercising land use authority independently of the County, the Federal Insurance Administration hereby rescinds the Flood Insurance Rate Map and Flood Hazard Boundary Map, No. I 38 017 0000 01 through I 38 017 0000 10, effective immediately. This action has the effect of obviating the flood insurance purchase requirements of the Flood Disaster Protection Act of 1973, by removing the unincorporated areas of Cass County, North Dakota, from the National Flood Insurance Program. While no new flood insurance policies may be written, effective immediately, renewals of existing flood insurance policies may be made through December 31, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-29013 Filed 12-11-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On August 31, 1972, in 37 FR 17704, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Winston-Salem, North Carolina as an eligible community and included map No. H 37 067 5120 10 which indicates that lots No. 1-17 of section 9-A of Sherwood Forest (Tax Block 3967) Winston-Salem, North Carolina, as shown on Page 52 of Plat Book 25, recorded in the Office of the Register of Deeds for Forsyth County, North Carolina, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that lots No. 1 through 6, 8, and 15 of section 9-A, Sherwood Forest (Tax Block 3967) Winston-Salem, North Carolina, as shown on Page 52 of Plat Book 25 recorded in the Office of the Register of Deeds for Forsyth County, North Carolina, are, in their entirety, outside of the Special Flood Hazard Area.

Lots No. 7, 9-14, 16, and 17 are partially inundated. However, the existing structures which are shown on United Ltd. Development Map for Section 9-A, Sherwood Forest (Tax Block 3967) dated February, 1972, are outside of the Special Flood Hazard Area, and, therefore, not subject to inundation by a flood having a one-percent chance of annual occurrence. Accordingly, effective March 24, 1971, map No. H 37 067 5120 10 is hereby corrected to reflect that lots No. 1 through 6, 8, and 15 and existing structures located on lots No. 7, 9-14, 16, and 17 are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 25, 1974.)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-29008 Filed 12-11-74;8:45 am]

[Docket No. FI-211]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On September 20, 1973, in 38 FR 26368, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Scottsdale, Arizona, as an eligible community and included Map No. H 04 013 0420 01-07. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the original designation of Zone AO should be converted to Zone B. Accordingly, effective September 21, 1973, Map No. H 04 013 0420 01-07 are hereby corrected to reflect the above mentioned zone designation change.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

Issued: November 29, 1974.

[FR Doc.74–29009 Filed 12–11–74;8:45 am]

[Docket No. FI 221]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On March 15, 1974, in 39 FR 9922, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Lawrenceville, Illinois, as an eligible community and included map No. H 17 101 4710 01 through H 17 101 4710 02 which indicates that the property located within the area described below:

Commencing 71' 6" South of the Southwest Corner of Out Lot 4 in Bakers Addition, Thence South along the east line of Seventh Street to the point of beginning. From the point of beginning East 200 feet, thence South 100 feet, thence East 440 feet, thence along a line approximately North 45 degrees West a distance of 460 feet to a point on the northern boundary of the tract thence 115 feet West, thence 150 feet South, thence 200 feet West, thence 76 feet to the point of beginning

is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective March 8, 1974, map No. H 17 101 4710 01 through H 17 101 4710 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 27, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–29010 Filed 12–11–74;8:45 am]

[Docket No. FI–229]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On March 27, 1974, in 39 FR 11263, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Minneapolis, Minnesota, as an eligible community and included map No. H 27 053 4760 14 which indicates that Lot No. 3, plat 21500, parcel 2000 (present address: 2205 W. 52nd Street, Minneapolis, Minnesota) as recorded on microfilm deed No. 388874, dated June 14, 1971, in the records of the Hennepin County Register of Deeds, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective March 22, 1974, map No. H 27 053 4760 14 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–29011 Filed 12–11–74;8:45 am]

[Docket No. FI 289]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On June 19, 1974, in 39 FR 21146, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Moore, Oklahoma, as an eligible community and included map No. H 400044 02 which indicates that Lot No. 1 through 10, and 12 of Block 1; Lot No. 2 through 6 of Block 2; Lot No. 1 through 6, 15, 16, 17, 18 through 23 of Block 3; Lot No. 7 and 8 of Block 4; and Lot No. 1 through 10 of Block 5 of East Hills Addition, Section 2 in the City of Moore, Oklahoma, as recorded on Sheet 1 of 2 of Kalman and Associates Map for East Hills Addition, section II (Job No. 1372) dated 9–25–72, and recorded in the Office of the Clerk of Cleveland County, Oklahoma, as well as Kalman and Associates Development Plan for East Hills Addition, section II, dated 6–5–72 and revised 6–11–74, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 7, 1974, Map No. H 400044 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–29012 Filed 12–11–74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74 238]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Connecticut River, Connecticut

The purpose of this amendment is to reduce the number of openings of the draw of the Penn Central railroad bridge across the Connecticut River, mile 3.4, at Old Saybrook, Connecticut. On 12 November 1974 the Commander, Third Coast Guard District, authorized temporary departure from the regulations governing the operation of the draw of this bridge. This temporary departure from the regulations provides for the opening for noncommercial traffic only during 6:15 a.m. to 6:45 a.m., 12:50 p.m. to 1:20 p.m., 4:50 p.m. to 5:20 p.m. and 9:30 p.m. to 10:00 p.m. Vital commercial traffic is granted an opening on request. However, the mariner is requested to conform to the noncommercial opening schedule.

The bridge is structurally deteriorated in the part of the structure associated with the opening mechanism. Until repair parts can be obtained and installed, in approximately seven months, the number of openings must be restricted to reduce the possibility that the structure could jam or collapse when being operated. This possibility does not exist when the bridge is in the closed position. Therefore, notice and public procedure on this amendment are impracticable and the amendment may be made effective in less than 30 days.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.115(c)(1) to read as follows:

§ 117.115 Connecticut River, Connecticut; bridges.

* * * * *

(c) * * * (1) Railroad bridge at Lyme. The draw shall open on signal at any time for the passage of tugs, tugs with tows, tankers, and any other commercial vessels, however, delays of up to 20 minutes may occur. The draw shall open on signal during the following periods for the passage of pleasure vessels:

6:15 a.m. to 6:45 a.m.
12:50 p.m. to 1:20 p.m.

4:50 p.m. to 5:20 p.m.
9:30 p.m. to 10:00 p.m.

Once the draw is opened during these periods it shall remain open until the period has ended. At all other times the draw need not open for the passage of pleasure vessels. When the draw is open for the passage of commercial vessels, any pleasure vessels waiting to pass may also go through the open draw. When wind velocity is 35 mph or above, the draw need not open for the passage of vessels. Commercial vessels are requested to pass the draw during the opening periods for pleasure vessels, whenever possible.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on December 12, 1974.

Dated: December 3, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-29003 Filed 12-11-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1317]

PART 1—PRACTICE AND PROCEDURE

Motions for Extension of Time

1. The Commission has before it a request from Thomas J. O'Reilly, a member of the communications bar, for amendment of section 1.46 of the Rules (Motions for extension of time), insofar as that section applies to motions filed in notice and comment rule making proceedings conducted under Subpart C of Part 1 of the Rules. The request notes that motions for extension of time in such proceedings are often filed very shortly before the filing date for comments or reply comments and are acted on before other persons who plan to file comments or reply comments become aware that the motion has been filed. As a result, it is said, other participants commonly file their comments on the originally denoted filing date, are thus deprived of the additional time afforded the party filing the motion, and are caused to expose the positions taken in their comments prematurely to that party. Mr. O'Reilly suggests that time limits be placed on requests for extensions of time and that those limits be based on those in Section 1.48(b) which govern requests for permission to file pleadings which exceed page limits prescribed by the rules. Section 1.48(b) provides (1) that where the filing period is 10 days or less, the request shall be filed within 2 business days after the period begins to run, and (2) that where the filing period is more than 10 days, the request shall be filed at least 10 days before the filing date.

2. We think there is merit in this suggestion. In rule making proceedings, the comments of all participants are due on the same day, the identity of participants is not known until their comments have been filed, and motions for extension of time cannot therefore be served on other participants.[1] The extension, if granted, is almost invariably granted to all participants, rather than to the moving party only, and interested person can be informed of the grant only in a public notice issued by the Commission. In such circumstances, last minute requests for extension of time are a source of possible prejudice to other participants. As a matter of good practice, parties and counsel should estimate their need for an extension sufficiently far in advance of the filing date to permit orderly action on the motion and adequate notice to other parties when an extension is granted. We are accordingly amending Section 1.46 along the lines suggested.

3. Section 1.46, as amended, provides that motions for extension of time shall be filed at least seven days prior to the filing date. Seven days will afford the Commission sufficient time to act on the request and give timely notice of the action to interested persons.[2]

4. We recognize that last minute emergency situations may require exceptions to this requirement in the form of brief extensions relating to the emergency. In such situations, we will consider late-filed requests for extension of time and motions for acceptance of late-filed pleadings. Favorable action in such circumstances, however, will be limited to bona fide emergencies which could not have been anticipated by the party requesting the extension.

5. In view of the foregoing, *it is ordered*, effective December 20, 1974, That § 1.46 of the rules of practice and procedure is amended as set forth in the attached Appendix. Authority for this amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment is procedural, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

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

Adopted: December 3, 1974.

Released: December 9, 1974.

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

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. Section 1.46 is revised to read as follows:

§ 1.46 Motions for extension of time.

(a) Requests for extension of time for filing any pleading, brief or other paper may be granted upon motion for good cause shown, unless the time for filing is limited by statute.

(b) Motions for extension of time in which to file comments, reply comments or other papers in rule making proceedings conducted under Subpart C of this part shall be filed at least 7 days before the filing date. If a timely motion is denied, the comments, reply comments or other paper need not be filed until 2 business days after the Commission acts on the motion. In emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency and will consider motions for acceptance of comments, reply comments or other papers filed after the filing date.

2. Section 1.415(e) is added to read as follows:

§ 1.415 Comments and replies.

* * * * *

(e) For time limits for filing motions for extension of time for filing comments or reply comments, see § 1.46(b).

[FR Doc.74-28961 Filed 12-11-74;8:45 am]

[FCC 74-1285]

PART 73—RADIO BROADCAST SERVICES

Two-Tone Attention Signal System

1. On May 1, 1974, a Special National Industry Advisory Committee (NIAC) Working Group met to reconsider and update an earlier report on the Two-Tone Signalling System which had been recommended to the Commission by the same Special Working Group on April 8, 1971. The recommendation contained in the 1971 report was reaffirmed with a few minor changes. The current NIAC recommendation looks toward the replacement of the present EBS Attention Signal by a transmission standard employing two audio tones. Because of limitations inherent in the present (formerly CONELRAD) Attention Signal, and falsing problems associated with transmitter outages and other unintended carrier interruptions at broadcast stations, it has, for some time, been recognized that the existing Attention Signal must be improved.

2. Two important events have occurred since 1971 which bear on our consideration of the Two-Tone Signalling System. First, at the request of the Office of Telecommunications Policy (OTP) the public warning function has been removed from the rules governing the Emergency Broadcast System. As a result, the need for an Attention Signal is now confined to inter-station signalling for the prompt clearance of EBS programming. Secondly, advances in technology have made it possible to produce, via integrated circuit chips, relatively inexpensive Two-Tone generators

[1] In other proceedings, the identity of the parties is usually known in advance, the pleadings of adverse parties are usually filed ad seriatim, and the service of pleadings is required. Pleading periods in other proceedings, in addition, are often much shorter than those allowed in rule making.

[2] The specific provisions of Section 1.48 (see para. one, above) are not being followed.

capable of operating within the tolerances recommended by NIAC in 1971.

3. In its 1974 deliberations on this matter, NIAC also examined the alternative use of cartridge tape as the generating source of the two tones. However, it was the consensus of the members present that in the present state of the art, integrated circuit chips could be developed to reproduce the two tones within the tolerances recommended and at a cost considerably less than that of a medium-priced cartridge tape player, thus eliminating any cost advantage that use of cartridge tape may have had over a two-tone signal generator. In addition, it was again determined that tape cartridges are not sufficiently reliable to reproduce the two tones within the tolerances recommended.

4. By letter of July 25, 1974, Charlotte T. Reid, Defense Commissioner solicited comments from the OTP concerning the recommendation of the Special NIAC Working Group to revise the present EBS Attention Signal. In its reply, OTP recommended adoption of the Two-Tone System for inter-station signalling in the EBS, noting with approval that all references to the use of the Two-Tone System as a means of disseminating warnings to the general public had been deleted. Emergency Broadcast System, 34 FCC 2d 309 (1972).

5. It is concluded that a lead time of 12 months will be necessary to allow for the manufacture and installation of Two-Tone generating equipment at all AM, FM, and TV broadcast stations. The revised rules will therefore require the use of the existing Attention Signal through January 15, 1976.

6. In view of the long standing knowledge and consideration of this Two Tone Attention Signalling System, including its development and testing, by and on the part of the broadcast industry itself, through the Special NIAC Working Group and its favorable recommendation thereof in 1971 and 1974; the need for expediting the design and manufacture of the two-tone signalling generators described herein; and the desirability of the early implementation of this Attention Signalling System as in the best interests of the nation, we find that prior notice of proposed rule making and submission of written comments thereon are unnecessary, impracticable not in the public interest (5 U.S.C. 553(b)).

7. Authority for the adoption of the amendments herein ordered is contained in section 1, 4(i), 4(o), and 303(r) of the Communications Act of 1934, as amended.

8. In view of the foregoing considerations *it is ordered*, That effective January 15, 1975, Part 73 of the Commission's Rules and Regulations is amended as set forth below.

Adopted: November 27, 1974.

Released: December 5, 1974.

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

Part 73 of Chapter I, Title 47 of the Code of Federal Regulations, is amended as follows:

Delete the entire text of section 73.906 and substitute the following:

§ 73.906 Attention signal.

The signalling arrangement whereby AM, FM, and TV broadcast stations may actuate muted receivers for inter-station receipt of emergency cueing announcement and broadcasts is as follows:

(a) Tone frequencies. The two audio signals shall have fundamental frequencies of 853 and 960 Hertz and shall not vary over ± 0.5 Hertz.

(b) Harmonic distortion. Total Harmonic distortion of the audio tones shall not exceed 5 percent.

(c) Level of modulation. Each specified audio tone will (with no other modulation) modulate the transmitter at 40 percent ± 5 percent. (The modulation level of each tone shall be calibrated individually.)

(d) Time period for transmission of tones. The two tones with the characteristics specified above will modulate the transmitter at the specified level for a period not less than 20 second or longer than 25 seconds.

(e) For the purpose of preventing false responses, receivers designed to utilize the two tones for demuting or alerting should contain circuitry to introduce a timed delay of a minimum of 8-seconds in the activation or demuting process.

(f) To assure that the tones will be audible for a period of from 4-seconds to 9-seconds, the activation process in muted receivers should take place before the 16th second of tone reception.

NOTE: Until January 15, 1976, broadcast stations will, in lieu of the above-defined Attention Signal, employ the following transmission standards for inter-station signalling:

(a) Cut the transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(b) Return carrier to the air for 5 seconds.

(c) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(d) Return carrier to the air.

(e) Broadcast 1,000 Hz steady-state tone for 15 seconds.

[FR Doc.74-28960 Filed 12-11-74;8:45 am]

[Docket No. 19988 FCC 74-1279]

PART 76—CABLE TELEVISION SERVICES

Cable Television Systems, Development of Services

1. In the First Report and Order in Docket No. 18397, FCC 69-1170, 20 FCC 2d 201, the Commission adopted a rule stating that:

> No CATV system having 3,500 or more subscribers shall carry the signal of any television broadcast station unless the system also operates to a significant extent as a local outlet by cablecasting and has available facilities for local production and presentation of programs other than automated services.[1]

On appeal to the United States Court of Appeals for the Eighth Circuit, the rule was struck down as exceeding the authority of the Commission (Midwest Video v. U.S., 441 F. 2d 1322 (8th Cir., 1971)). That decision was appealed to the United States Supreme Court, where, by a narrow majority, the authority of the Commission to adopt the rule was sustained (United States v. Midwest Video Corp., 406 U.S. 649 (1972)).

2. Following the Eighth Circuit decision the Commission stayed the effect of the rule and, on April 3, 1974, released its Notice of Proposed Rule Making and Notice of Inquiry in Docket 19988, FCC 74-315, 46 FCC 2d 139, which proposed amending or eliminating the mandatory origination requirement. By this Notice, which also announced an inquiry into the development of cablecasting service generally, the Commission sought comments from all interested parties.

3. Paragraphs 1-10 of the *Notice* set forth the historical development of the mandatory origination rule. The Commission discussed the rationale behind the rule's first proposal in 1968 (Notice of Proposed Rulemaking and Notice of Inquiry in Docket No. 18397, 15 FCC 2d 417), adoption the following year (First Report and Order in Docket No. 18397, 20 FCC 2d 201), and subsequent reconsideration (23 FCC 2d 825 (1970)). Also noted were the waiver procedures instituted for systems serving fewer than 10,000 subscribers (27 FCC 2d 778) and the Commission's suspension of the mandatory origination rule (FCC 71-577, 36 Fed. Reg. 10876) following the Eighth Circuit's decision in Midwest Video v. U.S., supra.

4. While the Supreme Court's action in United States v. Midwest Video Corp., supra, affirmed the Commission's authority to require originations, the Commission's stay of the rule has not been lifted. As stated in the Notice of Proposed Rule Making and of Inquiry in Docket No. 19988, supra, our hesitancy to remove the stay has resulted from a state of uncertainty—not as to jurisdiction or authority, but as to the basic propriety of reinstituting the rule as it is presently constituted. At the time of the rule's adoption the Commission and the cable television industry had little relevant data or practical experience concerning origination. It was repeatedly stated that the rule was adopted amid uncertainties (23 FCC 2d 825, 826). Specific provisions in the mandatory rule were not intended to be permanent but were to be revisited upon the completion of further study (20 FCC 2d 201, 213).

5. In our Notice of April 3, 1974, we enumerated several reasons for actively reviewing the mandatory origination rule

[1] This requirement initially appeared in Section 74.1111 of the Commission's Rules. It now appears in essentially the same form in Section 76.201 of the Rules as a result of rule codifications that took place with the issuance of the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143.

at this time. It was noted that the costs of origination equipment and program production operations have substantially increased above those figures we estimated in 1969. We wished to know whether these increases have constituted a substantial change of circumstance warranting a similar change in what we stated would be a flexible rule. Secondly, we wished to assess our origination rule in light of the access cablecasting regulations promulgated in the 1972 Cable Television Report and Order, supra. The Commission sought to discover whether access cablecasting might best reach the goal of localism which origination cablecasting was designed to achieve. Thirdly, we questioned the propriety of demanding program origination from cable operators who (1) show little interest in local origination and create a product reflecting such reluctance, or (2) operate in communities where voluntary origination or programming is needed to attract and retain a satisfactory number of subscribers. The ten questions posed by our April 3, 1974, Notice were intended to elicit responses which would relate to these areas and, more importantly, give us the needed direction in the instant rule making proceeding. These ten questions were stated as follows:

(1) Has the program origination requirement satisfied the purpose it was established for as stated in the First Report and Order in Docket 18397?

(2) Should the requirement be amended, modified, eliminated or altered in any way?

(3) Should the triggering factor for the rule be raised to 5,000 subscribers? 10,000?

(4) Are there any other formulae that could equitably be developed to trigger an origination requirement if one is considered valuable?

(5) Should the present rule or a modified one include a grandfather provision for systems in operation prior to the initial development of the rule?

(6) Should compliance with the Commission's access rules be considered a complete or partial substitute for the origination requirement regardless of system size?

(7) Should regulatory emphasis be placed on access channels and allow origination to develop on a purely voluntary basis?

(3) What has the industry experience been in the field of local origination vis-a-vis costs of equipment, maintenance and repair, and manpower expenses?

(9) What has the industry experience been in the areas of audience and advertising revenues to support locally originated programming?

(10) In the event mandatory originations are deleted, should larger cable operators nevertheless be required to make available equipment for third parties, access users as well as leased channel users?

SUMMARY OF COMMENTS

6. The Commission has received a significant number of responses from various parties submitting similarly diverse observations, opinions, and proposals. Over fifty comments and replies, many with appended comments and observations from other sources, have been filed. The parties in this proceeding can generally be categorized into the following groups: cable television interests; broadcast interests; public interest and public access organizations; individual members of the public; state and municipal cable regulators; and educational authorities. Comments of all parties were carefully studied and considered. While some parties' comments touched upon areas outside of the scope of this rule making proceeding, they were largely responsive to our more general notice of inquiry and many will be noted accordingly. Several comments appear to relate more precisely to the rule making proceedings inaugurated with our Clarification document (Clarification of the Cable Television Rules and Notice of Proposed Rule Making and Inquiry, FCC 74-384, 46 FCC 2d 175) or to certain requests for declaratory ruling filed with the Commission. We expect to fully consider and treat these matters in the aforementioned proceedings.

7. Representative comments will be described below; first with respect to the origination experience in general and, secondly, concerning the various recommendations and proposals submitted by the parties.

A. *The origination experience.* 8. Many of the parties, primarily cable operators and industry representatives, have recited in significant detail their own experiences in local origination—recounting successes, failures, costs, advertising response, and local interest. Comments by the National Cable Television Association, Inc., as well as several comments submitted by a variety of parties, initially note that the mandatory orgination rule was operative for only a short period of time: the period between its effective date, April 1, 1971 (see § 74.1111 (a), supra, as amended, 23 FCC 2d 825, 830) and the rule's suspension on May 27, 1971 (see FCC 71-577, 36 Fed. Reg. 10876). And despite the rule's suspension, NCTA asserts that voluntary efforts by a "willing cable industry" have responded to the spirit of the mandatory rule and have accomplished a significant level of local origination. NCTA's comments, to which it has appended the Association's 1973 Cablecasting Guidebook and preliminary data from its 1974 Local Origination Survey, are said to provide "compelling evidence" that the cable industry has exceeded the optimsitic hope of the Commission's goals of 1968, despite there being no mandatory rule.[2] According to its originations survey, 658, or approximately 22% of the nation's cable systems now originate programming.[3] These systems, states NCTA, serve approximately 4.6 million, or 57% of the country's cable subscribers. The Association's figures indicate that 70% of the systems with over 3,500 subscribers now originate programming and that 39% of the systems originating programming have fewer than 3,500 subscribers. With respect to equipment costs NCTA endorses the figures set forth in our Notice of Proposed Rule Making and of Inquiry in Docket No. 19988, supra., that is, $25,000 to $40,000 for black and white facilities, $60,000 to $200,000 for color (46 FCC 2d 139, 141). Additionally, NCTA submits survey results showing annual operating costs of $15,000 to $80,000 for black and white, $40,000 to $150,000 for color operations. NCTA further notes that advertising revenue support of originated programming has been weak, or in many cases, non-existent (see, infra, for further discussion of advertising revenues). Many systems, NCTA states, have not even attempted to solicit advertising. Audience response, according to the Association, has also been weak, approximating not more than a 1 to 2 percent average share of the television audience. The NCTA survey further reveals that community-oriented originated programming usually attracts the smallest audiences while origination of entertainment packages attracts larger numbers of viewers. NCTA maintains that there exists "ample evidence" to prove that cable systems have laid out great sums of money to make expensive technical equipment and facilities available for use not only on local origination channels but also available to others wishing to utilize access or leased channels. It concludes that cable operators "have cooperated in a more significant way than any rule could ever bring about."

9. The great majority of cable operators express substantial disappointment with their origination experiences. Multivision Northwest, Inc., as a representative example, states that the mandatory origination rule has diverted facilities, capital, and personnel to the production of "substandard" programming for which there is no significant demand. Indeed, it is the economics of program origination that most concerns the operators. Upper Valley Telecable Company, Inc., characterizes local originations as a "prohibitive luxury." Rollins Cablevue,

[2] A strong argument can and has been made that the suspended rule still had a significant influence upon the business decisions of system operators who may have anticipated an early dissolution of the Commission's stay.

[3] We note that the NCTA's definition of a cable television system (and method of forming aggregate totals) is different from our own. While the Association and many industry and trade journals view a cable operation in a particular geographical area as a single system, the Commission has asserted that "[i]n general, each separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and single, discrete unincorporated areas) served by cable television facilities constitutes a separate cable television system, even if there is a single headend and identical ownership of facilities extending into several communities." (See Section 76.5(a) of the Commission's Rules).

Inc., states that equipment costs for color origination has exceeded to $100,000, while Cox Cable Communications, Inc., puts the figure at about $75,000. Cablecom-General, Inc., and the Central California Communications Corporation estimate a capital investment of $250,000 for color facilities and $50,000 for black and white facilities. Production and operating cost figures submitted by the parties range from three to four thousand dollars per year up to several thousand dollars per month, depending on the equipment utilized and the significance and quality of the programming produced. As noted by NCTA, audience response and advertising have, according to nearly all the parties, been quite low. St. Joseph Cablevision characterizes its originations program as "economically devastating," with a $185,000 loss over a three year period. Nantucket Cablevision shares the view of many cable operators that origination is generally not economically feasible and can threaten the economic viability of an entire cable system. Cable operators attempting to sell advertising time have reportedly encountered substantial difficulty, primarily due to origination programming's apparent failure to provide a significant number of viewers. Communications Properties, Inc., Monroe Cablevision, Multivision, Futurevision Cable Enterprises, Inc., and Rollins, to name only a few, are persuaded that program origination will sustain itself only if it reaches a substantial number of viewers at a low "cost per thousand."[4] Several operators have noted that program origination costs are proportionately higher for small systems that cannot deliver a large number of subscribers but must pay the same equipment and operating costs as systems with a greater subscriber base. Viacom International, Inc., maintains that the failure of local originations to be self-supporting is attributable mainly to its failure to achieve advertising support and asserts that advertisers are not attracted to origination because (1) local origination programming is usually directed at a specific, often small, segment of the subscribing public, (2) local advertisers can receive more exposure from broadcast advertising, and (3) the origination channel, not generally programmed the entire day, seven days per week, does not receive as much viewer identification as does a broadcast channel. Many operators insist that the current restrictions on originations advertising[5] have not allowed for the number of advertising messages needed to pay for a program's production.

10. Not all parties have taken so dim a view of local origination's economic status or financial prospects. According to TelePrompTer Corporation, if large expenditures for elaborate productions are avoided in favor of programming geared to individual community interests, in many instances local origination is either self-sustaining or shows hopes of becoming so within a reasonable length of time. Certain parties, such as the Pittsfield (Pennsylvania) Cable Television Commission, insist that cable systems can engage in significant program origination and still show substantial profits. According to some cable operators, origination has definitely attracted new subcribers. However, the addition of large numbers of new subscribers has generally resulted, state the parties, from presentation of syndication-like programs or entertainment packages such as the Madison Square Garden events, rather than from local, community-oriented originations.

11. Indeed, some parties have attributed certain origination disappointments to factors relating to areas other than pure economics. One non-profit community group asserts that the main reason local origination "has failed" is due to each company having video playback equipment incompatible with that of other systems, thus limiting any programming to that which is supported by its own small subscriber base. Many parties simply refer to what has apparently been acute public apathy—not just in terms of viewer response, but also regarding the alleged failure of certain communities to show any significant interest whatsoever in providing programming input assistance or suggestions. The presence of this attitude, these parties admit, will apparently vary from community to community. According to many public interest and public access groups, however, the community usually does not lack interest in local origination but, rather, has frequently encountered only minimal efforts by the operator to take advantage of, solicit, or even accommodate the program production creativity and talent available in the community.

12. On the other side of the spectrum of comments we have been apprised of numerous instances where local origination has been a legitimate success, not necessarily in terms of financial profit, but more frequently with respect to genuine benefits to local groups, schools, the cable operator himself, and the general public interest. Cable origination programs, as described in the NCTA Cablecasting Guidebook and in several of the comments submitted in this proceeding, have indeed made significant contributions to their respective communities.

B. *Recommendations and proposals, Overview.*

13. The large majority of commenting parties recommend that the Commission eliminate the mandatory origination rule. This majority, which, as expected, includes a good many cable television interests, also contains, for example, representatives of the broadcasting industry, public interest and access groups, and state and municipal cable regulators. Many of those calling for revocation of the mandatory rule emphasize the importance of access channels which, according to many of these parties, are less burdensome and are better designed to afford local expression. We have received several proposals to increase our existing access requirements and to impose access obligations on systems presently beyond the scope of our access regulations. In the event the mandatory origination rule is not rescinded, many parties have suggested, in the alternative, rule amendments designed to make origination more palatable to their interests. Some propose, for example, modification of the 3,500 subscriber "trigger," selection of a different triggering mechanism, liberalization of the Commission's rules on originations advertising, or establishment of a "grandfather" policy. Also submitted have been proposals to eliminate our "fairness doctrine" requirements (see § 76.209 of the Commission's Rules) as applicable to origination programming and to require municipal or system funding of local cablecasting. Comments from various parties have strongly recommended that we prohibit cable operators from originating programming. Those taking this latter position uniformly reference the 1974 "Report to the President" of the Cabinet Committee on Cable Communications which proposes a separation of the program production and cable distribution functions.

Comments in support of mandatory origination. 14. We have studied several comments expressing firm support of the existing origination rule and asking that it not be repealed. Some have expressed conditional support of the rule's retention should we adopt certain modifications of its specific requirements. The Pittsfield (Pennsylvania) Cable Television Commission, for example, believes the rule should be diligently enforced following its amendment to, *inter alia*, raise the triggering factor to include all systems serving 5,000 or more subscribers, and require systematic evaluation of local origination programming. Pittsfield opposes any grandfathering policy and, in the event the mandatory origination rule is rescinded, asks that larger systems nevertheless be required to make equipment and a qualified technical supervisor available to third parties, access users, and leased channel users. Comments of the Philadelphia Community Cable Coalition support the mandatory origination rule but suggest waiver of the rule under certain circum-

[4] The term "cost per thousand" reflects the relative expense of reaching a particular number of persons via a particular mode of advertising or message dissemination.

[5] Relevant § 76.217 of the Commission's Rules provides as follows: "A cable television system engaged in origination cablecast programming may present advertising material at the beginning and conclusion of each such program and at natural intermissions or breaks within a cablecast: *Provided, however,* That the system itself does not interrupt the presentation of program material in order to intersperse advertising; and *Provided, further,* That advertising material is not presented on or in connection with origination cablecasting in any other manner."

NOTE.—The term "natural intermissions or breaks within a cablecast" means any natural intermission in the program material which is beyond the control of the cable television operator, such as time-out in a sporting event, an intermission in a concert or dramatic performance, a recess in a city council meeting, an intermission in a long motion picture which was present at the time of theater exhibition, etc.

stances with the burden of proof upon the cable operator. PCCC asks why a cable operator should be given a "monopoly" unless he gives something in return, specifically, local origination, and especially where there is no local television station serving the community. It maintains that "front end" origination funds should be considered a basic part of a system's overhead, with community participation in programming decisions made mandatory. PCCC rejects the notion of grandfathering and fears that cable operators will not originate unless required to do so. Recognizing that origination may not be economically viable in certain communities, PCCC proposes a limited waiver procedure (PCCC asks, however, that origination be mandatory in major markets and in areas where there is no local television station). Prior to grant of a waiver, PCCC asserts, there should be an examination of the feasibility of multi-system or regional originations efforts to share costs and serve a wider geographical area. And regardless of whether origination is afforded, PCCC and others argue, each system should provide some origination equipment available to the public. This complement of equipment, it is maintained, should vary according to system size, but with specified minimum facilities. Monroe Cablevision, which characterizes current cable origination programming as nothing more than a "vast wasteland, Phase II," asks that the rule be amended to raise the trigger to 10,000 subscribers and that the Commission require a minimum number of origination hours per week. Monroe proposes the lifting of all advertising restrictions, rejects grandfathering but supports origination waivers on special showings. Channel space and minimal equipment, Monroe asserts, should be provided by all cable systems to third party access users.

15. Metromedia, Inc., supports origination as a "crucial public interest component" of the Commission's regulatory scheme, and urges us not to abandon the rule. It insists that cable's potential public interest contribution does not lie in the retransmission of existing broadcast television programming and assails what it calls the cable industry's "broad-scale drive" to rid itself of the public interest obligations which it assumed "in order to get its foot in the door." Metromedia notes the Supreme Court's finding that origination will support the public interest (*U.S.* v. *Midwest Video Corp., supra*) and asserts that elimination of an origination requirement would not affect materially the cost of operating a cable system. As long as systems are allowed to originate and pay cablecast, states Metromedia, mandatory origination should be required, with the trigger provision lowered and amended to view commonly owned systems in adjacent communities as conglomerates with a total number of subscribers to be considered.

16. The National Black Media Coalition strongly supports the origination rule and fears that its rescission would sound the death knell for the independent producer of community-oriented cable programming. NBMC and others feel that net revenues might serve as a new triggering mechanism. Short of this NBMC suggests retention of the 3,500 rule with liberal extension of time (up to two or three years) for systems serving between 3,500 and 5,000 subscribers to come into compliance. The coalition opposes any waivers of the rule or any permanent grandfathering of systems. NBMC and several other parties note the often-stated view that compliance with the mandatory origination rule results in forcing the cable operator to assume the role of a broadcaster. NBMC observes, in comparison, that broadcasters themselves are forced to become "electricians against their will," and when required to comply with the Commission's ascertainment rules are made into "sociologists against their will." It is submitted that cable operators could simply delegate their origination cablecasting duties to independent producers. Further, it insists that, should we repeal the origination requirement, larger systems provide equipment to third parties. NBMC also maintains that funding of cable programming, by government or other sources, is essential to the viability of local cablecasting.

17. A number of other parties commenting in support of the origination rule assert that the rule (albeit in suspension) has prompted cable systems to afford the public, local groups and educational associations equipment, channel space, cooperation, and money to an extent which, in their view, would not likely have otherwise occurred. If the origination rule is relaxed, some say, valuable opportunities would be lost. It is contended by these parties that local origination provides a programming opportunity for local groups without financial support, which, they assert, is especially important where access channels are not available.

Comments against mandatory origination. 18. As stated before, the majority of commenting parties proposed elimination of the mandatory origination rule. For the most part they did not doubt the public interest concept of local origination but protested only the mandatory aspects of the rule. Several maintain that the key public interest requirement should be that a cable system provide a first or additional outlet for local expression, not that the operator himself present programming fare. Comments submitted by NCTA, Mississippi Cable TV Association, Southern Cable Television Association, California Community Television Association, Upper Valley Telecable, Thoms Cablevision, St. Joseph Cablevision, Multivision, Western Communications, Inc., a group of five cable operators, a group of 82 cable operators, Liberty Communications and several other parties ask that local origination be optional, at the discretion of the local system operator. Several comments also urge the Commission to expressly state its preemption of the local origination area such that origination could not be required by nonfederal authorities. Certain parties, however, such as the City of New York, ask that origination be left in the hands of local franchising authorities who could make *ad hoc* origination decisions.

19. Many parties note the economic and community response problems experienced by various operators and insist that a mandatory rule "trigger" cannot take into account the multitude of factors which have a bearing upon the success or failure of a system's local origination efforts. A number of comments emphasize the "uniqueness" of each community. According to TelePrompTer Corporation and others, neither system size, the number of broadcast signals available or any other limited number of objective factors is determinative in establishing whether there will be sufficient community support available to make local originations viable. Storer Broadcasting Corporation, as another example, argues that, in view of such variables as the presence or absence of competing media, availability of local programming from the sources, availability of advertising revenues, and the like, to raise the mandatory trigger to 10,000, 12,000 or even 15,000 subscribers would not insure the feasibility of local origination. It is maintained that mandatory origination will not create viewer interest where none exists, or quality programs if economically unfeasible, regardless of system size. Where market forces fail to provide an adequate economic motivation and incentive, several parties contend, it is likely that the operator will regard the rule as a "necessary evil" and be reluctant to commit beyond a minimum. It is asserted by a group of seven cable operators and various other parties that where cable origination is not needed to enhance penetration and off-setting advertising revenues are not available to sustain the costs of origination, the mandatory rule causes upward pressure on subscribers rates and thus places an "unfair burden" on the consumer. Several parties argue that franchising authorities are reluctant to grant rate increases to compensate for costs of programming which does not result from local demand. Western Communications, like various other parties, protests any Commission requirement of "unprofitable program origination" whose very unprofitability is allegedly "insured" by the Commission's advertising regulations. It is further argued that requiring local origination may discourage potential operators from entering communities where origination's chance of success appears to be only marginal. Several parties submit that a typical cable operator, in his compliance with the mandatory rule, will only "duplicate" the kind of programming available on broadcast television and devote minimal funds or effort to putting local information on the local channel.

Emphasis on access services. 20. Those requesting elimination of the mandatory rule generally believe that the Commission's goal of fostering local expression will best be accomplished

through the use of access channels. American Broadcasting Company, Thoms Cablevision, Central California Communications Corporation, Cablecom-General, and a number of other parties contend that access should be viewed as a substitute, some a complete substitute, for the mandatory origination rule. A substantial number of commenting parties recommend that the Commission, in eliminating the mandatory origination rule, impose additional access channel requirements. The National Citizens Committee for Broadcasting, several members of the public, and numerous other parties suggest that a Commission rule rescission be accompanied by a significant strengthening of our access channel rules. Most in this group believe that the needs for local expression may be even more acute in those communities outside of the top 100 television markets. It is here, they maintain, that the need for a first or additional outlet for local expression is most critical, and note that there is presently no federal requirement that systems outside of the 100 major markets provide access channels. Therefore, they ask that systems outside of the major markets be required to provide access. Certain parties protest such a concept, usually on grounds that (1) only a small portion of the television audience is located outside of the top 100 markets, (2) few origination resources are available in these smaller communities, or (3) systems outside the top 100 markets did not receive, with the 1972 Cable Television Report and Order, supra, the signal carriage benefits afforded major market systems, arguably in exchange for, *inter alia*, access channel obligations.

21. Parties who do ask that we emphasize access channels in fostering local expression throughout the country submit a number of proposals for implementation of such a policy. Some have suggested that access channels and equipment be made available by every cable television system. Many comments, however, propose that the Commission, should it eliminate the origination requirement, adopt a similar triggering mechanism for the provision of access channel space and/or equipment and facilities. Comments have suggested that we extend our access obligations to all systems serving more than 3,500 subscribers. Others have asked that we set such a triggering factor for the provision of access channels at subscriber totals of 5,000, 10,000, 20,000, or even higher. Certain parties have proposed a two-phase requirement where channel space would be required when a system reached a moderate subscriber level, with cablecasting equipment and studio facilities required of systems with a larger subscriber base. TelePrompTer, as an example, states its support for a rule which would require all systems serving over 10,000 subscribers to provide minimal video facilities for use by local groups.

22. It is asserted by many parties that mere provision of equipment, while not as expensive or burdensome as equipment purchase combined with a requirement of local operator origination, is still an expensive proposition which should be borne by only the larger systems with a greater subscriber base. Similarly, many parties insist that larger systems can well afford the minimum equipment needed to afford basic access. Estimates have been submitted which indicate that an adequate black and white facility could be equipped for as low as $7,000. One commenting party submits that all cable systems can afford the most basic access costs, that is, the capacity to accept an unmodulated signal and afford it channel space. This, it is asserted, would allow any person or group with, for example, a television camera, video tape recorder or even a microphone, to introduce programming into the system. It is contended that this proposal would eliminate prohibitive technical problems and most operator costs and effort, and at the same time encourage participation and experimentation by individuals, community groups, and educational institutions. It is frequently suggested by a variety of parties that operators be given wide discretion and latitude in finding channel space for access users, especially where the system has a limited channel capacity and no obligation to comply with the 20-channel capacity requirements of § 76.251 of the Commission's Rules.[9] The Commission has received a number of comments which propose that systems devote a percentage (some ask for a figure as high as 5%) of their gross revenues to the establishment of a community facility to promote and explain the use of access channels. In the alternative, they suggest that the operator himself assume these functions at the same level of funding. Certain parties also express their favor of possible federal, state, or municipal funding and support of access projects.

23. Various comments received by the Commission totally reject the notion of systems providing any equipment or facilities to third party potential access users under any circumstances. Some propose that the Commission, should it rescind the mandatory origination rule, also specifically eliminate the section of our access rules which requires the provision of equipment for public access. These parties cite equipment costs and assert that the people who would be using the equipment lack the proper technical knowledge and could "care less" about proper equipment handling and maintenance. Certain commentators recommend that equipment be made available, but only on a "cost-basis" to the user. While some believe that the desire of the public will create a similar desire in the cable operator to furnish necessary access equipment, a number of those commenting maintain that without clearly stated requirements the cable operator will adopt, at best, the narrowest possible interpretation.

Rule Opponents' Alternative Proposals. 24. Many of those seeking rescission of the mandatory origination rule ask that, if the rule not be totally eliminated, it be substantially modified in its requirements and impact. Humboldt Bay Video Co. and certain other parties ask that mandatory originations be limited to the top 100 television market. Some ask that origination not be required of systems providing access channels. Several propose that the mandatory trigger be raised, some substantially. Figures submitted range from 5,000 subscribers to 20,000 subscribers and above. The Central California Communications Corporation and Cablecom-General, for example, propose that the trigger factor be raised to at least 20,000 subscribers for black and white cable origination and 30,000 subscribers for color origination. Some have proposed trigger formulas based on gross revenues. Other comments, for example, ask that we require a maximum franchise fee of 2% of gross revenues combined with a subscriber rate of at least $7.50 per month before a system should be required to provide program origination.

25. It has also been suggested by several parties that the Commission adopt a grandfather provision should it not repeal the mandatory origination rule. Many comments, especially those submitted by cable operators, such as Midwest Video Corporation, ask that we grandfather all systems which began operation prior to the rule's first proposal because the operators' entrance into the cable television business was made without the knowledge that the Commission might require them "to engage in a completely different form of operation" than they had contemplated when commencing operation of a single reception service. Liberty Communications proposes that we grandfather all systems which were in operation or had a franchise prior to the rule's adoption in 1969. General Electric Cablevision Corporation suggests grandfathering of all systems built before March 31, 1972, the effective date of the Cable Television Report and Order, supra. Aurovideo, Inc., asks that systems in operation before January 1, 1974, be grandfathered until March 31, 1977. Comments by a group of five cable operators and certain other parties ask that all existing cable television systems be permanently grandfathered. Multivision proposes that all systems now in

[9] Section 76.251 of the Commission's Rules states, in pertinent part, as follows: (a) No cable television system operating in a community located in whole or in part within a major television market, as defined in § 76.5, shall carry the signal of any television broadcast station unless the system also complies with the following requirements concerning the availability and administration of access channels:

(1) *Minimum channel capacity.* Each such system shall have at least 120 MHz of bandwidth (the equivalent of 20 television broadcast channels) available for immediate or potential use for the totality of cable services to be offered;

(2) *Equivalent amount of bandwidth.* For each Class I cable channel that is utilized, such system shall be capable of providing an additional channel, 6 MHz in width, suitable for transmission of Class II or Class III signals (see § 76.5 for cable channel definitions); * * *

operation be grandfathered for five years. During this time period, it is explained, systems could increase rates and change their capital structures to help defray the costs of origination. Comments submitted by other parties have also asked that a period of time be given cable operators to allow for revision of system rates and subsequent approval by local and state authorities. As noted above, those parties commenting in favor of the rule's retention usually oppose grandfathering, most frequently on the ground that the grandfathered systems would be largely in those communities where local expression is most needed.

Advertising. 26. The Commission has noted that a significant number of parties, some in support of the mandatory origination rule and many filing in opposition to it, have asked the Commission to lift the advertising restrictions applicable to cable television origination and embodied in Section 76.217 of the Commission's Rules, *supra*. Should mandatory origination be required but with relaxation of the advertising rules, several parties state, some systems might be able to make a profit or at least "break even." Operators such as Nantucket Cablevision and Cablevision of Eldon (Missouri) maintain that advertising should be permitted at any point in a production rather than just at natural breaks and intermissions, asserting that several advertising "spots" are needed to pay for a program's production costs. It is further asserted by certain commenting parties that, even if the mandatory origination rule is stricken, lifting of advertising restrictions might have a significant effect in fostering new development or expansion of origination activity.

Other proposals relating to origination. 27. We have also received comments calling for deletion of the fairness and equal opportunity requirements of Section 76.209 of the Commission's Rules.[7] These parties note that the rule was adopted prior[8] to the access channel requirements of the Cable Television Report and Order, *supra*, and observe that while a fairness or "equal time" issue can arise on access channel programming no "Section 315" requirements[9] are imposed because of the availability of ready access. It is argued that the cable operator should not be subject to different requirements than the user of an access channel and suggested that the Commission, at least on an experimental basis, eliminate the fairness obligations of the Rules as they apply to non-broadcast cable operations.

28. Some parties have suggested that we adopt rules which would allow local originations by the operator only if certain special criteria were met. Others have maintained that we should totally prohibit cable operators from originating and, rather, require operators to provide opportunities for others to cablecast programs. The Office of Communications of the United Church of Christ and the Consumers Union of the United States, Inc., assert that the mandatory origination rule has established a conflict of interest between the cable operator and potential competitors for the use of cable channels. They maintain that the cable operator has been endowed with substantial power to foreclose cable programming by others. In his attempt to secure the largest possible audience for his origination, they contend, the cable operator will act to frustrate competitive programming. UCC and Consumers Union ask the Commission to repeal the mandatory origination rule and substitute policies which permit cable operator origination only under circumstances which affirmatively promote competitive origination. They ask that the building of studios and the availability of support personnel be required of systems exhibiting any of three indicia of economic capacity: (1) service to 3,500 or more subscribers; (2) location in a major market; or (3) origination of pay cablecasting programs. Whenever operators do engage in origination cablecasting, the Commission, it is maintained, should require that they make their studio facilities, channels, and basic support staff available for lease by others without discrimination by the operator. UCC and Consumers Union argue that this proposal will not require an operator to program an origination channel but only ask that he provide facilities and assistance. As cable penetration rises, UCC and Consumers Union propose that all operator originations cease.

29. The American Civil Liberties Union asks the Commission to not only eliminate the mandatory origination rule but require complete separation of ownership and control of cable distribution and programming functions. Only such a policy, in the opinion of the ACLU, will foster the development of increased channel capacity and of varied sources of programming, thereby making cable a medium of diversity to complement the current broadcasting system. The Civil Liberties Union of Alabama (CLU) and the Selma Project take a similar view. They believe that the cable operator's function as a carrier and programmer will result in underdevelopment of leased channels and disserve the Commission's mandate to increase diversity and local expression. It is asserted that if local origination is required, but unattractive to the operator, advertisers, or subscribers, it may retard the system's development. Conversely, if local origination is attractive, the operator, they contend, will discourage the entrance of local cablecasting by others, as it would likely result in less audience and advertising revenue. CLU and the Selma Project suggest adoption of a policy which would prohibit operator originations and further propose that we promulgate rules requiring systems with 4,000 or more subscribers to provide channels, studios, and equipment which could be used by leases for local cablecasting. For systems with fewer than 4,000 subscribers they propose joint, regional efforts to establish facilities and studios. CLU and Selma propose that operators be required to issue program guides to program lessees and subscribers through the mail and at points of central distribution, and make periodic announcements, video and audio, of the availability of access time. (Several parties have requested that we require system operators to make announcements of access availabilities.) They also ask the Commission to regulate the rates for leased channel use to insure their reasonableness.

30. Several parties have replied to those comments in support of the separation policy set forth in the 1974 "Report to the President" by the Cabinet Committee on Cable Communications. Many

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[7] Section 76.209 of the Commission's Rules provides as follows: (a) A cable television system engaging in origination cable casting shall afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

NOTE.—See public notice, *Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance*, 29 FR 10415.

(b) When, during such origination cablecasting, an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group, the cable television system shall, within a reasonable time and in no event later than one (1) week after the attack, transmit to the person or group attacked: (1) notification of the date, time, and identification of the cablecast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the system's facilities.

(c) The provisions of paragraph (b) of this section shall not be applicable: (1) to attacks on foreign groups or foreign public figures; (2) to personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (3) to bona fide newscasts, bona fide news interviews, and on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs, but the provisions of paragraph (b) of this section shall be applicable to editorials of the cable television system).

(d) Where a cable television system, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the system shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office, or (ii) the candidate opposed in the editorial, (a) notification of the date, time, and channel of the editorial; (b) a script or tape of the editorial; and (c) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the system's facilities: *Provided, however*, That where such editorials are cablecast within 72 hours prior to the day of the election, the system shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

[8] *First Report and Order in Docket 18397, supra*, adopted October 24, 1969.

[9] Section 315 of the Communications Act of 1934, as amended, is the statutory basis for Section 76.209 of the Commission's Rules and for former Section 74.1115 of the Commission's Rules.

assert that a denial of the operator's opportunity to originate would leave several communities with no local service whatsoever. Several argue that, especially in small towns, or in suburbs where numerous television signals are available over-the-air, it is the system operator who has the greatest incentive to produce original material attractive to existing and potential subscribers. NCTA and several other parties describe as fallacious the theory that operators fear competition with leased channel users and will attempt to hinder such competition because of a profit motive. NCTA points out that many operators do not even sell advertising in conjunction with their origination efforts. Again it is insisted by several parties, with respect to the separation argument, that the Commission exert preemptive jurisdiction over cable origination and forestall any attempt to preclude operator origination.

DISCUSSION

31. For the past several years the Commission, the cable television industry, and the public have obtained valuable experience in the field of local cablecasting. We have observed essentially voluntary compliance with our mandatory origination rule and have given careful scrutiny to access channel endeavors required by our own rules and non-federal authorities. Mindful of this experience and in light of the many comments submitted in this rulemaking proceeding, the Commission has concluded that the mandatory origination scheme is not likely to be the most effective means of fostering local expression programming. A different approach is in order. Several aspects of the quest for local nonbroadcast programming are becoming clear. First, neither this Commission nor any other regulatory or franchising authority can guarantee effective local programming merely by requiring the cable system to originate. Second, there is an evolutionary process under way in local video programming—a process that shows great promise but needs some fundamental assistance.

32. The mandatory origination rule, as presently codified in § 76.201(a) of the Commission's Rules, was a first attempt at fostering local programming designed to cater to local needs and interests. The Commission recognized the promise of cable television as a means for increasing the number of local outlets for community self-expression and for augmenting the public's choice of programs and types of service, without use of broadcast spectrum. We observed cable television's potential of providing a local outlet to communities which have no local television broadcast station of their own and of enhancing diversity in communities which do have broadcast outlets.[10] However, we recognized then and have been repeatedly reminded since that cable operators were not and are not primarily concerned with programming. Their principal responsibility has been to build and maintain a transmission medium for broadcast and nonbroadcast television signals. Some have even argued that the operator, being a quasi-trustee of the system's available bandwidth, should not be allowed to program any bandwidth himself. It has been urged that cable television be treated as a common carrier and prohibited from engaging in program origination. As we have stated before (see paragraph 34, *Clarification of the Cable Television Rules and Notice of Proposed Rule Making and Inquiry, supra*, and paragraph 146, *Cable Television Report and Order, supra*), it would be premature to place cable television in the mold of common carrier regulation. Although other programmers are now beginning to emerge, the cable operator himself has good reason, in many situations, to foster local programming on his own. We see no reason why he should not continue to be allowed to do so voluntarily.

33. The Commission is now convinced, however, that imposing mandatory origination rules is unlikely to best serve our cablecasting goal. Quality, effective, local programming demands creativity and interest. These factors cannot be mandated by law or contract. The net effect of attempting to require origination has been the expenditure of large amounts of money for programming that was, in many instances, neither wanted by subscribers nor beneficial to the system's total operation. In those cases in which the operator showed an interest or the cable community showed a desire for local programming, an outlet for local expression began to develop, regardless of specific legal requirements. During the suspension of the mandatory rule, cable operators have used business judgment and discretion in their origination decisions. For example, some operators have felt compelled to originate programming to attract and retain subscribers. These decisions have been made in light of local circumstances. This, we think, is as it should be. Accordingly, we have decided to eliminate the mandatory origination requirement contained in Section 76.201 of the Rules. We are not, however, in any way abandoning our desire to promote local programming. For that reason we are today adopting a new policy designed, we believe, to better fulfill our statutory mandate of affording outlets for local expression to as many communities as possible.

34. As has often been noted during its developmental period, cable television is a medium that offers a unique opportunity for local expression. We have consistently maintained that the cable operator must aid and contribute to the establishment of local programming. This basic obligation was the foundation for both our origination and access rules. Local expression programming can be undertaken by interested citizens, subscribers, or operators only if there is a means for such programming. An available channel or period of time on a channel for local expression is of very little practical use without the technical capability to put a video and audio signal on the bandwidth. The cable operator, if he decides to originate programming himself, or anyone else seeking access must have equipment for there to be true local expression. This is where the operator can provide beneficial assistance at a relatively minimal expense. Hence, while we are ending the requirement that a large system originate programming, we are retaining that provision which insures the availability of cablecasting equipment.

35. Our desire in this rule making proceeding is to foster local programming in as many communities as possible and to require equipment availability by those systems which can best sustain the monetary costs. We are requiring, therefore, that all systems serving 3,500 or more subscribers and all conglomerates of commonly owned and technically integrated[11] systems serving 3,500 or more subscribers have available equipment for local production and presentation of cablecast programs (other than automated services) and permit local non-operator production and presentation of such programs. Cable operators may still originate programming, of course, but on a voluntary basis. A substantial number of these larger systems and larger conglomerates are, in fact, now operating in essential compliance with this rule. Certainly any system which provides at least public access cablecasting has already fulfilled the equipment requirement. Any system now originating programming has on hand at least the minimum equipment we are requiring. The rule is largely directed at the group of systems that more than five years ago was put on notice that it might be required to not only make available equipment and bandwidth but also build a studio and buy or create programs. Recognizing technical and economic realities, and in order to provide a local outlet in additional communities where a conglomerate of cable systems apparently has the financial capability, the rule, unlike our former origination requirement, will also apply to conglomerates serving a total of 3,500 or more subscribers. Most of these conglomerates operate from a single headend and could introduce cablecast programming at a central point. These larger cable operations should not be exempt from our equipment obligations merely because their components are in separate communities.

36. The need for local expression is not limited to the major markets. In § 76.251 (b) of the Rules, we permitted local franchising authorities in communities outside these markets to require basic access services. The availability of cable media access should not depend solely upon either geographical location or supplemental franchise requirements. Thus,

[10] *First Report and Order in Docket No. 18397, supra* at 421–422.

[11] Technical integration, for the purpose of this rule, is limited to that accomplished by a local cable or microwave (e.g. a CARS LDS facility) interconnection. Satellite or microwave networking to geographically separated systems of a multiple system owner do not trigger the rule.

our equipment requirement applies to larger systems both inside and outside of the major markets.

37. Based on the comments, our experience, and examination of industry trends and equipment costs, we have determined that the systems to be affected by this rule can bear the requisite expenditures without encountering a threat to their viability. Indeed, several hundred systems with 3,500 or more subscribers, as well as many with fewer than 3,500 subscribers, now originate programming. These origination efforts have been essentially voluntary and at an expense often far in excess of the cost of basic cablecasting equipment. The obligation we are imposing to have equipment available does not mandate building or providing a studio (which is required by our major market access rules now applicable without regard to system size), or that the system buy or create programming. Certainly a minimal cablecasting equipment obligation can be borne by systems and conglomerates whose very size indicates a sufficient economic capacity and results in a low cost-per-subscriber expenditure.

38. It was urged by a significant number of the commenting parties that no rules of any type are required in this area—that economic forces or the good will of system operators will in themselves provide sufficient incentive to call forth the production of non-broadcast cable programming in those communities where there is both a need for such programming and sufficient resources to support it. We are persuaded, however, that it is not sufficient to simply rely on voluntary system operator program production and distribution for the following reasons. First, there are many cable communities among those on whom this obligation will fall where the cable system is in a monopoly or quasi-monopoly position with respect to supplying the populace with television programming. In such situations, there is no incentive for the operator to provide origination programming on his own or allow others to do so. Even in those cases in which the operator has such an incentive, there is a significant public interest in allowing access to the medium for those who are unable to buy time but who may nevertheless have a legitimate need for expression.

39. It is not necessary that the equipment made available approach broadcast quality. Such a requirement would likely place a severe burden on an industry already finding its economic resources stretched thin. The rapidly evolving technology of cablecasting makes it unwise for any rule to prescribe the precise types of equipment that must be made available. However, in order to comply with the rule, the operator must have at least the capacity to afford live programming with one or more black and white cameras, the capacity to video tape record remote programs, edit, and play them back, and the capacity to modulate the resulting video and audio product on a cable channel.[12] A study of available equipment now being used for access and origination programming indicates that compliance with this rule can be achieved at a cost of less than $10,000, with equipment maintenance costs expected to be less than $1,000 per year. Of course, some operators, themselves interested in origination programming, may wish to use and make available far more sophisticated gear.

40. In some cases we recognize that the result of the equipment availability rule will be that an operator will have cablecasting equipment and yet will have neither an origination channel nor be required to have any access channels. In such instances, we will afford the operator great discretion and expect him to act in good faith and make every reasonable effort to insure that video access is available to those who seek it. Any unused channels, if they exist, should be made available for local cablecasting. If there is an origination channel, we hope that it could also be used for non-operator cablecasting. Automated channels and even "black out" time on Class I cable channels could also be employed. In any event, where there is non-operator cablecasting, we are requiring compliance with applicable regulations concerning program content control, assessment of costs, and operating rules.[13]

41. The equipment availability rule is designed to foster diverse local expression. Thus, no one person or group can claim priority or exclusive use. Any charges for equipment use must be consistent with our goal of affording the public a low cost means of television access. Reasonable rules developed by the operator against abuse or damage to equipment and compensation for same are to be expected. We leave this up to the operator. The operator may wish to lease the equipment to commercial users and may do so as long as this does not impede the availability of equipment for noncommercial local expression purposes.

42. Compliance is expected of all systems or conglomerates of systems serving 3,500 or more subscribers, regardless of whether a system was granted waiver of our former mandatory origination rule. To allow adequate time for any necessary equipment purchases and installation, we will set the effective date for our equipment availability requirement for January 1, 1976. We believe that the 3,500 "trigger" is a conservative figure. In any event, we wish to make clear that the provisions of the equipment availability rule are not immutable. Upon further study and evaluation of the experience with the rule, we will not hesitate to revisit this area, if necessary, and adopt appropriate amendments or substitutes.

43. Since we are now eliminating our origination requirement, we must also address the possibility of other authorities imposing a similar requirement. We do not think such action would be wise. The same infirmities we found in our own attempt at mandating programming are equally applicable to similar state or local action. We will not, however, prohibit such requirements so long as they are not in conflict with our origination cablecasting rules. For this reason, and since cable operators, even on a voluntary basis, may be the primary cable programmers in many communities, we are retaining our origination cablecasting rules (§§ 76.205, *et seq*) including the equal time and fairness obligations. These rules, of course, apply only to origination cablecasting, that is, those cablecasts under the full control of the operator. All other cablecasts must comply with the rules promulgated pursuant to §§ 76.251 (a)(11) or Section 76.253(b)(3).

44. The Commission finds merit in those suggestions that we eliminate the "natural break" restrictions on origination cablecast advertising. In light of these comments and since we are placing origination programming on a voluntary basis, we are convinced that retention of the rule would tend to discourage such activity. Therefore, we are deleting Section 76.217. Several parties have addressed the notion of local cablecasting being funded by various entities and from various sources. We note that these subjects have been addressed in certain petitions for declaratory ruling filed with the Commission. We believe that these funding matters should more properly be considered in those proceedings. While there erators be required to publicize the availability of cablecasting equipment and channel space, we have chosen not to adopt a specific rule at this time. However, we do encourage operators to make their communities aware of existing video opportunities. If we find that system operators seek to evade their obligations by suppressing information of these opportunities, we shall promptly revisit this matter and promulgate appropriate regulations.

45. Besides the deletion of §§ 76.201 and 76.217 (advertising), a provision of the access rules (76.251(a)(7)) will be slightly altered, and a new provision (76.253) on equipment requirements will be added. These changes can be summarized as follows:

The mandatory origination rule (§ 76.201) is deleted. Origination by the cable operator will now be on a voluntary basis only. Local

[12] As an example, a ½-inch portable video tape recorder with a camera and appropriate adaptors to connect to an editing/playback video tape deck and to a modulator would constitute a very basic minimum.

[13] The Commission has a pending rule making proceeding on the matter of cablecasting identification. (See *Further Notice of Proposed Rule Making in Docket No. 19334*, FCC 74-667, 47 FCC 2d 670 (1974)). While we do not wish to enunciate any new identification rules at this time, we deem it advisable for system operators to identify the type of cablecasting service being presented (i.e. origination cablecasting or access cablecasting) and the person or group presenting the program. (*See e.g., Coldwater Cablevision, Inc.*, FCC 73-281, 40 FCC 2d 58 (1973)).

authorities may require an origination channel but may not mandate the manner of operation of that channel.

The origination cablecasting rules will be retained with the exception of § 76.217 (advertising) which is deleted.

All systems with 3500 or more subscribers and all conglomerates of systems that are commonly owned and technically integrated, as defined herein, with 3500 or more subscribers, will be required to have equipment available for local production and presentation of cablecast programs and must permit local non-operator production and presentation of such programs.

For systems already subject to the designated access channel rules of § 76.251, no more is being required. For systems where that section does not yet, or may never apply, they need not provide a dedicated channel but must make a reasonable effort to provide channel time wherever it is available.

Non-operator cablecast programming should be identified as such, and the appropriate access rules will apply.

Charges may be made for use of the equipment absent any franchise requirements to the contrary, but, such charges must be reasonable and consistent with the goal of affording the public a low-cost means of television access.

These new rules, we believe, will further our goal of community access to the video medium. They are, of course, experimental and subject to change should we find that our expectations are not being met. While the equipment availability regulation by its own terms does not take effect until January 1, 1976 (see § 76.253(d) set forth in the Appendix) the other rule changes adopted today shall be effective on the date shown below.

46. Authority for the rules adopted in the Appendix attached hereto is contained in sections 2, 3, 4(i) and (j), 301, 303, 307, 308, 309, 315, and 317 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That Part 76 of the Commission's Rules and Regulations, is amended, effective January 20, 1975, as set forth in the Appendix attached. *It is further ordered*, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1088, 1089, 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 315, 317)

Adopted: November 21, 1974.

Released: December 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

§ 76.201 [Deleted]

1. Section 76.201 is deleted.

§ 76.217 [Deleted]

2. Section 76.217 is deleted.

3. In § 76.251, paragraph (a)(7) is amended, as follows:

§ 76.251 **Minimum channel capacity; access channels.**

(a) * * *

(7) Having satisfied the requirements of paragraphs (a)(4), (a)(5), and (a)(6) of this section for specially designated access channels, such system shall offer other portions of its nonbroadcast bandwidth, including unused portions of the specially designated channels, for leased access services. However, these leased channel operations shall be undertaken with the express understanding that they are subject to displacement if there is a demand to use the channels for their specially designated purposes. On at least one of the leased channels, priority shall be given part-time users;

* * * * *

4. A new § 76.253 is added, as follows:

§ 76.253 **Cablecasting equipment requirements for larger cable systems.**

(a) Any cable television system having 3500 or more subscribers, or any conglomerate of commonly owned and technically integrated systems having a total of 3500 or more subscribers, shall have available equiment for local production and presentation of cablecast programs other than automated services and permit local nonoperator production and presentation of such programs.

(b) Any cable system having available the equipment described in paragraph (a), either voluntarily or pursuant to paragraph (a), shall comply with the following requirements:

(1) No such system shall enter into any contract, arrangement, or lease for use of its cablecasting equipment which prevents or inhibits the use of such equipment for a substantial portion of time for local programming designed to inform the public on controversial issues of public importance.

(2) Program content control. Each such system shall exercise no control over the content of non-operator cablecast programs; however, this limitation shall not prevent it from taking appropriate steps to insure compliance with the operating rules described in paragraph (b)(3) of this section.

(3) Operating rules. (i) Each such system shall establish rules requiring first-come, non-discriminatory availability of equipment and bandwidth; prohibiting the presentation of lottery information and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215, respectively); requiring sponsorship identification (see § 76.221); specifying an appropriate rate schedule; and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting use of equipment or bandwidth. Such a record shall be retained for a period of two years.

(ii) The operating rules required by this section shall be filed with the Commission within 90 days after a cable system first makes equipment available and such rules shall be available for public inspection as provided in § 76.305 (b). Except on Commission authorization, no local entity shall prescribe any other rules concerning the use or manner of operation of bandwidth for non-operator cablecasting.

(c) Assessment of costs. Any charge for equipment made available, pursuant to paragraph (a) of this section, and used for local nonoperator cablecasting of noncommercial programs, shall be consistent with the goal of affording the public a low cost means of television access. No charge shall be made for channel time for such noncommercial programs.

(d) This section shall become effective on January 1, 1976: *Provided, however,* That if a cable system makes available the equipment described in paragraph (a) at an earlier date, such system shall comply with paragraphs (b) and (c) of this section at that time: *And provided, further,* That if a cable system is providing any of the public access services pursuant to § 76.251(a) or § 76.251(b), this section shall not be applicable to such system.

5. In § 76.305, paragraphs (a)(7) and (c) are amended, as follows:

§ 76.305 **Records to be maintained locally by cable television systems for public inspection.**

(a) * * *

(7) A copy of all records which are required to be kept by § 76.205(c) (origination cablecasts by candidates for public office); § 76.251(a)(11) (public access channels, educational access channels, leased access channels); § 76.253(b)(3) (cablecasting equipment requirements for larger cable systems); Section 76.311(f) (equal employment opportunities);

* * * * *

(c) The records specified in paragraphs (a)(1), (a)(2), and (a)(3) shall be retained so long as a certificate of compliance or renewal thereof is outstanding. The records specified in paragraph (a)(4) shall be retained for two years. The record specified in paragraph (a)(5) shall be retained for one year after an amendment to such record is placed in the public inspection file. The records specified in paragraph (a)(6) shall be retained so long as an authorization for a Cable Television Relay Station and renewals thereof are outstanding. The records specified in paragraph (a)(1) shall be retained for the periods specified in §§ 76.205(c), 76.251(a)(11), 76.253(b)(3), and 76.311(f).

* * * * *

[FR Doc.74-28962 Filed 12-11-74;8:45 am]

[14] Commissioner Robinson's statement filed as part of original document.

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-123; Amdt. Nos. 171-27, 173-89]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 173—SHIPPERS

Shippers by Rail Freight

Emergency Order No. 5 was issued by the Federal Railroad Administration

(FRA) on October 25, 1974 (39 FR 38230—10–30–74), with an effective date of 12:01 a.m. October 27, 1974. This required the railroads to handle all DOT 112A and 114A tank cars (without head shields) transporting flammable compressed gas in the same manner as Class A poisons and Class A explosives during switching operations. To provide an additional means for railroad employees to identify these cars, E.O. No. 5 required that shipping papers for these tank cars contain the following notations: "DOT 112A" or "DOT 114A" as appropriate and "Must be handled in accordance with FRA E.O. No. 5."

In order that a railroad will be notified by the shipper that a tank car he is tendering is one requiring special handling in accordance with FRA E.O. No. 5, the Hazardous Materials Regulations are being amended to require the shipper to comply with all FRA emergency orders. Therefore, a shipper of a DOT 112A or 114A (without head shields) containing flammable compressed gas will be required to put the following notation on the shipping papers: "DOT 112A" or "DOT 114A" as appropriate, and "Must be handled in accordance with FRA E.O. No. 5."

As a situation exists which demands immediate adoption of these regulations in the interest of public safety, it is found that notice and public procedure hereon are impractical and good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, 49 CFR Parts 171 and 173 are amended as follows:

(A) In Part 171 Table of Contents, § 171.11 is revised to read as follows:

Sec.
171.11 Transportation by carriers by water and by rail.

(B) In § 171.11, the heading is revised; paragraphs (b) and (c) are added to read as follows:

§ 171.11 Transportation by carriers by water and by rail.

* * * * *

(b) When the transportation of a shipment involves movement by a carrier by rail, the applicable provisions of Parts 170–189 of this subchapter must be observed by the shipper.

(c) Shippers by rail must also comply with the requirements of all emergency orders of the Federal Railroad Administrator as they pertain to them.

(A) In Part 173 table of contents, § 173.5 is revised; § 173.6 is deleted as follows:

Sec.
173.5 Shipments by rail baggage, rail express and rail freight.
173.6 [Removed]

(B) In § 173.5, the Heading is revised; paragraphs (b) and (c) are added to read as follows:

§ 173.5 Shipments by rail baggage, rail express and rail freight.

* * * * *

(b) For shipments of hazardous materials acceptable as baggage by rail carriers see Part 176 of this subchapter Regulations Applying to Rail Carriers in Baggage Service.

(c) Shippers by rail must also comply with the requirements of all emergency orders of the Federal Railroad Administrator as they pertain to them.

AUTHORITY: Transportation of Explosives Act (18 U.S.C. 831–835), section 6 of the Department of Transportation Act (49 U.S.C. 1655).

These amendments are effective December 12, 1974.

Issued in Washington, D.C. on November 29, 1974.

ASAPH H. HALL,
Board Member for the Federal Railroad Administration.

[FR Doc.74–29004 Filed 12–11–74;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 301]

TAX RETURN INFORMATION

Allowable Disclosures or Uses

DECEMBER 5, 1974.

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 13, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 13, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 7216 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 85 Stat. 529 (26 U.S.C. 7216, 7805)).

[SEAL] WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 7216 of the Internal Revenue Code of 1954, relating to disclosure or use of tax return information by tax return preparers, in order to expand and augment the list of disclosures or uses of tax return information to which section 7216(a) and § 301.7216–1 do not apply.

Section 7216(a) and § 301.7216–1 provide, in pertinent part, that, as a general rule, any tax return preparer who discloses or uses any tax return information other than for the specific purpose of preparing or assisting in the preparation of, any tax return of the taxpayer by or for whom the information was made available to a tax return preparer shall be guilty of a misdemeanor. Section 301.7216–1(a) provides that the provisions of section 7216(a) do not apply to any disclosure or use which is permitted by § 301.7216–2 or § 301.7216–3.

The proposed amendments would allow a tax return preparer to disclose tax return information pursuant to an administrative summons or subpoena issued by a Federal regulatory agency or to report the commission of a crime to the proper Federal or State official without violating section 7216(a) and § 301.7216–1. In addition, the proposed amendments augment allowable disclosure or use of tax return information by attorneys and accountants, by adding to the circumstances under which section 7216(a) and § 301.7216–1 do not apply to the disclosure or use of tax return information. Thus, the proposed amendments provide that an attorney or an accountant may, without violating section 7216(a) and § 301.7216–1, use the tax return information of a taxpayer, or disclose it to another member of his firm who may use it, to render other legal or accounting services to or for such taxpayer. They provide that an attorney or accountant may, in the normal course of rendering legal or accounting services to the taxpayer, and with the express or implied consent of that taxpayer, make tax return information available to third parties, such as stockholders, management, suppliers, or lenders. The proposed amendments also provide that an attorney or accountant may take the tax return information into account and may act upon it, or may disclose it to another member of his firm who may take it into account and may act upon it, in the course of performing legal or accounting services for a client other than the taxpayer when such information is relevant to, and is necessary for, the proper performance of such legal or accounting services, provided that the tax return information may not be disclosed to a person other than another member or employee of the firm unless such disclosure is exempt from the application of section 7216(a) and § 301.7216–1 by reason of another provision of either § 301.7216–2 or § 301.7216–3. The sole purpose of the proposed amendments concerning attorneys and accountants is to exempt certain disclosures or uses of tax return information from section 7216(a) and § 301.7216–1. The propriety of such disclosures or uses under ethical rules of conduct governing the practice of law or accountancy is beyond the scope of the proposed amendments.

In order to accomplish these changes the Regulations on Procedure and Administration are hereby amended as follows, effective January 1, 1972:

Section 301.7216–2 is amended by revising paragraphs (c) and (e) and by adding a new paragraph (n), as follows:

§ 301.7216–2 Disclosure or use without formal consent of the taxpayer.

* * * * *

(c) *Disclosure pursuant to an order of a court or of a Federal regulatory agency.* The provisions of section 7216(a) and § 301.7216–1 shall not apply to any disclosure of tax return information if such disclosure is made pursuant to—(1) The order of any court of record, Federal, State, or local, or (2) An administrative order, demand, summons, or subpoena issued by any Federal regulatory agency in the performance of its duties, which clearly identifies the information to be disclosed.

* * * * *

(e) *Attorneys and accountants.* (1) A tax return preparer who is lawfully engaged in the practice of law or accountancy and prepares a tax return for a taxpayer may use the tax return information of the taxpayer, or disclose such information to another employee or member of his law or accounting firm who may use it, to render other legal or accounting services to or for such taxpayer. Thus, for example, a lawyer who prepares a tax return for a taxpayer may use the tax return information of the taxpayer for, or in connection with, rendering legal services, such as estate planning or administration, or preparation of trial briefs or trust instruments, for the taxpayer or his estate; or if another member of the same firm renders the other legal services for the taxpayer, the lawyer who prepared the tax return may disclose the tax return information to that other member for use by him in rendering those services for the taxpayer. In further illustration, an accountant who prepares a tax return for a taxpayer may

use the tax return information, or disclose it to another member of the firm for use by him, for, or in connection with, the preparation of books of account, working papers, or accounting statements or reports to or for the taxpayer. Further, in the normal course of rendering such legal or accounting services to or for the taxpayer, the attorney or accountant may, with the express or implied consent of the taxpayer, make such tax return information available to third parties, such as stockholders, management, suppliers, or lenders.

(2) A tax return preparer who is lawfully engaged in the practice of law or accountancy and prepares a tax return for a taxpayer may (i) take such tax return information into account, and may act upon it, in the course of performing legal or accounting services for a client other than the taxpayer or (ii) disclose such information to another employee or member of his law or accounting firm to enable him to take the information into account, and act upon it, in the course of performing legal or accounting services for a client other than the taxpayer, when such information is or may be relevant to the subject matter of such legal or accounting services for the other client and its consideration by those performing the services is necessary for the proper performance by them of such services; provided, however, that in no event may such tax return information be disclosed to a person who is not an employee or member of the law or accounting firm unless such disclosure is exempt from the application of section 7216(a) and § 301.7216–1 by reason of another provision, other than this paragraph, of § 301.7216–2 or § 301.7216–3.

(3) The application of this paragraph may be illustrated by the following examples:

Example (*1*). A, a member of an accounting firm, renders an opinion on a financial statement of M Corporation that is part of a registration statement filed with the Securities and Exchange Commission. After the filing of such registration statement, but before its effective date, B, a member of the same accounting firm, prepares an income tax return for N Corporation. In the course of preparing such income tax return, B discovers that N does business with M and concludes that information he is given by N should be considered by A to determine whether the financial statement reported on by A contains an untrue statement of material fact or omitted to state a material fact required to keep the statement from being misleading. B discloses to A the tax return information of N for this purpose. A determines that there is an omission of material fact and that an amended statement should be filed. He so advises M and the Securities and Exchange Commission. He explains that the omission was revealed as a result of confidential information which came to his attention after the statement was filed, but he does not disclose the identity of the taxpayer or the tax return information itself. Section 7216(a) and § 301.7216–1 do not apply to the foregoing disclosure of N's tax return information by B to A and the use of such information by A in advising M and the Securities and Exchange Commission of the necessity for filing an amended statement. Section 7216(a) and § 301.7216–1 would apply to a disclosure of N's tax return information to M or to the Securities and Exchange Commission unless such disclosure is exempt from the application of section 7216(a) and § 301.7216–1 by reason of another provision of either § 301.7216–2 or § 301.7216–3.

Example (*2*). A, a member of an accounting firm, is conducting an audit of M Corporation, and B, a member of the same accounting firm, prepares an income tax return for D, an officer of M. In the course of preparing such return, B obtains information from D indicating that D, pursuant to an arrangement with a supplier doing business with M, has been receiving from the supplier, a percentage of the amounts which the supplier invoices to M. B discloses this information to A who, acting upon it, searches in the course of the audit for indications of such a kickback scheme. As a result, A discovers information from audit sources which also, but independently, indicates the existence of such a scheme. Without revealing the tax return information he has received from B, A brings to the attention of officers of M the audit information indicating the existence of the kickback scheme. Section 7216(a) and § 301.7216–1 do not apply to the foregoing disclosure of D's tax return information by B to A, the use by A of such information in the course of the audit, and the disclosure by A to M of the audit information indicating the existence of the kickback scheme. See also § 301.7216–2(j). Section 7216(a) and § 301.7216–1 would apply to a disclosure to M, or to any other person not an employee or member of the accounting firm, of D's tax return information furnished to B.

* * * * *

(n) *Disclosure to report the commission of a crime.* The provisions of section 7216(a) and § 301.7216–1 shall not apply to the disclosure of any tax return information to the proper Federal or State official in order, and to the extent necessary, to inform such official of the commission of a crime.

[FR Doc.74–29018 Filed 12–9–74;5:06 pm]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Tinicum National Environmental Center, Pennsylvania

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Commission Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd), as delegated to the Director, U.S. Fish and Wildlife Service by Chapter 2, Part 242 of the Dpartmental Manual, it is proposed to amend 50 CFR 33 by the addition of Tinicum National Environmental Center, Pennsylvania to the list of areas open to sport fishing.

It has been determined that fishing may be permitted as designated on the above area without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment, to the Regional Director, United States Fish and Wildlife Service, Boston, Massachusetts 02109 within thirty days of the publication of this notice.

Accordingly it is proposed that 33.4, List of open areas; sport fishing, be amended by the following addition.

PENNSYLVANIA

Tinicum National Environmental Center

Dated: DECEMBER 5, 1974.

RICHARD E. GRIFFITH,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74–28934 Filed 12–11–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

1974–75 Fiscal Period; Proposed Expense Increases

This notice invites written comments relative to a proposal to increase from $525,615 to $550,000 the expenses reasonable and likely to be incurred by the Nectarine Administrative Committee for the 1974–75 fiscal period under Marketing Order No. 916.

Consideration is being given to the following proposal submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That the Secretary finds that provisions pertaining to the expenses in paragraph (a) of § 916.213 Expenses and rate of assessment (39 FR 27806) be amended as follows:

§ 916.213 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1974, through February 28, 1975, will amount to $550,000.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 27, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the

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

Dated: December 6, 1974.

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

[FR Doc.74-28946 Filed 12-11-74;8:45 am]

Commodity Exchange Authority

[17 CFR Part 1]

FUTURES COMMISSION MERCHANTS

Inquiry Concerning Recommended Regulations for Registration

Section 204 of Pub. L. 93-463 enacted October 23, 1974, provides for registration by the newly-established Commodity Futures Trading Commission of certain persons associated with commodity futures brokers (futures commission merchants). Under this section effective April 21, 1975, it will be unlawful for any person to be associated with any commodity futures broker or agent thereof in any capacity which involves the solicitation or acceptance of customers' orders (other than in a clerical capacity) or the supervision of any person or persons so engaged, unless such person is registered with the Commission. Section 204 further provides that it shall be unlawful for any commodity futures broker or agent thereof to employ any person in such capacities who is not registered.

Because of the need to process the applications for registration of approximately 20,000 persons prior to April 21, 1975, it does not appear that the Commission, whose members have not yet taken office, will have time to issue a notice of proposed rulemaking with respect to regulations for registration of associated persons. In order to aid the Commission in its future actions pursuant to section 418 of Pub. L. 93-463, however, the Administrator of the Commodity Exchange Authority is inviting public comment at this time on regulations under the Commodity Exchange Act which he proposes to recommend to the Commission with regard to the registration of associated persons.

It is proposed to recommend that § 1.3 of the regulations be amended to define the term "associated person" as follows:

§ 1.3 Definitions.

* * * * *

(aa) *Associated person*—This term means any person associated with any futures commission merchant or with any agent of a futures commission merchant as a partner, officer or employee (or any person occupying a similar status or performing similar functions) in any capacity (other than clerical) which involves the solicitation or acceptance of customers' orders for futures contracts or the supervision of any person or persons so engaged.

* * * * *

§ 1.11 [Amended]

It is proposed to recommend that § 1.11 be amended to require that each application for registration, or renewal thereof, as an associated person shall be accompanied by a fee of $20.

§ 1.14 [Amended]

It is proposed to recommend that § 1.14 be amended by adopting a requirement that "each futures commission merchant shall promptly report the name of each new associated person employed in such capacity by it or its agents, and shall likewise report the termination of employment of all persons who acted as associated persons for the futures commission merchant or its agents." It is also proposed to recommend that § 1.14 be amended to require associated persons to file with the Commission a statement on Form 3-R to correct any deficiency or inaccuracy in the registrant's application for registration or any supplemental statement thereto, and report any change which renders no longer accurate and correct the following items of Form 4-R "Application for Registration as an Associated Person":

Item 4—residence address;

Item 15—refusal, suspension or revocation of registration as a commodity futures representative, customers' man or account executive or of membership privileges on any commodity or security exchange or with a national securities association; and

Item 18—any action by the United States Securities and Exchange Commission, the securities commission or equivalent authority of any State, for the regulation of brokers dealing in securities and commodities, any conviction of a felony or misdemeanor (other than minor traffic violations), any conviction involving the handling of any commodity or securities account for any customers, or debarment by any agency of the United States from contracting with the United States.

It is proposed to recommend the addition of new §§ 1.8a, 1.10a and 1.16a to read as follows:

§ 1.8a Registration required of associated persons.

(a) No person shall act as associated person within the United States, its territories and possessions unless such person shall have been registered as an asciated person under the Commodity Exchange Act by the Commodity Futures Trading Commission and such registration has not expired, been suspended, or revoked: *Provided, however*, that any person acting as an associated person who is registered as a floor broker or is a sole proprietor of a registered futures commission merchant (and such registration is not suspended or revoked) need not also register under these provisions.

(b) It shall be unlawful for any futures commission merchant or any agent of a futures commission merchant to permit an associated person to become or remain associated with him in any such capacity if such futures commission merchant or agent knows or should have known that the associated person is not so registered or that such registration has expired, or is suspended or revoked.

§ 1.10a Applications for registration of associated persons.

Application for registration as an associated person shall be made on Form 4-R. Each application shall be executed and filed in accordance with the instructions accompanying the prescribed form.

§ 1.16a Period of registration for associated persons.

During the initial registration period under the Commodity Exchange Act as amended by Pub. L. 93-463, the effective period for the initial registration of associated persons shall be established by the Commodity Futures Trading Commission, not to exceed two years from the effective date thereof and not to be less than one year from the effective date thereof. Each such registration shall be renewed upon application, for renewal, for a period that shall expire two years after the termination of the initial registration period, unless the registration is under suspension or has been revoked.

All interested persons are requested to submit their views as to the proposed regulations regarding the registration of associated persons.

Written statements of interested persons should be mailed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250 prior to January 27, 1975. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during the regular business hours.

Issued: December 9, 1974.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.74-29015 Filed 12-11-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Revised Pages of REA Standard for Splicing

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue Bulletin 345-6 to announce revised pages in REA Splicing Standard PC-2. On issuance of REA Bulletin 345-6, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised pages may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before January 13, 1975. All written submissions made pursuant to this notice

will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages of REA Standard PC–2 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–6 announcing the revised pages of the standard is as follows:

REA BULLETIN 345–6

Subject: REA Splicing Standard PC–2.

I. Purpose. To announce the issuance of revised pages to REA Splicing Standard PC–2.

II. General. Tables 1 and 2 on pages 11 and 12 of PC–2 have been revised to reduce the quantity of conductors and loading coils to be placed in buried plant housings. These changes are to facilitate the installation of the bundle bag which is now included in the 511 Contract for use on both the filled and nonfilled cables and wires.

The revised pages to PC–2 become effective immediately upon issuance of this bulletin.

III. Availability of standard. Copies of the revised pages to PC–2 will be furnished by REA upon request. Questions concerning the revised pages may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3827.

Dated: December 6, 1974.

C. R. BALLARD,
Assistant Administrator,
Telephone.

[FR Doc.74–29016 Filed 12–11–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–GL–46]

CONTROL ZONE AND TRANSITION AREA

Proposed Change of Name

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to change the name of the Jefferson, Ohio control zone and Jefferson, Ohio transition area to Ashtabula, Ohio.

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 January 13, 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, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The Jefferson, Ohio control zone and Jefferson, Ohio transition area now only protects instrument approach procedures into the Ashtabula County Airport. The airport manager advised that the name of the zone and transition area causes confusion to pilots by not being the same as the airport being served. Therefore, it is necessary to change the name of the control zone and transition area from Jefferson, Ohio to Ashtabula, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354) and § 71.181 (39 FR 440) the name of the control zone and transition area is changed from Jefferson, Ohio to Ashtabula, Ohio.

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

Issued in Des Plaines, Illinois on November 14, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.74–28917 Filed 12–11–74;8:45 am]

[Airspace Docket No. 74–RM–18]

[14 CFR Part 71]

TRANSITION AREA

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would establish a transition area at Forsyth, Mont.

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 on or before January 6, 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, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The State of Montana has installed a non-directional radio beacon to serve the airport at Forsyth, Mont. A public instrument approach procedure utilizing this NDB has been developed. It is necessary to designate controlled airspace to protect aircraft conducting this new approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (39 FR 440) the following transition area is added:

FORSYTH, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Forsyth Airport (latitude 46°16'14" N., longitude 106°37'00" W.); within 4 miles north and 5 miles south of the 075° bearing from the Forsyth NDB (latitude 46°16'10" N., longitude 106°31'01" W., extending from the NDB to 10 miles east of the NDB; and that airspace extending upward from 1200 feet above the surface within 9.5 miles north and 5 miles south of 089° bearing from the Forsyth NDB, extending from the NDB to 18.5 miles east of the NDB, excluding that portion which overlies the Miles City, Mont, transition area.

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

Issued in Aurora, Colorado, on December 2, 1974.

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

[FR Doc.74–28418 Filed 12–11–74;8:45 am]

[14 CFR Part 139]

[Docket No. 14194; Notice No. 74–37]

CERTIFICATION OF AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Proposed Definition

The Federal Aviation Administration is considering amending Part 139 of the Federal Aviation Regulations to include the definition of the word "airport" which now appears in section 101(9) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and further to define the term "regularly" which appears in that definition of "airport." The definition of "airport" proposed in this notice differs somewhat from the definition set out in Part 1 and currently applicable to subchapters A through K of the Federal Aviation Regulations (Parts 1 through 139).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and

be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C., 20591. All communications received on or before January 15, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 139 of the Federal Aviation Regulations provides for the issuance of airport operating certificates for land airports serving CAB-certificated air carriers. As originally adopted, Part 139 was applicable only to land airports serving "scheduled" air carriers operating large aircraft (other than helicopters). Amendment 139-1 (38 FR 9795) published in the Federal Register on April 20, 1973, amended Part 139, effective May 21, 1973, to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board, and to provide for the issuance of provisional airport operating certificates for airports serving only unscheduled operations or operations with small aircraft. Amendment 139-6 (39 FR 29342; August 15, 1974) amended Part 139 effective August 15, 1974, to provide for the issuance of "limited" airport operating certificates and operations specifications for airports serving air carriers conducting only unscheduled operations or operations with small aircraft. Amendment 139-5 (39 FR 11974; April 1, 1974) provided for the expiration of all provisional airport operating certificates on December 15, 1974. Under Amendment 139-6, holders of provisional airport operating certificates issued under § 139.12 had the option of retaining that certificate until the termination date of December 15, 1974, and complying with the reporting requirements of § 139.12, or surrendering that provisional certificate and obtaining a "limited" airport operating certificate under § 139.12(a).

It has become apparent to the FAA that a number of CAB-certificated air carriers operate, on an infrequent or intermittent basis, for the purpose of receiving or discharging passengers or cargo, into landing areas which are not held out to be or generally recognized by the public as "airports," but are included in the definition of "airport" in Part 1. Small aircraft operations into cleared areas for delivery of supplies to Forest Service fire towers, helicopter operations to fishing camps, farms or racetracks, and delivery of supplies, materials or personnel at remote construction sites, are examples of such operations.

Section 101(9) of the Federal Aviation Act of 1958 defines "airport" as ". . . a landing area used regularly by aircraft for receiving or discharging passengers or cargo." The FAA believes that the landing areas described above, when used on an infrequent or intermittent basis, fall outside the definition of "airport" contained in the Act, and that certification of such landing areas and sites is both unnecessary and impracticable, at this time.

Accordingly, the FAA proposes, for the purposes of Part 139, to apply the definition of "airport" now contained in the Act, and to define "regularly" as meaning used, during the 12 calendar months preceding an aircraft operation (landing or takeoff), for either any air carrier service conducted pursuant to a published schedule, or an average of one or more aircraft operations (landing or takeoff) per day during any three consecutive calendar months.

Safety of air carrier operations at those landing areas which would not be certificated is provided for in § 121.590 of Part 121 and § 127.218 of Part 127. Those sections, which are applicable to air carriers, prohibit operations, unless otherwise authorized by the Administrator, into an "airport" unless that airport is certificated under Part 139. Part 1 of the Federal Aviation Regulations defines "airport" as meaning ". . . an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any." The definition of "airport" contained in Part 1 of the Federal Aviation Regulations is applicable to §§ 121.590 and 127.218. Operators to whom those sections are applicable would be required to obtain the authorization of the Administrator for operations into those landing areas or sites which are outside the definition of "airport" as applicable to Part 139, but come within the definition of "airport" as applicable to §§ 121.590 and 127.218.

It is proposed to amend Part 1, in the light of comments received in response to this notice, to reconcile or distinguish the applicability of the two definitions.

The proposals contained in this notice are made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1429, 1430(a), and 1432) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 139 of the Federal Aviation Regulations by amending § 139.1 by adding new paragraphs (b)(4) and (b)(5), to read as follows:

§ 139.1 Applicability.

* * * * *

(b) As used in this Part—

* * * * *

(4) "Airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(5) "Regularly" as used in the definition of "airport" in this section means used, during the 12 calendar months preceding an aircraft operation (landing or take off), for either—

(i) any air carrier service conducted pursuant to a published schedule; or

(ii) an average of one or more aircraft operations (landing or takeoff) per day during any three consecutive calendar months.

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

WILLIAM V. VITALE,
Director, Airports Service.

[FR Doc.74-28943 Filed 12-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 304-8]

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

Acetaldehyde; Proposed Exemption From Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and Agricultural Experiment Station of Maryland submitted a petition (PP 4E1473) proposing establishment of an exemption from the requirement of a tolerance for residues of the fungicide acetaldehyde when used as a postharvest storage fumigant on apples and strawberries.

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

(1) Acetaldehyde is useful for the purpose for which the exemption is proposed.

(2) The proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that Part 180 be amended by adding the following new section to Subpart D:

§ 180.1031 Acetaldehyde; exemption from the requirement of a tolerance.

The fungicide acetaldehyde, when used postharvest as a storage fumigant, is exempt from the requirement of a tolerance for residues in or on apples and strawberries.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before January 13, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room

421 East Tower, 401 M Street, SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before January 15, 1975 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 6, 1974.

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

[FR Doc.74-28900 Filed 12-11-74;8:45 am]

notices

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

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 99, Amdt. No. 2]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES, ET AL.

Delegation of Authority Concerning Contracting and Related Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961 (26 FR 10608), I hereby further amend Delegation of Authority No. 99 dated April 27, 1973 (38 FR 12834), as amended, as follows:

1. Paragraph 1.D. is revised to read as follows:

D. Authority to sign or approve the following for disaster relief purposes subject to the limitations set forth in AID Handbook 8:

(1) To the Assistant Administrator for Population and Humanitarian Assistance or his designee:

(a) U.S. Government contracts;

(b) Grants, and any country contracts financed by such grants;

(c) Obligations to reimburse other U.S. Government agencies for their operations in support of disaster relief efforts.

(2) To each director of an AID mission (or in countries where there is no AID mission, the Chief of the diplomatic mission):

(a) U.S. Government contracts;

(b) Grants, and any country contracts financed by such grants.

2. Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

3. This amendment shall be effective immediately.

Dated: December 2, 1974.

JOHN E. MURPHY,
Deputy Administrator.

[FR Doc.74-28911 Filed 12-11-74;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TUNERS (OF THE TYPE USED IN CONSUMER ELECTRONIC PRODUCTS) FROM JAPAN

Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan was made in Treasury Decision 70-257 which was published in the FEDERAL REGISTER on December 12, 1970 (35 FR 18914).

After due investigation, I find that tuners (of the type used in consumer electronic products) manufactured and sold for export by Matsushita Electric Industrial Co., Ltd. and Matsushita Electric Trading Co., Ltd., both of Osaka, Japan, have not been, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). Sales of tuners (of the type used in consumer electronic products) by Matsushita Electric Industrial Co., Ltd. and Matsushita Electric Trading Co., Ltd., since December 1970 have been at not less than fair value, and assurances have been given that future sales of such tuners to the United States will not be made at least than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan to exclude the tuners produced and sold by Matsushita Electric Industrial Co., Ltd. and Matsushita Electric Trading Co., Ltd., both of Osaka, Japan, from the finding.

In accordance with § 153.37, *Customs Regulations* (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW, Washington, D.C. 20229, in time to be received by his office not later than December 23, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than January 13, 1975.

This notice is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.51(c)).

Dated: December 5, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of Treasury.

[FR Doc.74-28733 Filed 12-11-74;8:45 am]

Customs Service

[T.D. 74-302]

FOREIGN CURRENCIES

Rates of Exchange Certified

DECEMBER 3, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-264 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
Nov. 18, 1974	$0.0567
Nov. 19, 1974	.0565
Nov. 20, 1974	.0561
Nov. 21, 1974	(1)
Nov. 22, 1974	.0561
Belgium franc:	
Nov. 18, 1974	0.02687
Denmark krone:	
Nov. 18, 1974	0.1719
Germany deutsche mark:	
Nov. 18, 1974	0.4102
Nov. 19, 1974	.4026
Nov. 20, 1974	.3994
Nov. 21, 1974	(1)
Nov. 22, 1974	.4030
Malaysia dollar:	
Nov. 18, 1974	0.4380
Nov. 19, 1974	.4395
Nov. 20, 1974	.4363
Sweden krona:	
Nov. 18, 1974	0.2367
Switzerland franc:	
Nov. 18, 1974	0.3835
Nov. 19, 1974	.3772
Nov. 20, 1974	.3620
Nov. 21, 1974	(1)
Nov. 22, 1974	.3652

[1] Use Quarterly Rate.

[SEAL] R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74-28945 Filed 12-11-74;8:45 am]

DEFENSE MANPOWER COMMISSION

PUBLIC HEARING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Defense Manpower Commission will hold a public hearing on January 28, 1975, in the U.S. Court House, Room 1529, 312 North Spring Street, Los Angeles, California from 9 a.m. to 4 p.m. so that representative of public and private organizations and interested citizens can express their views on the issues which the Commission is required to address by its enabling legislation.

Pub. L. 93-155 directs the Commission to conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what

the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

The Commission is required to submit its final report to the Congress and to the President not more than twenty-four months after the appointment of the Commission, and shall cease to exist sixty days after the submission of its final report.

In carrying out its study and investigation, the Commission has been directed to give special consideration to:

(1) The effectiveness with which civilian and active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

(2) Whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

(3) The distribution of grades within each armed force and the requirements for advancement in grade;

(4) The cost effectiveness and manpower utilization of the United States Armed Forces as compared with the armed forces of other countries;

(5) Whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans;

(6) The methods and techniques used to attract and recruit personnel for the armed forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(7) The implications for the ability of the armed forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Pub. L. 92-129 and the implications for national policies of this change in the composition of the armed forces; and

(8) Such other matters related to manpower as the Commission deems pertinent to the study and investigation.

Interested persons may make an oral presentation and/or submit a written statement for consideration by the Commission during the meeting.

The length and number of oral presentations to be made will depend on the number of requests received. Maximum time permitted per presentation will be fifteen (15) minutes.

Each person desiring to make an oral presentation or submit a written statement must notify the Commission and provide at least 10 copies of the presentation statement by January 22, 1975. The order of the presentations on the agenda will be determined by the order in which requests are received by the staff.

Statements should be limited to the mission of the Commission as outlined in Pub. L. 93-155, or other current issues regarding Department of Defense manpower.

Written material in furtherance of presentations will be accepted by the Commission at the time of the meeting and for four days thereafter.

Persons wishing to make presentations, or interested persons wishing to attend the public hearing as observers, must notify Mr. Rippa of the Commission staff (202/254-7803) by January 22, 1975. Copies of statements and other correspondence must be sent to: Defense Manpower Commission, 1111 18th Street, NW, Room 301, Washington, D.C. 20036, ATTN: Hearing Management.

Dated: December 6, 1974.

BRUCE PALMER, Jr.,
General, USA (Ret.),
Executive Director.

[FR Doc.74-28818 Filed 12-11-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

A-10 BEDDOWN AT DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

Intent To Prepare Environmental Impact Statement

Correction

In FR Doc. 74-28539 appearing at page 42698 in the issue of Friday, December 6, 1974 the heading should read as set forth above.

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, January 7, 1975.
Tuesday, January 14, 1975
Tuesday, January 21, 1975
Tuesday, January 28, 1975

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 USC 552 (b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 USC 552 (b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

DECEMBER 9, 1974.

[FR Doc.74-28940 Filed 12-11-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SALT LAKE DISTRICT U-1 GRAZING BOARD

Notice of Meeting

DECEMBER 4, 1974.

Notice is hereby given that the U-1 District Grazing Board of the Salt Lake District will hold a formal meeting on December 18, 1974. The formal meeting will convene December 18, at 10 a.m. at the Red Baron Restaurant, 1167 South Main, Brigham City, Utah. The purpose of the meeting will be to consider any protests to the Board that resulted from Board's action at the November 26, 1974, meeting held in Salt Lake City, Utah.

The meeting will be open to the public. Time will be available for limited comments by members of the public. Those wishing to make an oral statement should inform the Chairman of the Board prior to the meeting of the Board. Any interested person may file a written statement with the Board for their consideration. The Advisory Board Chairman is Norman Weston. Written statements may be submitted at the meeting or mailed to Mr. Weston c/o District Manager, Bureau of Land Management, 1745 West 1700 South, Rm. 214, Salt Lake City, Utah 84104. Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Salt Lake District Office, (801) 524-5348. Minutes of the meeting will be available for public inspection thirty days after the meeting at the District Office, 1745 West 1700 South, Salt Lake City, Utah 84104.

LEROY R. TURNER,
Acting District Manager.

[FR Doc.74-28932 Filed 12-11-74;8:45 am]

[Colorado 22045]

SUN OIL CO.

Pipeline Application

DECEMBER 5, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Sun Oil Company, 800 Security Life Bldg., Denver, Colorado 80202,

has applied for a right of way for two (2) six inch gas pipelines across the following lands.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 102 W.,
Sections 19, 20, 28, 29, 33, 34 and 35.
T. 2 S., R. 103 W.,
Sections 13, 14, 15 and 24.

The two lines will take gas from the Lower Horse Draw Compressor Station in section 15, T. 2 S., R. 103 W., to Sun Oil Company's Dragon Trail Gas Products Plant in section 35, T. 2 S., R. 102 W., for processing and return the residue to the compressor station.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, on or before January 13, 1975.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.74-28931 Filed 12-11-74;8:45 am]

Geological Survey

KNOWN GEOTHERMAL RESOURCES AREA

Burns Butte, Oregon

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 USC 1020), and delegations of authority in 220 Department Manual 4.1 H, Geological Survey Manual 220.3, and Conservation Division Supplement (Geological Survey Manual) 220. 2.1 G, the following described lands are hereby defined as the Burns Butte known geothermal resources area, effective February 1, 1974:

(37) OREGON

BURNS BUTTE KNOWN GEOTHERMAL RESOURCES AREA

Willamette Meridian, Oregon

T. 23 S., R. 30 E.,
Sec. 28.

The area described aggregates 640.00 acres, more or less.

Dated: November 27, 1974.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.74-28939 Filed 12-11-74;8:45 am]

KNOWN GEOTHERMAL RESOURCES AREA

Kennedy Hot Spring, Washington

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 USC 1020), and delegations of authority in 220 Department Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Kennedy Hot Spring known geothermal resources area, effective February 1, 1974:

(47) WASHINGTON

KENNEDY HOT SPRING KNOWN GEOTHERMAL RESOURCES AREA

Willamette Meridian, Washington

T. 30 N., R. 12 E.,
Sec. 1, 2, 12.
T. 31 N., R. 12 E.,
Sec. 35, 36.

The area described aggregates 3,311 acres, more or less.

Dated: November 27, 1974.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.74-28938 Filed 12-11-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SANDIA PEAK TRAM CO. LAND EXCHANGE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement of a Proposal by Sandia Peak Tram Company to Exchange Land, Cibola National Forest, USDA-FS-DES(Adm) R3-75-02.

The environmental statement considers probable environmental effects of the proposed program.

The draft environmental statement was transmitted to CEQ on December 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Rm. 3230
14th & Independence Avenue, SW
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold, SW
Albuquerque, New Mexico 87102

Cibola National Forest
10308 Candelaria, NE
Albuquerque, New Mexico 87112

Single copies are available upon request to the Forest Supervisor, Cibola National Forest, 10308 Candelaria, NE, Albuquerque, New Mexico 87112; and the Regional Forester, Southwestern Region, 517 Gold SW, Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Coments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor W. L. Lloyd, Cibola National Forest, 10308 Candelaria NE, Albuquerque, New Mexico 87112. Comments must be received on or before February 10, 1975, in order to be considered in the preparation of the final environmental statement.

W. L. EVANS,
Deputy Regional Forester, R3.

DECEMBER 5, 1974.

[FR Doc.74-28923 Filed 12-11-74;8:45 am]

BEAR VALLEY PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Bear Valley Planning Unit, Boise and Challis National Forests, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-8.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Bear Valley Planning Unit on the Boise and Challis National Forests, Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Stream conditions for protection of spawning areas for anadromous fishery sites will be maintained or improved. Recreation opportunities will receive minor modification with opportunities for solitude slightly reduced and opportunities for developed type recreation improved. The mix of uses provided for includes moderate levels of consumptive resource uses. Significant areas will remain un-

developed with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on December 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

Forest Supervisor
Challis National Forest
Forest Service Building
Challis, Idaho 83226

District Forest Ranger
Lowman Ranger District
Idaho Building, Room 517
Boise, Idaho 83702

District Forest Ranger
Middle Fork Ranger District
Challis, Idaho 83226

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706 and Forest Supervisor R. O. Benjamin, Challis National Forest, Forest Service Building, Challis, Idaho 83226.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706 and/or Forest Supervisor R. O. Benjamin, Challis National Forest, Forest Service Building, Challis, Idaho 83226. Comments must be received by February 3, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: December 5, 1974.

CHARLES P. TEAGUE, JR.,
Acting Regional Forester.

[FR Doc.74-28922 Filed 12-11-74;8:45 am]

KANIKSU WORKING CIRCLE, KANIKSU NATIONAL FOREST, TIMBER MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Kaniksu Working Circle Timber Management Plan, USDA-FS-FES (Adm) R1-73-10.

The environmental statement concerns a proposed revision of the current timber management plan for the Kaniksu Working Circle, Kaniksu National Forest.

This final environmental statement was filed with CEQ on December 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Bldg., Room 3077
Missoula, MT 59801

USDA Forest Service
Panhandle National Forests
218 N. 23rd St.
Coeur d'Alene, ID 83814

A limited number of single copies are available upon request to Forest Supervisor Ralph D. Kizer, Panhandle National Forests, Box 310, Coeur d'Alene, Idaho 83814.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: December 5, 1974.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.74-28921 Filed 12-11-74;8:45 am]

Soil Conservation Service

NIBBS CREEK WATERSHED PROJECT, VIRGINIA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the Nibbs Creek Watershed Project, Amelia County, Virginia, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-VA.

The EIS concerns a plan for watershed protection, flood prevention, and municipal water supply for Amelia County, Virginia. The planned works of improvement provide for conservation land treatment and one multiple-purpose structure for floodwater, sediment and municipal water supply storage.

A limited supply of the draft EIS is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 9026 Federal Building, 400 North 8th Street, Richmond, Virginia 23240.

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to D. N. Grimwood, State Conservationist, Soil Conservation Service, P.O. Box 10026, Richmond, Virginia 23240.

Comments must be received on or before Feburary 1, 1975, in order to be considered in the preparation of the final environmental impact statement.

Dated: December 5, 1974.

J. W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

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

[FR Doc.74-28924 Filed 12-11-74;8:45 am]

SAND CREEK WATERSHED PROJECT, KANSAS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Sand Creek Watershed Project, Harvey and Marion Counties, Kansas, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-KS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by two floodwater retarding structures and one multiple-purpose reservoir with facilities. The recreational development will provide 60,000 recreation visits annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas, 67401.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert K. Griffin, State Conservationist, Soil Conservation Service, 760 S. Broadway, Salina, Kansas, 67401.

Comments must be received on or before February 17, 1975, in order to be considered in the preparation of the final environmental impact statement.

Dated: December 5, 1974.

J. W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

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

[FR Doc.74-28925 Filed 12-11-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 22(73)-4]

HELMUT HOFFMAN AND UBERSEE-TECHNIK PLANNING AND ERRICHTUNG VON INDUSTRIE-ANLAGEN GMBH & CO.

Order Denying Export Privileges for an Indefinite Period

In the matter of Helmut Hoffman and Ubersee-Technik Planning Und Errichtung Von Industrie-Anlagen GmbH & Co., 12-14 Ernest-Merck-Strasse 2, Hamburg 1, West Germany, respondents.

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, United States Department of Commerce, has applied for an order denying the above-named respondents all export privileges for an indefinite period because said respondents, without good cause being shown, failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.6 of the export regulations issued under the Export Administration Act.

The application for an indefinite denial order was referred to the Hearing Commissioner, Bureau of East-West Trade, who, after considering the evidence, has recommended that the application be granted. The report of the Hearing Commissioner and the evidence supporting the application have been considered.

The evidence presented shows that respondents Ubersee-Technik Planning Und Errichtung Von Industrie—Anlagen GmbH and Company and Helmut Hoffman, manager of Ubersee-Technik, are and have been engaged in the business of importing and exporting and otherwise dealing in oil field equipment of U.S. origin. In addition, evidence indicates that Helmut Hoffman and Ubersee-Technik have maintained a relationship with a firm and individual through which controlled U.S.-origin commodities have been illegally exported.

The evidence further shows that the Compliance Division is conducting an investigation into the disposition of U.S.-origin oil equipment by Helmut Hoffman and Ubersee-Technik. The Compliance Division is, as well, investigating the nature of the relationship of Helmut Hoffman and Ubersee-Technik with the aforementioned firm and individual which have illegally exported controlled U.S. origin commodities.

It is impracticable to subpoena the respondents in West Germany. Accordingly, relevant and material interrogatories and a request to furnish certain specified documents relating to the transactions in question were served on respondents pursuant to § 388.6 of the Export Administration Regulations. The respondents have refused to answer the interrogatories and to furnish the requested documents, relying upon the grounds of a claim of innocence of wrongdoing and a refusal to recognize the obligation to respond to the interrogatories and to the request for certain documents. The grounds presented fail to meet the requirement of a showing of good cause for refusal to respond to requests made pursuant to § 388.6 of the export regulations. I therefore find that an order denying U.S. export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act and export regulations.

Accordingly, *it is hereby ordered:* I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondents, their successors or assigns, partners, representatives, agents and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor, and to any person, firm, corporation, or business organization with which they either then or now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or services connected therewith.

IV. The order shall remain in effect until the respondents provide responsive answers, written information and documents, in response to the interrogatories heretofore served upon them, or give adequate reasons for not doing so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for such respondent or any related party denied export privileges or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VIII. In accordance with the provisions of § 388.15 of the export regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Hearing Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on November 8, 1974.

Dated: November 8, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-28926 Filed 12-11-74;8:45 am]

National Bureau of Standards

ALUMINUM TUBULAR FRAME SCREENS

Commercial Standard Action on Proposed Withdrawal

In accordance with section 10.12 of the Department's "Procedures for the

Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 240–61, "Aluminum Tubular Frame Screens."

It has been determined that this standard is no longer used by the industry and that revision would serve no useful purpose. The subject matter of CS 240–61 is adequately covered by a replacement document published by the Screen Manufacturers Association entitled SMR–1003, "Aluminum Tubular Frame Screens for Windows." This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of October 30, 1974 (39 FR 38270), to withdraw this standard.

The effective date for the withdrawal of this standard will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: December 6, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–28986 Filed 12–11–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[CAP 2C0104]

AMERICAN CYANAMID CO.

Filing of Amendment to Petition for Color Additive

Notice was given in the FEDERAL REGISTER of August 16, 1972 (37 FR 16559), that a petition (2C0104) had been filed by Davis & Geck Division, American Cyanamid Co., Pearl River, NY 10965, proposing safe use of D&C Green No. 6 [1,4-di-*p*-toluidino-anthraquinone] in coloring polyglycolic acid surgical sutures

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that the original petition filed by Davis and Geck Division has been amended to propose safe use of D&C Green No. 6 in coloring polyglycolic acid surgical sutures for use in ophthalmic surgery.

Dated: December 5, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74–28956 Filed 12–11–74;8:45 am]

[FAP 4A3014]

EASTMAN CHEMICAL PRODUCTS, INC.

Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4A3014) has been filed by Eastman Chemical Products, Inc., Kingsport, TN 37662, proposing that § 121.1142 *Polyethylene, oxidized* (21 CFR 121.1142) be amended to provide for the safe use of oxidized polyethylene as a protective coating or component of protective coatings for fresh avocados, bananas, beets, coconuts, eggplant, garlic, mango, onions, papaya, peas (in pods), pineapple, plantain, potatoes, pumpkin, rutabaga, squash (acorn), turnips, watermelon, Brazil nuts, chestnuts, filberts, hazelnuts, pecans, and walnuts (all nuts in shells).

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20352, during working hours, Monday through Friday.

Dated: December 5, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74–28955 Filed 12–11–74;8:45 am]

[FAP 5B3056]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786, 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3056) has been filed by the Monsanto Co., 800 North Lindbergh Blvd., St. Louis, MO 63166, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of an acrylonitrile-styrene copolymer in the manufacture of bottles intended to hold soft drinks.

An environmental impact analysis report has been submitted by the petitioner. Copies of the report are available in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs announced the need for issuance of an Environmental Impact Analysis Statement for FDA actions on substances used or intended for use in the fabrication of plastic bottles for carbonated beverage and beer use. This announcement in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) required the submission of Environmental Impact Analysis Reports (EIAR) for such articles. The EIAR for this petition and others submitted in response to this notice are being reviewed for issuance of a Draft Environmental Impact Statement.

In the meantime, the petition is being reviewed with respect to the proposed safe use of the additive in the fabrication of bottles intended to hold soft drinks.

Dated: December 5, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74–28957 Filed 12–11–74;8:45 am]

Social Security Administration

INDEPENDENT LABORATORIES

Delegation of Authority To Establish Negotiated Payment Rates

Section 279 of Public Law 92–603, which amended section 1833 of the Social Security Act (the Act), provides the Secretary of Health, Education, and Welfare with authority to establish negotiated payment rates with independent laboratories participating in the Medicare program, for the purpose of reimbursing such laboratories for diagnostic tests performed on behalf of Medicare beneficiaries. Such negotiated rates would be limited to amounts not in excess of the total payment that would have been made for these services in the absence of such rates, and would cover any coinsurance amounts which would be due the laboratory from Medicare beneficiaries in the absence of a negotiated rate. However, whether or not a negotiated rate applies, a beneficiary must still have met the deductible under part B of title XVIII of the Act before payments to laboratories which choose to be paid on a negotiated rate basis could be paid on his behalf.

The Secretary has delegated his authority under section 279 of Public Law 92–603 to the Commissioner of Social Security, with authority to redelegate (subsection a. of section D–1 and sections E and F of Part 4—Social Security Administration—in the "Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare").

Notice is hereby given that the Commissioner has redelegated such authority to other Social Security Administration (SSA) officials, as follows:

(1) Deputy Commissioner.

(2) Director and Deputy Director, Bureau of Health Insurance.

(3) Deputy Director (Program Policy) and Assistant Deputy Director (Program Policy), Bureau of Health Insurance.

(4) Assistant Bureau Director, Provider and Medical Services Policy, Bureau of Health Insurance.

(5) Chief, Medical Services Reimbursement Branch, Division of Provider and Medical Services Policy, Bureau of Health Insurance.

(6) Regional Commissioners.

(7) Regional Representatives and Deputy Regional Representatives, Bureau of Health Insurance.

The following condition shall apply to these redelegations of authority:

Further redelegations of this authority are not authorized, except that, upon

receipt of formal concurrence from the Director of the Bureau of Health Insurance, Regional Representatives, Health Insurance may redelegate their authority to other positions in Regional Offices of the Bureau of Health Insurance, but not below the Program Officer level.

The redelegations herein published are effective as of December 12, 1974.

Dated: December 5, 1974.

JAMES B. CARDWELL,
Commissioner of Social Security.

[FR Doc.74-28984 Filed 12-11-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 27-47]

CHEM-NUCLEAR SYSTEMS, INC.

Amendment of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 06 to License No. 46-13536-01.

The license amendment deletes authority for possession and storage and subsequent burial of uranium 235 at the licensee's facility located near Barnwell, South Carolina. The amendment also reduces the possession limit for uranium 235 from 850 grams to 350 grams.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve hazard considerations different from those proviously evaluated. On or before December 27, 1974, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with the Commission in the manner prescribed in the Commission's "Rules of Practice," 10 CFR Part 2.

Dated at Bethesda, Maryland December 4, 1974.

For the Atomic Energy Commission.

BERNARD SINGER,
Chief, Materials Branch, Directorate of Licensing.

[FR Doc.74-28954 Filed 12-11-74;8:45 am]

[Docket Nos. 50-475 and 50-476]

CONSUMERS POWER CO.

Withdrawal of Application for Utilization Facility Licenses

Take Notice that the Atomic Energy Commission, by Memorandum and Order of October 1, 1974, has granted the request dated August 2, 1974, of Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, for withdrawal of its application for licenses to construct and operate the Quanicassee Plant, Units 1 and 2, a two-unit pressurized water nuclear reactor at a site in Hampton Township, Bay County, Michigan. A copy of the request for withdrawal is available for inspection at the AEC's Public Document Room, 1717 H Street, NW, Washington, D.C.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 29, 1974, 39 FR 11639.

Dated at Bethesda, Maryland, this 6th day of December 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-28949 Filed 12-11-74;8:45 am]

[Docket No. 50-323]

PACIFIC GAS AND ELECTRIC CO.

Order

DECEMBER 5, 1974.

In the matter of Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Unit No. 2).

The regulatory staff has moved that we reconsider our order of November 19, 1974, which denied its request for a postponement of the oral argument in this case from December 18, 1974 to January 8, 1975. Schedule conflicts of staff counsel was the only reason advanced by the staff in its original motion asking for postponement. In its reconsideration motion, the staff now asserts that adherence to the December 18, 1974 date would impose excessive administrative burdens, particularly in light of the nearness of that date to the end of the calendar year and the traditional holiday season.

The staff in its original motion represented that all interested parties had been contacted and expressed no objection to a postponement to the January 8, 1975 date. In view of that representation and the additional reasons given by the staff in its motion for reconsideration, the motion is granted. Accordingly, the date for oral argument is postponed until Wednesday, January 8, 1975. Our visit to the Diablo Canyon facility site is postponed until Tuesday, January 7, 1975. The parties should advise the Secretary to this Board by letter, no later than December 30, 1974, of the names of counsel who will present argument. Our oral argument order of November 7, 1974 is modified accordingly, but in all other respects its terms remain in effect and will apply to the rescheduled site visit and oral argument.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

ELEANOR R. HAGINS,
Secretary to the Appeal Board.

[FR Doc.74-28952 Filed 12-11-74;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Construction Permit No. CPPR-94 issued to South Carolina Electric and Gas Company. Notice of the proposed action was published in the FEDERAL REGISTER on October 17, 1974 (39 FR 37088). No request for hearing or request for petition to intervene was filed. The amendment reflects a change in ownership of Virgil C. Summer Nuclear Station, Unit No. 1 (the facility), located in Fairfield County, South Carolina. The amendment is effective as of its date of issuance.

The amendment permits South Carolina Public Service Authority to receive a one-third ownership in the facility. South Carolina Electric and Gas Company retains sole responsibility for the overall technical direction in the licensing, design, construction, operation, management, maintenance and decommissioning of the facility.

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 amendment.

For further details with respect to this action, see (1) the application for amendment dated May 17, 1974, (2) Amendment No. 2 to Construction Permit No. CPPR-94, 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 Fairfield County Library, Vanderhorst Street, Winnsboro, South Carolina.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 3d day of December 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-28953 Filed 12-11-74;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) issued on June 25, 1974, and published in the FEDERAL REGISTER on June 28, 1974 (39 FR 24046), a notice of consideration of proposed changes in the Technical Specifications of Facility Operating License No. DPR-28 issued to the Vermont Yankee Nuclear Power Corporation to permit operation of the Vermont Yankee Nuclear Power Station (located near Vernon, Vermont), using 8 x 8 fuel assemblies and to authorize

changes in the limiting safety system settings and the limiting conditions for operation associated with the 8 x 8 fuel assemblies.

On July 29, 1974, the New England Coalition on Nuclear Pollution (NECNP) filed a timely petition for leave to intervene pursuant to 10 CFR 2.714 of the Commission's Rules of Practice. On October 22, 1974, The Atomic Safety and Licensing Board issued its Order Denying Petition Seeking Intervention by NECNP. On appeal by NECNP, the Atomic Safety and Licensing Appeal Board vacated the denial of intervention and remanded the matter to the Atomic Safety and Licensing Board for further proceedings. However, the Appeal Board denied NECNP's request for a stay of facility operations. Accordingly, the Commission has issued Amendment No. 12 incorporating Change No. 23 to the Technical Specifications of Facility Operating License No. DPR-28 to the Vermont Yankee Nuclear Power Corporation (the licensee). This change, effective immediately, authorizes operation of Vermont Yankee with the 8 x 8 fuel and changes the limiting safety system settings and the limiting conditions for operation associated with the 8 x 8 fuel assemblies.

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.

For further details with respect to this action, see (1) the application for amendment dated May 21, 1974 as supplemented on July 26 and August 23, 1974, (2) the Board's Order dated October 22, 1974, (3) Amendment No. 12 to License No. DPR-28, with Change No. 23, (4) the Commission's concurrently issued related Safety Evaluation, (5) the "Technical Report on the General Electric Company 8 x 8 Fuel Assembly" dated February 5, 1974, (6) the Report of the Advisory Committee on Reactor Safeguards dated February 12, 1974, and (7) the Appeal Board's Decision (ALAB-245) of November 27, 1974. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301. A single copy of items (3) and (4) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 3rd day of December, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-28950 Filed 12-11-74;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) issued on August 8, 1974, and published in the FEDERAL REGISTER on August 19, 1974 (39 FR 29950), a notice of consideration of proposed changes in the Technical Specifications of Facility Operating License No. DPR-28 (issued to the Vermont Yankee Nuclear Power Corporation) relating to operation and surveillance of the low pressure coolant injection system in the emergency core cooling system of the Vermont Yankee Nuclear Power Station (located near Vernon, Vermont).

The State of Vermont filed "Petitions For Leave To Intervene and For Adjudicatory Public Hearing" dated September 18, 1974, as supplemented by a petition dated September 20, 1974, under 10 CFR 2.714 of the Commission's Rules of Practice. Subsequently, on October 31, 1974, the State of Vermont withdrew its petition. On November 1, 1974, the Atomic Safety and Licensing Board issued an Order granting withdrawal of the intervention petition and dismissing the proceeding.

Accordingly, the Commission has issued Amendment No. 11, incorporating Change No. 22 to the Technical Specifications of Facility Operating License No. DPR-28 to the Vermont Yankee Nuclear Power Corporation (the licensee). This change, effective immediately, authorizes the items which were subject of the August 8, 1974 notice, as referenced above.

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.

For further details with respect to this action, see (1) the application for amendment dated June 25, 1974, as supplemented by filings dated September 9, October 1, October 7, October 9, October 29 and November 13, 1974, (2) Amendment No. 11 to License No. DPR-28 with Change No. 22, (3) the Commission's concurrently issued related Safety Evaluation, (4) the Commission's related Safety Evaluation dated October 21, 1974 and transmittal letter dated October 22, 1974, and (5) the Board's Order dated November 1, 1974. 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 Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 3rd day of December, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-28951 Filed 12-11-74;8:45 am]

[Docket No. 50-448 & 449]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON DOUGLAS POINT NUCLEAR GENERATING STATION

Change of Meeting Time

DECEMBER 9, 1974.

The FEDERAL REGISTER Notice, published at 39 FR 41400 (November 27, 1974) relating to the ACRS Subcommittee on Douglas Point Nuclear Generating Station on December 13 and 14, 1974, has been revised as follows:

The portion of the meeting to be held on Saturday, December 14, 1974 has been cancelled.

All other matters pertaining to the meeting remain unchanged. The open portion of the meeting will still commence at 3 p.m. on Friday, December 13.

JOE B. LAGRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74-29034 Filed 12-11-74;8:45 am]

[Docket Nos. 50-348; 50-364]

ALABAMA POWER CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D of 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed operation of the Joseph M. Farley Nuclear Plant Units 1 and 2 by Alabama Power Company in the County of Houston 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 George S. Houston Memorial Library, 212 W. Verdeshaw Street, Dothan, Alabama.

The Final Environmental Statement is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama, 36104 and Southeast Alabama Regional Planning and Development Commission, P.O. Box 1460, Dothan, Alabama.

The notice of availability of the Draft Environmental Statement for the Joseph M. Farley Nuclear Plant Units 1 and 2 and requests for comments from interested persons was published in the FEDERAL REGISTER on August 2, 1974 (39 FR 27933). The comments received from Federal, State, local and interested members of the public have been included as an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Rockville, Maryland, this 7th day of December 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.74-29037 Filed 12-11-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25280; Agreements C.A.B. 24752, C.A.B. 24767; Order 74-11-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Specific Commodity Rates; Order; Correction

NOVEMBER 19, 1974.

In FR Doc. 74-27512 appearing on page 41198 in the issue for Monday, November 25, 1974, change the fourth paragraph to read:

Agreements C.A.B. 24752 and C.A.B. 24767 be and hereby are 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.

Dated: November 25, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-29014 Filed 12-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 305-4]

ELANCO PRODUCTS CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5066) has been filed by Elanco Products Co., a division of Eli Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206, proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the herbicide tebuthiuron (*N*-[5-(1,1 - dimethylethyl) -1,3,4 - thiadiazol-2-yl]-*N*,*N'*-dimethylurea) in sugarcane sirup, molasses, and bagasse at 0.3 parts per million resulting from use of the herbicide in a proposed experimental program involving application to growing sugarcane.

Dated: December 6, 1974.

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

[FR Doc.74-28903 Filed 12-11-74;8:45 am]

[FRL 305-2]

NATIONAL CANNERS ASSOCIATION

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (5H5065) has been filed by National Canners Association, 1133 20th Street, NW, Washington, D.C. 20036, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide toxaphene (chlorinated camphene containing 67-69 percent chlorine) in dried tomato pomace at 100 parts per million.

Dated: November 26, 1974.

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

[FR Doc.74-28902 Filed 12-11-74;8:45 am]

[FRL 305-5]

CHEMAGRO DIVISION OF MOBAY CHEMICAL CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 5F1548) has been filed by Chemagro, Agricultural Division of Mobay Chemical Corp., Post Office Box 4913, Hawthorn Road, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(*H*)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities sorghum grain at 7 parts per million and the meat, fat, and meat byproducts of poultry at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a thermionic detector for phosphorus.

Dated: December 6, 1974.

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

[FR Doc.74-28905 Filed 12-11-74;8:45 am]

[FRL 305-6]

CHEMAGRO DIVISION OF MOBAY CHEMICAL CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 5F1547) has been filed by Chemagro, Agricultural Division of Mobay Chemical Corp., Post Office Box 4913, Hawthorn Road, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(*H*)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities corn fodder and forage at 5 parts per million and field corn grain at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a thermionic detector for phosphorus.

Dated: December 6, 1974.

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

[FR Doc.74-28906 Filed 12-11-74;8:45 am]

[FRL 305-7]

CHEMAGRO DIVISION OF MOBAY CHEMICAL CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 5F1546) has been filed by Chemagro, Agricultural Division of Mobay Chemical Corp., Post Office Box 4913, Hawthorn Road, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide O,O-dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities pasture grass hay at 5 parts per million and pasture grass at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a potassium chloride thermionic emission flame detector.

Dated: December 6, 1974.

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

[FR Doc.74-28907 Filed 12-11-74;8:45 am]

[FRL 305-3]

MOBIL CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; (21 U.S.C. 346a (d)(1))), notice is given that a petition (PP 5F1568) has been filed by Mobil Chemical Co., P.O. Box 26683, Richmond, VA 23261, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the nematocide ethoprop (*O*-ethyl *S,S*-dipropyl phosphorodithioate) in or on cucumbers, lima beans, potatoes, and snap beans at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the nematocide is a gas chromatographic

procedure using a microcoulometric detector.

Dated: December 6, 1974.

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

[FR Doc.74-28904 Filed 12-11-74;8:45 am]

[FRL 303-6]

THE UPJOHN CO.

Extension of Temporary Tolerance

The Upjohn Co., Kalamazoo, MI 49001, was granted a temporary tolerance for residues of the plant regulator cycloheximide (3-[2-(3,5 - dimethyl-2-oxocyclohexyl) - 2 - hydroxyethyl]glutarimide) in or on the raw agricultural commodity group citrus fruits at 0.1 part per million on November 30, 1973, in connection with Pesticide Petition No. 4G1422 (notice was published in the FEDERAL REGISTER of December 6, 1973 (38 FR 33635)).

The firm has requested a one-year extension of the temporary tolerance to obtain additional experimental data. It is concluded that such extension will protect the public health. A condition under which this temporary tolerance is extended is that the plant regulator will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under The Upjohn Co. name.

This temporary tolerance expires November 30, 1975. Residues remaining in or on the above raw agricultural commodities after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: December 6, 1974.

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

[FR Doc.74-28908 Filed 12-11-74;8:45 am]

[FRL 306-1]

PENNSYLVANIA

Public Hearing and Request for State Program Approval

The Commonwealth of Pennsylvania has submitted a request for approval of its State program to control discharges of pollutants into its navigable waters pursuant to section 402 of the Federal Water Pollution Control Act (the "Act"), 33 U.S.C.A. Sections 1251-1376 (1973 Supp.).

A public hearing to consider Pennsylvania's request will be held on January 14, 1975, at the Pennsylvania Department of Environmental Resources, Fulton Building, Third and Locust Streets, Harrisburg, Pennsylvania, starting at 10:00 a.m. The hearing will be held in the second floor conference room.

The Governor of a State desiring to administer a National Pollutant Discharge Elimination System ("NPDES") program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program, pursuant to section 402(b) of the Act. The Administrator is required to approve each program submitted unless it does not meet the requirements of Section 402(b) and EPA's guidelines. To administer the NPDES program, the State must have, among others, the following authorities: (1) authority to issue permits complying with all pertinent requirements of the Act; (2) authority, including civil and criminal penalties, to abate violations of permits or of the permit program; and (3) authority to ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public hearing regarding each permit application. The State must also have and commit itself to use manpower and other resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing "State Program Elements Necessary for Participation in the NPDES" were published in Volume 37 of the Federal Register, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The Commonwealth of Pennsylvania proposed that the Pennsylvania Department of Environmental Resources shall operate the program regulating discharges into its navigable waters in compliance with the Act.

The hearing panel will consist of the Environmental Protection Agency Administrator or his representative, who will serve as the Presiding Officer, the Deputy Secretary of the Pennsylvania Department of Environmental Resources or his representative, and the Environmental Protection Agency Regional Administrator, Region III, or his representative.

This request and program description may be inspected by the public at the Pennsylvania Department of Environmental Resources or at the United States Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (telephone (215) 597-9800).

All interested persons wishing to comment upon the Commonwealth's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by January 27, 1975, either in person or by mail, to the Environmental Protection Agency, Region III, at the previously mentioned address.

Comments are particularly solicited regarding the adequacy or inadequacy of civil and criminal penalties provided by Pennsylvania. The Pennsylvania Clean Streams Law provides for civil penalties of up to $10,000 per violation for the first day of violation and $500 per violation for each additional day. The Law provides for a criminal penalty of up to $1,000 per day for a first violation and up to $5,000 per day for a subsequent offense.

The policy of the EPA is that the maximum civil fines and criminal penalties recoverable under State law must be comparable to the maximum amounts provided in section 309 of the Act or must represent an actual and substantial economic deterrent. In applying either criterion, the maximum fines and penalties should be equal to or of the same order of magnitude as the amounts provided in section 309. Under section 309, a maximum civil penalty of $10,000 or a maximum criminal penalty of $25,000 may be assessed for each day that a violation occurs.

Oral statements will be received and considered. For the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments received by January 27, 1975, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Pennsylvania's request for State program approval.

Please bring the foregoing to the attention of persons who you know would be interested.

Dated: December 6, 1974.

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

[FR Doc.74-28941 Filed 12-11-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP71-7; RP73-77; PGA75-3]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

DECEMBER 5, 1974.

Take notice that on November 21, 1974, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Fifth Revised Sheet No. 3-A and Second Substitute Fifth Revised

Sheet No. 3–A. These revised tariff sheets are proposed to become effective as of January 1, 1975.

Alabama-Tennessee states that the sole purpose of such revised tariff sheets is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on January 1, 1975, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheets provide for the following rates:

Rate schedule	Substitute 5th revised sheet No. 3–A	2d substitute 5th revised sheet No. 3–A
G–1:		
Demand	$3.61	$3.01
Commodity ____cents	46.37	46.40
SG–1: Commodity ____do	68.36	69.39
I–1: Commodity ____do	48.37	48.40

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 December 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–28968 Filed 12–11–74;8:45 am]

[Docket No. E–8621, *et al*]

ARIZONA PUBLIC SERVICE CO.

Further Extension of Procedural Dates

DECEMBER 4, 1974.

On December 2, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 15, 1974, most recently modified by notice issued September 6, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, December 10, 1974.
Service of Intervenor's Testimony, January 3, 1975.
Service of Rebuttal Testimony, January 17, 1975.
Hearing, February 3, 1975 (10:00 a.m. EST).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28971 Filed 12–11–74;8:45 am]

[Docket No. CP73–329; PGA 75–5]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

DECEMBER 5, 1974.

Take notice that on November 27, 1974, Chattanooga Gas Company, (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1975, consisting of the following revised tariff sheets:

Eighth Revised Sheet No. 6, and, alternatively, Substitute Eighth Revised Sheet No. 6.

Chattanooga states that the sole purpose of these Revised Tariff Sheets is to adjust Chattanooga's LNG rates pursuant to the PGA provision in Section 5 of the General Terms and Conditions of its FPC Tariff to reflect increased purchased gas costs resulting from rate increases by its suppliers, Southern Natural Gas Company, (Southern) in Docket No. RP73–64 and East Tennessee Natural Gas Company, (East Tennessee) in Docket No. RP71–15.

Chattanooga requests that its Eighth Revised Sheet No. 6 be made effective on January 1, 1975, or on such other date as the underlying filing of East Tennessee of November 15, 1974, becomes effective including the small producer and emergency purchases of Tennessee Gas Pipeline Company at rates above those established by Commission Opinion No. 699.

Chattanooga further states that it is relying on its alternative rate increase reflected on Substitute Eighth Revised Sheet No. 6 to be effective on January 1, 1975, in the event Eighth Revised Sheet No. 6 is not accepted to be effective on January 1, 1975.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28969 Filed 12–11–74;8:45 am]

[Docket No. RP72–157; PGA75–3]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

DECEMBER 6, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on November 22, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective January 1, 1975. The proposed rate increase would generate $19.9 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Tennessee Gas Pipeline Company (Tennessee) and Texas Eastern Transmission Corporation (Texas Eastern) both to be effective January 1, 1975. Tennessee filed two sets of tariff sheets for the same effective date, one of which, designated as Second Substitute Sixth Revised Sheet Nos. 12A and 12B, includes small producer increases above the level established by Opinion No. 699 while the other, designated as Substitute Sixth Revised Sheet Nos. 12A and 12B, does not. Consolidated has reflected in its filing the Second Substitute Sixth Revised Sheet Nos. 12A and 12B rates of Tennessee. Texas Eastern has also filed two sets of tariff sheets, one of which, designated as Fifth Revised Sheet Nos. 14, 14A, 14B, 14C and 14D, includes the effect of United Gas Pipe Line Corporation's increases arising out of Opinion No. 699 and the other, designated as Alternate Fifth Revised Sheet Nos. 14, 14A, 14B, 14C and 14D, does not. Consolidated has reflected in its filing the Alternate tariff sheet rates of Texas Eastern. Additionally, Consolidated has reflected the reduced rates of Transcontinental Gas Pipe Line Corporation effective October 1, 1974, not previously reflected in any PGA filing and has eliminated the Research and Development Adjustment which became effective November 1, 1974. These Research and Development costs are reflected in the base rates filed in Docket No. RP74–90 which will become effective December 1, 1974.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on January 1, 1975.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons 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 December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28970 Filed 12–11–74;8:45 am]

[Docket Nos. CP70-196, *et al*; CP74-227; CP73-135; CP74-212]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Reconsideration, Scheduling Formal Hearing, Establishing Procedures, and Granting Interventions, Order

DECEMBER 4, 1974.

On September 12, 1974, the Commission issued an "Order Scheduling Formal Hearing on Temporary Requests and Remanded Issues" in the above-referenced proceedings. By such order we consolidated the pending requests for temporary applications filed by Distrigas of Massachusetts Corporation (DOMAC) and Distrigas in Docket Nos. CP73-135 and CP74-227, and reopened in the same proceedings the issues remanded by the Court of Appeals in Docket Nos. CP70-196, et al.[1], for purposes of hearing and disposition. DOMAC's and Distrigas' temporary requests for interstate sales of liquefied natural gas (LNG) out of DOMAC's Everett, Massachusetts facility were filed on March 4, 1974, in response to our order directing Section 7 filings, issued February 22, 1974 in Docket No. CP74-212.[2] Our order of September 12, directed the Applicants to file their direct case, including full cost data in support of its proposed rate schedules for the LNG[3] which it now proposes to sell for resale, by October 22, 1974, and scheduled formal hearing on the matter to commence November 12, 1974.

On October 11, 1974, Distrigas and DOMAC filed a motion for reconsideration of our September 12 order and request for further procedural order. In such motion, petitioners request the Commission to, inter alia, sever the remanded proceedings in CP70-196 from the temporary requests and consolidate the former with the proceedings in Docket Nos. CP73-132 et al.; issue conditional temporary certificates in Docket Nos. CP73-135 and CP74-227; and reschedule any further hearings to allow Applicants thirty days after issuance of our order herein to file their evidence, with hearing to commence fifteen days after service of the direct case. In addition, petitioners requested the Commission to further define the issues to be resolved in the remanded CP70-196 proceedings, and, if hearings are to be scheduled on the temporary requests, to limit the issues therein to questions of customers need for the supplies.

In support of the motion, petitioners initially state that, due to Distrigas' petition for a writ of certiorari, the Court of Appeals mandate in *Distrigas Corporation* v. *FPC* has not yet issued, and therefore the Commission's asserted basis for reopening the CP70-196 proceedings does not exist. In any event, petitioners argue, the reopened proceedings more properly should be determined in consolidation with the CP73-132 proceedings, because under the Court's ruling, "issues which might be examined in Docket No. CP70-196 would be as broad as those involved in pending permanent authorization proceedings." Thus, says Distrigas, the section 3 proceedings would take the place of the pending certificate proceedings. The scheduling of separate hearings, it is contended, imposes a redundant hearing requirement on the applicants.

In addition, Distrigas maintains that our previous order does not sufficiently specify the issues to be resolved on remand, and the applicants cannot determine which areas of evidence are proper. Furthermore, it is urged that the section 3 hearing must be distinguished from the temporary requests because the Natural Gas Act contemplates the latter will be disposed of without a hearing. In this regard, Distrigas stresses that the public interest requires temporary requests be expeditiously decided so that emergency situations can be effectively met. In conclusion, petitioners request that the section 3 hearings in CP70-196 be consolidated with the pending CP-73-132 proceeding in order to avoid needless and expensive duplication.

With respect to the requests for temporary certificates, petitioners state that they are now limiting this request to a period ending October 1, 1975, and that they are willing to accept temporary certificates conditioned on rate refunds and further conditioned to provide that no deliveries shall be made by barge. Such refunds would conceivably be based on the determination of the contract rate in the permanent proceedings in CP73-132, et al. In further support of granting the temporary requests, it is alleged that questions of safety and terminal operation are not at issue with respect to sales or operations already completed.

Answers to Distrigas and DOMAC's motion were filed by Congressman Murphy on October 21, 1974, by the City of New York on October 31, 1974, and by the Attorney General of the State of New York on November 6, 1974. The City of New York supports petitioner's request to consolidate the remanded CP70-196 proceedings with Docket Nos. CP73-132, et al. and does not oppose severing the temporary requests from the other proceedings. The Attorney General also supports Distrigas' consolidation request, and in addition concurs that the temporary requests should be severed and considered separately from the jurisdictional issues in CP70-196.

Congressman Murphy joins in the request to consolidate the CP70-196 remand with the CP73-132 proceedings, and to hear the temporary requests separately. Murphy further requests that the Commission ensure that the Staten Island facilities not be used prior to final determination of the section 3 remand issues by issuing an order to such effect. In the interest of expedition, however, Murphy states that if the Commission does not provide for consolidation and expeditious resolution of the remanded issues, he would then oppose Distrigas' request for postponement of the hearing scheduled by our September 12 order.

On October 25, 1974, Distrigas and DOMAC filed a reply to Congressman Murphy's answer, urging that the Commission deny the request for an order preventing the operation of the Staten Island tanks.

By notice issued November 7, 1974, the Commission Secretary advised that the November 12 hearing date is postponed pending further order of the Commission.

Additional petitions to intervene in these proceedings were filed jointly on September 25, 1974, by Cape Cod Gas Company and Lowell Gas Company, on October 2, 1974 by Shell Oil Company, and on October 3, 1974, by Air Products and Chemicals, Inc. Having reviewed these petitions to intervene, the Commission believes that the petitioners have shown sufficient interest in these proceedings to warrant intervention, and we shall so order.

Initially, petitioners' allegation that the Court of Appeals mandate has not issued because of the petition for certiorari has been rendered moot by the Supreme Court's denial of certiorari on October 14 (Docket No. 73-1761). There can therefore be no argument that we indeed have every basis for reopening Docket No. CP70-196, et al.

Considering the request to sever the temporary requests from the rest of the proceedings, petitioners have convinced us that the public interest requires us to adopt such a procedure. Our order of September 12 noted the similarity of issues between the temporary requests and the court-ordered remand. While that close relationship cannot be ignored, we now believe that the necessity for prompt resolution of temporary applications compels us to hear them separately. Distrigas' new request for an additional 30 days to file evidence, compiled with the complex nature of the remanded issues and possibility of lengthy hearing therein, raises the likelihood that the emergency nature of the temporary sales may be passed before final resolution of a consolidated proceeding. The temporary applications will therefore be severed from the proceedings in CP70-196.

Petitioners' request for immediate conditional certification of the temporary applications, however, is denied. Our prior order outlined the numerous important issues raised by such requests, especially the safety of the operations and the propriety of the resale rate. Nothing in the motion for reconsideration has led us to believe that such issues are not germane to the requests. On the contrary, the contention that the terminal operation has been held non-jurisdictional by Opinion 613 appears to ignore the very existence of the remanded CP70-196 proceedings in which Distrigas' motion has been filed! Furthermore, the statement that there is no safety issue because some of the sales and operations are already completed is callous in the extreme, and serves only to remind us that Distrigas

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[1] *Distrigas Corporation, et al.* v. *FPC, et al.*—U.S. App. D.C. —, 495 F. 2d 1057 (D.C. Cir., 5 April 1974).

[2] Rehearing of our February 22 order was denied by order issued April 22, 1974.

[3] Inport authorization for these volumes was granted by our Opinion No. 613, issued March 9, 1972 in Docket No. CP70-196.

and DOMAC have undertaken jurisdictional transactions without Commission certification in violation of the Natural Gas Act and our own rules and regulations (see orders of February 22 and April 22, 1974). Distrigas' argument that by so circumventing our procedures they can escape any consideration of the important issues sounds inauspiciously like a taunt, which we shall respond to with a firm warning: any future indications we have of further avoidance of the Act or our rules and regulations will promptly be forwarded to the Department of Justice for investigation and possible criminal action.

Turning to the request for consolidation of the CP70–196 proceedings with Docket Nos. CP73–132, et al., the petitioners and respondents are unanimous in urging such procedure for the sake of expedition. Yet it is obvious to us that such a consolidation would only further delay the final resolution of the remanded proceedings. The applicants in CP73–132 et al. have yet to file their direct case, as their regular monthly requests for extensions of time serve to emphasize. Furthermore, the LNG supply contract is still being renegotiated. In essence, the CP73–132 proceedings are a long way from resolution by the continued failure by the Applicant to secure contracts. To burden the remanded CP70–196 proceedings with the problems unique to the CP73–132 docket would, rather than expediting, inexcusably delay a final determination of the former. In addition, we are not convinced that the issues are similar enough to justify consolidation in any event. The reopened proceedings are necessary to a determination as to whether we should impose any Sections 4, 5 and 7 conditions on the original section 3 Distrigas authorization and what if any terms and conditions should attach to the service and rates therein involved. For that evidence which is necessary for both proceedings, incorporation by reference would be a more appropriate way to proceed in the interest of avoiding needless duplication. For the foregoing reasons then, we shall not consolidate the reopened CP70–196 docket with the proceedings in CP73–132 et al., but shall rather schedule a separate hearing.

Finally, Congressman Murphy's response, in addition to supporting the Distrigas motion, in essence renews his previous request (filed September 9, 1974), already acted on by us, for the Commission to issue an order prohibiting all operation of the Staten Island terminal. We need not again respond to this matter, except to refer the parties once more to page 3 of our order of September 12, wherein we respond thoroughly to the Congressman's request. To restate, no interstate operations can take place without our certification, but intrastate operations are, until a final determination in CP70–196, not subject to our jurisdiction.

The Commission further finds and orders. (A) The request to sever the proceedings in Docket No. CP70–196, et al. from the temporary certificate proceedings in Docket Nos. CP74–212, CP73–135 and CP74–227, requested in the motion filed October 11, 1974 by Distrigas and DOMAC, is hereby granted.

(B) The request to issue conditional temporary certificates in Docket Nos. CP74–227 and CP73–135 is denied. The date for filing the direct case of the applicants and all intervenors in support thereof on the issues of the temporary requests, is extended to December 20, 1974. As part of its direct case, Distrigas shall file appropriate evidence, including full cost data in support of its proposed rate schedules, for the sale for resale of all LNG authorized for importation by our Opinion No. 613. The Presiding Administrative Law Judge shall, upon the completion of cross-examination of the direct case, fix dates for the filing of answering testimony.

(C) Formal hearing in the proceedings involving temporary request is extended to commence on January 7, 1975.

(D) The request to consolidate the reopened proceedings in CP70–196 et al. with the CP73–132 et al. proceedings is denied. The direct case of the Applicants and all intervenors in support thereof on the remanded issues, which are described in our order of September 12 and the Court of Appeals decision of April 5, 1974, shall be filed and served on all parties on or before January 3, 1975. The Presiding Administrative Law Judge shall, upon the completion of cross-examination, fix dates for the filing of answering testimony.

(E) A formal hearing in Docket No. CP70–196, et al., on the remanded issues, shall be convened in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. on January 28, 1975.

(F) The Chief Administrative Law Judge shall designate an appropriate officer of the Commission to preside at each of the formal hearings scheduled above, pursuant to the Commission's Rules of Practice and Procedure.

(G) The request of Congressman Murphy for an order preventing the operation of Distrigas' Staten Island LNG terminal is denied.

(H) Cape Cod Gas Company, Lovell Gas Company, Shell Oil Company, and Air Products and Chemicals, Inc. are permitted to intervene in both of these proceedings, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.[4]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28979 Filed 12–11–74;8:45 am]

[4] Commissioner Brooke, dissenting in part, and filed as part of original document.

[Docket No. ID–1346]

HERBERT B. COHN

Supplemental Application

DECEMBER 5, 1974.

Take notice that on November 19, 1974, Herbert B. Cohn (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, applicant seeks authority to hold the following positions:

Vice President & Director, Ohio Electric Company, Public Utility.

Ohio Electric Company, whose principal office is located at 301 Cleveland Avenue, SW., Canton, Ohio 44702 owns and operates the General James M. Gavin Plant at Gallipolis, Ohio which, when completed, will have two 1300 megawatt generating units. All of Ohio Electric Company's available electrical energy is sold to Ohio Power Company, of which it is a wholly owned subsidiary.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28977 Filed 12–11–74;8:45 am]

[Docket No. E–8843]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Extension of Procedural Dates

DECEMBER 4, 1974.

On November 27, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 9, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, December 19, 1974.
Service of Intervenor's Testimony, January 6, 1975.
Service of Company's Rebuttal Testimony, January 16, 1975.
Hearing, January 22, 1975 (10:00 a.m. EST).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–28972 Filed 12–11–74;8:45 am]

[Docket No. E-9131]

INTERSTATE POWER CO.

Tender of Agreement for Initial Service

DECEMBER 5, 1974.

Take notice that on November 25, 1974, Interstate Power Company (Interstate) tendered for filing copies of an Electric Service Agreement (Agreement) for initial service to the City of Strawberry Point, Iowa (Strawberry Point). Interstate states that the agreement provides for the sale of firm power, as well as for the sale of emergency energy and economy energy. The firm power is to be furnished, according to Interstate, at the company's standard wholesale electric rate. That rate is now in effect in thirteen other communities served by Interstate, the company asserts.

Interstate has requested that the effective date of the agreement be established by letter agreement, upon completion of the interconnection facilities being constructed to render the subject service. However, since the completion date for such facilities cannot now be determined, the company requests waiver of § 35.3(b) of the Commission's regulations, since the instant filing may precede the effective date by more than ninety (90) days.

Strawberry Point concurs with the provisions of this service, as evidenced by the signature of her Mayor on the agreement.

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 December 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28973 Filed 12-11-74;8:45 am]

[Docket No. E-9130]

IOWA PUBLIC SERVICE CO.

Application

DECEMBER 4, 1974.

Take notice that on November 25, 1974, Iowa Public Service Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue $50 million of short-term unsecured promissory notes to commercial banks and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1976 and will bear final maturity dates not later than March 31, 1977.

The application states that the bank notes will bear interest at the prime rate in effect at the lending bank at the date of each borrowing. The commercial paper, having maturities not to exceed nine months, will be sold directly to commercial paper dealers and will bear interest rates determined by the market conditions at the time of each borrowing. The aggregate amount of commercial paper outstanding at any one time will not exceed 25% of the applicant's gross operating revenues for the twelve months ending December 31, 1974.

Applicant proposes to use the funds for construction or acquisition of permanent improvements, extensions and additions to applicant's property and/or to pay off maturing short-term loans. Its estimated construction expenditures for the year 1975 are $57,571,042.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 20, 1974, 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 is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28963 Filed 12-11-74;8:45 am]

[Docket No. E-9128]

KANSAS GAS AND ELECTRIC CO.

Filing of Service Agreement

DECEMBER 5, 1974.

Take notice that on November 25, 1974, Kansas Gas and Electric Company (KG&E) tendered for filing an initial service agreement between KG&E and the City of Erie, Kansas. Initial service pursuant to the agreement commenced on November 11, 1974. KG&E states that copies of the agreement have been served upon the City of Erie and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28980 Filed 12-11-74;8:45 am]

[Docket No. E-9077]

METROPOLITAN EDISON CO.

Interconnection Agreement and Concurrence, Supplement to Appendix

DECEMBER 4, 1974.

Take notice that on October 23, 1974, Metropolitan Edison Company (ME) tendered for filing page C-6 of Appendix C, dated October 23, 1974, to the Interconnection Agreement between ME and Pennsylvania Power & Light Company (PL), dated October 30, 1964. PL's Certificate of Concurrence therewith, dated October 23, 1974 was also tendered for filing on that date.

ME states that this filing is made in compliance with the Commission's September 23, 1974 Order in Docket No. E-8783, which among other matters required filing of facilities charges with respect to the establishment of the Steelton Interconnection pursuant to the interconnection agreement between ME and PL.

ME requests waiver of the Commission's notice requirements in order that the facilities charge proposed pursuant to page C-6 of Appendix C can be made effective as of October 23, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28983 Filed 12-11-74;8:45 am]

[Docket No. RP73-102; PGA75-2]

MICHIGAN WISCONSIN PIPE LINE CO.

Tendered Rate Increase

DECEMBER 5, 1974.

Take notice that on November 15, 1974, Michigan Wisconsin Pipe Line Corporation (Mich-Wis) tendered for filing Eighth Revised Sheet No. 27F as part of its FPC Gas Tariff, Second Revised Volume No. 1. Mich-Wis states that the revised sheet reflects (1) an increase in the Purchased Gas Adjustment of 5.80¢ as a result of increases in the cost of

gas purchased from pipeline suppliers, (2) and increase of .16¢ to reflect the increase in the level of advance payments and (3) an adjustment of .19¢ to reflect current research and development expenditures in excess of such expenditures included in Mich-Wis' rates determined in Docket No. RP73-102.

The company alleges that the increase in cost of gas results principally from the Canadian government's imposed export price of $1.00 per Mcf to be effective January 1, 1975. Mich-Wis states that the resultant effect is equal to an increase of approximately $46,876,000.

Mich-Wis requests waiver of the requirements of Part 154 of the Commission's regulations under the Natural Gas Act to the extent, if any, that such waiver may be necessary to permit its filing to be made and to become effective on January 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28978 Filed 12-11-74;8:45 am]

[Docket No. RP71-16; PGA 75-3]

MIDWESTERN GAS TRANSMISSION CO.

Filing Pursuant to Settlement Agreement on Depreciation Issue

DECEMBER 5, 1974.

Take notice that on November 22, 1974, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Seventh Revised Sheet No. 5 to Third Revised Volume No. 1 of its FPC Gas Tariff to be effective January 1, 1975.

Midwestern states that on November 14, 1974, the Commission approved the Settlement Agreement on Depreciation Issue dated September 30, 1974 (Agreement), in this proceeding. The agreement provided for a reduction in the composite book depreciation rate applicable to Midwestern's Northern System. Midwestern states that the sole purpose of Substitute Seventh Revised Sheet No. 5 is to reflect the rate reduction for the Northern System of approximately $347,706 annually, as a result of the decrease in the depreciation rate from 4.53 to 4.25 percent.

Midwestern 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 December 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28976 Filed 12-11-74;8:45 am]

[Docket No. CP75-154]

MONTANA DAKOTA UTILITIES CO.

Application

DECEMBER 4, 1974.

Take notice that on November 20, 1974, Montana Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP75-154 an application pursuant to section 7(b) and (c) of the Natural Gas Act for permission and approval to abandon certain facilities located in various counties of Montana and for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in various counties of Montana and the transportation of gas for and exchange of gas with Kansas-Nebraska Natural Gas Company, Inc. (K–N), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a Gas Sales, Transportation and Gas Exchange Agreement, dated May 10, 1974, with K–N which provides that Applicant transport, by exchange, gas gathered by K–N in the Bowdoin area of Phillips and Valley Counties, Montana. Under said exchange agreement, Applicant will take gas deliveries from K–N at Applicant's Saco Compressor Station, Valley County, Montana (or other mutually agreeable points), and will redeliver for K–N's account similar amounts of gas at an existing interconnection of Applicant's line with that of Northern Utilities, Inc., in Fremont County, Wyoming.

Applicant states that K–N is still drilling exploratory wells under its Bowdoin area leases to determine quantities of gas available. Applicant further states that certain facilities must be added to and other facilities removed from its system in order to implement the proposed exchange. However, Applicant feels that the extent of its construction will depend upon the information obtained from K–N's exploratory drilling. Therefore, Applicant states that it will make only minimal changes to its system during 1975 and 1976, as follows:

In 1975:

Construct approximately 4.2 miles of 12¾-inch O.D. natural gas transmission main to replace a section of the Cabin Creek-to-Glendive 8⅝-inch O.D. pipeline in Fallon and Wibaux Counties, Montana.

Install additional jacket water cooling facilities at the Saco compressor station located in Valley County, Montana.

Uprate the 8-inch Fort Peck compressor station to Morgan Creek transmission main from 750 psig to 800 psig maximum allowable operating pressure.

Remove and retire, in 1975, approximately 15.4 miles of 8⅝-inch O.D. natural gas transmission main in Fallon, Wibaux and Dawson Counties, Montana.

In 1976:

Construct a new compressor station consisting of one 1,200 HP centrifugal gas compressor and related facilities near Richey, in McCone County, Montana. Provision will be made for the addition in 1977 of two additional compressor units.

Upgrade pressure ratings on three compressors by replacing compressor cylinders, header piping and valves at the Saco compressor station, Valley County, Montana.

Applicant further states that it will restrict its own production from wells under its control in the Bowdoin area and will accept such quantities of gas from K–N as Applicant's then existing system can transport on a best efforts basis. Applicant explains that it proposes to transport exchange gas it receives during the summer months, when capacity limitations on applicant's system will occur, to the Baker storage reservoir. In the winter months, Applicant proposes to utilize the exchange gas on its system to meet the demands of the system.

The application indicates that, ultimately, applicant expects the design total gas input to its system in the Bowdoin area to be 52,420 Mcf per day—16,320 Mcf per day from the operation of applicant's own production wells in the Bowdoin area and a maximum of 36,100 Mcf per day purchased from and transported for the account of K–N. To handle such volumes of gas, Applicant plans to make the following changes to its pipeline system:

In 1977:

Uprate the 10-inch and 8-inch transmission mains between the Saco and Fort Peck compressor stations from 400 psig to 800 psig maximum allowable operating pressure.

Construct approximately 79.2 miles of 12¾-inch O.D. transmission main to replace a like amount of existing 8⅝-inch O.D. pipeline in two sections on the Fort Peck-to-Morgan Creek Line in Valley, McCone and Dawson Counties, Montana.

Install two additional Solar Saturn, 1,200 HP, centrifugal compressors and related facilities at the Richey compressor station proposed to be constructed in 1976.

Install two Solar Saturn, 1,200 HP centrifugal compressors and related facilities at the existing Saco compressor station located in Valley County, Montana.

Upgrade pressure ratings on four Ingersoll-Rand XVG compressors by replacing compressor cylinders, header piping and valves

and the addition of a gas cooler at the existing Fort Peck compressor station, Valley County, Montana.

Remove and retire, in 1977, approximately 79.2 miles of 8⅝-inch O.D. natural gas transmission main in two sections on the Fort Peck-to-Morgan Creek line in Valley, McCone and Dawson Counties, Montana.

If upon completion of K–N's exploratory drilling program a lesser total daily volume of gas is available, applicant proposes to review its design and revise the proposed facilities to handle on such lesser volumes of gas.

The estimated cost of the facilities to be constructed is $6,830,000. The estimated net charge to accumulated provision for depreciation of gas plant in service for the proposed removal and retirement is $692,701. Applicant states that the cost of the facilities proposed will be financed by internally generated funds and/or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28964 Filed 12-11-74;8:45 am]

[Docket Nos. E-7700; E-7729; E-7800]

NEW ENGLAND POWER CO.

Order Granting Rehearing in Part and Amending Prior Order

DECEMBER 6, 1974.

On January 2, 1974, New England Power Company (NEPCO) submitted its proposed FPC Electric Tariff, Original Volume No. 1, including thirty-three related service agreements, in the above-referenced dockets. The proposed FPC Electric Tariff was filed by NEPCO in compliance with a Commission order issued November 30, 1973, which approved a settlement in the consolidated proceedings.

By order of October 8, 1974, we accepted for filing and approved the tendered FPC Electric Tariff, Original Volume No. 1. That order further found that the minimum demand increases for the Town of Hudson, Massachusetts reflected in the filing were reasonable and therefore permitted them to go into effect prospectively from the date of the order.

On November 7, 1974, the Power Planning Committee of the Municipal Electric Association of Massachusetts and twenty-five[1] municipal customers of NEPCO filed a petition for rehearing of our October 8, 1974 order insofar as that order permitted the application of the increased minimum demand obligations of Hudson.

In permitting the increased minimum demand obligations for the years 1974 and 1975 to take effect we stated that:

> (W)e agree with NEPCO that the minimum demands set forth in the proposed tariff are reasonable and should be approved. It is clear that the minimum demands have, by mutual consent of the parties, increased and will continue to increase each year irrespective of voltage level, both under the old rate schedule 202 and under the proposed tariff * * *."

In their petition for rehearing the customers maintain that these findings are unsupported by the evidence. The customers further maintain that there exists no justification for requiring Hudson to pay a minimum demand higher than the 1973 figure of 5,000 kw since the increased payment would have no corresponding benefit to Hudson. The customers finally argue that the part of the Commission's order permitting the effectiveness of the increased minimum demand obligations for Hudson are contrary to the provisions of the Settlement Agreement in these proceedings under which NEPCO tendered its January 2, 1974 compliance filing.

Because we have found, after further review, that the increased minimum demands for the Town of Hudson are inconsistent with the approved Settlement Agreement in these proceedings we need not reach a discussion and disposition of the customers' first two allegations. As to the customers' allegation that our order is inconsistent with the approved Settlement Agreement we note that section 1.7 of that Settlement Agreement provides:

> "Minimum demands will be as determined under the ratchet provisions of the rate schedules as originally filed, except where another minimum has been or hereafter is agreed to by the Company and a Customer because a substantial extension or addition of facilities by the Company is required to provide service to the customer or for other reasons."

Pursuant to this provision, an increase in minimum demands can be effectuated only through the ratchet provision or by an agreement between NEPCO and the respective customer. The customers state that Hudson has made no agreement with NEPCO for an increase in its minimum demands for 1974 and 1975. We note that an interconnection agreement was entered into by NEPCO and Hudson on March 9, 1970 which provided that NEPCO would supply Hudson with electricity at 13.8 kv on an interim basis and would extend the construction of a 115 kv supply line to the Hudson town line to meet a similar line from Hudson. The parties anticipated completion of the 115 kv line in 1974 and therefore agreed to increase Hudson's minimum demands by an annual increment of 500 kw until 1974 when the minimum demands would be further increased to reflect the increased voltage.

The parties made no provision for the eventuality that the 115 kv service would not yet be available in 1974. In our prior order we found that NEPCO's further increases in Hudson's minimum demands for 1974 and 1975 were reasonable in view of the practice of annual 500 kw increases under 13.8 kv service. We did not base that decision on any finding that the parties agreed to continue annual escalations in minimum demands until 115 kv service commenced. Indeed we stated that a "new tariff provision is required in order to provide for a situation not anticipated, namely that the 115 kv line would not be completed as contemplated by the parties and as incorporated in rate schedule 202". It is clear that the parties did not make any agreement concerning minimum demand escalations for the years 1974 and 1975 if 115 kv service was not to be available in those years. In view of the fact that section 1.7 of the approved Settlement Agreement requires an actual agreement between the Company and the Customer to increase minimum demands, and our finding that the parties have not so agreed, we are compelled to grant the customers' petition for rehearing of that part of our October 8, 1974 order accepting and permitting to be effective the increased minimum demands for the Town of Hudson for 1974 and 1975.

Accordingly, we shall amend our October 8, 1974 order and not permit the increased minimum demands for 1974 and 1975 for Volume No. 1 to be effective. We shall direct NEPCO to refund to Hudson any revenue obtained between the date of our October 8, 1974 order until present which would not have been collected under a minimum demand of 5,000 kw. We shall further

[1] The Electric Departments and Plants of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield, and West Boylston, Massachusetts and Littleton, New Hampshire Electric Cooperative, Inc.

direct the 1973 minimum demand obligation of 5,000 kw for the Town of Hudson remain effective for the interim period until 115 kv service is commenced or until the parties otherwise agree pursuant to section 1.7 of the Settlement Agreement in these proceedings.

The Commission finds. The application for rehearing filed by the twenty-six wholesale customers of NEPCO raises a question of law deeming it appropriate to grant rehearing in part of our October 8, 1974 order and to amend that order.

The Commission orders. (A) The application for rehearing filed herein by twenty-six wholesale customers of NEPCO of that part of our October 8, 1974 order accepting and permitting to become effective the increased minimum demands for the Town of Hudson for 1974 and 1975 is hereby granted.

(B) Our order of October 8, 1974, in these dockets is amended insofar as it accepted and permitted to become effective the increased minimum demands for the Town of Hudson from the date of that order through 1975.

(C) NEPCO shall file, within fifteen (15) days of this order a revised Tariff Number 1, Schedule IV, Original Page No. 4A, for the Town of Hudson, to reflect a minimum demand obligation for Hudson of 5,000 kw for the years 1974 and 1975.

(D) NEPCO shall refund to Hudson the difference in revenue obtained as a result of our October 8, 1974 order and the amount which would have been collected if a minimum demand of 5,000 kw had remained in effect.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28975 Filed 12-11-74;8:45 am]

[Docket No. CP75-111]

NORTHERN NATURAL GAS CO.

Amendment to Application

DECEMBER 4, 1974.

Take notice that on November 22, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-111 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act by authorizing the modification of the Grand Rapids town border station, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

By its original application, filed on October 1, 1974, applicant requests authorization to adjust and realign deliveries of natural gas by community within the presently authorized contract demand of Inter-City Gas Limited (Inter-City), a customer of applicant. By the instant amendment applicant proposes to replace an existing 6-inch meter run with a 16M 125 Roots Rotary meter at the Grand Rapids town border station for the purpose of accommodating delivery and accurately measuring the volumes of gas for Grand Rapids to be made available by the proposed realignment. Applicant estimates the cost of removing and replacing the meter at $4,320, for which, applicant states, Inter-City will reimburse Applicant.

Applicant states that the existing Grand Rapids town border station was designed and installed to accommodate significantly greater volumes of natural gas delivered by Great Lakes Gas Transmission Company and that existing meter settings are too large to measure accurately the volumes of gas applicant now proposes to deliver to Grand Rapids.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28931 Filed 12-11-74;8:45 am]

[Docket No. E-9120]

PACIFIC GAS AND ELECTRIC CO.

Change in Rate Schedule

DECEMBER 5, 1974.

Take notice that on November 20, 1974, Pacific Gas and Electric Company (PG&E) tendered for filing an amendment to the Power Sale, Exchange and Integration Contract[1] (Contract) between PG&E and Sacramento Municipal Utility District (Sacramento). According to PG&E, the Contract covers not only service by PG&E to Sacramento, which service is subject to the jurisdiction of the Federal Power Commission, but also the terms and conditions which govern the nonjurisdictional sales by Sacramento to PG&E. The subject filing would amend a nonjurisdictional portion of the Contract, which portion provides for the sale by Sacramento (a nonjurisdictional entity) to PG&E of the excess energy generated during the testing of Sacramento's Rancho Seco Unit No. 1 nuclear power plant.

PG&E states that, under the Contract's present terms, the energy generated during testing of Rancho Seco Unit No. 1, in excess of that used in Sacramento's load, is to be sold to PG&E at a rate equal to Sacramento's cost plus ten percent, not to exceed 1.9 mils per Kilowatt-hour. Under the proposed amendment, sales of excess Rancho Seco test energy would be paid for by PG&E at the same rate that PG&E pays for all other energy purchased from Sacramento under PG&E's Rate Schedule FPC No. 34. This rate is based, states PG&E, on the Company's gas sales tariff, Schedule No. G-55, filed with and accepted by the California Public Utilities Commission. PG&E states further that the amendment by its terms will apply to all Rancho Seco energy in excess of that used in Sacramento's load which is sold to PG&E prior to the date of commercial operation.

PG&E proposes that the amendment become effective December 20, 1974.

PG&E states that copies of the filing have been sent to Sacramento and to the California Public Utilities Commission.

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 protest should be filed on or before December 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28974 Filed 12-11-74;8:45 am]

[1] Designated Pacific Gas and Electric Company, FPC Rate Schedule No. 45.

[Docket No. E-9106]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Transmission Agreement

DECEMBER 4, 1974.

Take notice that on November 12, 1974, the Public Service Company of New Hampshire (PSNH) tendered for filing as an initial rate schedule a transmission agreement between itself and Central Maine Power Company (CMPC), dated October 1, 1974. Pursuant to that agreement PSNH will transmit over its system an entitlement of power which CMPC will be purchasing from the Connecticut Light and Power Company and the Hartford Electric Light Company during the period November 1, 1974 through October 31, 1975.

PSNH states that no facilities are being installed or modified by it for the specific purpose of providing the transmission service described above. PSNH requests that the Commission waive its notice requirements and permit the transmission agreement to become effective as of November 1, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should file

a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28965 Filed 12-11-74;8:45 am]

[Docket No. E-9105]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Transmission Agreement

DECEMBER 4, 1974.

Take notice that on November 12, 1974, the Public Service Company of New Hampshire (PSNH) tendered for filing as an initial rate schedule a Transmission Contract dated October 1, 1974, between PSNH and Central Vermont Public Service Corporation (CVPS). Pursuant to that contract PSNH transmitted over its system an entitlement of power to CVPS from Central Maine Power Company during the period October 1, 1974 through October 31, 1974.

PSNH states that no facilities were installed or modified for the specific purposes of providing the service described above.

PSNH requests that the Commission waive its notice requirements and permit the rate schedule described above to be made effective as of October 1, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28966 Filed 12-11-74;8:45 am]

[Docket No. E-9107]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Transmission Agreement

DECEMBER 4, 1974.

On November 12, 1974, Public Service Company of New Hampshire (PSNH) tendered for filing as an initial rate schedule a transmission agreement between itself and the Green Mountain Power Corporation (GMPC), dated as of July 1, 1974. PSNH states that pursuant to that agreement, an entitlement of power was transmitted its system to GMPC from Central Maine Power Company during the period July–September, 1974 and the month of October, 1974.

PSNH states that no facilities were installed or modified for the specific purpose of providing the transmission service described above. PSNH requests that the Commission waive its notice requirements and allow the transmission agreement described above to become effective as of July 1, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28967 Filed 12-11-74;8:45 am]

[Docket No. CP68-245]

TENNESSEE GAS PIPELINE CO.

Petition To Amend

DECEMBER 4, 1974.

Take notice that on November 22, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP68-245 a petition to amend the order issued in the subject docket on May 24, 1968 (39 FPC 860), pursuant to section 7(c) of the Natural Gas Act by authorizing the addition of another redelivery point to Trunkline Gas Company (Trunkline) and the construction of certain facilities, all of which is designed to enable Petitioner to connect gas purchased from Atlantic Richfield Company (Arco) in the East Gueydan area, Louisiana, to Trunkline's existing line in Vermilion Parish, Louisiana, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner and Arco have entered into an agreement, dated August 26, 1974, for the sale of an estimated 20,000 Mcf of gas per day to Petitioner from the East Gueydan area.[1] In order to permit the delivery of gas by Arco to Trunkline for the account of Petitioner, Petitioner seeks authorization to construct and operate approximately 0.5 mile of 6⅝-inch pipeline extending from Arco's existing Camile Adams No. 1 well in the East Gueydan area to Trunkline's Kaplan-Longville 26-inch pipeline located in Vermilion Parish (Gueydan redelivery point). Petitioner also seeks authorization to exchange gas at the Gueydan redelivery points as provided in the amendment dated October 28, 1974, to the transportation contract between Petitioner and Trunkline.

Petitioner states that its agreement with Trunkline provides for redeliveries at the Gueydan redelivery point of up to 20,000 Mcf of gas per day and for Petitioner to credit Trunkline's transportation service account (under Petitioner's Rate Schedule T-11) with an amount equal to 1.12 cents per Mcf of gas received by Trunkline at the Gueydan redelivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-28982 Filed 12-11-74;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Purchased Gas Cost Adjustment to Rates and Charges

DECEMBER 10, 1974.

Take notice that on November 25, 1974, Columbia Gas Transmission Corporation

[1] Arco has filed in Docket No. CI75-171 for authorization to sell the subject natural gas to Petitioner.

(Columbia) tendered for filing Sixteenth Revised Sheet No. 16 and Eighth Revised Sheet No. 64B of its FPC Gas Tariff, Original Volume No. 1. According to Columbia, said filing tracks the increased rates of Texas Eastern Transmission Corporation and Tennessee Gas Pipeline Company in Docket Nos. RP74-41 and RP73-114, respectively. Columbia requests waiver of the notice requirements of the Commission's Regulations to permit an effective date of January 1, 1975. Columbia states that copies of the filing were sent to its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29065 Filed 12-11-74;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50.9 per cent of the voting shares of Barry County Bank, Cassville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 January 2, 1975.

Board of Governors of the Federal Reserve System, December 3, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28928 Filed 12-11-74;8:45 am]

NEW VIRGINIA BANCORPORATION

Formation of Bank Holding Company

New Virginia Bancorporation, Springfield, Virginia, 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 100 per cent of the voting shares of the successor by merger to The Northern Virginia Bank, Springfield, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1975.

Board of Governors of the Federal Reserve System, December 4, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28927 Filed 12-11-74;8:45 am]

WALTER E. HELLER INTERNATIONAL CORP.

Proposed Acquisition of Lakeshore Commercial Finance Corporation

Walter E. Heller International Corp., Chicago, Illinois, through its subsidiary Walter E. Heller & Company, Chicago, Illinois, has 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 Lakeshore Commercial Finance Corporation, Milwaukee, Wisconsin. Notice of the application was published on October 5, 1974 in The Milwaukee Sentinel a newspaper circulated in Milwaukee, Wisconsin.

Applicant states that the proposed subsidiary would engage in the activities of commercial finance, data processing and leasing of personal property. 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).

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 Chicago.

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 January 2, 1975.

Board of Governors of the Federal Reserve System, December 3, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28929 Filed 12-11-74;8:45 am]

AMERIBANC, INC.

Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 84 per cent or more of the voting shares of Bank of Higginsville, Higginsville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 January 2, 1975.

Board of Governors of the Federal Reserve System, December 3, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28910 Filed 12-11-74;8:45 am]

BANKSHARES OF INDIANA, INC.

Order Granting Reconsideration

Bankshares of Indiana, Inc., Merrillville, Indiana, has requested reconsideration of the Order of November 19, 1974 (39 FR 41585), whereby the Board of Governors denied the application of Bankshares of Indiana for prior approval of the acquisition of Goodwin Brothers Leasing, Inc., Lexington, Kentucky, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended. (12 U.S.C. 1843(c)(8)).

The request for reconsideration is filed pursuant to § 262.3(g)(5) of the Board's rules of procedure, which provides that the Board will not grant any request for reconsideration "unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate." The Board finds that the request for reconsideration presents relevant facts or issues which appear appropriate and in the public interest for the Board to consider. Accordingly, the request for reconsideration is hereby granted.

In order to facilitate such reconsideration, comments and views regarding the proposed acquisiton may be filed with the Board not later than December 24, 1974. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as supplemented by Applicant's request for reconsideration, may be inspected

at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

By order of the Board of Goverors,[1] effective December 9, 1974.

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

[FR Doc.74-29091 Filed 12-11-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS
List of Requests

The following is a lis of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 9, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the prequency with which the information is proposed to be collected; the name of the reviewer or reviewing dvision within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru 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

AGENCY FOR INTERNATIONAL DEVELOPMENT

Participant Program and Training Data, AID 1380-59, on occasion, contractors, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Departmental and Other Technical Aid to Exporters, Sec. 879, single time, manufacturer/exporter, Caywood, D. P. 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
- Financial status and performance reports for Discretionary Grants Under Sec. 306, Title III, ESEA, OE-381, semiannually, SEA's and LEA's, Lowry, R. L., 395-3772.
- Vocational Student Leadership Questionnaire, OE-383, OE-383-1, single time, national leaders of 6 vocational student organizations, Lowry, R. L., 395-3772.

Center for Disease Control: Prevelance of Adult Smoking, Nationally and in San Diego, and Followup Study, CDC 1113, single time, households, Hall, George, 395-4697.

Health Resources Administration: Evaluation of Fixed Exam Centers Alternative to Mobile Examination Centers, HRA1112, single time, households, Collins, L., 395-3756.

COMMODITY EXCHANGE AUTHORITY

Application for Registration as Associated Person—Commodit, CFTC 4-R, on occasion, brokerage house sales personnel, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
- Farm Production Expenditures Survey, annually, farmers, Lowry, R. L., 395-3772.
- Manufactured Dairy Products, monthly, manufacturers of milk products, Lowry, R. L., 395-3772.
- Peanut Disposition Survey, SRSCE613, on occasion, peanut growers, Lowry, R. L., 395-3772.
- Quarterly Report on Taro Millings (Hawaii), quarterly, Lowry, R. L., 395-3772.

Commodity Exchange Authority: Commodity Exchange Authority Regulations, on occasion, Lowry, R. L., 395-3772.

Agricultural Stabilization and Conservation Service: Record of Transfer of Allotment or quota, ASCS-375, on occasion, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce; Coal Strike Impact on Steel Mills, DIB-98CR, single time, 13 largest steel companies, Caywood, D. P., 395-3443.

SELECTIVE SERVICE SYSTEM

Notice of Confinement or Release from Confinement, SSS 305, on occasion, prisons, National Security Division, 395-4734.

Form for Minister of Religion, SSS 175, on occasion, SSS registrants, Lowry, R. L., 395-3772.

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Special Form for Conscientious Objector, SSS 150, on occasion, registrants, National Security Division, 395-4734.

Current Information Questionnaire, SSS 127, on occasion, individual SSS registrants, National Security Division, 395-4734.

Special Form for Alien or Dual National, SSS 131, on occasion, individuals, National Security Division, 395-4734.

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Amendment to Order to Report for Alternate Service, SSS 153-A, on occasion, business firms, National Security Division, 395-4734.

Conscientious Objector Skills Questionnaire, SSS 152, on occasion, individuals, National Security Division, 395-4734.

Employer's Statement of Availability of Job as Alternate Service, SSS 156, on occasion, individuals, National Security Division, 395-4734.

Form for Registrant With Court Record, SSS 173, on occasion, SSS registrants, National

Special Form for Divinity Student, SSS 172, Security Division, 395-4734.
on occasion, divinity students, National Security Division, 395-4734.

Monthly Activity Report of Class I-W Registrants, SSS 158, monthly, SSS State headquarters, National Security Division, 395-4734.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Resources and Trade Assistance: Application for License To Enter Watches and Watch Movements Pursuant to P.L. 89-805, OIPF-764, annually, duty-free watch quota firms, Evinger, S. K., 395-3648.

DEPARTMENT OF DEFENSE

Department of the Army (excluding Office of Civil Defense):
- Application and Agreement for Establishment of a National Defense Cadet Corps Unit, on occasion, Evinger, S. K., 395-3648.
- Agreement for Establishment and Maintenance of an Army Senior Reserve Officers' Training Corps Unit, DA918.1, on occasion, Evinger, S. K., 395-3648.
- Application and Agreement for Establishment of Army Reserve Officers Training Corps Unit, DA918, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-29077 Filed 12-11-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8608; 811-1201]

CHESAPEAKE FUND, INC.
Proposal To Terminate Registration

DECEMBER 5, 1974.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (the "Act", to declare by order on its own motion that Chesapeake Fund, Inc. (527 St. Paul Street, Baltimore, Maryland 21202) (the "Fund"), registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

The fund registered under the Act on February 28, 1963. Information in the Commission's files indicates that on August 22, 1974, pursuant to the terms of a plan of reorganization, the Fund transferred all of its assets to First Multifund of America, Inc. ("Multifund"), in exchange for shares of Multifund which were distributed pro rata to Fund shareholders in exchange for their shares. The Fund has no assets and has ceased doing business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 30, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Governors Mitchell and Wallich.

that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following December 30, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–28999 Filed 12–11–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed an amendment to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposes to amend Rule 14.6(b) which would provide for Exchange regulation of rate increases by Board Brokers.

The rate schedule contained in CBOE's Rule 14.5 is applicable to Board Brokers as well as Floor Brokers and it is a minimum schedule. If any Board Broker should elect to charge rates in excess of the minimums, the Exchange feels this should be done only under the Exchange's regulatory supervision and in a manner to assure that no Board Broker takes advantage of his exclusive franchise, discriminates among customers, or adversely affects the operation of a fair and orderly market.

The proposed amendment will become effective upon January 30, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW, Washington, D.C.

Dated: DECEMBER 4, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–28992 Filed 12–11–74;8:45 am]

[Rel. No. 18694; 70–5585]

COLUMBIA GAS SYSTEM INC., ET AL.

Proposed Open Account Advances

DECEMBER 5, 1974.

In the matter of The Columbia Gas System, Inc., Columbia LNG Corporation, Columbia Gas Development Corporation, 20 Montchanin Road Wilmington, Delaware 19807; Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, The Ohio Valley Gas Company, Columbia Gas of Ohio, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of West Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., 99 North Front Street, Columbus, Ohio 43215, Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027, Columbia Hydrocarbon Corporation, The Inland Gas Company, Inc., 340–17th Street, Ashland, Kentucky 41101.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary companies listed above, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9, 10 and 12(b) of the Act and Rules 42(b)(2), 45 and 50(a)(3), promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that during the winter heating season Columbia's distribution subsidiary companies generate substantial amounts of cash in excess of current requirements. During the same period, however, the transmission subsidiary companies generate lesser amounts of cash and have generally larger construction expenditures, requiring Columbia to advance funds to such subsidiary companies. In recent years, however, the Commission has authorized open account advances by Columbia to subsidiary companies and certain related transactions which are designed to alleviate this situation. The present filing requests authorization to continue such transactions during the calendar year 1975.

It is proposed that the subsidiary companies listed below will prepay from time to time prior to the end of 1975, with excess cash in aggregate amounts not to exceed the amounts set forth below, a portion of their outstanding installments promissory notes ("Notes") held by Columbia. However, if the merger of The Ohio Valley Gas Company ("Ohio Valley") into Columbia Gas of Ohio, Inc. ("Columbia of Ohio") (File No. 70–5551) is consummated after the close of business on December 31, 1974, the amounts of excess funds which Columbia of Ohio as surviving corporation may accumulate at any time during the period from January 1, 1975 through December 31, 1975, would be increased to $55,000,000, and the proposed aggregate prepayment of outstanding Installment Promissory Notes for Columbia of Ohio would be increased to $55,000,000 for 1975. The following amounts represent the estimated aggregate maximum excess funds that such companies are expected to accumulate at any one time during the year 1975:

Columbia Gas Transmission Corp	$150,000,000
Columbia Gas of Pennsylvania, Inc	20,000,000
Columbia Gas of New York, Inc	5,000,000
Columbia Gas of Maryland, Inc	2,000,000
Columbia Gas of Kentucky, Inc	4,000,000
Columbia Gas of Virginia, Inc	2,000,000
Columbia Gas of West Virginia, Inc	7,000,000
Columbia Gas of Ohio, Inc	50,000,000
The Ohio Valley Gas Co	5,000,000
Columbia Gulf Transmission Co	50,000,000
Columbia Hydrocarbon Corp	3,750,000
The Inland Gas Company, Inc	1,450,000
Columbia LNG Corp	30,000,000
Columbia Gas Development Corp	20,000,000
Total	350,200,000

The Notes ("Indebtedness") prepaid by the individual companies will be those bearing the highest interest rate or rates outstanding at the time of each prepayment. Interest on such Indebtedness will cease upon prepayment and recommence upon reissuance. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia, provided that at no time will the amount of such advances to any subsidiary exceed the amount of Indebtedness theretofore prepaid by it, less any current maturities applicable to prepaid Notes which would have matured subsequent to the date of prepayment.

The open account advances to any subsidiary company will bear interest commencing on the date of the advance, at the same rate or rates as borne by the equivalent principal amounts of Indebtedness previously prepaid by it during 1975, but in reverse order to that of the prepayments, i.e., beginning from the lowest rate payable on the Indebtedness

previously prepaid to the highest rate. It is further proposed that advances on open account to individual subsidiary companies will be increased or decreased from time to time in accordance with variations in the cash flow of the individual subsidiary companies. The proposed advances will not be in excess of the Indebtedness prepaid theretofore. At such time as the advances to any subsidiary company equal the aggregate amount of the Indebtedness prepaid by it, or in any event not later than December 31, 1975, such prepaid Indebtedness will be reinstated in repayment of the outstanding open account advances.

Financing of construction or gas storage programs of any operating subsidiary company pursuant to Commission authorization will not be consummated until such time as advances have been made in amount equal to the amount of Indebtedness prepaid. Any subsidiary company which during 1975 has borrowed on open account from Columbia an amount smaller than the amount of Indebtedness theretofore prepaid by it, will, on December 31, 1975, reinstate its Indebtedness to Columbia in an amount sufficient to discharge its open account borrowings, and the balance of its prepaid Indebtedness will be considered to have been permanently prepaid. Such permanent prepayment would be applied against Indebtedness bearing the highest interest rates and would be consummated only with respect to Indebtedness bearing interest at a rate equal to or in excess of the rate applicable to borrowings by subsidiary companies from Columbia as of December 31, 1975. In the event that a permanent prepayment by any subsidiary company would be indicated with respect to Notes bearing an interest rate less than the rate applicable to debt purchased by Columbia from subsidiary companies at December 31, 1975, such Notes will be reissued by the subsidiary company at or before the end of 1975.

It is stated that the proposed transactions are designed to achieve the following: (1) flexibility to prepay at the earliest possible date inventory loans with commercial banks and other short-term borrowings, (2) defer outside financing until aggregate system funds approach a minimum balance, (3) facilitate the internal financing of emergency requirements, and (4) allow subsidiaries, during any period in which they have excess cash, to temporarily prepay Notes owed Columbia, thereby decreasing their own net corporate interest expense.

Expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated at $4,500, including $2,000 for services, at cost, provided by Columbia Gas System Service Corporation.

It is stated that the Public Service Commission of West Virginia has authorized the prepayment and reissuance of prepaid Notes by Columbia Gas of West Virginia, Inc., that the Public Service Commission of New York has authorized the reissuance of prepaid Notes by Columbia Gas of New York, Inc., that the Public Service Commission of Kentucky has authorized the issuance of prepaid Notes by Columbia Gas of Kentucky, Inc., and that the State Corporation Commission of Virginia has authorized the issuance of prepaid Notes by Columbia Gas of Virginia, Inc. It is stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28998 Filed 12-11-74;8:45 am]

[Rel No. 18696; 70-5572]

CONSOLIDATED NATURAL GAS CO.

Proposal To Issue and Sell Preferred Stock at Competitive Bidding

DECEMBER 6, 1974.

Notice is hereby given that Consolidated Natural Gas Company (30 Rockefeller Plaza, New York, New York 10020) ("Consolidated"), a registered holding company, has filed a declaration, and an amendment thereto, with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended declaration which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell 500,000 shares of __ percent Cumulative Preferred Stock, Series A ("Preferred Stock") $100 par value, subject to the competitive bidding requirements of Rule 50. The dividend rate of the Preferred Stock (which will be a multiple of ⅛ of 1 percent) and the price to be paid Consolidated (which will be not less than $100 nor more than $103 per share) will be determined by the competitive bidding. The Preferred Stock will not be redeemable prior to January 1, 1980, through the use of borrowed funds, or funds derived from the issuance of additional Preferred Stock at an effective cost of less than the annual dividend requirements on the Preferred Stock. The sinking fund provisions applicable to the Preferred Stock provide for the retirement of 100 percent of the Preferred Stock through redemption of 31,250 shares on January 1, 1980 and on each succeeding January 1 through January 1, 1995, although, at Consolidated's option, such requirement may be satisfied by alternate means. The Preferred Stock will also be subject to optional redemption at any time at a price of $100 per share plus a declining percentage of the annual dividend. Consolidated states that these terms may be amended in some respects prior to sale of the Preferred Stock.

Consolidated states that in view of the increased difficulty encountered by utilities in selling preferred stock under the current unsettled conditions in the securities market, it may not be possible to sell the Preferred Stock at competitive bidding. Therefore, Consolidated may request, by further amendment to this declaration, that the sale of its Preferred Stock be excepted from competitive bidding under the requirements of Rule 50.

Consolidated proposes to use the proceeds from the sale of the Preferred Stock to finance its subsidiaries' capital expenditures, including repayment of a short-term interim loan of $40,000,000. The fees, expenses and commissions incurred or expected to be incurred in connection with the proposed transaction are estimated at $100,000, which includes accountants' fees of $16,000 and printing expenses of $27,000. The fees of counsel for the successful bidders will be supplied by amendment.

The amended declaration further states that no Federal commission and no State commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 31, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more

than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28997 Filed 12-11-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Suspension of Trading

DECEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent 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 December 8, 1974 through December 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28987 Filed 12-11-74;8:45 am]

[Rel. No. 18691; 70-5587]

GEORGIA POWER CO.

Proposed Sale-Leaseback of Core Load of Nuclear Fuel

DECEMBER 6, 1974.

Notice is hereby given that Georgia Power Company, (270 Peachtree Street, NW., Atlanta, Georgia 30303) ("Georgia"), an electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 9(b)(1), and 12(d) of the Act and Rule 44 thereunder as applicable to the following proposed transactions. All interested parties are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to a Contract between Georgia and General Electric Company for the nuclear fuel requirements of the 807,000 kilowatt first unit ("Unit No. 1") of Georgia's Edwin I. Hatch Nuclear Power Plant (expected to go into commercial operation at or about December 31, 1974), General Electric has fabricated and delivered the initial nuclear fuel core load and is obligated to provide four reload batches of nuclear fuel for use in Unit No. 1. At September 30, 1974, the cost of the initial core load on Georgia's books was $38,302,000, and is expected to amount to $39,400,000 at December 31, 1974.

Georgia proposes to enter into arrangements with CC Leasing Corporation (the "Lessor") whereby Georgia will sell its title to the initial core load of nuclear fuel to the Lessor, which in turn will lease such nuclear fuel to Georgia. The Lessor, a Delaware Corporation and a wholly-owned subsidiary of Commercial Credit Company, is with its subsidiaries, engaged in a general leasing and financing business.

The sales price for the initial load core will be Georgia's book cost on the date of sale. Simultaneously with the sale, Georgia and the Lessor will execute a lease agreement ("Lease") with respect to the core. The parties may enter into supplements to the Lease from time to time for the acquisition of reload batches for Unit No. 1, such reload batches to be included under and made subject to applicable provisions of the Lease and to such supplements. Under the Lease, the maximum commitment of the Lessor in respect of the initial core of nuclear fuel will be $45,000,000, but, as reload batches are fabricated under the G.E. Contract, the parties may subsequently agree to other maximum commitments. Georgia will be responsible for operating, maintaining, repairing, replacing and insuring the leased nuclear fuel, and for payment of taxes and costs arising from the ownership, possession and use thereof. The term of the Lease will be for the Use Period (as defined in the Lease) of each component of the nuclear fuel.

The Lease provides that Georgia, on the first day of each month, will make rental payments consisting of (a) an amortization amount, and (b) a lease charge. The amortization amount will be equal to the value of the nuclear fuel consumed during the second month preceding the rental payment date. The lease charge will be computed by multiplying the Stipulated Value of the nuclear fuel for each applicable day of the month preceding the rental payment date by a per diem rate equal to 1/365 of a computed annual rate. Such annual rate will be the greater of (i) the average of the prime interest rates charged by three designated New York banks on the fifteenth day of the second preceding month, or (ii) the average interest rate of Commercial Credit Company's 90-day commercial paper issued in the ordinary course of business on such date—plus, in either case, a percentage not to exceed 2½ percent. The Stipulated Value, at any particular time, is the Lessor's investment in nuclear fuel provided for use in Unit No. 1, less the accumulated aggregate of amortization amounts theretofore included in the rental payments.

Upon execution of the Lease, Georgia will pay to the Lessor, as an administrative charge, an amount equal to ¼ of 1 percent of the Lessor's acquisition cost for the initial core load of nuclear fuel. Assuming the maximum acquisition cost of $45 million, such payment by Georgia would be a maximum of $112,500.

Upon notice of not less than 180 days to the Lessor, Georgia will have the option to purchase the nuclear fuel or to effect a sale thereof to a third party; provided, however, that the option may not be exercised for a period of two years following the Lessor's initial purchase of the nuclear fuel if the effect would be to refinance the nuclear fuel at a lower interest cost. In the event that Georgia either purchases the nuclear fuel or effects a sale to a third party, the Lessor is to receive payment equal to all rental payments then due plus the resulting Stipulated Value and/or the applicable acquisition cost as defined.

The nuclear fuel for Unit No. 1 was largely financed by Georgia through interim indebtedness to a bank. At September 30, 1974, such indebtedness amounted to $31,235,000. Upon effectuation of the proposed sale to CC Leasing Corporation, Georgia will, to the extent necessary, apply the proceeds to repayment of the related interim indebtedness then outstanding.

Georgia proposes to capitalize the lease transaction by recording the value of the leased nuclear fuel in its utility plant account and recording as "other long-term debt" equal amounts for the related lease liabilities.

A statement of the fees, expenses and commissions incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. The proposed transactions are subject to the jurisdiction of The Georgia Public Service Commission. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the

point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28994 Filed 12-11-74;8:45 am]

[Rel. No. 8607; 811-2077]

GRAY LINE CORP.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 5, 1974.

Notice is hereby given that Gray Line Corp. (c/o Morton J. Schlossberg, Esq., Suite 1010, 1215 Avenue of the Americas, New York, New York 10020) ("Applicant"), a closed-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on November 4, 1974 pursuant to section 8 (f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act on June 29, 1970. On December 23, 1970, pursuant to application of the Commission, a Trustee-Receiver was appointed for Applicant by the United States District Court for the Southern District of New York. After resignation of the original Trustee-Receiver, a successor Trustee-Receiver was appointed on January 14, 1972.

The Trustee-Receiver concluded, after disposition of Applicant's only remaining portfolio stock for cash, that Applicant should be liquidated and petitioned the court for authority to adopt a Plan of Liquidation pursuant to Section 337 of the Internal Revenue Code. By an Order dated March 27, 1972, the Court authorized the Trustee-Receiver to adopt a Plan of Liquidation and to take all steps necessary to dissolve the corporation.

The Plan of Liquidation has been completed. All remaining assets of Applicant have been distributed to its shareholders, and Applicant conducts no business of any kind. All of its liabilities have been satisfied as of October 30, 1974, and all of its outstanding shares have been redeemed and cancelled, except for 12,411 shares which have not yet been located. Cash not distributed to shareholders in connection with the liquidating distributions will be held by disbursing agent for the statutory period and thereafter delivered to the State of New York pursuant to the laws of escheat.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 30, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-29002 Filed 12-11-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

DECEMBER 6, 1974.

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 December 8, 1974 through December 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28989 Filed 12-11-74;8:45 am]

[Rel. No. 18689; 70-3816]

JERSEY CENTRAL POWER AND LIGHT CO.

Proposed Increase in Capital Contributions by Subsidiary Utility Companies

DECEMBER 5, 1974.

In the matter of Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605; Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907; Saxton Nuclear Experimental Corporation, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605.

Notice is hereby given that Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company ("utility companies"), all public utility subsidiary companies of General Public Utilities Corporation, a registered holding company, and the utility companies' non-utility subsidiary company, Saxton Nuclear Experimental Corporation, have filed with this Commission post effective amendments to their joint application-declaration, as previously amended, filed in this proceeding designating sections 2(a)(3), 2(a)(19), 6(a), 7, 9(a), 10, 12(f), and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 7(b), 24(c)(3)(C) and 100 as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as further amended by the post-effective amendments, which are summarized below, for a complete statement of the proposed transactions.

By Orders issued in this proceeding dated May 11, 1960 (Holding Company Act Release No. 14427) and May 20, 1968 (Holding Company Act Release No. 15481), utility companies were authorized to acquire all of the capital stock of Saxton and to make capital contributions to Saxton aggregating $10,000,000.

Saxton was organized as a nonprofit stock corporation to construct, operate, and maintain a small experimental nuclear reactor and the capital contributions were to be used for such purposes.

Saxton and the utility companies have filed further post-effective amendments to the joint application-declaration proposing to increase the aggregate capital contributions by the utility companies to Saxton from $10,000,000 to $10,100,000 and to make such contributions through December 31, 1979.

It is stated that Saxton's experimental and research activities have been terminated and its reactor facility has been

decommissioned. It is further stated that pursuant to the regulations of the Atomic Energy Commission, Saxton must continue in existence long enough to dismantle its nuclear facility. As a result, Saxton's corporate charter has been amended to extend Saxton's corporate existence in perpetuity.

It is proposed that utility companies continue making contributions to Saxton through the extended period of its corporate life, such contributions to be used by Saxton to wind up its affairs, dispose of its properties or maintain them in a safe condition and obtain all necessary governmental and other releases. It is stated that in the absence of unusual circumstances, the cost of surveillance, insurance and maintenance for the facility through December 31, 1979, will be approximately $10,000 per year. However, the utility companies seek to increase their total authorized capital contributions which may be made through that date by $100,000 in order to provide some margin for inflation and for unexpected occurrences.

The order of May 11, 1960, also exempted Saxton's operations and the research agreement between Saxton and the utility companies from the requirements of section 13 of the Act and the rules thereunder. The fourth post-effective amendment requests a confirmation that such exemption from said section and applicable rules continues in effect.

It is stated that the Board of Public Utility Commissioners of the State of New Jersey has approved the period within which contributions may be made by the utility companies and that no other state and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that the utility companies will incur no fees or expenses in connection with the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendment, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28991 Filed 12-11-74;8:45 am]

[Rel. No. 18695; 70-5583]

MISSISSIPPI POWER & LIGHT CO.

Proposed Issue and Sale of Notes to Banks and Commercial Paper and Exception From Competitive Bidding

DECEMBER 5, 1974.

Notice is hereby given that Mississippi Power & Light Company (P.O. Box 1640, Jackson, Mississippi 39205) ("Mississippi"), an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell through July 1, 1976, short-term promissory notes to banks and commercial paper in an aggregate principal amount outstanding at any one time not in excess of 10 percent of the capitalization of the company, which is the maximum amount of unsecured borrowing permissible under the provisions of the company's Restated Articles of Incorporation without a vote of outstanding preferred stock. Based on Mississippi's capitalization at September 30, 1974, the proposed notes will not exceed $40,000,000 outstanding at any one time. Increases in this amount will be subject to the filing of a post-effective amendment by the company and a subsequent order of this Commission. The type of each issue will be determined by market conditions so as to achieve the lowest cost of money.

The funds to be derived from the issuance and sale of the bank notes and commercial paper will be used, together with other funds available to the company, for construction and for other corporate purposes. Mississippi's 1975 construction program is estimated at $53,308,000.

The proposed bank notes will be in the form of unsecured promissory notes, due not more than nine months from the date of issue, bearing interest at the prime rate in effect at the lending bank at the date of issue or from time to time depending upon the requirements of the lender, and subject to prepayment, at the company's option, without premium or penalty. While no commitments have been made, it is expected that borrowings will be made from the following banks up to the maximum amounts listed:

Deposit Guaranty National Bank, Jackson, Miss.	$3,000,000
First National Bank of Jackson, Miss.	3,000,000
Manufacturers Hanover Trust Company, New York, N.Y.	6,000,000
Total	12,000,000

The names of any additional lending banks will be filed by amendment. Mississippi maintains daily operating balances with each of the banks from which borrowings are proposed to be made to meet the requirements of such banks in respect of their service to Mississippi. If balances were to be maintained solely for the purpose of satisfying a compensating balance requirement at the currently prevailing rate of 20 percent, the effective interest cost of the related borrowings, based on a prime rate of 10 percent, would be 12½ percent per annum.

The proposed commercial paper will be in the form of unsecured promissory notes issued in denominations of not less than $50,000, maturing not in excess of 270 days, and sold by Mississippi directly to Merrill Lynch, Pierce, Fenner & Smith ("Merrill Lynch") at the discount rate prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. Merrill Lynch, as principal, will reoffer the commercial paper to not more than 200 institutional investors identified on a list (non-public) at a discount of ⅛ of 1 percent per annum less than the prevailing discount rate of the company. No commission or fee will be payable to Merrill Lynch in connection with the issuance and sale of the commercial paper. The commercial paper will not be prepayable prior to maturity. It is expected that Mississippi's commercial paper will be held by customers to maturity, but, if they wish to resell prior thereto, Merrill Lynch pursuant to a verbal prepurchase agreement, may repurchase the notes and reoffer the same to others in its specified group of customers.

Mississippi asserts that the issue and sale of the commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Mississippi are published daily in financial publications, and it is not practical to invite bids for commercial paper. Mississippi also requests that it be allowed to file its certificate under Rule 24 with respect to the proposed transactions on a quarterly basis.

Mississippi's fees, commissions, and expenses to be incurred in connection with the proposed issue and sale of the bank notes and commercial paper are estimated to be less than $4,000. The

declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-29000 Filed 12-11-74;8:45 am]

[Rel. No. 18688; 70-5589]

OHIO VALLEY ELECTRIC CORP.

Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 5, 1974.

Notice is hereby given that Ohio Valley Electric Corporation (Post Office Box 468, Piketon, Ohio 45661) ("OVEC"), a public utility subsidiary company of Allegheny Power System, Inc. ("Allegheny"), American Electric Power Company, Inc. ("AEP"), and Ohio Edison Company ("Ohio Edison"), registered holding companies, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

OVEC requests authority to issue, in addition to the $10,000,000 demand notes (payable 90 days after demand) currently outstanding which were authorized by the Commission in File No. 70-3368, short-term indebtedness to one or more banking institutions in an aggregate amount not to exceed $6,000,000 at any one time outstanding.

In the case of notes payable to banks, each note will mature not more than 270 days after the date of issuance thereof and will bear interest at any annual rate of interest no greater than the prime commercial loan rate of the lending bank in effect at the time of issuance or in effect from time to time, and will be prepayable by OVEC at any time without premium or penalty. Bank balances sufficient in the judgment of OVEC to meet operating and financial needs are kept at the banks from which OVEC would propose to borrow to satisfy any compensating bank requirements of such banks in connection with the borrowings. If, however, such bank balances were maintained solely in order to fulfill compensating balance requirements of such banks, which currently range between 15 percent and 20 percent, the effective interest cost to OVEC of the notes which it proposes to issue to such banks, based on a prime commercial loan rate of 10¼ percent, would range between 12.1 percent and 12.8 percent per annum.

Since OVEC believes that any notes which it issues pursuant to the above program will be self-liquidating from time to time through the application by OVEC of payments received pursuant to the power contracts with AEC and the Sponsoring Companies, OVEC does not propose to retire any such notes with the proceeds of any permanent financing.

The application states that OVEC's expenses incident to the proposed transaction are estimated at $5,000, including legal fees of $3,000, and that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 27, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28990 Filed 12-11-74;8:45 am]

[Rel. No. 8605; 811-2225]

PACIFIC SCHOLARSHIP FUND

Proposal to Terminate Registration

DECEMBER 5, 1974.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (the "Act"), to declare by order on its own motion that Pacific Scholarship Fund (10538 N.E. 140th, Kirkland, Washington 98033) (the "Fund"), registered under the Act as a closed-end, non diversified, management investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on September 7, 1971. Information in the Commission's files indicates that the Fund was granted an order consenting to the withdrawal of its Registration Statement under the Securities Act of 1933 on June 18, 1974 and made no public offering of its securities, it had no assets, and has been dissolved.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 30, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following December 30, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a

hearing is ordered will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-28996 Filed 12-11-74;8:45 am]

[Rel. No. 8606; 811-1857]

RAINIER INVESTORS, INC.

Proposal To Terminate Registration

DECEMBER 5, 1974.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (the "Act"), to declare by order on its own motion that Rainier Investors, Inc. (c/o Owen P. Hughes, Esq., 901 Tacoma Avenue South, Tacoma, Washington), ("Rainier") registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Rainier registered under the Act on April 30, 1969. Information in the Commission's files indicates that, pursuant to a plan of liquidation, all of the investments in Rainier's portfolio have been liquidated, all debts have been paid, and the remaining assets have been distributed to Rainier's shareholders. Rainier has no assets, has ceased doing business and has filed Articles of Dissolution with the Washington Secretary of State.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 30, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon.

Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Rainier at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following December 30, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc. 74-29001 Filed 12-11-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

DECEMBER 6, 1974.

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 percent and 6 percent, the 6 percent subordinated debentures due 1979 and the 6½ percent 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 December 8, 1974 through December 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-28988 Filed 12-11-74;8:45 am]

[Rel. No. 18690; 70-5586]

WESTERN MASSACHUSETTS ELECTRIC CO.

Proposal To Issue and Sell First Mortgage Bonds at Competitive Bidding

DECEMBER 6, 1974.

Notice is hereby given that the Western Massachusetts Electric Company (174 Brush Hill Avenue, West Springfield, Massachusetts 01089) ("WMECO"), an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

WMECO proposes to issue and sell, at competitive bidding, up to $20 million principal amount of its First Mortgage Bonds, Series L ("Bonds"). The maturity date of the bonds will be not less than five nor more than thirty years from January 1, 1975. The interest rate, which shall be a multiple of ⅛ of 1 percent, and the price, which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof, will be determined by competitive bidding. The Bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of August 1, 1954 ("Indenture") between WMECO and The First National Bank of Boston, Trustee, as supplemented and amended from time to time, and as further supplemented by a supplemental indenture to be dated January 1, 1975 ("Supplemental Indenture"). The Supplemental Indenture provides, among other things, that Bonds shall not be redeemed at the applicable general redemption price prior to January 1, 1980, from the proceeds of borrowings secured by WMECO at an effective interest cost to WMECO of less than the effective interest cost of the Bonds.

The application states that WMECO will use the net proceeds from the sale of Bonds, together with a capital contribution of $10 million which Northeast Utilities made in January, 1974, and the proceeds of the sale by WMECO in April, 1974 of $25 million of first mortgage bonds, to repay short-term borrowings incurred for the purpose of financing WMECO's construction program (estimated total $97.3 million for 1974-1975). Such short-term borrowings will aggregate an estimated $60.3 million at the time of the aforementioned sale.

A statement of the fees, commissions, and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. The approval of the Department of Public Utilities of the Commonwealth of Massachusetts is required for the issuance of the Bonds, as is the approval of, or waiver of the requirement for approval of, the Connecticut Public Utilities Commission. It is stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 31, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in

case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-28995 Filed 12-11-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 98]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 6, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before February 10, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 1924 (Sub-No. 9), filed October 30, 1974. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., North 404 Sycamore, Spokane, Wash. 99206. Applicant's representative: Hugh A. Dressel, 1202 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Spokane, Wash., and the Eastport, Idaho-Kingsgate, BC, port of entry on the International Boundary line between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash., or Coeur d' Alene, Idaho.

No. MC 2401 (Sub-53), filed October 22, 1974. Applicant: MOTOR FREIGHT CORPORATION, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Serving the plantsite of Peter Paul, Inc., located at or near Frankfort, Ind., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 267), filed November 7, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Lake City, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 8535 (Sub-No. 52), filed November 11, 1974. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in containers, from Catlettsburg, Ky., and Covington, Va., to Evart, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 10223 (Sub-No. 8), filed November 8, 1974. Applicant: ROBERT E. MACK, CARL BROWN, SOPHIE R. MACK, ESTELLE M. FUNK, AND THERESA R. MOLLEY, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, from the stores and facilities of Bamberger's, Division of R. H. Macy & Company, Inc., at Bloomfield and Edison Township, N.J., to the stores and facilities of Bamberger's, Division of R. H. Macy & Company, Inc., at Langhorn (Bucks County), Springfield (Delaware County), and Montgomeryville (Montgomery County), Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18535 (Sub-No. 59), filed November 12, 1974. Applicant: HICKLIN MOTOR LINE, INC., Railroad Avenue, P.O. Box 377, St. Mathews, S.C. 29135. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural limestone*, from points in Tennessee and Virginia, to points in South Carolina; and (2) *granite sand*, from Lithonia, Ga., and its Commercial Zone to points in South Carolina.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 19627 (Sub-No. 2), filed November 4, 1974. Applicant: FULTON MOVING & STORAGE, INC., 401 SE. 8th Avenue, Portland, Oreg. 97214. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, between the Portland International Airport, on the one hand, and, on the other, Seattle-Tacoma Airport, restricted to traffic having an immediate prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oregon.

No. MC 20722 (Sub-No. 25) (Correction), filed October 9, 1974, published in the FEDERAL REGISTER issue of November 14, 1974, and republished as corrected, this issue. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, N.Y. 14240. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and chassis*, new, used, and unfinished, in secondary movements, in truckaway and driveaway service, between points in Delaware, Maryland, New Jersey, Pennsylvania, New York, District of Columbia, Connecticut, Massachusetts, Ohio, Illinois, Indiana, Michigan, Missouri, West Virginia, Arkansas, Oklahoma, points in Kentucky contiguous to Indiana and Illinois, and points in that part of Iowa east of a line beginning at the Minnesota-Iowa State Boundary line and extending along U.S. Highway 52 to Dubuque, Iowa, thence along U.S. Highway 67 to Davenport, Iowa, thence along U.S. Highway 61 to the Iowa-Missouri State Boundary line, including points on the indicated portions of the highway specified.

NOTE.—The purpose of this republication is to add the District of Columbia as a terminal point omitted in the previous publication. By the instant application, applicant seeks to eliminate the gateways of New York, Pennsylvania, Ohio, Missouri, and St. Louis, Mo. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30504 (Sub-No. 20), filed November 11, 1974. Applicant: TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, Ind. 46619. Applicant's representative: Dennis L. Klingerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading): Serving the plantsite of The Firestone Tire & Rubber Company, southeast of Nashville, Tenn., and north of Interstate Highway 24, in connection with carrier's regular route operations, to and from Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Nashville, Tenn.

No. MC 30837 (Sub-No. 467), filed November 12, 1974. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles Pieroni, 4000 West Sample Street, South Bend, Ind. 46627. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-Propelled lift equipment, each weighing less than 15,000 pounds*, and transported on trailers, between points in Fresno County, Calif., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 522), filed November 11, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler and Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Aquariums and aquarium supplies*, from Canton, Ga., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (B) *materials and supplies*, used in the manufacture of aquariums, from points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, to Canton, Ga., restricted to shipments originating at, or destined to, the warehouse and plantsite facilities of Triton Industries, Inc., at Canton, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30887 (Sub-No. 216), filed November 7, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, P.O. Box 4383, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste copper oxide slurry*, in bulk, in tank vehicles, from Baltimore, Md., to Rome, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md.

No. MC 35396 (Sub-No. 40), filed November 4, 1974. Applicant: UNITED TRUCKING OF KENTUCKY, INC., 3047 Lonyo Road, Detroit, Mich. 48209. Applicant's representative: Thomas M. Dooley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Firestone Tire & Rubber Co., Rutherford County, near Nashville, Tenn., as an off-route point in connection with carrier's regular route operations to and from Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn., or Washington, D.C.

No. MC 35628 (Sub-No. 367), filed November 11, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Bldg., Grand Rapids, Mich. 49502. 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* (except commodities in bulk), as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Arkansas, Colorado, Missouri, Nebraska, and Texas, restricted to the transportation of traffic originating at the above named origins and destined to the named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Chicago, Ill.

No. MC 35628 (Sub-No. 368), filed November 11, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of The Firestone Tire & Rubber Co., near Nashville, Tenn., as an off-route point in connection with applicant's existing authority.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Detroit, Mich.

No. MC 35628 (Sub-No. 369), filed November 8, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk,

and those requiring special equipment): Serving the plantsite and facilities of Pinckney Molded Plastics Co., at Pinckney, Mich., as an off-route point in connection with applicant's existing regular route authority.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 35628 (Sub-No. 370), filed November 8, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile parts, and materials* used in the production of automobile parts; and (2) *machinery and machines, and machine parts*, between the plantsites of Arvin Industries, Inc., at or near Franklin and Greenwood, Ind., on the one hand, and, on the other, the plantsite of Arvin Industries, Inc., at or near Monticello, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 42487 (Sub-No. 830), filed Nov. 6, 1974. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100–1660 L St. NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of The Firestone Tire & Rubber Company, at or near Nashville, Tenn., as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 46280 (Sub-No. 75), filed November 13, 1974. Applicant: KEY LINE FREIGHT, INC., 15 Andre' Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the facility of the Tennant Company, located at or near Maple Grove, Minn., as an off-route point in connection with carriers authorized regular route operations to and from Minneapolis, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 51146 (Sub-No. 402), filed November 7, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products and plastic products*, (A) from Lakeville, Minn., to points in Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Arkansas, Louisiana, Washington, and Nevada; and (B) from Greensburg, Pa., to Memphis, Tenn., and points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, New York, and New Jersey, (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products and plastic products, from the destination named in (A) and (B) above, to Lakeville, Minn., and Greensburg, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 403), filed November 15, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2261 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, plastic bags, liners, film, and foil*, from St. Louis, Mo., to points in Minnesota, Wisconsin, Michigan, Illinois, Iowa, Colorado, Nebraska, North Dakota, and South Dakota; and (2) *materials and supplies* used in the manufacture of the above commodities, from points in Minnesota, Wisconsin, Michigan, Illinois, Iowa, Colorado, Nebraska, North Dakota, and South Dakota, to St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 143), filed November 7, 1974. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Israel Novick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel* on hangers and in cartons, in mixed loads with wearing apparel on hangers; and (2) *materials, supplies, and equipment*, used by wearing apparel stores or outlets, between Secaucus, N.J., and points in North Carolina, South Carolina, Georgia, Alabama, and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 52861 (Sub-No. 38) (Correction) filed September 23, 1974, published in the FEDERAL REGISTER issue of November 7, 1974, and republished as corrected this issue. Applicant: WILLS TRUCKING, INC., 7555 Granger Road, Cleveland, Ohio 44131. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, cast iron borings, and alloyed cast iron*, in dump vehicles, between points in Wayne County, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Pennsylvania.

NOTE.—The purpose of this republication is to correct the spelling of the applicant's name. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 59396 (Sub-No. 24), filed November 6, 1974. Applicant: BUILDERS EXPRESS, INC., Limecrest Road, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, (1) from Kearney, N.J., to points in Maine, Vermont, and New Hampshire; and (2) from Bow, N.H., to points in New York, New Jersey, Pennsylvania, and Connecticut.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59856 (Sub-No. 61), filed November 4, 1974. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: Joseph F. Sloan, 6540 North Washington Street, Denver, Colo. 80229. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment); (1) serving points in Johnson and Sheridan Counties, Wyo., as off route points in connection with carrier's regular route authority between Casper and Sheridan, Wyo.; (2) serving points in Weston and Campbell Counties, Wyo., as off route points in connection with carrier's regular route authority between Midwest and Newcastle, Wyo.; and (3) serving points in Platte and Converse Counties, Wyo., as off route points in connection with carrier's regular route authority between Denver, Colo., and Casper, Wyo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Casper, Wyo.

No. MC 60157 (Sub-No. 22), filed November 12, 1974. Applicant: C. A. WHITE TRUCKING COMPANY, a Corporation, 5327 N. Central Expressway, Suite 301, Dallas, Tex. 75205. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel articles*, as defined in Appendix V to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Georgetown Texas Steel Company, at or near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Louisiana, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 68860 (Sub-No. 21), filed November 14, 1974. Applicant: RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Liniel G. Gregory, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning products*, bleach, laundry, NOI, dry; *cleaning products; cleaning, scouring and washing compounds*, NOI, liquid, granular or powder; *lye*, concentrated, NOI; *pot scourers*, NOI; *scouring cloth and scouring pads*, with or without soap, plastic mesh, or other than plastic mesh, in boxes; *soap*, NOI, other than liquid; *sodium hypochlorite solution*, in packages; *sizing*, fabric, in barrels or boxes; *softeners*, textile, NOI; and *steel wool*, in inner containers, in boxes (except articles of unusual value, classes A and B explosives, commodities in bulk, and commodities in tank vehicles), between the plantsite of the Purex Corp., Ltd., at or near Bristol, Pa., on the one hand, and, on the other, Roanoke and Salem, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 358), filed November 15, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11096, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies*, moving in connection therewith, from the plantsite and facilities of FMC Corporation, Crane and Excavator Division, at Lexington, Ky., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, Pennsylvania, Virginia, North Carolina, South Carolina, Arkansas, Missouri, Texas, Oklahoma, Tennessee, and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 74321 (Sub-No. 107), filed November 7, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment*, from points in Tarrant County, Tex., to points in Alabama, Arkansas, Arizona, Connecticut, Delaware, Idaho, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Montana, Nevada, North Dakota, Nebraska, New Mexico, New Jersey, New York, New Hampshire, Oregon, Oklahoma, Rhode Island, South Dakota, South Carolina, Utah, Virginia, Vermont, Wyoming, Wisconsin, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 74321 (Sub-No. 108), filed November 7, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings*, from points in Mayes County, Okla., to points in the United States including Alaska (but excluding Oklahoma and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 89684 (Sub-No. 86), filed November 4, 1974. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84111. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having a prior or subsequent movement by aircraft, Between Stapleton International Airport at Denver, Colo., and the junction of Interstate Highway 80 (U.S. Highway 30) and U.S. Highway 30N approximately 6 miles west of Little America, Wyo.: From Stapleton International Airport over U.S. Highway 287 to Denver, Colo., thence over Interstate Highway 25 to junction Colorado Highway 14, thence over Colorado Highway 14 to Ft. Collins, Colo., thence over U.S. Highway 287 to Laramie, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to junction U.S. Highway 30N approximately 6 miles west of Little America, Wyo., serving no intermediate points and serving, (A) Jim Bridger Power Plant in Wyoming on Sweetwater County Road No. 15, approximately 8 miles north of Point of Rocks, Wyo.; (B) Texasgulf, Inc., plant in Wyoming, approximately 8 miles east of Granger, Wyo., on an unnumbered highway; (C) FMC Corp. plant at Westvaco, Wyo., on Sweetwater County Road No. 3, approximately 6 miles north of U.S. Highway 30; (D) Allied Chemical Corp. and Church & Dwight Co. plants at Alchem, Wyo., on Sweetwater County Road No. 40, approximately 4 miles north of U.S. Highway 30; and (E) Stauffer Chemical Co. plant at Stauffer, Wyo., on Wyoming State Highway 372, approximately 15 miles north of Interstate Highway 80, as off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rock Springs, Wyo.

No. MC 93840 (Sub-No. 15), filed November 8, 1974. Applicant: W. W. GLESS, doing business as GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Buffalo, Iowa, to points in Illinois, Missouri, Wisconsin, Minnesota, Nebraska, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 918), filed November 12, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Presque Isle, Portland, and Caribou, Maine, to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 100666 (Sub-No. 286), filed November 11, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Fdn. Life, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Greenville, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss., or Dallas, Tex.

No. MC 103926 (Sub-No. 42), filed Nov. 14, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation, 1560 Bankhead Highway NW., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers, and cooling tower sections and accessories and supplies incidental thereto*, as part of the same shipment, from points in Henry County, Ga., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *prestressed and precast concrete products*, from points in Henry County, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (3) *ac-*

cessories, building materials, scaffolding, shoring, and supplies, used or useful in the installation and erection of the commodities in (2) above, between points in Henry County, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 843), filed November 7, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: James B. Buda (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture, sale, and distribution of metal buildings and *metal building parts and sections*, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to Galesburg, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 844), filed November 18, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D Borghesani & James B. Buda (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal buildings, and related parts and equipment*, from Caryville, Tenn., and Houston, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment*, used in the manufacture of metal buildings, from points in the United States (except Alaska and Hawaii), to Caryville, Tenn., and Houston, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 104675 (Sub-No. 34), filed November 14, 1974. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N.Y. 14210. Applicant's representative: E. Russell Whiteman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid corn silage additive and feed supplement*, in bulk, in tank vehicles, from Arcade, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and (2) *returned or rejected shipments* of the same commodity on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, Rochester, or Syracuse, N.Y.

No. MC 105045 (Sub-No. 54), filed November 14, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, cooling, heating, and humidifying equipment*, from the plantsite and warehouse facilities of Lennox Industries, Inc., at Fort Worth, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Missouri, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 105045 (Sub-No. 55), filed November 14, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyers, elevators, feeders, vibrating screens, hoppers, bins, and parts* of such commodities, from Oelwein, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 463), filed November 11, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John H. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium perborate*, dry, in bulk, in tank vehicles, from Woodstock, Tenn., to Jersey City, N.J., and Oakland, Calif.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 107295 (Sub-No. 755), filed November 13, 1974. Applicant: PREFAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular mausoleum crypt systems*, from points in Allen County, Ohio, to points in the United States (except Alaska, Hawaii, and Ohio).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107818 (Sub-No. 73), filed November 7, 1974. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potates and potato products*, from points in Portage County, Wis., to points in Florida and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 107993 (Sub-No. 32), filed November 11, 1974. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative. J. G. Dail, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Off-highway vehicles and parts, attachments, materials, and accessories*, for or of off-highway vehicles, between Tulsa, Okla., and Lufkin, Houston, and Conroe, Tex., on the one hand, and, on the other, points in Arizona, Colorado, New Mexico, Oklahoma, and Texas, restricted to shipments originating at, or destined to the facilities of Unit Rig and Equipment Co., at Tulsa, Okla., and of Kimco, Inc., at Houston, Lufkin, and Conroe, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 109397 (Sub-No. 308), filed November 11, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113 (Bus Rte 1–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earthmoving, construction equipment, and cranes, attachments and accessories, and parts of such commodities, and materials and supplies*, used in the construction thereof, between the plantsites and warehouse facilities of Grove Manufacturing Company, in Horry County, S.C., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 109478 (Sub-No. 138), filed November 11, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. 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* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor*

Carrier Certificates 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson & Co., Inc., at Albert Lea, Minn., Cedar Rapids, Iowa, Longansport, Ind., and Monmouth, Ill., to ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, restricted to the transportation of traffic originating at the above specified plantsites and warehouse facilities and destined to the above specified destination points and further restricted to traffic moving in foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111401 (Sub-No. 435), filed October 29, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds and feed supplements*, in bulk, in tank vehicles, (1) from Atchison, Kans., to points in Nebraska and Missouri; and (2) from Oakley, Kans., to points in Nebraska and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Wichita, Kans.

No. MC 111401 (Sub-No. 437), filed November 13, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Chemical Company, near Plaquemine, La., to ports of entry on the International Boundary line between the United States and the Republic of Mexico, located in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 111729 (Sub-No. 476), filed November 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, diagnostic test kits, medical instruments, biochemicals, equipment, and supplies*, between Orangeburg, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Delaware, Rhode Island, Virginia, West Virginia, and the District of Columbia; (2) *business papers, records, audit and accounting media of all kinds*, (a) between Mansfield, Ohio, on the one hand, and, on the other, Buffalo, Jamestown, and Rochester, N.Y.; (b) between Chicago, Ill., on the one hand, and, on the other, Lincoln and Omaha, Nebr.; (c) between Willard, Ohio, on the one hand, and, on the other, Chicago, Ill.; Butler and Pittsburgh, Pa.; Batavia, Buffalo, Dunkirk, Hamburg, Rochester, and Syracuse, N.Y.; and (3) *ophthalmic goods and emergency optical machinery replacement parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds, from one consignor to one consignee on any one day, (a) between Mansfield, Ohio, on the one hand, and, on the other, Buffalo, Jamestown, and Rochester, N.Y.; and (b) between Chicago, Ill., on the one hand, and, on the other, Lincoln and Omaha, Nebr.; and (4) *dairy telephone addendas, press and bindery samples, and approvals, artwork, and advertising material of all kinds*, between Willard, Ohio, on the one hand, and, on the other, Chicago, Ill.; Butler and Pittsburgh, Pa.; Batavia, Buffalo, Dunkirk, Hamburg, Rochester, and Syracuse, N.Y.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 279) (Amendment), filed July 8, 1974, published in the FEDERAL REGISTER issue of August 8, 1974, and republished as amended this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Raymond W. Ellsworth, P.O. Box 227, Seneca, Pa. 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chewing gum, and advertising materials*, Duryea, Pa., to points in Ohio (except Cleveland and Cincinnati, Ohio), Indiana (except Indianapolis, Ind.), Michigan (except Detroit and Grand Rapids, Mich.), Illinois (except Chicago, Ill.), Kentucky (except Louisville, Kentucky), Wisconsin (except Milwaukee, Wis.), Iowa (except Des Moines, Iowa), Minnesota (except Minneapolis, Minn.), Missouri (except St. Louis, Mo.), Kansas (except Kansas City, Kans.), restricted to traffic originating at the plantsite and storage facilities of Topps Chewing Gum Co., located in Duryea, Pa.

NOTE.—The purpose of this republication is to redefine the Kansas destination point and add a restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113475 (Sub-No. 21) (Correction), filed September 20, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, Va. 23847. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Landscape timbers and fencing*, (A) from Plymouth and Weyco, N.C., to Salisbury, Md., for stopping-in-transit for rot preventive treatment, thence to points in North Carolina, Virginia, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Maryland, and the District of Columbia; and (B) from Plymouth and Weyco, N.C., to Pageland, S.C., for stopping-in-transit for rot preventive treatment, thence to points in the United States in and east of Michigan, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—The purpose of this republication is to correctly indicate applicant's origin points. If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 113584 (Sub-No. 20), filed November 11, 1974. Applicant: SHIPPERS SERVICE, INC., 1107 Rockford Road, Charles City, Iowa 50616. Applicant's representative: Steven Shoenebaum, 1200 Register and Tribune Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs and chemicals* (except commodities in bulk or in tank vehicles), from the plantsite of Salsbury Laboratories, located approximately 2 miles west of Leland, N.C., on U.S. Highways 74 and 76, to points in Delaware, Kentucky, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and South Carolina; and (2) *materials and supplies* used in the manufacture of drugs and chemicals (except commodities in bulk or in tank vehicles), from Indianapolis, Ind., Midland, Mich., St. Louis, Mo., Cincinnati, Columbus, and Toledo, Ohio, Chattanooga, Kingsport, and Newport, Tenn., and points in Illinois, New Jersey, and New York, to the plantsite of Salsbury Laboratories located approximately 2 miles west of Leland, N.C., on U.S. Highways 74 and 76, restricted to a transportation service to be performed under a continuing contract or contracts with Salsbury Laboratories.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Minneapolis, Minn.

No. MC 113678 (Sub-No. 571), filed November 6, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Snyder, Nebr., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 223), filed November 15, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg. West, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lithium ore*, from Richmond, Va., to Dutch Gap, Va., restricted to traffic having an immediate prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 151), filed November 15, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and *buildings* in sections, from points in Box Elder County, Utah, to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Washington, D.C.

No. MC 114045 (Sub-No. 406), filed November 4, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on Bills of Lading of freight forwarders, as defined in Section 402(a), Part IV of the Act, (A) from New York, N.Y., and points in its Commercial Zone as defined by the Commission, and points in Suffolk, Nassau, Westchester, Rockland, Putnam, Orange, Sullivan, Ulster, and Dutchess Counties, N.Y., and points in New Jersey, to Milwaukee, Wis., and Chicago, Ill.; (B) from points in Illinois and Wisconsin, to points in Texas; and (C) from New York, N.Y., and points in its Commercial Zone, as defined by the Commission, and points in Suffolk, Nassau, Westchester, Rockland, Putnam, Orange, Sullivan, Ulster, and Dutchess Counties, N.Y., and points in New Jersey, to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 411), filed November 13, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* in cans and bottles and kegs, in vehicles equipped with mechanical refrigeration, from Port of New York, N.Y., Port Elizabeth, N.J., Port of Newark, N.J., Port of Philadelphia, Pa., Port of Baltimore, Md., to points in Chicago, Ill., Detroit, Mich., Phoenix, Ariz., Dallas, Tex., and Los Angeles, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 114457 (Sub-No. 212), filed November 7, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Marysville, Pa., to points in Kentucky, Indiana, Ohio, Michigan, Illinois, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis-St. Paul, Minn., or Harrisburg, Pa.

No. MC 114457 (Sub-No. 213), filed November 7, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and insulation materials*, (1) from Port Allegany, Pa., to Michigan, Indiana, Illinois, Kentucky, Arkansas, Ohio, Missouri, Kansas, Iowa, Wisconsin, Oklahoma, Minnesota, Nebraska, Texas, North Dakota, and South Dakota; and (2) from Sedalia, Mo., to Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Arkansas, Wisconsin, Illinois, Michigan, Texas, Indiana, Ohio, Kentucky, Tennessee, North Carolina, West Virginia, Virginia, Maryland, Pennsylvania, and the District of Columbia, restricted to traffic originating at and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn., or Pittsburgh, Pa.

No. MC 114486 (Sub-No. 30), filed November 14, 1974. Applicant: AUTREY F. JAMES, doing business as, A. F. JAMES TRUCK LINE, 107 Lelia St., Texarkana, Tex. 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compounds* that are manufactured and distributed by clay manufacturers or processors, from the plant sites of W. S. Dickey Clay Mfg., Co. at Pittsburg, Kans., and Texarkana, Tex., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, under contract with W. S. Dickey Clay Mfg. Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 115730 (Sub-No. 3), filed November 7, 1974. Applicant: THE MICKOW CORPORATION, 1914 East Euclid, P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous metals, and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment or special handling), from points in Du Page, Cook, Will, Lake, Putnam, and Kankakee Counties, Ill., and Lake and Porter Counties, Ind., to points in Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, Chicago, Ill., or Washington, D.C.

No. MC 115762 (Sub-No. 7) (Amendment), filed October 18, 1974, published in the FEDERAL REGISTER issue of November 21, 1974, and republished as amended this issue. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 602 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ties, cross ties, and switch ties*, treated or untreated, between points in Tennessee on and west of Tennessee Highway 13 and Corinth, Miss., and its commercial zone, on the one hand, and, on the other, Paducah, Ky., and Carbondale, Ill., and their respective commercial zones, except treated ties from Corinth, Miss., and its commercial zone, to Carbondale, Ill., and Paducah, Ky., and their respective commercial zones.

NOTE.—The purpose of this republication is to add Corinth, Miss. as an origin point. Applicant holds contract carrier authority in MC 114989 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 115841 (Sub-No. 486), filed November 14, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, Homewood, Ala. 35209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citric acid*, in bags, drums, and containers, from the plantsite of Pfizer, Inc., located at or near Southport, N.C., to points in Arkansas,

Colorado, Louisiana, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 115841 (Sub-No. 487), filed November 14, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, Homewood, Ala. 35209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citric acid*, in bags, drums, and containers, from the plantsite of Pfizer, Inc., located at or near Southport, N.C., to points in Arizona, California, Nevada, and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117068 (Sub-No. 34), filed November 7, 1974. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of roll-over protection systems and/or of seat cabs (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in the United States (except Alaska and Hawaii), to Litchfield, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 516), filed November 11, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen (except in bulk), from the storage facilities of Terminal Ice & Cold Storage, at Clearfield, Utah, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Boise, Idaho.

No. MC 117119 (Sub-No. 518), filed November 12, 1974. Applicant WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of J. H. Filbert, Inc., at or near Atlanta, Ga., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Texas (except Alaska and Hawaii), restricted to traffic originating at the above named plantsite and warehouse facilities, and destined to points in the above named states.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 117339 (Sub-No. 7), filed November 15, 1974. Applicant: WILLARD SHEWMAKER, 206 South Park Road, Fairdale, Ky. 40118. Applicant's representative: R. Cameron Rollins, 321 E. Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, cinder block, concrete block, tile, and related products* produced from clay, shale, or concrete, and *materials and supplies* used in the manufacture of brick, block, and tile: (a) between the plant site of General Shale Products Corporation near Mooresville, Ind., on the one hand, and, on the other, points in Minnesota, Tennessee, and Wisconsin; (b) between the plantsite of General Shale Products Corporation near Coral Ridge, Ky., on the one hand, and, on the other, points in Arkansas, Missouri, Ohio, Illinois, and Tennessee; and (c) between the plant site of General Shale Products Corporation near Evansville, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Missouri, Ohio, and Tennessee; and (2) *materials and supplies used in the manufacture of brick, block, and tile*: (a) between the plant site of General Shale Products Corporation near Mooresville, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, and Ohio; and (b) between the plant site of General Shale Products Corporation near Coral Ridge, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Tennessee, under continuing contract or contracts with General Shale Products Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 117478 (Sub-No. 3), filed November 13, 1974. Applicant: SPERRY TRANSPORTATION COMPANY, a Corporation, P.O. Box 468, Charles City, Iowa 50616. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and tractor parts*, between Charles City, Iowa, on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State Boundary line near Alton, Ill., and extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State Boundary line, restricted to traffic originating at or destined to White Farm Equipment Co.

NOTE.—By the instant application, applicant seeks to convert its contract carrier authority in MC 60465 Sub-No. 3 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 117503 (Sub-No. 6), filed November 13, 1974. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value, commodities requiring special equipment, and commodities in vehicles equipped with mechanical refrigeration); and (2) *equipment, parts, materials, and supplies* used in the operation of aircraft, between the San Francisco International Airport, the Oakland International Airport, the Sacramento Metropolitan Airport, and the facilities of air freight forwarders serving said airports within 25 miles thereof, on the one hand, and, on the other, points in Nevada (except points in Clark, Esmeralda, Lincoln, and Nye Counties, Nev.), restricted in (1) above to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 117883 (Sub-No. 200), filed November 4, 1974. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products produced or distributed by manufacturers and converters of paper and paper products*, from Cincinnati and Middletown, Ohio, to Clinton, Iowa, St. Louis, Mo., and points in Illinois and Indiana on and north of U.S. Highway 40, restricted to traffic originating at the plantsite and/or storage facilities of Diamond International Corporation located at or near Middletown and Cincinnati, Ohio, and Sorg Paper Company at or near Middletown, Ohio, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 118263 (Sub-No. 56), filed November 14, 1974. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. 47130. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* (except commodities in bulk, and hides), from the plantsite of Elm Hill Meats, Inc., located at Lexington, Ky., to points in Massa-

chusetts, Maryland, Maine, Florida, New York, New Jersey, Pennsylvania, Connecticut, Georgia, Delaware, Illinois, Indiana, Michigan, Missouri, Ohio, Rhode Island, West Virginia, North Carolina, South Carolina, Tennessee, Virginia, New Hampshire, Vermont, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lexington or Louisville, Ky.

No. MC 118831 (Sub-No. 115), filed October 18, 1974. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, from Hopewell, Va., to points in North Carolina and South Carolina; (2) *salt cake*, dry, in bulk, from Front Royal, Va., to points in North Carolina, South Carolina, and Georgia; and (3) *liquid natural latex*, in bulk, from Baltimore, Md., to points in Alabama.

NOTE.—Applicant states that it intends to tack the requested authority: (a) in Sub-No. 22 at Charlotte, N.C., on *liquid chemicals*, in bulk, in tank vehicles, from Hopewell, Va., to points in Alabama, Florida, and Georgia; (b) in combination of (a) next above and carrier's Sub-No. 85 at Lanett, Ala., on *liquid chemicals* (except fertilizer and vegetable oils), in bulk, in tank vehicles, from Hopewell, Va., to points in Mississippi; (c) in Sub-No. 44 at points in South Carolina on *liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Hopewell, Va., to points in Georgia, restricted against the transportation of liquid chemicals from Charleston, S.C., to points in Georgia; (d) in Sub-No. 32 at points in North Carolina on *dry commodities* (except cement), in bulk, in tank or hopper-type vehicles, from Hopewell, Va., to points in Georgia, restricted against the transportation of (1) *mineral filler and pulverized slate*, from points in Stanly County, N.C.; (2) *petroleum products*, in bulk, from Friendship, N.C.; and (3) *fertilizer and fertilizer materials and ingredients*, from Williamston, N.C., to points in South Carolina and Virginia; (e) in combination of (d) next above and Sub-No. 85 at that portion of the Lanett, Ala., Commercial Zone located in Georgia on *dry chemicals* (except fertilizer and cement), in bulk, in tank or hopper-type vehicles, from Hopewell, Va., to points in Alabama and Mississippi, restricted against the transportation of (1) *mineral filler and pulverized slate*, from points in Stanly County, N.C.; (2) *petroleum products*, in bulk, from Friendship, N.C.; and (3) *fertilizer and fertilizer materials and ingredients*, from Williamston, N.C., to points in South Carolina and Virginia; and (f) in Sub-No. 85 at that portion of the Lanett, Ala., Commercial Zone located in Georgia, on *salt cake*, dry, in bulk, from Front Royal, Va., to points in Alabama and Mississippi. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Raleigh, N.C.

No. MC 119422 (Sub-No. 57), filed November 11, 1974. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th & Lincoln, E. St. Louis, Ill. 62204. 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: *Dry corn products*, in bulk, from Mt. Vernon, Ind., to points in Kentucky, Louisiana, Michigan, Ohio, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 119619 (Sub-No. 76), filed November 7, 1974. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Kemen Sausage located in Kenosha, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia; and (2) *foodstuffs*, from points in Jefferson County, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 119726 (Sub-No. 43), filed November 8, 1974. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington, St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile*, in boxes and packages, from the plantsite and facilities of Robertson-American of Mississippi, Inc., at Cleveland, Miss., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Ohio, Indiana, Pennsylvania, Kentucky, West Virginia, Maryland, Virginia, Tennessee, North Carolina, Alabama, Georgia, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 119792 (Sub-No. 46), filed November 11, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, INC., 3215 South Hamilton Avenue, Chicago, Ill. 60603. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the plantsite and storage facilities of J. R. Simplot Company in Minnesota, to points in Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, Georgia, Arkansas, Virginia, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 121470 (Sub-No. 8), filed November 18, 1974. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railroad cross ties, switch ties, crossing blanks, and related rail ties*, from points in Dixon, Hickman, Humphreys, Lawrence, Lewis, Perry, Wayne, and Williamson Counties, Tenn., and Trigg County, Ky., to points in Illinois, Indiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 123407 (Sub-No. 211), filed November 11, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Newark, Ohio, and Arkadelphia, Ark., to Minnesota, North Dakota, South Dakota, Wisconsin, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 123681 (Sub-No. 30), filed November 4, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Oreg. 97203. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and chemical solutions*, in bulk, in tank vehicles, between points in Oregon and Washington, on the one hand, and, on the other, points in Nevada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 124078 (Sub-No. 622), filed November 4, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate, phosphate products, phosphate by-products, fertilizer, and fertilizer materials*, from the plant site and storage facilities of International Minerals and Chemicals Corporation in Polk County, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Miss-

sippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Jacksonville, Fla.

No. MC 124078 (Sub-No. 624), filed November 11, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, from the plantsite of the Miami Fort Power Plant, of the Cincinnati Gas and Electric Company, at or near North Bend, Ohio, to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia; and (2) *petroleum interface*, from Green Bay, Wis., to points in Lake County, Ind. (except East Chicago).

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Chicago, Ill.

No. MC 124147 (Sub-No. 5), filed November 11, 1974. Applicant: ALAN P. GEREG, INC., Candlewood Orchards, Brookfield, Conn. 06804. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk materials*, by dump vehicles, between points in Westchester, Putnam, and Dutchess Counties, N.Y., and Fairfield, Litchfield, New Haven, and Hartford Counties, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford or New Haven, Conn.

No. MC 124554 (Sub-No. 13), filed November 11, 1974. Applicant: LANG CARTAGE CORP., 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale drug houses, from Milwaukee, Wis., to points in Lake County, Ill., under contract with Yahr-Lange, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 124669 (Sub-No. 37), filed September 30, 1974. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, from Blair, Nebr., to points in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., Minneapolis, Minn., or Omaha, Nebr.

No. MC 124796 (Sub-No. 136), filed November 12, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORPORATION, 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from a point approximately 10 miles southeast of Junction, Tex., on FM2169 about ¾ of a mile north of the junction of FM2169 and Interstate Highway 10, to grinding and mixing facilities located at or near Columbia, Mo., restricted to a transportation service to be performed under a continuing contract, or contracts, with The Clorox Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124813 (Sub-No. 120), filed November 4, 1974. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1910 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal, soybean mill run, and soybean hulls*, from the plantsite of Farmland Industries, Inc., at Sergeant Bluff, Iowa, to points in Illinois, Montana, North Dakota, and South Dakota; and (2) *soybean meal* from Eagle Grove, Iowa, to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Kansas City, Mo.

No. MC 127303 (Sub-No. 16), filed November 13, 1974. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rosemont, Minn., to Iowa City and Muscatine, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128375 (Sub-No. 123), filed November 6, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Philadelphia, Pa., Chicago, Ill., and Kansas City, Mo., to points in Nebraska; and (2) from Pine Bluff, Ark., to Goodland, Kans., under a continuing contract or contracts with Western Paper Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Lincoln, Nebr.

No. MC 128375 (Sub-No. 125), filed November 4, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Nashua, N.H., and Westbrook, Maine, to points in Iowa, Kansas, Nebraska, Arkansas, Texas, Oklahoma, Memphis, Tenn., and Kansas City, Mo., under a continuing contract or contracts with Western Paper Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at (1) Kansas City, Mo., or (2) Lincoln, Nebr.

No. MC 128220 (Sub-No. 13) (Correction), filed September 30, 1974, published in the FEDERAL REGISTER issue of November 1, 1974, and republished this issue. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, P.O. Box 508, Burnside, Ky. 42517. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, fireplace logs, paper bags, and spices, and sauces* used in outdoor cooking, (a) from Parsons, West Virginia, and Burnside, Ky., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and Wisconsin, and (b) between the plantsites and storage facilities of the Kingsford Company located at or near Burnside, Ky., Parsons, W. Va., Dothan, Ala., and Belle, Mo.; and (2) *materials, supplies and equipment* used in the manufacture, processing, and distribution of the commodities in (1) above, *and damaged, rejected, or returned shipments of the commodities* in (1) above, (a) from points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and Wisconsin, to points in Burnside, Ky., and Parsons, W. Va.; (b) between the plantsites and storage facilities of the Kingsford Company located at or near Burnside, Ky., Parsons, W. Va., Dothan, Ala., and Belle, Mo.; (c) from points in Alabama, Florida, Georgia, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and Michigan (except points in the Upper Peninsula of Mich-

igan), to the plantsite and storage facilities of the Royal Oak Charcoal Company located at or near Cookeville, Tenn.; and (d) from points in Pulaski County, Ky., to points in Macon County, Tenn., (3) *fireplace logs*, from Dothan, Ala., to points in Florida, Georgia, South Carolina, and Mississippi.

NOTE.—The purpose of this filing is to correct the commodity description and the territorial description in part (2) of the application. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 128273 (Sub-No. 162), filed November 11, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Home laundry washers and dryers, refrigerators, freezers, ranges, ovens, and range hoods, dish washers, garbage disposers, waste compactors, room air conditioners, cooking surface units, and other household appliances, and parts and accessories*, for household appliances, from Little Rock, Ark., to points in Arizona, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 128638 (Sub-No. 8), filed November 8, 1974. Applicant: CENTRAL GRAIN HAULERS, INC., Route #1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clay, Leslie, Harlan, Laurel, Breathitt, Knott, and Perry Counties, Ky., to points in Kentucky, Ohio, Indiana, West Virginia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky.

No. MC 128638 (Sub-No. 7), filed November 4, 1974. Applicant: RAY L. KRALL, P.O. Box 335, Carson, Wash. 98610. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Astoria, Oreg., to Portland, Oreg., and Vancouver, Washougal, Centralia, and Tacoma, Wash., under a continuing contract or contracts with Astoria Plywood Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 128664 (Sub-No. 7), filed November 15, 1974. Applicant: KARDUX TRANSFER, INC., 1907 Roby Avenue, Muscatine, Iowa 52761. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and storage facilities of H. J. Heinz Co. at or near Muscatine and Iowa City, Iowa, to points in Illinois, points in Missouri on and easts of U.S. Highway 63, and Springfield and Joplin, Mo.

NOTE.—Applicant holds motor contract carrier authority in MC 136552 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128902 (Sub-No. 9), filed November 8, 1974. Applicant: SCHOENEGGE, INC., Route 20 East, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel stampings*, from Toledo, Ohio, to Norwalk, Ohio, under a continuing contract or contracts with Sheller-Globe Corporation, Norwalk Assembly Division of Norwalk, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 129516 (Sub-No. 34), filed November 7, 1974. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated potato granules*, from the port of entry on the International Boundary line between the United States and Canada located at or near Sweetgrass, Mont., to San Francisco and Los Angeles, Calif., Peoria and Chicago, Ill. (except those points in the Chicago, Ill. Commercial Zone located in Indiana), Fort Worth, Dallas, Lubbock and Abilene, Tex., and Kansas City, Mo., restricted to traffic having a prior movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129631 (Sub-No. 44), filed October 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South 300 West Street, Salt Lake City, Utah 84120. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, particle board, hard board, and lumber mill products*, (1) from points in Idaho, Montana, Oregon, Washington, and Wyoming, to points in Colorado; (2) from points in Oregon, Washington, and Wyoming, to points in Nevada; and (3) between points in Clark County, Nev.

NOTE.—Common control may be involved. Applicant intends to tack its requested authority with its existing authority in Sub 36 at Moapa, Nev., to serve St. George, Utah. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 129886 (Sub-No. 11), filed November 11, 1974. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, Pa. 17023. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, 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; and (b) *foodstuffs* (except the commodities set forth in (1)(a) above), between the plantsite of Calvin E. Summers at Elizabethville, Pa., on the one hand, and, on the other, the District of Columbia, and points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, under a continuing contract or contracts wth Sugardale Foods, Inc., and Louis Lehrman & Son, Inc.; (2)(a) *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, 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; and (b) *foodstuffs* (except the commodities set forth in (2)(a) above), between the plantsite of Calvin E. Summers, at Elizabethville, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New York, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with the Green Giant Company; and (3)(a) *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, 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; and (b) *foodstuffs* (except the commodities set forth in (3)(a) above), from the plantsite of Calvin E. Summers at Elizabethville, Pa., to the District of Columbia, and points in Delaware, Maryland, New Jersey, Virginia, West Virginia, and those points in Pennsylvania on and east of U.S. Highway 15, under a continuing contract or contracts with John Morrell & Co.

NOTE.—Applicant states that upon approval of the above described authority, applicant will request cancellation of its authority under MC 129886, with G. Ropate Corporation of Boston, Mass., which will limit the number of persons the applicant may serve to six (6). Applicant further states that it presently holds all of the above described authority, and that the purpose of this application is to add additional contracting shippers. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 134405 (Sub-No. 25), filed November 11, 1974. Applicant: BACON TRANSPORT COMPANY, a Corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and fuel oil*, in bulk, in tank ve-

hicles, from Ardmore, Okla., to points in Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134716 (Sub-No. 5), filed October 31, 1974. Applicant: RUSH TRUCKING, INC., 3006 SW. 2nd Avenue, Fort Lauderdale, Fla. 33315. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Broward and Palm Beach Counties, Fla., and (2) between Dade County, Fla., on the one hand, and, on the other, points in Broward and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by air or water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami or Fort Lauderdale, Fla.

No. MC 134838 (Sub-No. 12), filed November 7, 1974. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prestressed, precast, and reinforced concrete and concrete products, and products made partially of precast, prestressed, or reinforced concrete* (except commodities in bulk, and cement in bags), from Macon and Stockbridge, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee; (2) *cooling towers and cooling tower sections, and accessories and supplies* handled incidental to the erection and completion of cooling towers, when moving on the same vehicle with cooling towers and cooling tower sections, from Stockbridge, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee; (3) *jigs, tools, equipment, material, and supplies* used in the jobsite erection, installation, or construction of items in (1) and (2) above (except commodities in bulk, and cement in bags), from Macon and Stockbridge, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee; and (4) *jigs, tools, and equipment* defined in (3) above, from points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee, to Macon and Stockbridge, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135052 (Sub-No. 9), filed November 14, 1974. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and Bulk sealing cement*, from Greenfield, Ind., to points in Centralia, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 135486 (Sub-No. 7), filed November 6, 1974. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products and advertising and display material* in connection therewith, from the facilities of the Kroger Company at Solon, Ohio, to the facilities of the Kroger Company at Ft. Wayne, Ind., under a continuing contract or contracts with Kroger Brands Division of The Kroger Company.

NOTE.—If a hearing is deemed necessary, applicant requested it be held at Washington, D.C.

No. MC 135486 (Sub-No. 8) filed November 6, 1974. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration, from the facilities of the Kroger Company at Columbus and Cincinnati, Ohio, to the facilities of the Kroger Company at Dallas and Houston, Tex., under a continuing contract or contracts with Kroger Brands Division of The Kroger Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135684 (Sub-No. 8), filed October 9, 1974. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Ornamental iron products and accessories, ventilators, plastic shutters, and grid ceiling systems*, (1) Between plant sites and other facilities of Leslie-Locke at Franklin Park, Ill., Mount Carroll, Ill., Lodi, Ohio, Madera, Calif., Tifton, Ga., Tucker, Ga., and Fort Worth, Tex.; and (2) From plant site and other facilities of Leslie-Locke at Franklin Park, Ill., to points in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hampshire, Pennsylvania, Ohio, New York, New Jersey, Delaware, Maryland, and the District of Columbia; and (B) *materials, supplies, and equipment*, used or useful in the manufacture, distribution, or sale of the aforementioned commodities (except commodities in bulk), (3) Between points in (1) above; and (4) from the destination area described in (2) above, to Franklin Park, Ill., restricted to traffic moving to the facilities of Leslie-Locke at Franklin Park, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135874 (Sub-No. 49), filed November 4, 1974. Applicant: LTL PERISHABLES, INC., 9949 J Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 Center Road, Omaha, Nebr. 68124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in mechanically refrigerated vehicles, from the plantsite and/or warehouse facilities of the Green Giant Company, at or near Belvidere, Ill., to points in North Dakota, restricted to traffic originating at the named origin and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 136343 (Sub-No. 38), filed November 15, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, and ballotini and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., at Apex, N.C., to points in New Jersey, Pennsylvania, Ohio, Maryland, and New York; and (2) *materials and supplies*, used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from points in New York, Maryland, Ohio, Pennsylvania, and New Jersey, to the facilities of Potters Industries, Inc., at Apex, N.C.

NOTE.—Applicant holds contract carrier authority in MC 96098 Sub-No. 46, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136386 (Sub-No. 15), filed November 11, 1974. Applicant: GO LINES, INC., 8023 E. Slauson Avenue, Suite 6, Montebello (L.A.), Calif. 90640. Applicant's representative: Harley E. Laughlin, P.O. Box 10875, Reno, Nev. 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the plantsite and storage facilities utilized by Gourmet Food Products, Inc., in Morrow County, Oreg., to Longshot (Lyon County), Nev.; and (2) from Longshot (Lyon County), Nev., to points in (a) Texas and Louisiana, and (b) Nevada, California, Arizona, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136461 (Sub-No. 2), filed November 11, 1974. Applicant: MCKIMM MILK TRANSIT, INC., Highway 22 North, Hutchinson, Minn. 55350. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, between New Ulm and Hutchinson, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 136553 (Sub-No. 29), filed November 11, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer, and dry fertilizer materials*, from Buffalo, Iowa, to points in Illinois, Missouri, Wisconsin, Minnesota, Nebraska, and Indiana; and (2) *expanded shale*, in bulk, in dump vehicles, from Centerville, Iowa, to East Dubuque, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 136786 (Sub-No. 65), filed November 11, 1974. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat 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, from Wichita, Liberal, and Emporia, Kans., to points in South Carolina, North Carolina, Alabama, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Minneapolis, Minn.

No. MC 138482 (Sub-No. 1), filed November 11, 1974. Applicant: SPACEMASTER TRUCKING CORP., Interstate 26 and Montague Overpass, Charleston Heights, S.C. 29405. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Store display equipment and fixtures, library equipment and fixtures, and office landscaping equipment and shelving stacks*, from plant sites and warehouses of Reflector Hardware Corporation, at Melrose Park, Ill., to points in Arizona, California, Colorado, District of Columbia, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (2) *store display equipment and fixtures:* (a) from the plant sites and warehouses of the Goer Manufacturing Company at Charleston Heights, S.C., to points in Arizona, California, Colorado, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Washington, and Wyoming; and (b) from the plant sites and warehouses of the Garcy Corporation at Chicago, Ill., to points in Arizona, California, Colorado, District of Columbia, Idaho, Nevada, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming; and (c) from the plant sites and warehouses of the Goer Manufacturing Company, Reflector Hardware Corporation, and the Garcy Corporation at Gardena, Calif., to points in the United States (except Alaska, Hawaii, Oregon, Washington, Nevada, Utah, Wyoming, Montana, Arizona, Colorado, and New Mexico); (3) *shelving stacks, mail sorting stands, and retail store gondolas*, from the plant sites and warehouses of Midland Industries at Wichita, Kans., to points in Arizona, California, Colorado, District of Columbia, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (4) *store displays and furnishings*, from the plant sites and warehouses of Concepts, Inc., at Minneapolis, Minn., to points in Arizona, California, Colorado, District of Columbia, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(5) *Materials and supplies used in the manufacture of the commodities described in (1) above* (except commodities in bulk, from points in the United States (except Alaska, Hawaii, Indiana, Maryland, Michigan, Minnesota, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin), to the plant sites and warehouses of Reflector Hardware Corporation at Melrose Park, Ill.; (6) *materials and supplies used in the manufacture of the commodities described in (2) above* (except commodities in bulk): (a) from points in the United States (except Hawaii, Alaska, Maryland, Ohio, Pennsylvania, Tennessee, and West Virginia), to the plant sites and warehouses of the Goer Manufacturing Company at Charleston Heights, S.C.; and (b) from points in the United States (except Hawaii, Alaska, Indiana, Michigan, Minnesota, New York, Pennsylvania, and Wisconsin) to the plant sites and warehouses of the Garcy Corporation at Chicago, Ill.; and (7) *materials and supplies used in the manufacture of the commodities described in (3) above*, from points in the United States (except Hawaii, Alaska, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin), to the plant sites and warehouses of Midland Industries, at Wichita, Kans., under a continuing contract or contracts with Reflector Hardware Corporation of Melrose Park, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138875 (Sub-No. 22), filed November 12, 1974. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable materials, including scrap and waste paper, scrap metals, junk, crushed auto bodies, engines and transmissions, glass, and glass bottles* destined to recyclers and warehouse and storage sites of recyclers, between points in California, Idaho, Colorado, Utah, Wyoming, Arizona, Nevada, Oregon, Washington, and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 139193 (Sub-No. 24), filed November 14, 1974. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, tapioca flour, ground mustard seed, ground spice, powdered milk, food curing compound, and corn sugar* (dextrose), from the facilities of John Morrell & Co. at Elmhurst and Elk Grove Village, Ill., to points in the United States (except Alaska and Hawaii); and (2) *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, from points in the United States (except Alaska and Hawaii), to the facilities of John Morrell & Co. at Elmhurst and Elk Grove Village, Ill., under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 139280 (Sub-No. 6), filed November 6, 1974. Applicant: BUTANE GAS & ELECTRIC CO., INC., 313 N. Wood Street, Gilmer, Tex. 75644. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in tank vehicles, (1) from Carthage, Edgewood, Hawkins, Kilgore, Myrtle Springs, New London, and Tyler, Tex., to Hot Springs, Ark.; (2) from Arcadia and Gibsland, La., to Hot Springs, Ark.; (3) From Carthage and Tyler, Tex., to Lake Charles, La.; (4) between Carthage, Edgewood, Hawkins, Kilgore, Myrtle Springs, New London, Ore City, and Tyler, Tex., on the one hand, on, on the other, Arcadia, La.; and (5) between Edgewood, Hawkins, Kilgore, Myrtle Springs, New London,

and Ore City, Tex., on the one hand, and, on the other, Lake Charles, La.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Shreveport, La.

No. MC 139495 (Sub-No. 13), filed October 30, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sodium bicarbonate*, (1) from the plantsite and storage facilities of Church & Dwight Co., Inc., at or near St. Louis, Mo., to points in New Jersey, Pennsylvania, Virginia, Maryland, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Iowa, Illinois (except Chicago), Wisconsin, Indiana, Ohio, Kentucky, West Virginia, Michigan, Tennessee, and the District of Columbia; (2) from the plantsite and storage facilities of Church & Dwight Co., Inc., at or near Rockford, Ill., to points in Pennsylvania, Virginia, North Carolina, South Carolina, Iowa, Wisconsin, Indiana, Ohio, Kentucky, West Virginia, Michigan, Tennessee, North Dakota, Missouri, and the District of Columbia; and (3) from the plantsite and storage facilities of Church & Dwight Co., at or near Sweetwater County, Wyo., to points in Alabama, Mississippi, Louisiana, Arkansas, Iowa, Indiana, Ohio, Kentucky, Michigan, Tennessee, Missouri, Nebraska, Kansas, Oklahoma, and Texas; and (B) *sodium carbonate*, from points in Sweetwater County, Wyo., to points in Alabama, Mississippi, Louisiana, Arkansas, Iowa, Indiana, Ohio, Kentucky, Michigan, Tennessee, Missouri, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140032 (Sub-No. 2), filed November 6, 1974. Applicant: LAVERN E. WOLFE, doing business as WOLFE AND WOLFE, 305 Crossland Ave., Uniontown, Pa. 15401. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand*, (1) from points in Summit County, Ohio, to points in Greene, Fayette, Washington, Allegheny, Westmoreland, Beaver, Armstrong, and Venango Counties, Pa.; and (2) from Connellsville and Uniontown, Pa., to Newark, Ohio, under a continuing contract or contracts with Artisand, Inc., at Connellsville, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 140033 (Sub-No. 6), filed November 4, 1974. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 North Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans*, from Philadelphia, Pa. (except those points in the Philadelphia, Pa., Commercial Zone located in New Jersey), to Dallas, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 140042 (Sub-No. 2), filed November 1, 1974. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 1100 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty drums*, in shipper owned trailers, (1) from the plantsite of Minnesota Steel Drum Co., New Ulm, Minn. to the plantsite of Borden, Inc., at Augusta, Blair, Christie, Loyal, New London, and Plymouth, Wis.; (2) from the plantsite of Land O'Lakes, Inc., New Ulm, Minn., to the plantsite of Land O'Lakes, Inc., at Spencer, Wis.; (3) from the plantsite of Borden, Inc., Plymouth, Wis., to the plantsite of Consolidated Container Corp., at Minneapolis, Minn.; and (4) from the plantsite of Land O'Lakes, Inc., Spencer, Wis., to the plantsite of Consolidated Container Corp., at Minneapolis, Minn.

NOTE.—Applicant holds common carrier authority in MC 128951 Sub 4 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 140252 (Sub-No. 1), filed November 8, 1974. Applicant: M.K.M. ASSOCIATED TRUCKING CORP., 117 Dutch Road, East Brunswick, N.J. 08816. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* (except in dump vehicles), from the plantsites of National Can Corp., located at or near Edison and Piscataway, N.J., Long Island City and Maspeth, N.Y., and Hamburg, Pa., to Sparrows Point, Md., and Wilmington, Del., under a continuing contract or contracts with National Can Corp. at Piscataway, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 140275 (Sub-No. 2), filed November 11, 1974. Applicant: HAROLD HOLMAN AND DEE BARTIGIS, doing business as ARDMORE DISTRIBUTING, 1703 NE. Second, Ardmore, Okla. 73401. Applicant's representative: Max G. Morgan, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and dairy products*, as described in Sections A and B to the report to the Commission in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, from Ardmore and Oklahoma City, Okla., to Sherman and Dennison, Tex., and those points in Oklahoma on and south of Interstate Highway 40.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 140288 (Sub-No. 2), filed November 8, 1974. Applicant: PLANTAIN EXPRESS, INC., 7275 NW. 8th Street, Miami, Fla. 33166. Applicant's representative: Richard B. Austin, Suite 214, Palm Coast II Bldg., 5255 NW. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas (Plantain), and agricultural commodities* exempt from economic regulations under Section 203 (b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, in temperature controlled vehicles, from points in Dade County, Fla., to points in the New York, N.Y., Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 140335 (Sub-No. 2), filed November 8, 1974. Applicant: LARRY TURNER, doing buisness as T & S TRUCKING CO., Route 3, Nicholls, Ga. 31554. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, shavings, and sawdust*, in bulk, from points in Charlton County, Ga., to Jacksonville, Fla., under a continuing contract or contracts with Allied Timber Company, a division of St. Regis Paper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 140353 (Sub-No. 1), filed November 5, 1974. Applicant: DWANE BLACHOWSKE, doing business as BLACHOWSKE TRUCK LINES, Route #1, Fairmont, Minn. 56031. Applicant's representative: Elton A. Kuderer, 114 West Second Street, P.O. Box 571, 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 the sand and gravel wash plants in and within four miles of Estherville, Iowa, to points in Martin and Faribault Counties, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fairmont or Mankato, Minn.

No. MC 140375, filed November 1, 1974. Applicant: JANSEN TRANSPORTATION CO., INC., 13327 East Temple Street, La Puente, Calif. 91746. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers*, from the plant site of the Fruit Growers Supply Company in the City of Industry, Calif., to points in Yuma County, Ariz., restricted to shipments destined to points in Yuma County, Ariz., under a continuing contract or contracts with Fruit Growers Supply Company.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 140404, filed November 12, 1974. Applicant: STERLING STORAGE & DISTRIBUTING CO., INC., 1000 McKee Avenue, McKees Rocks, Pa. 15136. Applicant's representative: John A. Pillar, 1122 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is sold in retail department or variety stores, from the facilities of Sterling Storage & Distributing Co., Inc., located in McKees Rocks, Pa., to points in Pennsylvania on and west of U.S. Highway 15, restricted to shipments moving to retail department and variety stores of S. S. Kresge Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Washington, D.C., or Detroit, Mich.

No. MC 140409, filed November 11, 1974. Applicant: MINN CAL. INC., P.O. Box 98, Mandan, N. Dak. 58554. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and *equipment, materials, and supplies* used in the conduct of such businesses, from points in North Dakota to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Minneapolis or St. Paul, Minn.

No. MC 140423, filed November 4, 1974. Applicant: JOSEPH M. GONZALES, JR., doing business as JOE GONZALES, JR., TRUCKING, 19065 Carlton Avenue, Castro Valley, Calif. 94546. Applicant's representative: Robert K. Lancefield, P.O. Box 11415, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flattened and knocked down corrugated paper boxes, styrofoam pellets*, and *cellulose wadding*, from Antioch, Emeryville, Union City, Newark, Gilroy, and Burlingame, Calif., to Stead, Reno, Sparks, Carson City, Lovelock, Winnemucca, and Verdi, Nev.; (2) *cellulose wadding*, from San Leandro, Calif., to Stead, Reno, Sparks, Carson City, Lovelock, Winnemucca, and Verdi, Nev.; and (3) *baled waste paper*, from Carson City, Reno, and Sparks, Nev., to Antioch, Hollister, Richmond, Sacramento, and Santa Clara, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Oakland, Calif.

No. MC 140424, filed November 4, 1974. Applicant: M.P.S. TRANSPORTATION, INC., 412 Lane Avenue, South Plainfield, N.J. 07080. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals and scrap alloy metals*, between Jersey City, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under a continuing contract or contracts with M. Pashelinsky & Sons.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

APPLICATION(S) OF PASSENGERS

No. MC 125765 (Sub-No. 3), filed November 14, 1974. Applicant: ROBERT LEE ZIMMERMAN AND BARBARA ANN ZIMMERMAN, a Partnership, doing business as B AND B BUS LINE, 232 Sycamore Road, Linthicum, Md. 21090. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during the authorized racing season at Penn National Race Course, between Linthicum, Md., and the Westview Shopping Center, at or near Catonsville, Md., on the Baltimore National Pike at the junction of U.S. Highway 40 and Interstate Highway 695, on the one hand, and, on the other, the Penn National Race Course, at or near Grantville, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md.

No. MC 139527 (Sub-No. 2), filed November 4, 1974. Applicant: M.E.M. ENTERPRISES, INC., 216 South 3rd Avenue, P.O. Box 2304, Yakima, Wash. 98902. Applicant's representative: Richard A. Greiner, 115 North Fourth Avenue, P.O. Box 2792, Yakima, Wash. 98902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip, special or charter operations, beginning and ending at points in Yakima, Kittitas, Benton, King, Pierce, and Snohomish Counties, Wash., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Yakima or Seattle, Wash.

No. MC 140400, filed November 11, 1974. Applicant: JOE BROWN, doing business as LIMOUSINE CREW CAR SERVICE, 7008 Hovencamp Street, Fort Worth, Tex. 76118. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railway train crews*, between points in Texas, Oklahoma, New Mexico, Louisiana, Arkansas, and Kansas, restricted to the pickup or delivery of railroad train crews at train locations on rail sidings of railroads, and further restricted to the use of vehicles with a rated seating capacity of 12 passengers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

BROKER APPLICATION(S)

No. MC 130278, filed November 11, 1974. Applicant: HEIMANN'S BUS TOURS, INC., 99 Wilson Street, Brooklyn, N.Y. 11211. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in one-way and round-trip movements, by motor common carriers, between New York, N.Y., and points in Rockland, Orange, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

WATER CARRIER APPLICATION(S)

No. W 1282 (Sub-No. 1), filed November 18, 1974. Applicant: KEY WEST FERRY CORPORATION, 400 SW. First Avenue, Miami, Fla. 33130. Applicant's representative: Richard B. Austin, 5255 NW. 87th Avenue, Miami, Fla. 33166. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier* by water in the transportation of *General commodities, including trailers, rail cars, or containers*, with or without wheels, loaded or empty, and *commodities* in bulk, by self-propelled vessels or non-self-propelled vessels being pushed or towed, between ports in Dade, Broward, and Hillsborough Counties, Fla., on the one hand, and, on the other, the ports of Key West and Marathon, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-28880 Filed 12-11-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

DECEMBER 9, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 23, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 108207 (Sub-No. E19), 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 by-products*, as defined by the Commission (except canned or packaged meats and canned or packaged meats products, other than canned hams, packaged hams, and packaged bacon), from points in Arkansas and Memphis, Tenn., to points in Iowa, Kansas, and Nebraska. The purpose of this filing is to eliminate the gateway of Carthage, Mo., and Peoria, Ill.

No. MC 108207 (Sub-No. E20) 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: *Frozen prepared foods*, from Jackson, Tenn., to points in New Mexico, Arizona, and California, restricted to the transportation of shipments originating at the facilities of the Quaker Oats Company at Jackson, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 108207 (Sub-No. E21) 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: *Cheese and such commodities as are dealt in by retail gift shops*, when moving in mixed loads with cheese, from Monroe, Wis., to points in New Mexico, Arizona, and California. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 108207 (Sub-No. E35) filed May 19, 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: (1) *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, 273, 766, *dairy products, frozen foods, salad dressing, yeast, uncooked bakery goods, fish, and prepared salads*, in vehicles equipped with mechanical refrigeration, and (2) *foodstuffs*, in vehicles equipped with mechanical refrigeration (except those described in Paragraph (1) above, and alcoholic beverages, and except canned goods from Paris, Texas), when moving in mixed loads with one or more of the commodities described in Paragraph (1) above, from points in California to points in Ohio. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 109397 (Sub-No. E61), filed May 15, 1974. Applicant: TRI STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Missouri 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, ammunition* not classified as classes A and B explosives, and *such component parts* (not including ingredients) of classes A and B explosives and *such empty ammunition containers* as are blasting supplies, (1) between points in Wisconsin, Michigan, Illinois, that part of Indiana on and north of U.S. Highway 40, and that part of Minnesota east of a line beginning at the Minnesota-Wisconsin State line, thence along the Mississippi River to junction Itasca-Cass County line, thence along the Itasca-Cass County line, the Itasca-Beltrami County line, the Koochiching-Betrami County line, and the Koochiching-Lake of the Woods County line to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, and West Virginia; (2) between points in that part of Indiana on and south of U.S. Highway 40, on the one hand, and, on the other, points in that part of West Virginia on and east of a line beginning at Williamstown, thence along Interstate Highway 77 to Charlestown, thence along West Virginia Highway 119 to Williamson (except Charlestown and points within 10 miles thereof); (3) between points in that part of Ohio on and north of U.S. Highway 40 and on and west of U.S. Highway 23, on the one hand, and, on the other, points in Maryland and West Virginia (except Wheeling, Parkersburg and Gallipolis, and points within 12 miles of each); (4) between points in that part of Kentucky on and west of Interstate Highway 75, on the one hand, and, on the other, points in that part of West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 60; (5) between points in that part of Kentucky on and west of a line beginning at Ludlow, thence along Interstate Highway 75 to Lexington, thence along U.S. Highway 68 to Edmonton, thence along Kentucky Highway 163 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Virginia, Delaware, and Maryland. The purpose of this filing is to eliminate the gateway of (1) the site of the Blue Grass Ordnance Depot near Richmond, Ky., and points within 3 miles thereof; or (2) points within 5 miles of West Jefferson, Ohio.

No. MC 114211 (Sub-No. E10) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER November 6, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Self-propelled vehicles* (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), (b) *equipment* designed for use in conjunction with self-propelled vehicles (except tank semi-trailers), and (c) *parts and attachments* for the commodities in (a) and (b) above, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 218 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in North Dakota, Montana, Washington, that part of Oregon on, north, and west of a line beginning at the Idaho-Oregon State line, thence along Oregon Highway 201 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction U.S. Highway 97, thence along Oregon Highway 97 to the Oregon-California State line, and that part of Idaho on and north of a line beginning at the Idaho-Wyoming State line, thence along U.S. Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Alternate Highway 93, thence along U.S. Alternate Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Idaho-Oregon State line, restricted to the transportation of such above-specified commodities as are tractors, road making machinery, or contractors' equipment and supplies. The purpose of this filing is to eliminate the

gateway of Minneapolis, Minn. The purpose of this correction is to continue the route descriptions.

No. MC 114211 (Sub-No. E16), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in that part of Iowa on and north of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 275 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateways of Beatrice, Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E17), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of (1) Beatrice, Nebr., and (2) Nebraska City, Nebr., and points within 50 miles thereof.

No. MC 114211 (Sub-No. E18), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes and hoisting equipment*, (2) *Attachments*, for the commodities specified in (1) above, and (3) *Parts*, of the commodities specified in (1) above, and (2), above when moving in mixed loads with the above-specified commodities (except commodities which because of size or weight require the use of special equipment, and commodities described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from Schofield, Wis., to points in Arizona, New Mexico, and that part of California on, south, and west of a line beginning at the California-Nevada State line, thence along California Highway 178 to junction California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 41, thence along California Highway 41 to junction California Highway 140, thence along California Highway 140 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 12, thence along California Highway 12 to junction Interstate Highway 80, thence along Interstate Highway 80 to Vallejo, Calif. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E20), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements, and parts thereof*, the transportation of which because of size or weight, requires special equipment, from points in Missouri to points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 18 to junction U.S. Highway 385, thence along U.S. Highway 385 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 14, thence along U.S. Highway 14 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E23), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm vehicles, and parts thereof* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), from points in that part of Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line, to points in New York. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E24), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Missouri on, north, and west of a line beginning at the Kansas-Missouri State line, thence along Interstate Highway 35 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, to points in Maine, New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, that part of Pennsylvania on and east of a line beginning at the Ohio-Pennsylvania State line, thence along Pennsylvania Highway 51 to junction Interstate Highway 376, thence along Interstate Highway 376 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Pennsylvania-Maryland State line, and that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Chesapeake Bay, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E25), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and one moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Missouri on, north, and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line, to points in Maine, Vermont, New Hampshire, Rhode Island, the Upper Peninsula of Michigan, that part of Massachusetts on, north, and east of a line beginning at the New York-Massachusetts State line, thence along Interstate Highway 90 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Massachusetts-Connecticut State line, and that part of New York on, north,

and east of a line beginning at the International Boundary line between the United States and Canada, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 32, thence along New York Highway 32 to junction New York Highway 196, thence along New York Highway 196 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 149, thence along New York Highway 149 to the New York-Vermont State line, restricted to the transportation of commodities which, because of size ort weight, requre the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E26), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Missouri on and east of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, to points in Washington, Oregon, Montana, North Dakota, that part of Wyoming on and north of a line beginning at the Wyoming-Idaho State line, thence along U.S. Highway 26 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wyoming-South Dakota State line, that part of California on, north, and west of a line beginning at the Pacific Ocean, thence along Interstate Highway 80 to junction U.S. Highway 50, thence along U.S. Highway 50 to the California-Nevada State line, that part of Nevada on, north, and west of a line beginning at the California-Nevada State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, and that part of Idaho on, north, and west of a line beginning at the Idaho-Nevada State line, thence along U.S. Highway 93 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E27), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Iowa on, south, and east of a line beginning at the Iowa-Missouri State line, thence along Interstate Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 57, thence along Iowa Highway 57 to junction Iowa Highway 20, thence along Iowa Highway 20 to the Iowa-Illinois State line, to points in North Dakota, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E28), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Iowa on and west of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 151 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 38, thence along Iowa Highway 38 to the Illinois-Iowa State line, to points in Maine, Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut, and that part of New York on and east of Interstate Highway 87, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E29), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to junction Iowa Highway 146, thence along Iowa Highway 146 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line, to points in Wyoming and Montana, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E30), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Iowa on and east of a line beginning at the Illinois-Iowa State line, thence along Interstate Highway 80 to junction Iowa Highway 212, thence along Iowa Highway 212 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 221, thence along Iowa Highway 221 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line, to points in Oklahoma, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E31), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, to points in Texas, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E32), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Iowa beginning at the Iowa-Minnesota State line, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 212, thence along Iowa Highway 212 to junction Iowa Highway 80, thence along Iowa Highway 80 to the Iowa-Illinois State line, to points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Texas State line, restricted to the transportation of commodities which of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E33), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), between points in that part of Iowa on and south of a line beginning at the Iowa-Illinois State line, thence along Interstate Highway 80 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in that part of Nebraska on and south of a line beginning at the Iowa-Nebraska State line, thence along Nebraska Highway 51 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Colorado-Nebraska State line. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and Omaha, Nebr.

No. MC 114211 (Sub-No. E34), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), from points in that part of Wyoming on and north of a line beginning at the Idaho-Wyoming State line, thence along Wyoming Highway 22 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wyoming-South Dakota State line, to points in Wisconsin, Illinois, Michigan, Indiana, Ohio, New York, Vermont, New Hampshire, Maine, West Virginia, Kentucky, North Carolina, South Carolina, Alabama, Georgia, Florida, and points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 22 to junction Tennessee Highway 21, thence along Tennessee Highway 21 to junction U.S. Highway 45W, thence along U.S. Highway 45W to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling and further restricted against the transportation of those commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of points in South Dakota, and Nassau and Minneapolis, Minn.

No. MC 114211 (Sub-No. E35), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery, and parts thereof* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and commodities moving in driveaway service), from points in that part of Wyoming on and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line, to points in that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 261 to junction New York Highway 251, thence along New York Highway 251 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 63 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 701 to junction U.S. Highway 501, thence along U.S. Highway 501 to Myrtle Beach, and that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 701, thence along U.S. Highway 701 to the South Carolina-North Carolina State line, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling, and further restricted against the transportation of those commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of points in South Dakota, Nassau and Minneapolis, Minn.

No. MC 114211 (Sub-No. E36), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of Nebraska City and Beatrice, Nebr.

No. MC 114211 (Sub-No. E37), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery, and contractors' equipment and supplies*, the transportation of which, because of size or weight, require the use of special equipment, between points in South Dakota, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E38), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements other*

than hand, as described in Section (1) (b), Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *parts therefor*, from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 36 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, to points in that part of Texas on, south, and west of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 87 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E39), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, self-propelled road making machinery, and self-propelled contractors' equipment and supplies*, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 15 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Missouri-Iowa State line, to points in that part of North Dakota on and north of a line beginning at the North Dakota-Minnesota State line, thence along U.S. Highway 2 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction North Dakota Highway 15, thence along North Dakota Highway 15 to junction North Dakota Highway 45, thence along North Dakota Highway 45 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Montana State line, that part of Montana on and north of a line beginning at the Montana-North Dakota State line, thence along Interstate Highway 94 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Montana Highway 43, thence along Montana Highway 43 to the Montana-Idaho State line, that part of Idaho on and north of a line beginning at the Idaho-Montana State line, thence along U.S. Highway 93 to the River of No Return, thence along the River of No Return to U.S. Highway 95, thence along U.S. Highway 95 to junction Idaho Highway 86, thence along Idaho Highway 86 to the Idaho-Oregon State line, and that part of Oregon on and north of a line beginning at the Oregon-Washington State line, thence along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 38, thence along Oregon Highway 38 to the Pacific Ocean, and to points in Washington. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E129), filed May 29, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, between points in South Dakota, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Garner, Iowa.

No. MC 114211 (Sub-No. E130), filed May 29, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, between points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction with U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Garner, Iowa.

No. MC 114211 (Sub-No. E131), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in Maine, New Hampshire, Rhode Island, Connecticut, New Jersey, that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 282, thence along New York Highway 282 to the New York-Pennsylvania State line, and that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 187 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to the Delaware-Pennsylvania State line, to points in Washington, Oregon, Montana, that part of North Dakota on and west of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 83 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 31, thence along North Dakota Highway 31 to junction North Dakota Highway 25, thence along North Dakota Highway 25 to junction North Dakota Highway 6, thence along North Dakota Highway 6 to junction North Dakota Highway 21, thence along North Dakota Highway 21 to junction North Dakota Highway 49, thence along North Dakota Highway 49 to the North Dakota-South Dakota State line, that part of Wyoming on and north of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 388 to junction U.S. Highway 14.

Thence along U.S. Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Montana-Wyoming State line, that part of California on and west of a line beginning at the Nevada-California State line, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 14, thence along California Highway 14 to junction California Highway 178, thence along California Highway 178 to junction California Highway 166, thence along California Highway 166 to Guadalupe, that part of Idaho on and north of a line beginning at the Nevada-Idaho State line, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 20–191, thence along U.S. Highway 20–191 to the Idaho-Wyoming State line, and that part of Nevada on and west of a line beginning at the Oregon-Nevada State line, thence along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, restricted to the transportation of self-propelled vehicles, equipment designed for use in conjunction with self-propelled articles, and parts and attachments therefore. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E132), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's rep-

resentative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 70/76, thence along Interstate Highway 70/76 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-West Virginia State line, that part of West Virginia on and east of U.S. Highway 220, that part of New York on and east of a line beginning at Lake Erie, thence along New York Highway 60 to junction New York Highway 62, thence along New York Highway 62 to the Pennsylvania-New York State line, to points in Washington, that part of Montana on, north, and west of a line beginning at the South Dakota-Montana State line, thence along U.S. Highway 10 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line, that part of Idaho on and north of a line beginning at the Oregon-Idaho State line, thence along Interstate Highway 80 to junction Idaho Highway 68, thence along Idaho Highway 68 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Montana State line, that part of California on and north of a line beginning at the Nevada-California State line, thence along California Highway 168 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 49, thence along California Highway 49 to junction California Highway 140, thence along California Highway 140 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to junction California Highway 156, thence along California Highway 156 to junction U.S. Highway 101, thence along California Highway 101 to junction California Highway 68, thence along California Highway 68 to the Pacific Ocean, and that part of Oregon on and north of a line beginning at the Oregon-Idaho State line, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, restricted to the transportation of self-propelled vehicles, equipment designed for use in conjunction with self-propelled vehicles, and parts and attachments therefore. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E133), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in that part of Louisiana on and south of U.S. Highway 80 and that part of Mississippi on and south of Interstate Highway 20, to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 261, thence along Washington Highway 261 to junction Washington Highway 26, thence along Washington Highway 26 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Washington Highway 18, thence along Washington Highway 18 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 8, thence along Washington Highway 8 to junction U.S. Highway 12, thence along U.S. Highway 12 to Aberdeen, that part of North Dakota on and north of Interstate Highway 94, that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along Interstate Highway 94 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, and points in that part of Idaho on and north of U.S. Highway 12, restricted to the transportation of self-propelled vehicles, and parts and attachments therefor. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E135), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 20/70, thence along U.S. Highway 20/70 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 21 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-Georgia State line, and that part of Virginia on and east of a line beginning at the Maryland-Virginia State line, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line to points in Washington, that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line, that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along U.S. Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction Idaho Highway 44, thence along Idaho Highway 44 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Oregon-Idaho State line, and that part of Oregon on and north of a line beginning at the Idaho-Oregon State line, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line, restricted to the transportation of self-propelled vehicles, equipment designed for use in conjunction with self-propelled vehicles, and parts and attachments therefore. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E136), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on, north, and east of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line, to points in Colorado. The purpose of this filing is to eliminate the gateways of Ft. Dodge, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E137), filed May 24, 1974. Applicant: WARREN

TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts, windmills and parts, tanks, and towers*, between points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Colorado, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E138), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *road building equipment* (except commodities which, because of size or weight, require the use of special equipment, and commodities described in *Mercer Extension —Oilfield Commodities*, 74 M.C.C. 459), from points in Colorado to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub No. E139), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Missouri on and east of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 61 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Interstate Highway 244, thence along Interstate Highway 244 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, to points in Washington, Idaho, Oregon, Montana, North Dakota, that part of California on and north of a line beginning at the Los Angeles, thence along Interstate Highway 10 to junction Interstate Highway 15 to the California-Interstate Highway 15 to the California-Nevada State line, that part of Nevada on and north of U.S. Highway 91, that part of Utah on and north of a line beginning at the Arizona-Utah State line, thence along U.S. Highway 91 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction U.S. Highway 128, thence along U.S. Highway 128 to junction U.S. Highway 6/50, thence along U.S. Highway 6/50 to the Utah-Colorado State line, and that part of Wyoming on and north of a line beginning at the Utah-Wyoming State line, thence along Wyoming Highway 530 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Wyoming-South Dakota State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E140), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, from Dubuque, Iowa, to points in that part of Louisiana on and west of a line beginning at Gibson, thence along U.S. Highway 90 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Louisiana-Arkansas State line, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment, and commodities described in *Mercer Extension—Oil Field Commodities*, 49 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, Kansas City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E141), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, from Ottumwa, Iowa, to points in that part of Louisiana on and west of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 1 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 4, thence along Louisiana Highway 4 to junction Louisiana Highway 7, thence along Louisiana Highway 7 to junction Louisiana Highway 159, thence along Louisiana Highway 159 to the Louisiana-Arkansas State line, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, Kansas City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E143), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities, the transportation of which, because of size or weight, requires the use of special equipment), from points in that part of Nebraska on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 73 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-South Dakota State line to points in that part of Indiana on and east of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 70, thence along

Indiana Highway 70 to the Indiana-Ohio State line, and that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E146), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, from Ankeny, Iowa, to points in that part of Arkansas on, south, and west of a line beginning at Fort Smith, thence along U.S. Highway 71 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 128, thence along Arkansas Highway 128 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction Arkansas Highway 160, thence along Arkansas Highway 160 to Arkansas Highway 81, thence along Arkansas Highway 81, to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, Kansas City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E144), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Ia. 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between points in Iowa, on the one hand, and, on the other, points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E145), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *farm tractors* from Waterloo, Iowa, to points in that part of Arkansas on and south of a line beginning at the Mississippi-Arkansas State line, thence along U.S. Highway 82 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 4, thence along Arkansas Highway 4 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 Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to Fort Smith, restricted against the transportation of commodities which because of size or weight, require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, Kansas City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E147), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box. 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, from Ottumwa, Iowa, to points in that part of Arkansas on and west of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 71 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment, and commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, Kansas City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E148), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, and when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, from points in that part of Iowa on and north of a line beginning at the Nebraska-Iowa State line, thence along Interstate Highway 80 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Iowa-Wisconsin State line, to points in Alabama, Georgia, and Florida, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E150), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box. 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on, east, and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line to points in Nebraska. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E151), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box. 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires the use of special equipment, from points in North Dakota to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Texas State line, and that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 351, thence along Texas Highway 351 to junction U.S. Highway 277, thence along U.S. Highway 277 to Del Rio. The purpose of this filing is to eliminate the gateways of points in Iowa, Omaha, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E152), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, and fittings and accessories thereof*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Iowa on, south, and west of a line beginning at the Nebraska-Iowa State line, thence along Iowa Highway 2 to junction U.S. Highway 275, thence along U.S. Highway 275 to junc-

tion Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 48, thence along Iowa Highway 48 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Nebraska State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E154), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, and fittings and accessories thereof*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Iowa on and south of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 275 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction Interstate Highway 169, thence along Interstate Highway 169 to junction U.S. Highway 38, thence along U.S. Highway 38 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E155) filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Dallas, Tex. 75222. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery*, when moving with concrete pipe-making machinery with which it is to be used, *parts of such machinery* and auxiliary equipment to be used therewith, from points in that part of Missouri on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 87, thence along Missouri Highway 87 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction Missouri Highway 156, thence along Missouri Highway 156 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 16, thence along Missouri Highway 16 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Missouri-Iowa State line, to points in Vermont, New Hampshire, Maine, that part of New York on and east of a line beginning at the International Boundary line between the United States and Canada, thence along New York Highway 68 to junction New York Highway 56.

Thence along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 73, thence along New York Highway 73 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 2, thence along New York Highway 2 to the New York-Massachusetts State line, that part of Rhode Island on and east of a line beginning at the Connecticut-Rhode Island State line, thence along U.S. Highway 44 to junction Rhode Island Highway 102, thence along Rhode Island Highway 102 to junction Rhode Island Highway 4, thence along Rhode Island Highway 4 to junction Rhode Island Highway 138, thence along Rhode Island Highway 138 to Newport, that part of Massachusetts on and east of a line beginning at the New York-Massachusetts State line, thence along U.S. Highway 2 to junction Massachusetts Highway 84, thence along Massachusetts Highway 84 to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 112, thence along Massachusetts Highway 112 to junction Massachusetts Highway 9, thence along Massachusetts 9 to junction Massachusetts Highway 181, thence along Massachusetts Highway 181 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 131, thence along Massachusetts Highway 131 to the Massachusetts-Connecticut State line, and that part of Connecticut on, north, and east of a line beginning at the Massachusetts-Connecticut State line, thence along Connecticut Highway 131 to junction Connecticut Highway 12, thence along Connecticut Highway 12 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-Rhode Island State line, restricted to the transportation of traffic which, because of size or weight, requires the use of special equipment. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E156), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Dallas, Tex. 75222. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, and fittings and accessories therefor*, when moving with such pipe, from points in Oklahoma and Texas, to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E157), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Dallas, Tex. 75222. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving, unfinishing machinery, equipment, parts, accessories, and attachments* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, in commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), between points in Wyoming, on the one hand, and, on the other, points in Florida, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Michigan, Indiana, Pennsylvania, New York, New Jersey, Connecticut, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Delaware, Maryland, that part of Mississippi on and east of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Gulf of Mexico, that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Alternate Highway 41 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 70.

Thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 41 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the Kentucky-Tennessee State line, that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, thence along Wisconsin Highway 139 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line, and that part of Michigan on and east of a line beginning at Lake Superior,

thence along Michigan Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Michigan Highway 139, thence along Michigan Highway 139 to the Michigan-Wisconsin State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E158), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Dallas, Tex. 75222. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building material and steel posts*, the transportation of which, because of size or weight, requires the use of special equipment, from Chicago, Ill., to points in Nebraska, that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along Missouri Highway 148 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 73, thence along U.S. Highway 73 to the Missouri-Kansas State line, and that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 148, thence along Iowa Highway 148 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E159), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Dallas, Tex. 75222. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, and (2) *Such road making machinery and contractors' equipment and supplies*, as are designed for use in conjunction with tractors, from points in that part of Illinois on and east of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 20 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, and that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 26 to junction Iowa Highway 364, thence along Iowa Highway 364 to junction Iowa Highway 76, thence along Iowa Highway 76 to junction Iowa Highway 340, thence along Iowa Highway 340 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Illinois State line, to points in Washington, Oregon, Montana, that part of California on and north of Interstate Highway 15, that part of Nevada on and west of a line beginning at the Idaho-Nevada State line, thence along U.S. Highway 93 to junction Nevada Highway 46, thence along Nevada Highway 46 to junction Nevada Highway 20, thence along Nevada Highway 20 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Nevada-California State line, that part of Idaho on and west of a line beginning at the Wyoming-Idaho State line, thence along U.S. Highway 191 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 93, thence along U.S. Highway 93 to the Montana-Wyoming State line, thence along U.S. Highway 87 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Montana State line. The purpose of this filing is to eliminate the gateways of points in Idaho, and points in that part of Minnesota located in the Fargo, N. Dak., Commercial Zone.

No. MC 114211 (Sub-No. E163), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road Building equipment* (except commodities requiring special equipment and those described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from Waverly, Iowa, to points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E169), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving*, and *finishing machinery, equipment, parts, accessories*, and *attachments*, between Waverly, Iowa, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E189), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, and (2) *Such road making machinery and contractors' equipment and supplies* as are designed for use in conjunction with tractors, from points in that part of Illinois on, east, and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line, and that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 63 to junction Iowa Highway 96, thence along Iowa Highway 96 to junction Iowa Highway 330, thence along Iowa Highway 330 to Junction U.S. Highway 65, thence along U.S. Highway 65 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 U.S. Highway 218.

Thence along U.S. Highway 218 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line, to points in Washington, Oregon, that part of California on and west of a line beginning at the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 36, thence along California Highway 36 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction County Highway J8, thence along County Highway J8 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 17, thence along California Highway 17 to junction California Highway 1, thence along California Highway 1 to Monterey, that part of Idaho on and west of a line beginning at the Montana-Idaho State line, thence along Idaho Highway 29 to junction Idaho Highway 28, thence along Idaho Highway 28 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Idaho-Oregon State line, that part of Wyoming on and north of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 310 to junction Wyoming Highway 114, thence along Wyoming Highway 114 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Montana-South Dakota State line, and that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 310, thence along U.S. Highway 310 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in that part of Minnesota located in the Fargo, N. Dak., commercial zone.

No. MC 114211 (Sub-No. E190), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, self-propelled road-making machinery, and such roadmaking machinery and contractors' equipment and supplies* as are designed for use in conjunction with self-propelled vehicles, from points in that part of Minnesota on and east of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stimar Corporation located at Minneapolis, Minn.

No. MC 114211 (Sub-No. E191), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except commodities which because of size or weight require the use of special equipment, and those described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 4 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, to points in Louisiana, that part of Florida on and south of a line beginning at the Georgia-Florida State line, thence along Interstate Highway 41 to junction Florida Highway 100, thence along Florida Highway 100 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Florida Highway 16, thence along Florida Highway 16 to St. Augustine, that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 91 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line, that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence along Alabama Highway 10 to junction Alabama Highway 17, thence along Alabama Highway 17 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line, that part of Mississippi on and south of a line beginning at the Arkansas-Mississippi State line, thence along U.S. Highway 82 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Mississippi Highway 19, thence along Mississippi Highway 19 to the Mississippi-Alabama State line, and that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 271 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 270, thence along Arkansas Highway 270 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 35, thence along Arkansas Highway 35 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 Mississippi-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Kansas, and Claremore, Okla.

No. MC 114211 (Sub-No. E192), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, and fittings and accessories therefore*, when moving with such pipe, from points in that part of Missouri on and south of a line beginning at the Nebraska-Missouri State line, thence along U.S. Highway 275 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Kentucky State line, to points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 59 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72 thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada, restricted to the transportation of commodities which, because of size or weight require the use of special equipment. The purpose of this filing is to eliminate the gateway of the plant site of Griffin Pipe, located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E193), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), and *fittings and accessories therefore*, when moving with such pipe, from points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 169 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, to points in Maine, Vermont, New Hampshire, New York, Rhode Island, Connecticut, New Jersey, Delaware, Massachusetts, that part of Florida on and south of Florida Highway 40, that part of Pennsylvania on and east of a line beginning at the Ohio-Pennsylvania State line, thence along Pennsylvania Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 160, thence along Pennsylvania Highway 160 to the Pennsylvania-Maryland State line, that part of Maryland on and east of Maryland Highway 47, that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 220 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Virginia-West Virginia State line, that part of West Virginia on and east of a line beginning at the Maryland-West Virginia State line, thence along West Virginia Highway 28 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line, and that part of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along Interstate Highway 95 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E196), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments,* between points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 42, thence along South Dakota Highway 42 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Texas, Arizona, Nevada, California, and New Mexico. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E197), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements,* other than hand, as described in Section (1) (b) of Appendix XII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and *parts therefore,* from points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Interstate Highway 125, thence along Interstate Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Iowa State line, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 277/281 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 114, thence along Texas Highway 114 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E198), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, require the use of special equipment or special handling, and those described in *Mercer Extension—Oilfield Commodities,* 74 M.C.C. 459), from points in that part of Nebraska on and east of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 77 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Texas. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29028 Filed 12-11-74;8:45 am]

[Notice No. 652]

ASSIGNMENT OF HEARINGS

DECEMBER 9, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after December 12, 1974.

MC-C-7996, Film Transit, Inc., Et Al.—V—Cape Air Freight, Inc., now assigned January 20, 1975, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut St.

MC-C-8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now assigned January 14, 1975, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut St.

I&S 8986, Quarterly Settlements of Transit Accounts—Wt1, Sw1 Territories, now assigned January 15, 1975 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut St.

MC 118044 Sub 2, Keeshin Charter Service, Inc., now assigned February 4, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Building, 219 S. Dearborn St.

MC 123294 Sub 31, Warsaw Trucking Co., now assigned February 3, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Building, 219 S. Dearborn St.

MC 127550 Sub 2, Bosch Trucking Co., Inc., now assigned February 6, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Building, 219 S. Dearborn St.

MC 139697, Edward Bruce Wagoner, DBA Delight Transportation Company, now assigned January 30, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Building, 219 S. Dearborn St.

MC 138144 Sub 4, Fred Olsons Co., Inc., now assigned January 28, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 139790, D & T Trucking Co., Inc., now being assigned January 29, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

AB 10 Sub 3, Norfolk and Western Railway Company, Abandonment Between Abingdon, Virginia, and West Jefferson, North Carolina, in Washington and Grayson Counties, Virginia, and Ashe County, North Carolina, now being assigned pre-hearing conference on January 7, 1975 (1 day), in the 3rd floor Courtroom, U.S. Post Office and Courthouse, 324 W. Market St., Greensboro, North Carolina.

MC 43685 Sub 14, Mercer Trucking Co., Inc., Extension—Spokane, Wash., now assigned December 16, 1974, at Spokane, Wash., is cancelled and the application is dismissed.

MC 29120 Sub 181, All-American, Inc., application dismissed.

No. 36051, Lake Superior & Ishpeming Railroad Company v. Chicago and Northwestern Transportation Company, now assigned January 14, 1975, at Chicago, Ill., will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 119493 Sub 110, Monkem Co., Inc., now assigned January 16, 1975 at Chicago, Ill., will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 118959 Subs 108, 109, 110, 111, 112, and 113, Jerry Lipps, Inc., now assigned January 20, 1975 at Chicago, Ill., will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 118989 Sub 111, Container Transit, Inc., now assigned January 28, 1975 at Chicago, Ill., will be held in Room 1665, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 108973 Sub 12, Interstate Express, Inc., now assigned January 28, 1975, at Chicago, Ill., will be held in Room 1665, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 109478 Sub 134, Worster Motor Lines, Inc., now assigned January 30, 1975, at Chicago, Ill., will be held in Room 1665, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 112304 Sub 78, Ace Doran Hauling & Rigging Co., now assigned January 31, 1975, at Chicago, Ill., will be held in Room 1665, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 123407 Sub 174, Sawyer Transport, Inc., now assigned February 3, 1975, at Chicago, Ill., will be held in Room 204A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 107496 Sub 950, Ruan Transport Corporation, now assigned February 6, 1975, at Chicago, Ill., will be held in Room 204A, Everett McKinley Dirksen Building, S. Dearborn St.

FF-347 Sub 1, Sal, Inc., now assigned February 4, 1975, at Chicago, Ill., will be held in Room 204A, Everett McKinley Dirksen Building 219, S. Dearborn St.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29026 Filed 12-11-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 9, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Inter-

state 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 December 27, 1974.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42912—*Iron and Steel Articles to Points in Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B-497), for and on behalf of carriers parties to Uniform Classification Committee, Agent, tariff I.C.C. 7. Rates on iron and steel articles, in carloads, as described in the application, from specified points in Illinois, Indiana, Kentucky, Ohio, and Texas, to specified points in Arkansas and Oklahoma.

Grounds for relief—Maintenance of depressed rates published to meet market and water competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 87 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on January 9, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Secretary.

[FR Doc.74-29020 Filed 12-11-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 9, 1974.

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 December 27, 1974.

FSA No. 42910—*Rubber, etc., to Windsor, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-498), for interested rail carriers. Rates on rubber, etc., in carloads, as described in the application, from points in Louisiana and Texas, to Windsor, N.J.

Grounds for relief—Rate relationship and water competition.

Tariff—Supplement 104 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on January 13, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29022 Filed 12-11-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 9, 1974.

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 December 27, 1974.

FSA No. 42909—*Brewers' Dried Spent Grains from and to Points in Southern and Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-499), for interested rail carriers. Rates on brewers' dried spent grains, in carloads, as described in the application, from specified points in Louisiana, Tennessee, and Texas, to points in southwestern territory, also Mississippi River crossings Memphis, Tennessee, and south.

Grounds for relief—Revision of rate structure, short-line distance formula and grouping.

Tariff—Supplement 16 to Southwestern Freight Bureau, Agent, tariff SW-2004-J, I.C.C. No. 5160. Rates are published to become effective on January 10, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29021 Filed 12-11-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 9, 1974.

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 December 27, 1974.

FSA No. 42911—*Iron and Steel Articles To Points In Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B-496), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application from specified points in Illinois, Indiana, Kentucky, Ohio, and Texas, to specified points in Arkansas and Oklahoma.

Grounds for relief—Market and water competition.

Tariff—Supplement 87 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on January 9, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29019 Filed 12-11-74;8:45 am]

LONG ISLAND RAIL ROAD CO.

[Ex Parte No. 299 (Sub-No. 1)]

Increases in Freight Rates and Charges

DECEMBER 9, 1974.

It appearing, That the Long Island Rail Road Company filed a supplemental petition on November 6, 1974, under the provisions of section 15a(4)(b) of the Interstate Commerce Act, to increase its terminal surcharge to 12.5 percent in order to offset increased expenses which it has experienced as a result of increased retirement taxes, to which a reply was filed by the Western District Railroads on November 25, 1974, and that in compliance with the said section of the act, petitioner has shown that increased retirement tax expenses which it has experienced or are demonstrably certain to occur through the end of 1975 are $6,253,595, that the sought 12.5-increase in terminal charges will approximately offset these increased expenses, yielding $6,066,494, and that petitioner cannot obtain offsetting income except through the proposed increase in charge and cannot significantly offset increased expenses through further efficiencies in operation; wherefore:

It is ordered, That the petition, be and it is hereby granted, and petitioner is hereby permitted to establish an interim increase in its terminal charges of 12.5 percent effective December 15, 1974.

It is further ordered, That a hearing will be hereafter held in this matter in accordance with section 15a(4)(c) of the act; that any person interested in participating in the hearing shall notify the Commission, within 30 days of the date of service of this order, by filing the original and one copy of a statement of interest with the Office of Proceedings, Room 5354, Washington, D.C. 20423; and that as soon as possible thereafter, the Commission will serve a copy of the list of names and addresses of all parties on the parties hereto.

And it is further ordered, That notice of the entry of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission and by filing a copy with the Office of the Federal Register for publication therein.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29024 Filed 12-11-74;8:45 am]

[Notice No. 200]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 12, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 2,

1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75503. By order of December 3, 1974, the Motor Carrier Board approved the transfer to Voigt Bus Service, Inc., St. Cloud, Minn., of the operating rights in Certificate No. MC-134861 (Sub-No. 2), issued September 26, 1972, to Dickenson Lines, Inc., Anoka, Minn., authorizing the transportation of passengers and their baggage, in round-trip charter operations beginning and ending at points in Anoka, Hennepin, and Ramsey Counties, Minn., and extending to points in Minnesota, Wisconsin, Iowa, South Dakota, North Dakota, and portions of Michigan and Illinois. Andrew R. Clark, 1000 1st National Bank Bldg., Minneapolis, Minn. 55402, Attorney for applicants.

No. MC-FC-75523. By order of December 3, 1974, the Motor Carrier Board approved the transfer to Continental Coast Trucking Company, Inc., Wheatland, Pa., of the operating rights in Certificate No. MC-125368 (Sub-No. 2), issued July 2, 1974, to Central States-Eastern Food Transport, Inc., Wheatland, Pa., authorizing the transportation of various commodities from and to specified points and areas in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, Pa. 15219, Attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 74-29025 Filed 12-11-74;8:45 am]

[Notice No. 164]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 6, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 108676 (Sub-No. 74TA), filed November 29, 1974. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from Kingsport and Greenland, Tenn., to points in Arizona, Colorado, New Mexico, and Utah, for 180 days. Supporting shipper: Ford Motor Company, The American Road, Dearborn, Mich. 48121. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, U.S. Court House, Suite A422, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115495 (Sub-No. 27TA) (Correction), filed November 8, 1974, published in the FEDERAL REGISTER issue of November 29, 1974, and republished as corrected this issue. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representatives: Irving R. Segal, 1719 Packard Building, Philadelphia, Pa. 19102, and S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Arizona, to points in Arizona, traversing the following named routes for operating convenience: (1) Utah, (a) U.S. Highway 89 between Arizona-Utah border (N. of Page, Ariz.) and Jct. Utah Highway 15 at Mt. Carmel Jct., Utah; (b) U.S. Highway 89 Alt. between Arizona-Utah border (N. of Fredonia, Ariz.) and Jct. U.S. Highway 89 at Kanab, Utah; (c) Utah Highway 15 between Jct. U.S. Highway 89 (at Mt. Carmel, Utah) and Jct. 115 (N. of St. George, Utah); (d) Utah Highway 59 between Arizona-Utah border (W. of Fredonia, Ariz.) and Jct. Utah Highway 15 at Hurricane, Utah; (e) 115 (N. of St. George, Utah) from Jct. Utah Highway 15 (N. of St. George, Utah) and to Arizona-Utah border; (f) U.S. Highway 91 between Jct. 115 (E. of St. George, Utah) and Arizona-Utah border (N. of Beaver Dam, Ariz.); and (g) Unnamed Utah road between Jct. 115 and Arizona-Utah border (N. of Wolf Hole, Ariz.); (2) California, U.S. Highway 60, 110 between Blythe, Calif., and the Arizona-California border; and (3) New Mexico, (a) Portion of reservation road connection Luckachukai and Ft. Definance, N. Mex., which runs just inside the gerstern border of New Mexico (NW. of Gallup, N. Mex.); (b) U.S. Highway 80 between Arizona-New Mexico border (NE. of Douglas, Ariz.) and Jct. 110 (W. of Lordsburg, N. Mex.); and (c) 110 between Arizona-New Mexico border and Jct. U.S. Highway 80 (W. of Lordsburg, N. Mex.), for 180 days.

Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds intrastate authority from the Arizona Corporation Commission authorizing service between all points in Arizona. This application is being filed for operating convenience, and to permit service to Littlefield, Ariz., which can only be reached by routes outside of Arizona. Applicant does not intend to tack the authority here applied for to another authority held by it, or to interline with other carriers.

Supporting shippers: There are approximately 132 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to show the applicant MC number as No. MC 115495 (Sub-No. 27TA), which was not published in the FEDERAL REGISTER in error.

No. MC 119789 (Sub.-No. 229TA), filed November 27, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 E. Irving Blvd. (P.O. Box 6188), Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared dough and shortening*, from the plantsite and storage facilities of The Pillsbury Company at or near New Albany, Ind., to Denison, Tex.; (2) *Canned goods*, from the plantsite and storage facilities of the Morgan Packing Co., Inc., at or near Austin, Ind., to points in Louisiana, Oklahoma, and Texas; (3) *Candy and confectionery* (other than frozen), from the plantsite and storage facilities of Peter Paul, Inc., at or near Frankfort, Ind., to Dallas, Tex., and Salinas, Calif.; (4) *Canned and bottled foodstuffs*, from the plantsite and storage facilities of Vlasik Foods, Inc., at or near Imlay City and Bridgeport, Mich., to points in Oklahoma

and Texas; and (5) *Foodstuffs*, not frozen, from the plantsite and storage facilities of Comstock Foods, division of Borden, Inc., at or near Croswell, Mich., to points in Texas, Arkansas, Louisiana, California, and Oklahoma, for 180 days. Supporting shippers: Peter Paul, Inc., New Haven Road, Naugatuck, Conn. 06770; Comstock Foods, Division of Borden, Inc., P.O. Box 267, Newark, N.Y. 14513; The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402; Morgan Packing Co., Inc., Austin, Ind. 47102; and Vlasic Foods, Inc., P.O. Box 10104, Lathrup Village, Mich. 48076. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 129516 (Sub-No. 35TA), filed December 2, 1974. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, from Ellensburg, Wash., to points in Multnomah, Columbia, Washington, Yamhill, Clackamas, Marion, Linn, Lane, Benton, and Polk Counties, Oreg., for 180 days. Supporting shipper: Schaake Packing Company, Inc., Ellensburg, Wash. 98926. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 129862 (Sub-No. 8TA), filed December 2, 1974. Applicant: RAJOR, INC., P.O. Box 756, Franklin, Tenn. 37064. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Athletic, gymnastic, aquatic, and sporting goods*, including *parts and accessories therefor, adhesives, rubber tire treads, hardware, advertising material, and materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of the described commodities, (1) from Santa Ana, Calif., to Arlington, Tex., Atlanta, Ga., Birmingham, Ala., Bridgeton, Mo., Decatur, Ga., Edison, N.J., Elk Grove Village, Ill., Griffin, Ga., Houston, Tex., Maywood, N.J., Mobile, Ala., Nashville, Tenn., New Orleans, La., River Grove, Ill., Shelby, Ohio, Tampa, Fla., and to points in the respective commercial zones of the named cities; and (2) from points in Texas and points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Santa Ana, Calif., for 180 days. Restriction: The authority to be authorized is to be restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment and is to be further restricted to a transportation service to be performed under a continuing contract, or contracts with AMF, Incorporated, and its affiliates. Supporting shipper: AMF Voit, Inc., 3801 S. Harbor Blvd., Santa Ana, Calif. 92704. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building-U.S. Court House, Suite A422, 801 Broadway, Nashville, Tenn. 37203.

No. MC 134145 (Sub-No. 53TA), filed November 29, 1974. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Three wheeled utility truck*, self propelled, weighing less than 1500 pounds, from Roseau, Minn., to Lake Zurich, Ill., Augusta, Ga., Sarasota, Fla., Fort Lauderdale, Fla., Norton, Ohio, and Lansing, Mich., for 180 days. Supporting shipper: Polaris, Division of Textron, Inc., Roseau, Minn. 56751. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140411 (Sub-No. 1TA), filed November 29, 1974. Applicant: IKO FORWARDERS LIMITED, 81 Orenda Road, Brampton, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from ports of entry on the United States-Canada boundary line between Michigan and New York to points in Michigan, New York, that part of Ohio on and north of Interstate Highway 70, and that part of Pennsylvania on and north of Interstate Highway 70 between the Pennsylvania-Ohio boundary line and the intersection of Interstate Highway 70 with Interstate Highway 76, and on and north of Interstate Highway 76 between the Intersection of Interstate Highways 70 and 76 at New Stanton, Pa., and the Pennsylvania-New Jersey boundary line; (2) *Gypsum*, from Grand Rapids and National City, Mich., Rochester and Clarence, N.Y., and Port Clinton, Ohio, to ports of entry along the United States-Canada boundary line between Michigan and New York; (3) *Waste paper*, between Detroit and Kalamazoo, Mich., Port Clinton and Cleveland, Ohio, and Rochester, Syracuse, and Buffalo, N.Y., on the one hand, and, on the other, ports of entry along the United States-Canada boundary line at points in Michigan and New York; (4) *Wrapping paper and asphalt containers*, from Buffalo, N.Y., to ports of entry along the United States-Canada boundary line along the Niagara Frontier, for 180 days. Restriction: The transportation of wrapping paper and asphalt containers is restricted to shipments having a prior movement by rail. Restrictions: (1) The authority granted herein is restricted to the transportation of shipments in foreign commerce only; (2) The authority granted herein is restricted to the transportation of shipments originating at or destined to the plant sites, warehouses or distribution facilities of IKO Industries Limited, I. G. Machine and Fibers Limited, and Roofmart (Ontario) Limited, in the Province of Ontario, Canada; and (3) The transportation authorized herein is restricted to transportation services performed under continuing contract or contracts with IKO Industries Limited, I. G. Machine and Fibers Limited, and Roofmart (Ontario) Limited, in the Province of Ontario, Canada. Supporting shippers: Roofmart (Ontario) Limited, 71 Orenda Road, Brampton, Ontario, Canada, I. G. Machine & Fibers Ltd., 71 Orenda Rd., Brampton, Ontario, Canada, and IKO Industries Limited, 71 Orenda Road, Brampton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 140428 TA, filed November 27, 1974. Applicant: KEITH GREEN, doing business as GREEN'S TRUCKING, Highway 2 North Williston, N. Dak. 58801. Applicant's representative: Fred E. Whisenand, P.O. Box 1307, Williston, N. Dak. 58801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats of all kinds*, including *scrap bones and scrap meats, refuse and hides*, from meat packing plants of Williston Packing Company, Inc. and all products relating thereto, from Williston, N. Dak. or points within two miles thereof, to Belgrade, St. Paul, and Minneapolis, Minn. and points within twelve miles of each said cities, for 180 days. Supporting shipper: Williston Packing Company, Inc., East of City, Williston, N. Dak. 58801. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

By The Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29027 Filed 12-11-74;8:45 am]

REGULATED MOTOR CARRIERS

Authority Application Procedures

DECEMBER 9, 1974.

A number of instances have come to the attention of the Commission recently in which protestants to operating authority applications have used the lists of supporting shippers to identify and solicit such prospective witnesses to withdraw their support. In some instances, protestants have provided shippers with form letters of withdrawal in order to weaken the applicant's case.

Any person who signs a certificate of support for an application has certified to the Comimssion that he, or an authorized and qualified representative of his company, will appear and testify on

applicant's behalf in any oral hearing on the application. He may withdraw his support voluntarily but agrees to promptly notify the Commission in such case. These certifications should not be signed unless there is a need for the proposed service and a present intent to testify in support of the applicant, and any withdrawal should be the result of the shipper's individual decision.

Disclosure of these witnesses is required by the Commission's rules in order to enable protestants to prepare their case in advance of the hearing and thereby expedite the decision. Use of this information as a means to prevent the applicant from presenting all available evidence as to the public need for the service is unethical, may constitute a violation of Title 18, U.S. Code Sec. 1505, and clearly subverts the fair and open processes of the Commission.

The Commission strongly condemns any attempt by parties to its proceedings to persuade opposing witnesses to withdraw their support. Particularly deserving of censure is the abuse of its processes resulting from the use of witness information for this purpose when disclosure of the witnesses results from the orders of the Commission. Attention of all members of the Bar is called to Canon 24 of the Code of Ethics for Practitioners. Any violation of this policy should be promptly reported to the Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29023 Filed 12-11-74;8:45 am]

federal register

THURSDAY, DECEMBER 12, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 240

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMPREHENSIVE PLANNING ASSISTANCE

Interim Regulations

Title 24—Housing and Urban Development

CHAPTER VI—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-310]

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

Interim Regulations

Pursuant to § 701 of the Housing Act of 1954 (68 Stat. 640; 40 U.S.C. 461), the Department hereby amends Title 24, Part 600 of the Code of Federal Regulations by issuing interim regulations (1) to reflect the statutory amendments to § 701 as provided in the Housing and Community Development Act of 1974; (2) to provide a procedure whereby States may apply for comprehensive planning assistance on behalf of substate applicants which are eligible to apply directly to HUD but which voluntarily agree to State administration; (3) to provide for a process requiring a State to consult with representatives of all substate applicant categories within the State in the development of procedures, requirements and policies for administering substate assistance and for giving guidance to 701 applicants within the State which are applying directly to HUD; (4) to provide Governors with an opportunity to comment, on the basis of policies developed in the consultation process, on substate applications submitted directly to HUD, and (5) to implement § 106 of the National Historic Preservation Act of 1966 and § 110(b)(4) of the National Environmental Policy Act of 1969 by adding a requirement of an historic preservation assessment.

Principal provisions of the newly issued amendments to Part 600 are summarized below:

Section 600.7, a series of definitions, is added to clarify terms which are frequently used in the regulations.

Section 600.10 is revised to provide that all grants will be limited to two-thirds of total project costs.

Section 600.25 is revised to add urban counties as eligible applicants, to expand the definition of eligible Indian applicants, to limit direct applications to HUD by areawide planning organizations to those which are Councils of Governments or to those in metropolitan areas which are areawide clearinghouses, and to revise the types of applicants eligible for special assistance.

Sections 600.47 and 600.48 are added to establish procedures for applications by urban counties and Indian tribal groups.

Section 600.50 is revised to reflect changes in law with regard to applicants having special needs.

Section 600.55 is revised to reflect statutory changes relating to the development of a comprehensive plan as part of an ongoing comprehensive planning process, and to add the development of a policy-planning-evaluation capacity as an eligible activity.

Section 600.66 is added to require an historic preservation assessment when the assisted planning activity includes the preparation of plans or policies for development which may impact National Register properties.

Section 600.67 is added to require each recipient to establish an ongoing comprehensive planning process and as part of such process to develop a comprehensive plan that as a minimum includes housing and land use elements.

Section 600.70 is revised to vary housing element requirements according to applicant categories and to provide sanctions for failure to complete the housing element by August 22, 1977.

Section 600.72 is added to require a land use element by August 22, 1977.

Section 600.75 is revised to define "project area" pursuant to Section 3 of the Housing and Urban Development Act of 1968 and the regulations and requirements of 24 CFR Part 135.

Section 600.80 is revised to reflect the new statutory changes relating to citizen participation where major plans, policies, priorities or objectives are being determined.

Section 600.120 is revised to add a consultation process requirement, a provision for voluntary agreements between States and substate applicants eligible to apply directly to HUD, and a provision for State notification to HUD of State subgrant actions.

Section 600.165 is added to provide for Governors' review and comment on applications submitted directly to HUD.

Because grants to applicants for Comprehensive Planning Assistance funds cannot be made until these regulations are in compliance with current statutory law, it is imperative that these amendments be operative as soon as possible to avoid severe hardships for grantees whose program years have expired or will expire shortly. In view of the foregoing, notice and public procedure are impractical and contrary to the public interest. However, interested persons are encouraged to submit written comments, views or data regarding these interim regulations promulgated hereby to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, D.C. 20410. Communications should identify the interim regulations by the above docket number and title. All such submissions received on or before February 10, 1975 will be considered prior to the promulgation of the final regulations. Inasmuch as these amendments bring the Comprehensive Planning Assistance Program into compliance with current statutory law and confer a benefit upon the public, good cause exists for making them effective upon publication.

(Sec. 701, Housing Act of 1954, 68 Stat. 640; (40 U.S.C. 461); Secretary's delegation of authority published at 36 FR 5004, effective March 8, 1971)

1. The table of contents is amended by (a) adding new §§ 600.7, 600.47, 600.48, 600.66, 600.67, 600.72, and 600.165; (b) revoking §§ 600.5 and 600.125; (c) revising the titles of §§ 600.35, 600.36, 600.37, 600.50, 600.55, 600.58, and 600.120; and (d) revising the title of Subpart D as follows:

Sec.
600.5 [Revoked.]
600.7 Definitions.
600.35 Assistance to States for statewide planning and for assistance and services to substate applicants.
600.36 Eligible applicants to the State.
600.37 Provision of planning and management assistance and services to large cities, urban counties and localities by areawide planning organizations.
600.47 Assistance to urban counties.
600.48 Assistance to Indian Tribal groups or bodies.
600.50 Assistance to applicants having special needs.
600.55 Eligible activities: all applicants.
600.58 Ineligible activities: all applicants.
600.66 Historic preservation considerations.
600.67 Comprehensive planning requirement.
600.72 Required land use element.

Subpart D—State Procedures for Substate Planning and Management Assistance and Services

600.120 Summary of substate planning and management assistance procedures.
600.125 [Revoked.]
600.165 Governors' review and comment.

2. Section 600.1 is revised to read as follows:

§ 600.1 Purpose.

The purpose of this Subpart is to set forth provisions of general applicability with respect to the regulations in this Part. Such provisions relate to assisting recipients as follows:

(a) To develop and improve overall governmental capability and the management and decision-making capability of Governors and Chief Executive Officers to:

(1) Improve public service productivity by making governmental services more effective, efficient and less costly;

(2) Modernize state and local government institutions and areawide structures to address community development issues and to provide more responsive service;

(3) Analyze, develop and evaluate fiscal and administrative policies to reduce the cost of governmental services and facilities;

(4) Maximize the use and conservation of existing resources;

(5) Develop a policy-planning-evaluation capacity; and

(6) Implement a comprehensive plan or part thereof or related plans or planning.

(b) Address special problems or opportunities including:

(1) Planning for the recovery from and to lessen the impact of floods and other natural or man-caused incidents;

(2) Planning for economic recovery of communities impacted by substantial changes in Federal activities, such as base closing; and

(3) Developing energy conservation measures to reduce energy consumption and to assist communities facing substantial impact due to exploitation of energy resources situated within or adjacent to the community.

(c) Develop coordination mechanisms which will facilitate planning on an integrated basis for States, metropolitan and non metropolitan areas, counties, municipalities and Indian tribal groups or bodies and to link governmental planning and capital improvement programs.

(d) Develop and carry out a comprehensive plan as part of an on-going comprehensive planning process including:

(1) The development of land use plans to facilitate the efficient use of land for conservation, production, development and redevelopment;

(2) The development of housing plans to maximize the use and conservation of existing housing stock and to facilitate the production of new housing to meet community needs; and

(3) Public facility, utility, recreational and other plans and regulatory measures to achieve State and local goals and objectives.

3. A new § 600.7 is added to read as follows:

§ 600.7 Definitions.

As used in this Part, the following terms shall have the meaning indicated.

(a) "Applicant" means a State or unit of general local government, or any combination thereof, or areawide planning organization which makes application pursuant to the provisions of this Part. One or more public agencies may be designated by the Governor or a Chief Executive Officer of a unit of general local government to undertake the comprehensive planning and management assistance program in whole or in part, but only the State, or unit of general local government or any combination thereof, or areawide planning organization may be the applicant under this Part.

(b) "Areawide planning organization" means an organization authorized by law or by interlocal agreement to undertake planning for a metropolitan or nonmetropolitan area which meets the areawide organizational and jurisdictional requirements of this Part; and Council of Governments.

(c) "Chief Executive Officer" means the elected official, or the legally designated official, who has the primary responsibility for the conduct of the governmental affairs of a unit of general local government. Examples of the "Chief Executive Officer" of a unit of general local government may be: the elected mayor of a municipality; the elected county executive of a county; the chairman of a county commission or board in a county that has no elected county executive; the official designated pursuant to law by the governing body of the unit of general local government, or the chairman, governor, chief, or president (as the case may be) of an Indian tribe or Alaskan native village.

(d) "Council of Governments" and "COG" each means an organization authorized by law or by interlocal agreement to undertake planning for a metropolitan or nonmetropolitan area and whose voting membership is composed solely of elected officials or their representatives which meets the areawide organizational and jurisdictional requirements of this Part.

(e) "Department" and "HUD" each mean Department of Housing and Urban Development.

(f) "Indian tribal group or body" means any tribe, band or other organized group of Indians living as a community and owning contiguous lands for which planning assistance is sought, has an elected tribal council, and which has authority to carry out housing and community development activities. The term shall include, but shall not be limited to, those tribes, bands or groups terminated since 1940; those tribes, bands or groups recognized by the State in which they reside; and any tribe, band or group of Eskimos, Aleuts or Alaskan natives.

(g) "Large city" means a city (including the District of Columbia) having a population of at least 50,000 according to the latest decennial census.

(h) "Locality" means a city or other municipality having a population of less than 50,000 according to the latest decennial census; a county without regard to population; or any group of adjacent communities, either incorporated or unincorporated, having common or related urban planning problems and having a total population of less than 50,000 according to the latest decennial census.

(i) "Metropolitan Clearinghouse" means an areawide planning organization designated as a clearinghouse, pursuant to Part I of OMB Circular No. A–95, for a metropolitan area.

(j) "Ongoing comprehensive planning process" means a process, which includes chief executive leadership, coordination and citizen participation where major plans, policies, priorities, or objectives are being determined, that involves the development and subsequent modification of a comprehensive plan and provides for biennial review of the elements thereof for necessary or desirable amendments. For the purposes of this Part, the comprehensive plan shall include, as a minimum, the housing and land use elements described in §§ 600.70 and 600.72.

(k) "Policy-planning-evaluation capacity" means the development on the part of a recipient of the analytical ability to identify its problems and needs more rationally, set long-term policy goals and short-term policy objectives for meeting its needs, devise programs and activities to meet those policy goals and objectives, and evaluate its progress towards meeting those goals and objectives (e.g., studies to identify problems in one or more policy areas; strengthening budgeting systems; improving capability to gather, process and analyze data necessary for rational decision-making; devising programs and reorganizing governmental structures; and strengthening the capacity for analyzing the impact of programs in meeting policy objectives).

(l) "Professionally competant person" means a person having relevant training and/or experience that is necessary for the tasks to be carried out.

(m) "Recipient" means an applicant whose application for a comprehensive planning assistance grant has been formally approved by HUD or the state.

(n) "State" means any State, the District of Columbia, Puerto Rico, any territory or possession of the United States, and the Trust Territory of the Pacific Islands.

(o) "State central information reception agency" means the State agency which has been designated to serve as the central reception point for Federal grant-in-aid information furnished pursuant to Section 201 of the Intergovernmental Cooperation Act of 1968.

(p) "Substate" means any governmental jurisdiction which is smaller than the State in which it is situated. The term includes inter- and intra-state areawide planning organizations.

(q) "Urban county" means any county within a metropolitan area which (1) is authorized under State law to undertake essential community development and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and (2) has a combined population of 200,000 or more (excluding the population of metropolitan cities therein) in such unincorporated areas and in its included units of general local government; (i) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded; or (ii) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities. For the purposes of this Part a county will be considered an urban county upon approval as such by HUD pursuant to the regulations issued under Title I of the Housing and Community Development Act of 1974.

4. In § 600.10 the introductory text is deleted, paragraph (a) is revised and new paragraphs (d) and (e) are added to read as follows:

§ 600.10 Financial support.

(a) Comprehensive planning assistance grants shall not exceed two-thirds of the total cost of eligible activities.

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(d) Although grants equal to not more than four-fifths of the total costs of eligible activities may be made pursuant to Section 701(n) of the Housing Act of 1954, as amended, HUD, pursuant to the discretion permitted in the Act, will not fund grants in excess of two-thirds of eligible costs.

(e) The amount of assistance provided by HUD shall be based upon the following:

(1) The applicant's performance in administering its program in accordance with all HUD requirements, including these regulations;

(2) The applicant's past performance in completing its activities in a timely fashion;

(3) The applicant's progress toward the achievement of its identified objectives; and

(4) The applicant's capability to undertake the activities for which assistance is requested.

5. In § 600.15, paragraph (a) is deleted; new paragraphs (a), (b), and (c) are added; and paragraph (b) is redesignated as paragraph (d) as follows:

§ 600.15 Staff and consultant services.

(a) *Professionally competent persons.* Each applicant must be able to demonstrate that it has available the services of professionally competent persons to carry out the program for which assistance is sought.

(b) *Staff.* Each State, areawide planning organization, large city and urban county must also be able to demonstrate that it has professionally competent staff to carry out the program for which assistance is sought.

(c) *Employment standards.* Each areawide planning organization must establish standards for the recruitment and retention of personnel consonant with or superior to State or local merit or civil service standards. In the event no State or local standards exist or they are not used when available, the standards adopted will be subject to HUD approval.

(d) *Provision of consulting services.* Staff capability may be supplemented through consulting services by other public agencies (State, areawide, local), by instrumentalities of State and local governments (such as universities, municipal leagues, and county officer associations), and by private contractors and consulting firms.

6. Section 600.25 is revised to read as follows:

§ 600.25 Who may be assisted.

Grants may be made by HUD to the following:

(a) States for State, interstate, metropolitan, district or regional activities;

(b) States for the provision of planning and management assistance to localities, large cities, urban counties, Indian tribal groups or bodies, and metropolitan and nonmetropolitan areawide planning organizations;

(c) Large cities;

(d) Urban counties;

(e) Metropolitan clearinghouses;

(f) Councils of Governments;

(g) Indian tribal groups or bodies; and

(h) Other governmental applicants having special planning needs related to the purpose of section 701 of the Housing Act of 1954, as amended, to the extent that these needs cannot otherwise be adequately met.

7. Section 600.35 is revised to read as follows:

§ 600.35 Assistance to States for statewide planning and for assistance and services to substate applicants.

The eligible applicant is the State. One or more State agencies may be designated by the Governor of a State to undertake the comprehensive planning and management assistance program in whole or in part. Notwithstanding such designations, the State shall be the applicant, and, in the absence of special circumstances in which there is a legal incapacity on the part of the applicant to accept funds for eligible activities, the grant agreement shall be between HUD and the State. Such designations do not relieve the State of its responsibilities in assuring the administration of the program in accordance with all HUD requirements, including these regulations.

8. Section 600.36 is revised to read as follows:

§ 600.36 Eligible applicants to the State.

The units of general local government and areawide planning organizations eligible to apply to the State for comprehensive planning assistance are:

(a) Cities and other municipalities having populations of less than 50,000 according to the latest decennial census. The planning area must include, at the minimum, the entire geographic area of the general local government, plus any contiguous territory over which the local government has authority for planning purposes.

(b) Counties of any population size. In this case, the minimum planning area must include the unincorporated areas over which the county government has statutory or other authority for planning purposes. Assistance to a county having a population of over 50,000 within a metropolitan area, will be made only if planning for such a county is coordinated with planning for the metropolitan area of which it is a part and with prior HUD approval.

(c) Any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census and having common or related planning problems. The group's planning jurisdiction must be the entire area having such problems. Insofar as feasible, the boundaries of the planning area must conform to the jurisdictional boundaries of the general local governments comprising the group.

(d) Other governmental applicants having special needs as described in § 600.50.

(e) Metropolitan and nonmetropolitan areawide planning organizations.

(f) Indian tribal groups or bodies.

(g) Large cities. The planning area shall include at a minimum the entire geographic area of the city, plus any contiguous territory over which the city has authority for planning purposes.

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9. Section 600.37 is revised to read as follows:

§ 600.37 Provision of planning and management assistance and services to large cities, urban counties and localities by areawide planning organizations.

Metropolitan and nonmetropolitan areawide planning organizations, with the approval of the State, may provide planning and management assistance and services to any applicant within their respective areawide planning jurisdictions.

10. In § 600.40, paragraphs (a), (b), (c)(1)(ii) and (c)(2) are revised and paragraph (d) is revoked to read as follows:

§ 600.40 Grants for areawide planning and management assistance.

(a) Eligible applicants: Metropolitan Clearinghouses, Councils of Governments and States authorized by State law to perform areawide planning may apply directly to the appropriate HUD office for comprehensive planning and management assistance. All other areawide planning organizations eligible to receive assistance shall apply to the State.

(b) Assistance will be provided to only one areawide planning organization in each metropolitan and nonmetropolitan planning jurisdiction. An exception may be made when State enabling legislation does not permit the formation of a single areawide planning organization for a multistate planning area.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(ii) The planning area jurisdiction for a nonmetropolitan area shall include one or more counties and one or more units of general local government, but may not include any portion of any metropolitan area. Where the State has established substate planning and development areas or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State designated areas.

(2) Unless specifically prohibited by State law, areawide planning organizations shall meet the following areawide organizational requirements:

(i) Open membership to all units of general local government within the areawide planning jurisdiction;

(ii) Include representatives of units of general local government which, in aggregate, have within their jurisdiction not less than 75 percent of the population of the metropolitan or nonmetropolitan area. One representative may represent more than one local governmental jurisdiction, particularly in the case of smaller jurisdictions, if jointly selected by the local governments;

(iii) Have a policy-making body with the authority for:

(a) Establishing goals, objectives and policies, evaluating programs for achieving their objectives, and providing for

program balance and coordination in response to State and local needs and priorities;

(b) Providing an overall framework and guide for the preparation of functional and project plans; and

(c) Providing for coordination and review of projects and activities that affect development and public management; and

(iv) Provide that at least two-thirds of the voting membership be composed of, or responsible to, the elected officials of a unit of general local government within the planning jurisdiction.

11. Section 600.45 is revised to read as follows:

§ 600.45 Assistance to large cities.

(a) *Eligibility.* The eligible applicant is the City. One or more city agencies may be designated by the Chief Executive Officer to undertake the comprehensive planning and management assistance program in whole or in part. Notwithstanding such designations, the city shall be the applicant, and, in the absence of special circumstances in which there is a legal incapacity on the part of the applicant to accept funds for eligible activities, the grant agreement shall be between HUD and the city. Such designations do not relieve the city of its responsibilities in assuring the administration of the program in accordance with all HUD requirements, including these regulations.

(b) Planning area. The planning area shall include the entire geographic area of the city plus any contiguous territory over which the city has authority for planning or review purposes.

12. A new § 600.47 is added to read as follows:

§ 600.47 Assistance to urban counties.

(a) *Eligibility.* The eligible applicant is the county. One or more county agencies may be designated by the Chief Executive Officer to undertake the comprehensive planning and management assistance program in whole or in part. Notwithstanding such designations, the county shall be the applicant, and, in the absence of special circumstances in which there is a legal incapacity on the part of the applicant to accept funds for eligible activities, the grant agreement shall be between HUD and the county. Such designations do not relieve the county of its responsibilities in assuring the administration of the program in accordance with all HUD requirements, including these regulations.

(b) *Planning area.* The planning area shall include, at a minimum, the unincorporated areas over which the county government has statutory or other authority for planning purposes.

13. A new § 600.48 is added to read as follows:

§ 600.48 Assistance to Indian tribal groups or bodies.

The eligible applicant is the Indian tribal group or body. One or more Indian agencies may be designated by the Chief Executive Officer to undertake the comprehensive planning and management assistance program in whole or in part. Notwithstanding such designations, the Indian tribal group or body shall be the applicant, and, in the absence of special circumstances in which there is a legal incapacity on the part of the applicant to accept funds for eligible activities, the grant agreement shall be between HUD and the Indian tribal group or body. Such designations do not relieve the Indian tribal group or body of its responsibilities in assuring the administration of the program in accordance with all HUD requirements, including these regulations.

14. Section 600.50 is revised to read as follows:

§ 600.50 Assistance to applicants having special needs.

(a) *Eligible applicants and special requirements.* Planning and management assistance may be provided to applicants having special needs, as determined by HUD, to the extent that such needs cannot otherwise be adequately met, including but not limited to the following:

(1) Interstate regional commissions established under the Appalachian Regional Development Act of 1965 or the Public Works and Economic Development Act of 1965.

(2) Federally-impacted areas to plan adjustments occasioned by Federal impacts upon the economic, social, physical and governmental structure caused by:

(i) Rapid urbanization due to establishment of rapid and substantial expansion of a Federal installation; or

(ii) Rapid urbanization, or such urbanization as expected, because of the development of a new community under Title VII of the Housing and Urban Development Act of 1970; or

(iii) Substantial reduction in employment opportunities as the result of the closing, in whole or in part, of a Federal installation or as a result of a decline in the volume of government orders for the procurement of articles or materials produced or manufactured in the area; provided the actual or foreseen change in employment over a two-year period is at least 5 percent of the preimpact level.

(3) Any area which is designated by the President as a "major disaster area" in accordance with the Disaster Relief Act of 1974 to plan for the recovery from the disaster subject to the following:

(i) The application shall be submitted within 180 days from the date an area is designated by the President as a disaster area;

(ii) The application shall be reviewed and commented upon by the designated State disaster relief agency (if such agency exists), as prescribed in the Disaster Relief Act of 1974, and

(iii) Any assisted planning work leading to short range actions to recovery from the disaster shall be coordinated with the State between State planning agencies and State disaster relief agencies.

(b) *Form of application.* Applicants desiring assistance for special needs shall apply in the manner and format prescribed by HUD at the time of inquiry. Due to the extraordinary circumstances facing most applicants with special needs HUD will determine the most effective application procedures under those circumstances.

15. Section 600.55 is revised to read as follows:

§ 600.55 Eligible activities: all applicants.

Activities which may be assisted include those necessary to develop and carry out a comprehensive plan as part of an ongoing planning process, to develop and improve the management capability to implement such plan or part thereof or related plans or planning, and to develop a policy-planning-evaluation capacity. Applicants as part of their assisted comprehensive planning work may undertake activities necessary to:

(a) Support and strengthen overall governmental capability of State and local governments and the management and decision-making capability of Governors and Chief Executive Officers to:

(1) Improve public service productivity to make governmental services more effective, efficient and less costly;

(2) Improve the use and conservation of existing resources;

(3) Develop a policy-planning-evaluation capacity;

(4) Respond to changing economic conditions;

(5) Modernize or reorganize State and local governmental institutions and areawide structures to address development issues and to provide more responsive service delivery systems;

(6) Analyze, recommend and evaluate fiscal policies and arrangements for improving governmental services and facilities;

(7) Develop policies and systems for relating all functional planning to comprehensive State and community policies and plans;

(8) Establish a framework for coordinating intergovernmental planning and development activities and public and private development; and

(9) Implement a comprehensive plan or part thereof or related plans or planning.

(b) Develop energy conservation measures and provide for the rational development of areas impacted by new energy extraction efforts or related activities;

(c) Develop and carry out a comprehensive plan, as part of an on-going comprehensive planning process, which includes, but is not limited to the following:

(1) Preparation, as a guide for governmental policies and action, of general plans with respect to:

(i) Land use planning activities necessary to satisfy the land use element requirement of § 600.72;

(ii) Housing planning activities necessary to satisfy the housing element requirement of § 600.70;

(iii) The provision of public facilities (including transportation facilities) and other governmental services; and

(iv) The effective development and utilization of human and natural resources;

(2) Identification and analysis of area needs (including housing, employment, education and health) and formulation of specific programs for meeting the needs so identified;

(3) Survey of structures, districts and sites which are determined by the appropriate authorities to be of historic or architectural value, including:

(i) Identification of historic structures and sites; and

(ii) Development of other information needed for, or appropriate to, a balanced and effective program of historic preservation;

(4) Long-range physical and fiscal planning as a guide for governmental policy and action;

(5) Programming of capital improvements and other major expenditures, based on a determination of relative urgency, together with definite financing plans for such expenditures in the earlier years of the improvement program;

(6) Coordination of all related plans and activities (including A–95 activities and code and regulatory activities affecting community development and housing) of the State and local governments and agencies concerned; and

(7) Preparation of regulatory and administrative measures in support of the foregoing;

(d) Conduct studies and research relating to needed revisions in State statutes which create, govern or control local governments and local governmental operations;

(e) Devise methods for obtaining effective citizen participation, pursuant to §600.80, in the determination of major plans, policies, priorities or objectives;

(f) Devise methods for achieving equal opportunity through the planning process;

(g) Develop an environmental review system;

(h) Meet and carry out other HUD program objectives or requirements including, but not limited to, the following:

(1) Community development and housing program planning;

(2) New community planning;

(3) Preparation of flood control studies and flood plain management measures to meet the standards for eligibility under the National Flood Insurance Program;

(4) Disaster mitigation and hazard reduction planning; and

(5) Support for national growth and urban development objectives.

(i) Support State services to substate applicants including, but not limited to:

(1) Direct technical assistance to local or areawide officials on problems of community development;

(2) Advice on pending development decisions;

(3) Professional studies concerning local development problems, objectives, alternatives, and priorities, and organizational and administrative processes; and

(4) Preparation of technical guides and manuals dealing with planning, programming, or managament of public services, facilities, and resources; or suggesting new approaches to concerns such as housing, community relations, or capital improvement programming.

16. In § 600.58, the title and paragraphs (a), (b) and (c) are revised and present paragraphs (c) and (d) are redesignated (d) and (e) to read as follows:

§ 600.58 Ineligible activities: all applicants.

* * * * *

(a) Acquisition, construction, repair, or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities or public works projects;

(b) Routine administrative activities not allowable under HUD Handbook II, 6042.1 Rev. (para. 3–16) or related to the purposes of the grant, and direct administration of governmental programs;

(c) Multi-colored, odd-sized or glossy reports, except when multiple colors are required on maps to distinguish features, uses or other differences;

* * * * *

17. Section 600.59 is revised to read as follows:

§ 600.59 Waivers.

The Assistant Secretary for Community Planning and Development may waive any Section, or part thereof, of the regulations in this Part not required by law whenever he determines that:

(a) A planning need exists which cannot otherwise be adequately met and where the application of such requirement would adversely affect the purposes of the planning assistance; or

(b) Such requirement would inhibit effective and efficient administration of Integrated Grant Administration (IGA) or other joint funding projects.

18. A new § 600.66 is added to read as follows:

§ 600.66 Historic preservation considerations.

(a) *Requirement.* HUD requires that planning activities funded under section 701 of the Housing Act of 1954, as amended, be carried out in accord with section 106 of the National Historic Preservation Act of 1966 and section 110(b)(4) of the National Environmental Policy Act of 1969.

(b) *Goal.* The goal is the preservation and enhancement of historic and cultural districts, sites, buildings, structures and objects, which are significant in American history, architecture, archeology and culture.

(c) *Inclusion of historic preservation and enhancement in the comprehensive planning process.* Each applicant should:

(1) Seek, pursuant to the goals and policies of this section, to avoid adverse impacts on properties nominated to or listed in the National Register of Historic Places.

(2) Consult with the appropriate State Historic Preservation Officer, designated under agreements between the State and the Secretary of Interior, concerning criteria, standards, and procedures which should be used to avoid adverse impacts on National Register properties in the planning process.

(d) *Historic preservation assessment.* Each recipient shall prepare a historic preservation assessment when the assisted activities includes the preparation of plans or policies for development which may impact National Register properties. Such assessment shall:

(1) Include the following:

(i) A summary or abstract of the proposed plans or policies;

(ii) The impact (beneficial and adverse) of the proposed plans or policies, if they are carried out;

(iii) Any adverse impacts which cannot be avoided should the proposed plans or policies be carried out;

(iv) Alternatives to the proposed plans or policies;

(v) The impact of proposed plans and policies on the long-term maintenance and enhancement of National Register properties; and

(vi) A statement setting forth applicable Federal, State and local controls or programs for conserving and enhancing historical properties.

(2) Be appended to the resulting proposed plan or policy and accompany the plan or policy through all local deliberations leading to approval and any subsequent amendment of the plan or policy; and

(3) Be available to the public on a timely basis, including availability prior to any public hearings regarding the plan or policy.

19. A new § 600.67 is added to read as follows:

§ 600.67 Comprehensive planning requirement.

(a) *General.* Each recipient of assistance shall carry out an ongoing comprehensive planning process which makes provision for citizen involvement and involves the development and subsequent modifications of a comprehensive plan.

(b) *Ongoing comprehensive planning process.* Each recipient shall establish policies, procedures and/or institutional arrangements to insure that planning carried out with comprehensive planning assistance is part of an ongoing process.

(c) *Comprehensive plan requirement.* Each recipient of assistance shall develop a comprehensive plan that, over time, addresses the elements of comprehensive planning as described in § 600.55(c), as the recipient determines to be appropriate to its needs and responsibilties. Such plan shall include, as a minimum, a housing element and a land use element, which elements shall be consistent with each other and with stated national growth policy objectives.

20. Section 600.70 is revised to read as follows:

§ 600.70 Required housing element.

(a) *General.* No grant will be made to any applicant identified in § 600.25(a)

through (f) after August 22, 1977, unless the applicant has satisfied the requirements of this section, except that this prohibition shall not be applicable in the case of an applicant which has never been a prior recipient of a comprehensive planning grant (other than a special needs grant pursuant to § 600.50). The housing element, pursuant to Title XVI of the Housing Act of 1968, as amended, shall promote the realization as soon as feasible of the goals of a decent home and a suitable living environment for every American family. The housing element shall also specify broad goals and annual objectives (in measurable terms wherever possible); programs designed to accomplish these objectives; and procedures, including criteria set forth in advance, for evaluating programs and activities to determine whether the objectives are being met. In developing these goals, objectives, programs and evaluation procedures recipients shall:

(1) Take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities and population growth is based.

(2) Provide for the elimination of the effects of discrimination in housing based on race, color, religion, sex or national origin and provide safeguards for the future.

(3) Take into account the need to preserve existing housing and neighborhoods through such measures as housing preservation, rehabilitation, improvements in housing management and maintenance, and the provision of adequate municipal services.

(b) In fulfilling the housing element responsibility:

(1) *States.* Shall develop policies, strategies, legislative and administrative proposals and evaluation techniques necessary to accomplish State housing goals and objectives and, where applicable, develop a policy or plan for the geographical allocation of State controlled housing assistance.

(2) *Areawide planning organizations shall:* (i) Identify the housing needs of the current and prospective population by appropriate geographic sectors and provide for the distribution of housing resources (including assisted housing) to meet the needs of all citizens in order to provide a choice of housing types and location.

(ii) Develop policies, strategies and legislative and administrative proposals necessary to accomplish areawide housing goals and objectives.

(3) *Large cities, urban counties and localities shall:* (i) Identify the housing needs of the current and prospective population by appropriate geographic sectors and identifiable segments of the population and provide for the distribution of housing resources (including assisted housing) to meet the needs of all citizens in order to provide a choice of housing types and location.

(ii) Develop public-private policies, strategies and implementation activities necessary to accomplish housing goals and objectives, including the provision of essential public facilities and services.

(c) Work programs or overall program designs submitted by applicants shall describe the current status of all official housing planning and implementation activities within the applicant's jurisdiction and the relationship of the proposed program to other planning and management activities to be undertaken by the applicant. Large cities, urban counties and localities shall take into account the housing planning activities and plans undertaken pursuant to Title I and II of the Housing and Community Development Act of 1974 in developing their housing element. Funds will not be made available for duplicative basic data collection and analysis.

(d) Large cities, counties and localities may enter into agreements with county or areawide planning organizations to provide some or all of the required housing planning, provided that the combined housing planning is of sufficient detail (pursuant to this section) and the large city, county, or locality develops public-private policies, strategies and implementation activities necessary to accomplish housing goals and objectives, including the provision of essential public facilities and services.

21. A new § 600.72 is added to read as follows:

§ 600.72 Required land use element.

(a) *General.* No grant will be made to any applicant identified in § 600.25 (a) through (f) after August 22, 1977, unless the applicant has satisfied the requirements of this section, except that this prohibition shall not be applicable in the case of an applicant which has never been a prior recipient of a comprehensive planning grant (other than a special needs grant pursuant to § 600.50). The land use element shall specify broad goals and annual objectives (in measurable terms wherever possible); programs designed to accomplish the objectives and procedures, including criteria set forth in advance, for evaluating programs and activities to determine whether the objectives are being met.

(b) *Intent.* It is the intent of this section to enable States, units of general local government and areawide planning organizations to integrate all existing land use policies and functional planning activities impacting land use and, when determined necessary by the recipient, to address additional elements considered important to its total land use planning effort. The unified land use policies and plans of a State, unit of general local government and areawide planning organization should be such that they serve as a guide for governmental decision-making on all matters related to the use of land, including, for example, air and water quality concerns, waste disposal, transportation, protection of coastal areas, open space, environmental conservation, development and housing. A further objective is to facilitate coordinated land use policies among the various levels of government. Recipients will have latitude to develop the element required in this part in a form which will allow them to meet the requirements of other Federal programs requiring comparable land use elements or components thereof. It is the further intent of this section to permit recipient jurisdictions to address other significant land use problems which it determines to be of priority concern based on a consideration of those which are of principal relevance to the area affected. In selecting its priorities for action, each recipient should consider:

(1) Identification of existing uses of land and land resources;

(2) Projections of land use needs and land resource development;

(3) Identification of public facilities, utilities, open space needs, transportation needs and other services required to support projected uses of land;

(4) The impact of the recipient's proposed policies (including tax policies) on air and water quality, coastal zone management, waste disposal, areas of critical concern, natural resources including productive soils, availability of land and need for conserving land, the conservation of energy, and disaster mitigation activities;

(5) Distribution of growth including possible locations for new communities, large scale projects and key facilities; and

(6) The conservation of energy through land use strategies designed to reduce energy consumption and the development of policies designed to facilitiate the recovery of energy resources in a manner compatible with environmental protection and future reuse of lands.

(c) *States and Areawide Planning Organizations.* (1) Each State and areawide planning organization, in accordance with the policies established through the consultation process in § 600.120 and included in the State overall program design, shall include the following in its land use element:

(i) Long and short term policies, and where appropriate administrative procedures and legislative proposals, with regard to where growth should and should not take place;

(ii) The type, intensity and timing of growth;

(iii) Studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place; and

(iv) Policies, procedures, and mechanisms necessary for coordinating local, areawide, and State land use policies with functional planning and capital investment strategies, when available, and improvements in governmental structures, systems and procedures that will facilitate the achievement of land use objectives.

(2) Each applicant's Overall Program Design shall describe the current status of land use related planning (e.g., coastal zone management, air and water quality, transportation and solid waste planning) and related implementation activities

within the State or area and the relationship of the proposed program to such planning and implementation efforts.

(d) *Large cities, urban counties and localities.* (1) Each large city, urban county and locality in accordance with the policies established through the consultation process in § 600.120 and included in the State overall program design, shall include the following in its land use element:

(i) Long and short term policies and plans with respect to the physical development of the large city, urban county or locality, considering the social, economic and environmental impacts;

(ii) Studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place;

(iii) The pattern, intensity and timing of land use for residential, commercial, industrial and other uses; and

(iv) Policies, procedures and mechanisms necessary for coordination of land use planning with community development strategies; capital improvement programs, transportation, open space, public utilities and facilities planning; State and areawide land use plans.

(2) Each applicant's work program or overall program design shall describe the current status of land use planning and implementation activities within the applicant's planning jurisdiction and the relationship of the proposed program to past and current local and areawide planning and implementation efforts.

(e) *Agreements for land use planning.* Large cities, urban counties and localities may enter into agreements with county or areawide planning organizations to undertake land use planning of sufficient detail, pursuant to this section, in lieu of undertaking land use planning individually, provided that:

(1) The large city, urban county or locality land use element includes studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place; and

(2) The land use planning and implementation efforts are coordinated with other municipal or county functional programs and policies.

22. In § 600.75, paragraph (a)(3) is revised; a new paragraph (a)(4) is added; paragraph (b)(1) is revised; paragraph (b)(3) is revoked; and paragraph (c) is revised to read as follows:

§ 600.75 Equal opportunity requirements.

(a) * * *

(3) The equal opportunity clause included in Part IV of the Grant Document, Terms and Conditions Governing Grants for Comprehensive Planning Assistance.

(4) Section 3 of the Housing and Urban Development Act of 1968 and the regulations and requirements issued by HUD pursuant thereto (24 CFR Part 135). For purposes of this section the Section 3 project area is defined as follows:

(i) For State agencies where work programs will be accomplished by the State, the location of the project area shall be the smallest political jurisdiction within which the agency maintains its office. If the anticipated work program will generate employment relative to the grant in any political jurisdiction other than the one where the agency office is located, such jurisdiction shall be considered to be the location of a project area for work performed there.

(ii) For areawide planning organizations (metropolitan and nonmetropolitan), the location of the project area shall be the smallest political jurisdiction in which the agency maintains its office. If the anticipated work program will generate employment relative to the grant in any political jurisdiction other than the one where the agency office is located, such jurisdiction shall be considered to be the location of a project area for work performed there.

(iii) For large cities, counties and localities, the location of the project area shall be the recipient's political jurisdiction.

(b) * * *

(1) Submit in its application package a copy of Form HUD–7026.4, Assurances.

(2) * * *

(3) (Revoked.)

(c) States providing planning and management assistance and services to substate applicants shall obtain from such applicants an assurance of compliance with all equal opportunity requirements; and on a continuing basis, as provided in § 600.128(f) and in § 600.135(f), the States shall evaluate the substate applicants' performance in determining the scope of equal opportunity activities and programs and in fulfilling the obligations of such assurance.

23. Section 600.80 is revised to read as follows:

§ 600.80 Citizen involvement.

(a) The citizen involvement requirement of § 600.67 regarding the development and subsequent modifications of a comprehensive plan may be satisfied using techniques which the applicant determines to be appropriate to its level of government and the nature of the activity under consideration. The techniques used shall satisfy the criteria set forth in paragraph (b).

(b) The following criteria will be used to measure compliance with the citizen involvement requirement.

(1) *Extent of interaction and involvement.* Effective communication works both ways. Thus, citizens in addition to being informed should be able to respond. They should have the opportunity to help initiate as well as react to proposals.

(2) *Access to the decision making process.* The applicant should provide citizens with access to the decision making process. Citizens should be involved where major plans, policies, priorities or objectives, are being determined. The requirements of this section do not include concurrence by any person or group involved in the citizen involvement activities in making final determinations. Such determinations shall be the sole responsibility of the applicant.

(3) *Improving communication techniques.* Effective communication produces information that is readily available, timely, and easily understood by citizens. Information should be provided sufficiently in advance of public decisions to give citizens an adequate opportunity to review and to react to proposals. Applicants should seek to relate technical data and other professional material to the affected citizens so that they understand the impact of public programs, available options, and alternative decisions.

(c) *Statement of citizen involvement.* Each applicant must include a statement of citizen involvement in its progress report. Such statement shall identify specific activities undertaken to meet the criteria in paragraph (b) of this section.

(24) In § 600.90, a new paragraph (c) is added and present paragraphs (c), (d), (e) and (f) are redesignated as paragraphs (d), (e), (f), and (g), respectively, as follows:

§ 600.90 Steps for application submission, negotiation and approval.

* * * * *

(c) Submission, by a substate applicant applying directly to HUD, of a copy of its overall program design (OPD) to the Governor, or his designee, for review and comment in accordance with § 600.165.

* * * * *

25. Section 600.95 is revised to read as follows:

§ 600.95 Applications by States.

States are required to submit a single application (Overall Program Design) which shall include sections for statewide planning and for all substate applicant categories (large city and urban county, metropolitan, nonmetropolitan and locality). States may request separate grants based upon one Overall Program Design.

26. In § 600.100, the introductory text and paragraphs (a), (b), (c), (d) and (e)(3) are revised to read as follows:

§ 600.100 The application package.

States, areawide planning organizations, large cities and urban counties are required to use a standard application package and to prepare a brief and concise overall program design except when applying for the first time or applying on the basis of a special planning need pursuant to § 600.50. The application package shall include:

(a) Application for Federal Assistance Part I (Form HUD–7026.1);

(b) Overall Program Design, as required by §§ 600.105 and 600.115;

(c) Annual Work Program Summary (Form HUD–7026.2) listing all subcategories (or portions thereof) to be undertaken during the first work year;

(d) Annual Grant Budget (Form HUD–7026.3) which shall be the basis for fiscal audit of the grant;

(e) * * *

(3) A copy of "Assurances" (Form HUD–7026.4).

27. Section 600.105 is revised to read as follows:

§ 600.105 Overall Program Design.

The Overall Program Design (OPD) is a multi-year work program statement which focuses on specific objectives to be achieved by the applicant. The OPD shall cover a minimum of three years and must be updated annually. The OPD shall identify all major planning and management objectives to be undertaken by the applicant, including those to be assisted by other Federal agencies and provides the applicant and HUD with a base line for evaluation of performance.

(a) *Format.* The following program format provides for the presentation of the applicant's problems, opportunities, goals and achievable objectives. This format must be followed unless the HUD Area Office approves a different work format which yields essentially the same data.

(1) *Program categories.* Each program category, which represents a general planning and management activity, shall include:

(i) The title and reference number of the program category, for example, 100.0 Growth and Development or 200.0 Executive Management. (A separate program category for general administration of the grant may be included in the Overall Program Design.);

(ii) A brief description of the program category's key issues, problems and opportunities; and

(iii) A brief statement of program category goals.

(2) Program subcategories. Each program subcategory, which represents a specific objective, shall include:

(i) The title and reference number of the program subcategory, for example, 101.0 Land Use or 201.0 Policy and Program Development;

(ii) A brief statement of the specific or measurable program objective to be achieved in addressing issues, problems and opportunities; and

(iii) A brief identification of major work elements to be conducted in the first work year of the Overall Program Design for achieving the objective. (It shall include end products and anticipated impacts of work.)

(b) Related data. The following shall be included with each Overall Program Design;

(1) A bar chart identifying a time schedule for completing subcategories over the time period covered by the Overall Program Design;

(2) A brief statement which describes how the applicant will coordinate its work elements with related activities being performed by other agencies, or other levels of government; and

(3) A brief description of how the applicant will communicate and interact with citizens through its planning process.

28. The title of Subpart D is revised to read as follows:

Subpart D—State Procedures for Substate Planning and Management Assistance and Services

29. Section 600.110 is revised to read as follows:

§ 600.110 Purpose.

This Subpart sets forth procedural requirements by which States submit Overall Program Designs for statewide planning, and planning and management assistance and services for substate applicants.

30. Section 600.115, paragraphs (a), (b) and (c) are revised and a new paragraph (d) is added as follows:

§ 600.115 State Overall Program Design.

* * * * *

(a) A statewide planning and management section that identifies statewide planning and management objectives to be achieved.

(b) A statewide planning and management services section that identifies State services to be provided to substate units of government and areawide planning organizations.

(c) A State monitoring and evaluation section that identifies the procedures to be followed by the State in monitoring and evaluating its subgrantees and for insuring that recipients comply with all program requirements.

(d) A section for each category of substate applicant (whether such applicants apply to the State or directly to HUD), developed in consultation with an advisory group representative of substate applicants, which shall be used by the State for administering assistance to substate applicants and as a basis for gubernatorial review and comment on applications submitted directly to HUD pursuant to § 600.165. Each section shall address the following:

(1) State strategies and objectives which are responsive to identified State and substate needs;

(2) Identification of the responsibilities of State, areawide planning organization, large city, urban county and locality for land use and housing planning and implementation activities; coordination mechanisms to avoid conflicts and duplication of effort; and relationships between land use and housing activities and other related activities;

(3) Coordination mechanisms to be employed to foster common or related planning and management programs, data and forecasts;

(4) Coordination arrangements with other local, State or Federally funded planning efforts (e.g., coastal zones management, air and water quality, transportation and solid waste planning);

(5) Mandatory work elements, if any, in addition to any required by this Part, that the State will require of substate jurisdictions applying to it for comprehensive planning assistance funds; and

(6) State allocation system to be used in determining grant awards to substate applicants applying to the State.

31. Section 600.120 is revised to read as follows:

§ 600.120 Summary of substate planning and management assistance procedures.

The following describes procedures which States must employ for managing substate planning and management assistance;

(a) *Intent.* It is HUD's intent to give States major responsibility and discretion, in consultation with substate applicants, for administering a program of planning and management assistance and services for substate applicants required, or electing to apply, to the State and for providing comments to HUD on substate applications submitted directly to HUD. The annual grant will support a State program of planning and management services responsive to the key problems of substate applicants. HUD's main concern wil' be with the State's planning and management program and its implementation of equal opportunity, Comprehensive planning (including biennial review) housing, land use, environmental, citizen participation and historic preservation requirements, rather than with specific activities undertaken by or on behalf of individual applicants.

(b) *Consultation process.* States shall develop policies, strategies, administrative procedures and requirements to be employed in administering substate assistance, in carrying out State responsibilities under the review and comment procedure and in providing overall guidance to all 701 applicants within the State. These policies must be developed in consultation with an advisory group representative of substate applicant categories. The initial consultation shall take place as soon as is feasible and should be carried out prior to the submission of the State's application, if practicable. Thereafter, the State shall undertake consultations annually, prior to the submission of its application.

(c) *Advisory group composition.* The advisory group shall be composed of persons designated by the State and shall include significant representation from each of the following:

(i) Localities;

(ii) Large cities and urban counties;

(iii) Metropolitan areawide planning organizations; and

(iv) Nonmetropolitan areawide planning organizations.

(d) *Elected officials review.* Elected officials representative of the same substate categories shall be afforded an opportunity for review and comment on the policies and strategies developed by the State in consultation with its advisory group. These comments shall be considered by the State prior to the inclusion of these policies in the applicable sections of the State Overall Program

Design. The elected officials to be provided an opportunity to review and comment on the State policies shall be designated by the State in consultation with its advisory group.

(e) *OPD section copies.* States must provide each substate applicant eligible to apply directly to HUD a copy of the section of the State OPD applicable to it. (Substate applicants required by law to apply to the State shall be provided copies at the time they make inquiry for assistance.)

(f) *Consultation records.* The State shall maintain a record of all its actions taken pursuant to the consultation requirement and of the comments received from elected officials.

(g) *Application submission.* After the HUD Office has identified bench mark grant figures, the State agency may submit an application, based upon which lump sum amounts of assistance for substate categories will be negotiated with HUD.

(h) *Annual grant budget.* The grant amounts for substate categories will be included in the State annual grant and will appear as sub-totals in the annual grant budget (Form HUD 7026.3).

(i) *Substate timing.* Eligible substate applicants for which the State has responsibility shall request comprehensive planning and management assistance from the State at times and in the manner established by the State.

(j) *Substate applicant.* The substate applicant shall be the unit of general local government or, in the case of an areawide planning organization, the highest policy officer (e.g. chairman or president). One or more public agencies may be designated by the Chief Executive Officer of a unit of general local government to undertake the comprehensive planning and management assistance program in whole or in part. Notwithstanding such designations, the unit of general local government shall be the applicant, and, in the absence of special circumstances in which there is a legal incapacity on the part of the applicant to accept funds for eligible activities, the grant agreement shall be between the State and the unit of general local government. Such designations do not relieve the unit of general local government of its responsibilities in assuring the administration of the program in accordance with all HUD requirements and with State requirements, if any, including these regulations.

(k) *Voluntary agreements.* Substate applicants who are eligible to apply directly to HUD may decide to voluntarily enter into mutual agreements with States providing for State administration of 701 grant funds. Substate applicants are advised to familiarize themselves with the section of the State OPD applicable to them. The Substate applicant's decision must be communicated to the State in writing and endorsed by the Chief Executive Officer, or in the case of an areawide planning organization, the highest policy officer. Once a substate applicant has committed itself in the manner indicated above, it may not change its decision during the Federal fiscal year in question. The State shall accept or reject substate requests for State administration and notify HUD by the date annually established by HUD. The State notification to HUD must identify the applicants to be assisted by the State and include copies of the substate applicant requests endorsed as noted above.

(l) *Interstate voluntary agreements.* Interstate recipients may voluntarily agree to administration by a single State provided that all affected States also agree to such an arrangement. Letters from the Governors of the affected States must accompany the administering State's notification to HUD along with the interstate's request for State administration.

(2) *Agreement duration.* State administration shall be on an annual basis and substate applicants must reaffirm their intentions to the State annually.

(l) *Expenditure of funds.* The grant will be available to the State only for the duration of the project period.

(m) *Commitment of funds.* After receiving from HUD the formal notification of grant approval, the State agency may commit and/or expend funds effective with the beginning of the project period and without further HUD concurrence. However, in the case of grants two counties having a population of 50,000 or more located within metropolitan areas, prior HUD concurrence is required.

(n) *State notification.* Each State shall notify its State central information reception agency of each subgrant that it awards within (7) days of the award, using Standard Form 240 (Notification of Grant-in-Aid Action), copies of which can be obtained from HUD. Three copies of the notification shall be submitted to HUD along with a copy of the annual work program summary and the organizational characteristics statement for areawide (metropolitan and nonmetropolitan) planning organizations, urban counties, and large cities, and a copy of the description of work or scope of services for localities. The Standard Form 240 (line 3) should indicate the Federal grantor (HUD) and the State grantor. Lines 13, 14 and 15 need not be completed. The State shall also indicate in line 16 (Remarks) the county within which the subgrantee is located and, for areawide planning organizations, the counties of jurisdiction, and the population of the jurisdiction or organization being assisted.

32. Section 600.125 is revoked.

33. In § 600.128, the introductory text and paragraph (h) are revised as follows:

§ 600.128 Considerations in State assistance to localities.

In determining the nature and extent of assistance to be provided to any locality the State in cooperation with local elected officials shall:

* * * * *

(h) Evaluate the locality's fulfillment of the "Assurances" required pursuant to § 600.75.

34. In § 600.130, paragraphs (a) and (c) are revised to read as follows:

§ 600.130 Negotiations with HUD.

* * * * *

(a) Relevance of the proposed program to specific statewide objectives and critical problems of substate applicants;

* * * * *

(c) Substate applicant performance and progress; and

* * * * *

35. In § 600.145 paragraph (b) is revised to read as follows:

§ 600.145 Evaluation and Review.

* * * * *

(b) HUD review of agency evaluation. HUD review of evaluations made by recipients will be discussed at the time of negotiations on new applications. The HUD review will cover:

(1) The recipient's performance in administering its program in accordance with all HUD requirements, including these regulations;

(2) The recipient's performance in completing its activities in a timely fashion;

(3) The recipient's progress toward the achievement of its identified objectives;

(4) The recipient's capability to undertake the activities for which assistance is sought;

(5) For States, the State's performance in administering grants to substate applicants applying to the State for comprehensive planning and management assistance.

36. In § 600.160, the introductory text is revised to read as follows:

§ 600.160 OMB Circular A–95 coordination procedures.

In accordance with Office of Management and Budget Circular A–95, Part I, Project Notification and Review System, applicants (except Federally recognized Indian tribal groups or bodies) are required to notify the State and regional or metropolitan clearinghouse of the intent to submit an application to HUD or to the State for comprehensive planning assistance. Indian tribal groups or bodies are encouraged to use this procedure.

* * * * *

37. A new § 600.165 is added to read as follows:

§ 600.165 Governors' review and comment.

In addition to the A–95 notification, a substate applicant (including interstate agencies) applying directly to HUD shall submit a copy of its Overall Program Design to the Governor (or his designee responsible for the development of the sections of the State OPD applicable to the substate applicants).

(a) The purpose of the Governors' review and comment is to provide the Governor (or his designee) an opportunity to comment on the relationship of the applicant's OPD to the policies and objectives in the applicable section of the State OPD.

(b) The submission to the Governor shall be made 30 days prior to submission of the application to HUD. Governors' comments must be submitted to HUD within 45 days after receipt of a substate OPD. At the option of the Governor, an alternative review and comment procedure may be used.

Effective date. These interim regulations are effective December 12, 1974.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

- -

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☐ only technical language was used; ☐ document contained long and difficult sentences; ☐ preamble did not contain a clear and concise explanation of the document's purpose; ☐ other (explain) ______________________________

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A. The document from ______________ (agency) in column ______, page ______ of the ______________ (date) issue of the FEDERAL REGISTER, or

B. Section(s) ______________ of Title ______________ of the CODE OF FEDERAL REGULATIONS

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III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

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