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Pages 20605–20790

PART I

HIGHLIGHTS OF THIS ISSUE

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

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

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Title 3—The President

Memorandum of April 24, 1975

Determination Under Section 402(c)(1)(A) of the Trade Act of 1974—Socialist Republic of Romania

[Presidential Determination No. 75-15]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, April 24, 1975.

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978) (hereinafter "the Act"), I hereby determine, pursuant to section 402(c)(1)(A) of the Act, that a waiver by Executive Order of the application of subsections (a) and (b) of section 402 of the Act with respect to the Socialist Republic of Romania will substantially promote the objectives of section 402 of the Act.

You are requested on my behalf to transmit this determination to the Speaker of the House of Representatives and to the President of the Senate.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-12552 Filed 5-8-75;3:33 pm]

Memorandum of April 24, 1975

Determination Under Section 405(a) of the Trade Act of 1974—Socialist Republic of Romania

[Presidential Determination No. 75-16]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, April 24, 1975.

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978) (hereinafter "the Act"), I hereby determine, pursuant to section 405(a) of the Act, that the Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania will promote the purposes of the Act and is in the national interest.

You are requested on my behalf to transmit this determination to the Speaker of the House of Representatives and to the President of the Senate.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-12553 Filed 5-8-75;3:33 pm]

Memorandum of April 25, 1975

Determination and Authorization Under the Foreign Assistance Act of 1961, as Amended—South Vietnam

[Presidential Determination No. 75–17]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, April 25, 1975.

Pursuant to the authority vested in me by Section 614(a) of the Foreign Assistance Act of 1961, as amended (hereinafter, the "Act"), I hereby:

A. Determine that the use of funds made available in fiscal year 1975 for Indochina Postwar Reconstruction in order to finance the evacuation from South Vietnam, and other related costs, of certain nationals of South Vietnam and of other foreign countries, without regard to the limitations of the Act, of the Foreign Assistance Act of 1974, including Section 38, and of the Act Making Appropriations for Foreign Assistance and Related Programs for the Fiscal Year Ending June 30, 1975, and for Other Purposes, is important to the security of the United States; and

B. Authorize such use without regard to the limitations referred to in (A) above.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75–12554 Filed 5–8–75;3:33 pm]

rules and regulations

Title 7—Agriculture

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

[Valencia Orange Reg. 496, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 2–8, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

§ 908.796 Valencia Orange Regulation 496.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 496 (40 FR 19010). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.796 (Valencia Orange Regulation 496 (40 FR 19010)) are hereby amended to read as follows:

(iii) District 3: 300,000 cartons.

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

Dated: May 7, 1975.

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

[FR Doc.75-12431 Filed 5-9-75;8:45 am]

[Grapefruit Reg. 40]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Termination of Quality and Size Requirements

This order terminates the quality and size requirements currently in effect for shipments of grapefruit grown in California and Arizona, effective May 7, 1975.

The termination of these quality and size requirements is based upon an appraisal of the crop and current and prospective market conditions. These requirements, which became effective November 15, 1974, would, unless terminated sooner, remain in effect until August 31, 1975. Supplies of grapefruit from Texas and Florida are undergoing seasonal reduction and, as a result, greater opportunities now exist to market California-Arizona Desert grapefruit. The demand for Desert grapefruit is good, and it is moving well in the market. Such termination would be in keeping with the diminished supply of grapefruit.

After consideration of all relevant matters presented, including the recommendation of the Administrative Committee (established pursuant to the marketing order), and other available information, it is hereby found that the continued regulation of the 1974–75 California-Arizona Desert grapefruit crop is no longer necessary in order to effectuate the declared policy of the act, and the current quality and size requirements should be terminated effective May 7, 1975.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of termination until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this action is based became available and the time when this termination action must become effective in order to effectuate the declared policy of the act is insufficient; the recommendation and supporting information in regard to termination of the regulation on May 7, 1975, were promptly submitted to the Department after an open meeting of the Administrative Committee on May 1, 1975; and this order terminates handling requirements for fresh grapefruit grown in Arizona and designated part of California.

§ 909.340 [Removed]

On the basis of the foregoing, Grapefruit Regulation 40 (39 FR 40163) is hereby terminated effective May 7, 1975.

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

Dated: May 6, 1975.

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

[FR Doc.75-12381 Filed 5-9-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 13]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Special Summer Program Reimbursement Rates

Pub. L. 94–20, enacted May 2, 1975, extends the authority for the Special

Food Service Program for Children from July 1, 1975 through September 30, 1975 and requires that reimbursement rates for meals served under the special summer program for the period May through September 1975 be adjusted to reflect changes in food costs. The law further directs the Secretary of Agriculture to issue appropriate regulations no later than 10 days after its enactment. Therefore, notice and public procedure are both impracticable and unnecessary.

Accordingly, the regulations governing the Special Food Service Program for Children are amended to adjust the maximum rates of reimbursement paid for meals served in the 1975 special summer program. The adjusted rates reflect an increase, computed to the nearest one-quarter cent, in the rates established for May through September 1974 as indicated by the increase in the Consumer Price Index for food away from home for the period March 1974 through March 1975. The CPI figures for these months are 153.7 and 171.3, respectively, an increase of 11.45 per cent.

7 CFR Part 225 is amended by adding the following paragraph to § 225.10:

§ 225.10 Reimbursement payments.

* * * * *

(f) Notwithstanding any other provision of this part, for the period commencing May 1, 1975 and ending September 30, 1975, maximum rates of reimbursement to be paid to service institutions participating in the special summer program shall be 40.0 cents for a regular meal and 13.25 cents for supplemental food, except that, for meals served in the summer program by a service institution which qualifies for financial assistance under paragraph (e) of this section, operating cost reimbursement shall not exceed 81.25 cents for a regular meal, of which 6 cents may be used only for administrative costs, and shall not exceed 21.25 cents for supplemental food, of which 1.5 cents may be used only for administrative costs.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services)

Effective date. This amendment shall become effective on May 6, 1975.

Dated: May 6, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-12350 Filed 5-9-75;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Release of Area Quarantined

This amendment releases a portion of Hansford County in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area. No areas in Texas remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

§ 73.1a [Amended]

In § 73.1a, paragraph (a) relating to the State of Texas is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on May 6, 1975.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of May 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-12382 Filed 5-9-75;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Investment in Variable Amount Notes

Correction

In FR Doc. 75-11285 appearing on page 18770 in the issue of April 30, 1975 make the following change:

The 2nd line in § 9.18(c)(2)(ii) should read "amount note of a borrower of prime cred-".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-EA-5]

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

Alteration of Transition Area

On page 11597 of the FEDERAL REGISTER for March 12, 1975, the Federal Aviation Administration published a proposed rule which would alter the West Point, Va., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In promulgating the NPRM, the reciprocal radial of the Harcum, Va., VORTAC 148° radial was inadvertently omitted. That radial, to wit, 328°, will be inserted in the final rule.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., June 19, 1975, except as follows:

(1) Add the words and figures "and 328° radial" after the words and figures "148° radial".

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on April 29, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting in the description of the West Point, Va. Transition Area, "and within 2 miles each side of the Harcum, Va., VOR 148° radial extending from the 6-mile radius area to 8 miles southeast of the VOR." and by substituting the following in lieu thereof: "and within 4 miles each side of the Harcum, Va. VORTAC 148° radial, and 328° radial extending from the 6-mile radius area to 11 miles southeast of the VORTAC."

[FR Doc.75-12356 Filed 5-9-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-906; Amdt. 40]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Reasonable Level of Compensation

Correction

In FR Doc. 75-11308 appearing at page 18773 in the FEDERAL REGISTER of Wednesday, April 30, 1975 the following correction should be made:

In Appendix B on page 18775, in the eighth column headed "Recognized requirement" the bottom figure in the colume now reading "2267" should read:

2527

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–96, Amdt. 22]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., May 7, 1975.

The amendments herein substitute "Managing Director" for "Executive Director" in §§ 389.22 (b) and (c) and § 389.23(b) and "Chief, Finance Division" for "Chief, Finance Section" in §§ 389.22 (b) and (c).

The editorial amendments are issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in CFR § 385.19 and shall become effective on June 11, 1975. Procedures for review of these amendments by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

Accordingly, the Civil Aeronautics Board hereby amends § 389.22 and § 389.23 of Part 389 (14 CFR Part 389) as follows:

§ 389.22 Failure to make proper payment.

* * * * *

(b) The filing fee tendered by a filing party shall be accepted by the Board office to whom payment is made, subject to post audit by the Chief of the Board's Finance Division and notification to the filing party within 30 days of any additional amount due. Not more than 5 days after receipt of the notification, the determination of the Chief, Finance Division, may be appealed to the Managing Director of the Board, who has been delegated authority by the Board to decide such appeals in § 385.12 of this chapter. The filing party may submit to the Board a petition for review of the Managing Director's decision pursuant to § 385.50 of this chapter, and proceedings thereon will be governed by Part 385, Subpart C, of this chapter.

(c) The amount found due by the Chief, Finance Division, shall be paid within 10 days of notification except that (1) if that decision is appealed to the Managing Director, the amount due shall be paid within 10 days after the Managing Director notifies the filing party that he has affirmed or modified the decision of the Chief, Finance Division; and (2) if the decision of the Managing Director is appealed to the Board, the amount due shall be paid within 10 days after the Board notifies the filing party that it has affirmed or modified the staff decision. If the amount due is not paid, the document (except a tariff publication) shall be returned to the filing party along with the fee tendered, and such document shall be deemed to have been dismissed or withdrawn.

§ 389.23 Application for waiver or modification of fees.

* * * * *

(b) Applications requesting waiver or modification of filing fees shall be addressed to the Managing Director of the Board and shall accompany the document filed. The applicant will thereafter be notified whether the request is granted or denied by the Managing Director, who has been delegated authority by the Board to decide such applications in § 385.12 of this chapter. The applicant may submit to the Board a petition for review of the Managing Director's decision pursuant to § 385.50 of this chapter, and proceedings thereon will be governed by Part 385, Subpart C of this chapter. When no petition for review is filed with the Board, or when the Board reviews the Managing Director's decision, if the amount found due is not paid within 10 days after receipt of notification of the final determination of the Managing Director or the Board, as the case may be, the document (except a tariff publication) shall be returned to the filing party, and such document shall be deemed to have been dismissed or withdrawn. Where an application requesting waiver or modification of filing fees does not accompany the document filed, the application shall be rejected.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5969; (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] THOMAS J. HEYE, *General Counsel.*

[FR Doc.75–12428 Filed 5–9–75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2656]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bussy Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: § 13.73–92 Truth in Lending Act; § 13.155 Prices: § 13.155–95 Terms and conditions: § 13.155–95(a) Truth in Lending Act. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–45 Maintain records: § 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; § 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions: § 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Bussy Enterprises, Inc., a Corporation Doing Business as Valley Mortgage Service, and Richard F. Bussy, Individually and as Officer of Said Corporation

Consent order requiring a La Mesa, Calif., mortgage brokerage business, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents Bussy Enterprises, Inc., a corporation, its successor and assigns, and its officers, and Richard F. Bussy, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any arrangement, offer to arrange, extension or advertisement of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, (15 U.S.C. 1601, et seq.)), do forthwith cease and desist from:

1. Failing to make the required disclosures clearly, conspicuously, and in meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to provide the borrower with complete consumer credit cost disclosures before consummation of the transaction, as required by § 226.8(a) of Regulation Z.

3. Failing to set forth the finance charge expressed as an annual percentage rate, using the term "annual percentage rate," as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to set forth the number, amount, due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term, "total payments," and to identify the amount of any "balloon payment" and state the conditions, if any, under which a "balloon payment" may be refinanced if not paid when due, as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, as prescribed by § 226.8(b)(4) of Regulation Z.

6. Failing to disclose and itemize all charges which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed," as prescribed by § 226.8(d)(1) of Regulation Z.

7. Failing to disclose the broker's fee as a prepaid finance charge as required

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

by § 226.8(e)(1) of Regulation Z, using the term "prepaid finance charge", as prescribed by § 226.8(d)(2) of Regulation Z.

8. Failing to disclose and itemize the total amount of the finance charge using the term "finance charge," as prescribed by § 226.8(d)(3) of Regulation Z.

9. Failing, in any consumer credit transaction to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by § 226.6, § 226.8, § 226.9, and § 226.10 of Regulation Z.

It is further ordered, That the respondent corporation shall establish and maintain a file of copies of relevant executed documents for all future and post-January 1, 1974 loan transactions, for inspection and review upon request by the Federal Trade Commission for a period of three years following the date of execution of the documents. Such documents shall include copies of the Truth in Lending Disclosure Form, Promissory Notes, Notice of Right of Recission, and Escrow Instructions.

It is further ordered That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the computation, preparation of execution of consumer credit documents or in any aspects of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each person.

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

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

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

The Decision and Order was issued by the Commission April 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-12369 Filed 5-9-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Registration of Associated Persons, Commodity Trading Advisors, and Commodity Pool Operators

As of July 18, 1975, which is the effective date of sections 204 and 205 of the Commodity Futures Trading Commission Act of 1974 ("CFTCA"),[1] it shall be unlawful for any person to be associated with any futures commission merchant 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.[2] (Such persons shall hereinafter be referred to as "associated persons.") Also, as of that date it shall be unlawful for any person who is a "commodity trading advisor" or a "commodity pool operator," as those terms are defined in section 2(a)(1) of the Commodity Exchange Act ("Act"),[3] to make use of the mails or any means of instrumentality or interstate commerce in connection with his business as a commodity trading advisor or commodity pool operator unless he is registered with the Commission.[4]

The Commission estimates that approximately 20,000 persons will be required to register as trading advisors, pool operators and associated persons, and the registration applications of these persons must be submitted in time for the Commission to review those applications, make meaningful fitness checks, and issue the required registrations. Because the Act does not contain procedures for the registration of such persons, it is necessary that procedural registration rules be adopted and become effective well in advance of July 18.

In an effort to afford the public as much advance notice as possible regarding possible registration rules, the Administrator of the Commodity Exchange Authority ("CEA") on December 12, 1974 and January 3, 1975, caused to be published in the FEDERAL REGISTER rules respecting the registration of the above-mentioned persons, which he proposed to recommend to the Commission for adoption. Public comment was invited on those rules.[5] The Commission has received public comments regarding the rules suggested by the CEA; those comments are examined below under the discussion of the appropriate rule.

The Commission has considered the rules suggested by the CEA and determined that, whereas some are necessary to the implementation of the registration provisions of the Act, others are not. The Commission has thus decided to adopt, with modifications in some instances, suggested §§ 1.3(aa), 1.10a, 1.10b, and 1.10c[6] and the suggested amendments to §§ 1.11 and 1.14, (17 CFR 1.11 and 1.14); the Commission has decided not to adopt suggested §§ 1.3(bb), 1.3(cc), 1.8a, 1.8b, 1.8c, 1.16a and 1.16b. Each of the rules suggested by the CEA is listed below by rule number together with a statement of whether the Commission is adopting the rule and a discussion of the rule, including any substantive changes from its previously published form or the reason for the Commission's determination not to adopt such rule. In adopting the rules, the Commission also made some minor changes in the text of the rules as originally published in the FEDERAL REGISTER; because these changes do not affect the substance of the rules, they are not discussed below.

§ 1.3 *Definitions*—(aa) *Associated person.* The Commission is adopting a definition of "associated person" which differs only slightly from that published for comment by the CEA. The change was made to make clear that the term is coextensive with the category of persons described in section 4k of the Act. The Commission is adopting a definition for the term "associated person" because, although the term is used in section 17 of the Act, it is never specifically defined. Several persons have commented that the definition of "associated person" needs further clarification. The Commission is requesting public comments on this question. See page 20663 of this issue of the FEDERAL REGISTER.

(bb) *Commodity trading advisor and* (cc) *Commodity pool operator.* The Commission has determined not to adopt these rules because they are identical to the definitions set forth in the Act and therefore provide no additional clarification of the meaning of the terms. The Commission is, however, requesting public comments regarding who should be excluded from the definitions of "commodity trading advisor" and "commodity pool operator." See page 20663 of this issue of the FEDERAL REGISTER.

§ 1.8a Registration required of associated persons, § 1.8b Registration re-

[1] Pub. L. 93-463, 88 Stat. 1389 (1974). The effective date of the CFTCA was April 21, 1975; however, Congress recognized that in the time available to it before April 21, the Commission would be unable to issue the necessary registration regulations, review the applications, make meaningful fitness checks, and issue the required registrations. S. Rep. No. 94-73, 94th Cong., 1st Sess. 3 (1975). Therefore, Congress enacted Pub. L. 94-16, 89 Stat. 77, authorizing the Commission to defer for up to 90 days the effective date of sections 204 and 205 of the CFTCA. On April 17, 1975, the Commission, pursuant to section 1(c) of Pub. L. 94-16, issued an order deferring until July 18, 1975 the effective date of sections 204 and 205. 40 FR 17409 (April 18, 1975).

[2] Section 4k of the Commodity Exchange Act, 7 U.S.C. 6k. (See section 204 of the CFTCA.) The person need not register if he is already registered with the Commission as a floor broker or futures commission merchant. Id. In addition, it shall be unlawful for any commodity futures broker or agent thereof to employ any associated person who is not so registered. Id.

[3] 7 U.S.C. 2(1). (See section 202 of the CFTCA.)

[4] Section 4m of the Act, 7 U.S.C. 6m. (See section 205 of the CFTCA.) A commodity trading advisor who, during the preceding twelve months, has not furnished commodity trading advice to more than fifteen persons and who does not hold himself out generally to the public as a commodity trading advisor is exempt from registration. Id.

[5] See 39 FR 43314 (Dec. 12, 1974) and 40 FR 789 (Jan. 3, 1975).

[6] After the CEA published suggested rules §§ 1.10a, 1.10b and 1.10c for comment, the Commission adopted a provisional registration rule which it designated as § 1.10a. Therefore, the rules published by the CEA as §§ 1.10a, 1.10b and 1.10c will be designated as §§ 1.10b, 1.10c and 1.10d.

quired of commodity trading advisors, and § 1.8c Registration required of commodity pool operators. The Commission has determined not to adopt these rules because they are unnecessary to implement any provision of the Act. The Commission has received several letters suggesting that registration of associated persons be on a "one-time" permanent basis. Because section 4k of the Act specifically states that an associated person's registration shall expire two years after its effective date, permanent registration would seem outside the Commission's authority.

The Commission also received letters suggesting that all persons who, on a specified date, were acting in the capacity of associated persons should be registered under some form of "grandfather clause." One the major reasons Congress required the registration of associated persons was to provide the Commission with an opportunity to determine the fitness of the applicants for association with futures commission merchants. In view of Congress' intent that the Commission use the registration process to determine the fitness of applicants, the Commission does not believe that it should register associated persons under any form of "grandfather clause."

§ 1.10b Applications for registration of associated persons, § 1.10c Applications for registration of commodity trading advisors, and § 1.10d Applications for registration of commodity pool operators. These suggested rules are being adopted with minor changes. It should be noted that they were published for comment by the CEA as §§ 1.10a, 1.10b and 1.10c, but are being adopted as §§ 1.10b, 1.10c and 1.10d. (See note 6, supra). The registration forms distributed and made available by the CEA have been adopted without change. The rules provide that application for registration of associated persons, commodity trading advisors and commodity pool operators is to be made on the specified form in accordance with the instructions accompanying the form. Section 1.10d also provides that, as required by the Act, a commodity pool operator must file, along with his application form, a statement of the capital structure under which he engages or intends to engage in the business as a commodity pool operator. Although the application forms were not printed in the FEDERAL REGISTER, copies have been sent to persons upon request. In addition, application forms for registration of associated persons were distributed to all futures commission merchants under the Act and all those persons known to the CEA who, upon the effective date of the CFTCA, were required to register as futures commission merchants; such forms to be redistributed to persons who would be required to register as associated persons. Application forms for registration of commodity trading advisors and commodity pool operators were sent to all those persons known to the CEA who, upon the effective date of section 205 of the CFTCA, would be required to register as commodity trading advisors or commodity pool operators.

The Commission has received several comments that, for the registration of associated persons, the Commission should adopt the uniform registration form (Form U–4) proposed by the Securities and Exchange Commission. The Commission believes that this comment is worthy of careful consideration, but will leave to future study and determination whether to adopt uniform registration forms.

The Commission has changed the text of the rules from their previously published form to make it clear that trading advisor and pool operator applicants must file biographical information on Form 94, and to make it clear that, pursuant to the Privacy Act of 1974, Pub. L. 93–579, it is not mandatory for an applicant for registration as an associated person, trading advisor or pool operator to comply with the request for his social security number, and that failure to comply with the request will in no way be considered grounds for denial of registration.

§ 1.11 Registration fees; form of remittance. This regulation has been amended to provide for a registration fee of $20 for associated persons and $50 for commodity trading advisors and commodity pool operators. The Commission believes that these fees are reasonable in view of the costs to the Commission to process the applications and to regulate the registrants. However, the Commission will continue to review the question of appropriate registration and renewal fees.

§ 1.14 Deficiencies, inaccuracies, and changes to be reported. As originally published, this amendment would have required each futures commission merchant to report promptly to the Commission the name of any associated person employed by it or its agents and likewise report the termination of employment of associated persons. The Commission has determined to adopt the amendments to this rule suggested by the CEA, but with minor changes to make it clear that terminations of employment must be reported promptly and to provide that reports of termination of employment must include the reason for such termination. This provision will not become effective until July 18, 1975, because registration of associated persons is not required until that date. The Commission intends to send each futures commission merchant a list of all persons associated with it who are registered with the Commission as associated persons.

The amendments to § 1.14 also require associated persons, commodity trading advisors and commodity pool operators to file statements on Form 3–R to correct any deficiencies or inaccuracies in their registration applications, or supplemental statements thereto, and to report any changes which have occurred in certain specified items on their applications for registration. The Commission received one letter suggesting that it is not essential to the registration process to require an associated person to report changes in residence address (Item 4 on Form 4–R). The Commission agrees that in most cases this is unnecessary because the individual can be located through his employer. The Commission has therefore changed § 1.14(a)(3) from its originally published form to require an associated person to report a change in residence address only if the current address is different from the address on file with the Commission and the registrant is no longer associated with any futures commission merchant or agent thereof.

§ 1.16a Period of registration for associated persons. The Commission determined not to adopt this suggested rule because the period of registration for associated persons is set forth in the Act and no regulation is required for its implementation.

§ 1.16b Period of registration for commodity trading advisors and commodity pool operators. The Commission has determined not to adopt this suggested rule because the period of registration for commodity trading advisors and commodity pool operators is set forth in the Act and no regulation is required for its implementation.

Statutory Authority. As noted earlier, the substance of the rules has been published in the FEDERAL REGISTER and widely distributed to interested persons. As a result of this publication and distribution, various comments respecting the rules were received and considered by the Commission; some of these comments have been discussed above.

As indicated above, persons acting in the capacity of associated persons, and persons who are required to be registered as commodity trading advisors or commodity pool operators, must cease operations as of July 18, 1975, unless they are registered under the Act. Also as noted above, as a practical matter such persons cannot apply to the Commission for registration until procedural rules regarding registration are adopted and become effective. Since the abrupt cessation of operations on that date by a large number of such persons would undoubtedly disrupt the commodity futures industry, and since the Commission must have a sufficient opportunity to process the registration applications, including the completion of fitness checks of the applicants, the Commission believes it is essential that procedural rules for registration become effective as soon as possible.

For these reasons, the Commission finds that the notice and public procedure specified in 5 U.S.C. 553(b) and the publication 30 days before effective date specified in 5 U.S.C. 553(b) are impractical and unnecessary and would be contrary to the public interest.

In consideration of the foregoing, the Commission hereby amends Part I in Chapter I of Title 17 of the Code of Federal Regulations as follows:

1. Section 1.3 is amended by adding paragraph (aa) to read as follows:

§ 1.3 Definitions.

* * * * *

(aa) Associated person—This term means any person who (as provided in section 4k of the Act) is 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 which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged.

* * * * *

(Sec. 204, Pub. L. 93-463, 88 Stat. 1396; 7 U.S.C. 12a(5) as amended sec. 103, Pub. L. 93-463, 88 Stat. 1392)

2. Sections 1.10b, 1.10c and 1.10d are added as follows:

§ 1.10b Applications for registration of associated persons.

Application for registration as an associated person shall be filed on Form 4-R in accordance with the instructions contained therein, except that compliance with the request for the applicant's social security number is not mandatory.

§ 1.10c Applications for registration of commodity trading advisors.

Application for registration as a commodity trading advisor shall be filed on Form 5-R in accordance with the instructions contained therein, except that compliance with the request in the accompanying Form 94 for social security number is not mandatory.

§ 1.10d Applications for registration of commodity pool operators.

Application for registration as a commodity pool operator shall be filed on Form 6-R in accordance with the instructions contained therein, except that compliance with the request in the accompanying Form 94 for social security number is not mandatory. Such application shall be accompanied by a statement of the capital structure under which the applicant engages or intends to engage in business as a commodity pool operator.

(Secs. 204, 205, Pub. L. 93-463, 88 Stat. 1396, 1397; 7 U.S.C. 12a(5) as amended sec. 103, Pub. L. 93-463, 88 Stat. 1392)

3. Section 1.11 is amended by deleting the last three sentences of the section and substituting therefor language respecting associated persons, commodity trading advisors and commodity pool operators, to read as follows:

§ 1.11 Registration fees; form of remittance.

* * * Each application for registration, or renewal thereof, as a floor broker or as an associated person shall be accompanied by a fee of $20. Each application for registration, or renewal thereof, as a commodity trading advisor or commodity pool operator shall be accompanied by a fee of $50. Fees shall be remitted by money order, bank draft, or check, payable to the Commodity Futures Trading Commission.

((7 U.S.C. 12a(4), 12a(5) as amended) sec. 103, Pub. L. 93-463, 88 Stat. 1392)

4. Section 1.14 is amended by revising the title; deleting the phrase "Commodity Exchange Authority" in paragraph (a) and substituting therefor the word "Commission"; adding paragraphs (a)(3), (a)(4), and (a)(5); redesignating paragraph (b) as paragraph (c); and adding a new paragraph (b), such amended § 1.14 to read as follows:

§ 1.14 Deficiencies, inaccuracies, and changes, to be reported by persons registered with the Commission.

(a) Each registrant shall file promptly with the Commission a statement on Form 3-R * * *

* * * * *

(3) *With respect to an associated person.* The following items of Form 4-R "Application for Registration as an Associated Person":

Item 4—residence address (applicable only to an associated person whose current address is different from the address on file with the Commission and who is not associated with any futures commission merchant or agent thereof).

Items 12, 12A—refusal, suspension or revocation of registration as a commodity futures representative, customers' man or account executive or of membership privileges on any commodity or securities exchange or with a national securities association; and

Item 15—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.

(4) *With respect to a commodity trading advisor.* The following items of Form 5-R "Application for Registration as a Commodity Trading Advisor":

Item 2—address of principal business office;

Item 4—names of partners, officers, directors and persons performing similar functions and owners of 10 percent or more of the capital stock of the registrant;

Item 5—addresses of branch offices;

Item 6—location of records;

Item 7—location of publications and other forms of written advice offered for sale to the public;

Item 8—manner of giving advice;

Item 8B—basis of compensation;

Item 10—investment organizations in which advisory service or any of its principals have any degree of ownership, control or management authority and receives reimbursement for trading plans and other forms of advice;

Item 12—denial, suspension or revocation of membership privileges on any commodity or securities exchange or with a national securities association; and

Item 13—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.

(5) *With respect to a commodity pool operator.* The following items of Form 6-R "Application for Registration as a Commodity Pool Operator":

Item 1A—name under which business is conducted;

Item 2—address of principal business office;

Item 4—names of partners, officers, directors and persons performing similar functions and owners of 10 percent or more of the capital stock of the registrant;

Item 5—addresses of branch offices and names of branch office managers;

Item 6—identity of each pool, including form or organization and amount of initial capitalization;

Item 6A—dividend policies in respect to clients and members of each pool;

Item 6B—basis of compensation for operating each pool;

Item 6D—location of records;

Item 7—advisory services and trading plans used;

Item 8A—ownership, control of management authority held directly or through principals of the pool operator over the advisory services used by the pool operator;

Item 10—denial, suspension or revocation of membership privileges on any commodity or securities exchange or with a national securities association; and

Item 11—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.

(b) Each futures commission merchant shall promptly file with the Commission a report stating the name of each associated person newly employed in such capacity by it or its agents, and shall promptly file with the Commission a report of the termination of employment, and the reasons therefor, of any person who acted as an associated person for the futures commission merchant or its agents.

(c) All statements on Form 3-R shall be prepared and filed in accordance with the instructions appearing thereon.

(Secs. 204, 205, Pub. L. 93-463, 88 Stat. 1396, 1397; 7 U.S.C. 6f; 12a(5) as amended sec. 103, Pub. L. 93-463, 88 Stat. 1392)

Effective date. These rules and amendments become effective on May 12, 1975, except § 1.14(b) which becomes effective on July 18, 1975.

Issued: May 7, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-12437 Filed 5-9-75;8:45 am]

Title 19—Customs Duties

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

[T.D. 75-107]

PART 153—ANTIDUMPING

Pig Iron From Canada

On November 25, 1974, there was published in the FEDERAL REGISTER (39 FR 41188) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to pig iron from Canada produced and sold by Quebec Iron and Titanium Corporation, Sorel, Quebec, Canada. A finding of dumping applicable to this merchandise was published as T.D. 71-193, in the FEDERAL REGISTER of July 24, 1971 (36 FR 13780).

Reasons for the tentative determination were published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions or request an opportunity to present oral views in connection therewith.

After full consideration of the views expressed in response to the tentative determination, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding", pig iron from Canada is no longer being, nor likely to be, sold for export to the United States at less than fair value by Quebec Iron and Titanium Corporation, Sorel, Quebec, Canada, and the finding of dumping with respect to such merchandise is hereby modified to exclude pig iron produced and sold by that company.

Accordingly, § 153.43 of the Customs regulations (19 CFR 153.43) is amended in pertinent part to show the exclusion of pig iron produced and sold by Quebec Iron and Titanium Corporation, Sorel, Quebec, Canada, from the finding of dumping, as follows:

Merchandise	Country	T.D.	Modified by
Pig iron, except that produced and sold by Quebec Iron and Titanium Corp., Sorel, Quebec, Canada.	Canada...	71-193	75-107

This determination is published pursuant to § 153.41(d), Customs regulations (19 CFR 153.41(d)).

(Sec. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173).)

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

MAY 5, 1975.

[FR. Doc.75-12277 Filed 5-9-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (91-582V) filed by Central Soya Co., Inc., McMillan Feed Division, 1300 Fort Wayne Bank Building, Fort Wayne, IN 46802, proposing safe and effective use of an additional tylosin premix for the manufacture of swine feed. The supplemental application is approved.

The Commissioner is amending Part 558 (formerly Part 135e prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect the approval set forth below. This amendment shall become effective May 12, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.625 (formerly § 135e.10) by revising paragraph (b)(10) to read as follows:

§ 558.625 **Tylosin.**

* * * * *

(b) * * *

(10) To 012286: 0.4, 0.8, and 1.6 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment shall be effective May 12, 1975.

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

Dated: May 5, 1975.

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

[FR Doc.75-12385 Filed 5-9-75;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-571]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 **List of eligible communities.**

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Lonoke	England, city of	May 6, 1975. Emergency	May 10, 1974		
Do	Sebastan	Lavaca, town of	do	do		
Do	White	Searcy, city of	do	Jan. 23, 1974		
Georgia	Liberty	Allenhurst, town of	do			
Do	Clayton	Lake City, city of	do	May 31, 1974		
Do	Stephens	Unincorporated areas	do			
Illinois	McLean	Leroy, city of	do	Aug. 9, 1974		
Kentucky	Greenup	Flatwoods, city of	do	Feb. 1, 1974		
Louisiana	Jefferson Davis Parish.	Elton, town of	do	Mar. 15, 1974		
Maryland	Frederick	Emmitsburg, town of	do	Mar. 29, 1974		
Do	Garrett	Friendsville, town of	do	June 28, 1974		
Do	do	Mountain Lake Park, town of.	do	do		
Minnesota	Pine	Rock Creek, city of	do	Jan. 31, 1975		
Mississippi	Tate	Unincorporated areas	do	Nov. 29, 1974		
Do	Lee	Verona, town of	do	Dec. 13, 1974		
Missouri	Mississippi	Bertrand, city of	do	Apr. 12, 1974		
Do	Dunklin	Clarkton, city of	do	Mar. 29, 1974		
Do	Scott	Morley, city of	do	Mar. 8, 1974		
Do	Jasper	Oronogo, city of	do	June 28, 1974		
Do	Lawrence	Pierce City, city of	do	May 17, 1974		
Montana	Lewis & Clark	Helena, city of	do	Apr. 12, 1974		
Nebraska	Johnson	Tecumseh, city of	do	Jan. 23, 1974		
Do	Buffalo	Pleasanton, village of	do	Nov. 1, 1974		
Do	Butler	Ulysses, village of	do	Sept. 6, 1974		
New Jersey	Bergen	Franklin Lakes, borough of	do	July 26, 1974		
New York	Genesee	Alexander, village of	do	Nov. 22, 1974		
Do	Wyoming	Attica, town of	do	July 25, 1974		
Do	Steuben	Cohocton, town of	do	June 28, 1974		
Do	Warren	Horicon, town of	do	Sept. 6, 1974		
Do	Cattaraugus	New Albion, town of	do	May 17, 1974		
Do	St. Lawrence	Norfolk, town of	do	Dec. 27, 1974		
North Carolina	Robeson	Fairmont, town of	do	Feb. 15, 1974		
Do	Mecklenburg	Pineville, town of	do	June 21, 1974		
Ohio	Ashtabula	Ashtabula, city of	do	Dec. 28, 1973		
Do	Hamilton	North College Hill, city of	do	June 7, 1974		
Do	Ross	Chillicothe, city of	do	June 28, 1974		
Do	Hamilton	Greenhills, city of	do	Jan. 25, 1974		
Do	Paulding	Paulding, village of	do	May 10, 1974		
Oklahoma	Osage	Pawhuska, city of	do	Mar. 15, 1974		
Do	Harper	Laverne, town of	do	May 3, 1974		
Oregon	Gilliam	Arlington, city of	do	Feb. 21, 1975		
Do	Yamhill	Carlton, city of	do	Nov. 30, 1973		
Do	Wallowa	Enterprise, city of	do	Dec. 28, 1973		
Pennsylvania	Armstrong	Perry, township of	do	Jan. 10, 1975		
Rhode Island	Providence	North Smithfield, town of	do	June 14, 1974		
Texas	Stephens	Breckenridge, city of	do	do		
Do	Liberty	Unincorporated areas	do	Dec. 20, 1974		

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

Issued: April 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-12256 Filed 5-9-75;8:45 am]

[Docket No. FI-572]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurande for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arkansas	Craighead	Black Oak, city of	May 7, 1975	Feb. 21, 1975		
Do	Polk	Mena, city of	do	Dec. 2, 1973		
Florida	St. Lucie	Port St. Lucie, city of	do	Dec. 13, 1974		
Georgia	Crisp	Cordele, city of	do			
Idaho	Washington	Midvale, city of	do	Sept. 13, 1974		
Illinois	Christian	Stonington, village of	do	June 7, 1974		
Indiana	Rush	Unincorporated areas	do			
Kansas	Rice	Bushton, city of	do	Nov. 22, 1974		
Do	Johnson	Mission Hills, city of	do	June 7, 1974		
Maine	Hancock	Bar Harbor, town of	do	Aug. 23, 1974		
Do	Franklin	Farmington, town of	do	Sept. 6, 1974		
Do	Washington	Machiasport, town of	do	July 19, 1974		
Do	Somerset	Norridgewock, township of	do	Dec. 6, 1974		
Minnesota	Olmstead	Stewartville, city of	do	May 3, 1974		
Montana	Jefferson	Whitehall, town of	do			
Nebraska	Thurston	Walthill, village of	do	do		
Texas	Cochran	Morton, city of	do			
Utah	Utah	Mapleton, city of	do	June 28, 1974		
Vermont	Washington	Cabot, town of	do	July 26, 1974		
Virginia	Nottoway	Unincorporated areas	do			
Washington	Whitman	Garfield, town of	do	June 14, 1974		
Do	Thurston	Lacey, city of	do	June 28, 1974		
Do	Douglas	Waterville, town of	do	May 24, 1974		
Wisconsin	Sauk	Sauk, city of	do	Dec. 7, 1973		

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

Issued: April 30, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-12257 Filed 5-9-75;8:45 am]

[Docket No. FI-574]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alaska	Kuskokwim	Aniak, city of	May 2, 1975. Emergency			
Alabama	Jackson	Unincorporated areas	do			
Connecticut	Hartford	Bristol, city of	do	May 17, 1974		
Florida	Pasco	Dade City, city of	do	Jan. 16, 1974		
Do	Polk	Frostproof, city of	do	do		
Georgia	Wilkinson	Gordon, city of	do	May 17, 1974		
Do	Burke	Waynesboro, city of	do	June 14, 1974		
Idaho	Canyon	Caldwell, city of	do	Feb. 8, 1974		
Illinois	White	Carmil, city of	do	Apr. 5, 1974		
Do	Lee	Ashton, village of	do	May 3, 1974		
Indiana	Boone	Zionsville, town of	do	Apr. 12, 1974		
Iowa	Marshall	Marshalltown, city of	do	Jan. 23, 1974		
Do	Bremer	Waverly, city of	do	Mar. 29, 1974		
Maine	Washington	Cutler, town of	do	Feb. 21, 1975		
Minnesota	Hennepin	Long Lake, city of	do	June 7, 1974		
Do	Ramsey	Shoreview, city of	do	June 14, 1974		
Mississippi	George	Unincorporated areas	do			
Missouri	Daviess	Pattonsburg, town of	do	May 10, 1974		
Do	St. Louis	Wellston, city of	do	Dec. 17, 1973		
New Jersey	Cumberland	Millville, city of	do	June 28, 1974		
Do	Bergen	Montvale, borough of	do	Sept. 6, 1974		
Do	Essex	North Caldwell, borough of	do	June 7, 1974		
Do	Bergen	Teaneck, township of	do			
New York	Erie	Akron, village of	do	May 31, 1974		
Oregon	Lane	Junction City, city of	do	May 10, 1974		
Pennsylvania	Berks	Colebrookdale, township of	do	Nov. 22, 1974		
Do	Tioga	Delmar, township of	do			
Do	Wayne	Dyberry, township of	do	Feb. 28, 1975		
Do	Union	Mifflinburg, borough of	do	Jan. 23, 1974		
Do	Washington	Smith, township of	do	Dec. 13, 1974		
South Carolina	Oconee	Walhalla, town of	do	June 28, 1974		
Tennessee	Dyer	Dyersburg, city of	do	June 14, 1974		
Do	Fayette	Moscow, city of	do	May 10, 1974		
Utah	Cache	Providence, city of	do			
Vermont	Washington	Waterbury, village of	do	May 10, 1974		
West Virginia	Tyler and Wetzel	Paden City, town of	do	May 24, 1974		
Do	Jackson	Ravenswood, city of	do	Nov. 15, 1974		
Wisconsin	Shawano	Birnamwood, village of	do	May 31, 1974		
Do	Waupaca	Embarrass, village of	do	Dec. 11, 1973		
Do	Green	New Glarus, village of	do	May 24, 1974		

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

Issued: April 25, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-12258 Filed 5-9-75;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

[Docket No. FI-575]

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alabama	Marshall	Guntersville, city of	May 5, 1975. Emerg.	Mar. 22, 1974		
Do	St. Clair	Pell, city of	do	June 21, 1974		
Do	Geneva	Samson, city of	do	June 7, 1974		
Arizona	Yavapai	Cottonwood, town of	do	do		
Arkansas	Jackson	Beedeville, city of	do	Aug. 16, 1974		
Do	Boone	Bellefonte, town of	do	Aug. 23, 1974		
Do	St. Francis	Forrest City, city of	do	Mar. 15, 1974		
Do	Jackson	Unincorporated areas	do			
Do	Union	Norphlet, city of	do			
Do	Clay	Piggott, city of	do	Nov. 16, 1973		
Do	Lawrence	Portia, city of	do	Aug. 23, 1974		
Do	Dallas	Sparkman, city of	do	May 10, 1974		
California	Los Angeles	Artesia, city of	do	June 28, 1974		
Colorado	Weld	Platteville, town of	do	Apr. 12, 1974		
Florida	Bay	Parker, city of	do			
Do	Lee	Sanibel, city of	do			
Georgia	Dooly	Vienna, city of	do			
Do	Ware	Unincorporated areas	do			
Indiana	Rush	Carthage, town of	do	Nov. 23, 1973		
Do	Switzerland	Patriot, town of	do			
Do	Madison	Summitville, town of	do	May 24, 1974		
Do	Randolph	Union City, city of	do	do		
Iowa	Muscatine	West Liberty, city of	do	Jan. 16, 1974		
Kansas	Saline	Unincorporated areas	do			
Massachusetts	Worcester	Uxbridge, town of	do	Aug. 2, 1974		
Minnesota	Crow Wing	Crosby, city of	do	June 28, 1974		
Ohio	Warren	Springboro, village of	do	Apr. 12, 1974		
Oklahoma	Alfalfa	Cherokee, city of	do	June 14, 1974		
Texas	Caldwell	Luling, city of	do	May 24, 1974		
Vermont	Addison	Shoreham, town of	do	Feb. 7, 1975		
Washington	Island	Oak Harbor, city of	do	May 24, 1974		

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

Issued: April 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-12259 Filed 5-9-75;8:45 am]

[Docket No. FI-578]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in the order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24 (a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24 (b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arkansas	St. Francis	Madison, city of	Apr. 29, 1975. Emergency	Mar. 22, 1974		
Florida (E)	Monroe	Layton, city of	June 30, 1970. Emergency. Sept. 15, 1972. Suspended. Apr. 28, 1975. Reinstated.	July 1, 1970		
Indiana	Boone	Thorntown, town of	Apr. 29, 1975. Emergency	Dec. 7, 1973		
Kentucky	Garrard	Lancaster, city of	do	July 19, 1974		
Michigan	Monroe	Dundee, township of	do	Feb. 22, 1974		
Mississippi	Tippah	Blue Mountain, town of	do	June 21, 1974		
Do	Marshall	Byhalia, town of	do	June 7, 1974		
Do	Noxubee	Macon, city of	do	Jan. 31, 1975		
New Jersey	Morris	Wharton, borough	do	Mar. 3, 1974		
New York	Orleans	Barre, town of	do	Oct. 25, 1974		
Do	Jefferson	Cape Vincent, village of	do	do		
Do	Yates	Middlesex, town of	do	June 28, 1974		
Do	Oneida	Sylvan Beach, village of	do	May 31, 1974		
Do	Chautauqua	Westfield, village of	do	Dec. 20, 1974		
Do	Herkimer	West Winfield, village of	do			
North Carolina	Columbus	Fair Bluff, town of	do	Dec. 17, 1973		
North Dakota	McLean	Coleharbor, city of	do			
Ohio	Morrow	Mount Gilead, village of	do	Apr. 5, 1974		
Oklahoma	Atoka	Atoka, city of	do	June 7, 1974		
Do	Pawnee	Cleveland, city of	do	May 3, 1974		
Do	Okmulgee	Okmulgee, city of	do	Feb. 1, 1974		
Oregon	Coos	Coquille, city of	do	Nov. 30, 1973		
Do	Marion	Mount Angel, city of	do	May 17, 1974		
Pennsylvania	Lancaster	Caernarvon, township of	do			
Do	Indiana	Cherry Tree, borough of	do	Aug. 2, 1974		
Do	Lancaster	Clay, township of	do	May 3, 1974		
Do	Luzerne	Dennison, township of	do	Nov. 29, 1974		
Do	do	Franklin, township of	do	Nov. 8, 1974		
Do	Schuylkill	Giradville, borough of	do	Apr. 12, 1974		
Do	Centre	Gregg, township of	do	Oct. 18, 1974		
Do	McKean	Hamilton, township of	do	Feb. 14, 1975		
Do	Bedford	Hyndman, borough of	do	Aug. 16, 1974		
Do	Lawrence	Mahoning, township of	do	Dec. 13, 1974		
Do	Washington	Mount Pleasant, township of	do	Dec. 6, 1974		
Do	Erie	North East, borough of	do	Nov. 8, 1974		
Do	Potter	Oswayo, borough of	do	Dec. 6, 1974		
Do	Bedford	Rainsburg, borough of	do	Nov. 15, 1974		
Do	Chester	South Coventry, township of	do	Oct. 18, 1974		
Do	Schuylkill	Tower City, borough of	do	Apr. 12, 1974		
Do	Bedford	Union, township of	do	Jan. 3, 1975		
Do	Schuylkill	Upper Mahantongo, township of	do	Dec. 21, 1971		
Do	Somerset	Windber, borough of	do	Jan. 31, 1975		
South Carolina	Darlington	Darlington, city of	do	Dec. 27, 1974		
Do	Spartanburg	Duncan, town of	do	May 17, 1974		
South Dakota	Hughes	Blunt, city of	do			
Virginia	Montgomery	Christianburg, town of	do	May 31, 1974		
West Virginia	Wayne	Fort Gay, town of	do	Sept. 13, 1974		
Do	Calhoun	Grantsville, town of	do	Mar. 1, 1974		
Do	Mason	Hartford, township of	do	Nov. 22, 1974		
Do	McDowell	Kimball, town of	do	May 17, 1974		
Wisconsin	Pierce	Elmwood, village of	do	May 31, 1974		

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

Issued: April 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-12252 Filed 5-9-75;8:45 am]

[Docket No. FI-580]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arkansas	Ouachita	Bearden, city of	Apr. 28, 1975. Emergency	June 7, 1974		
California	Riverside	Blythe, city of	do	May 10, 1974		
Colorado	Rio Blanco	Meeker, town of	do	June 28, 1974		
Illinois	Champaign	Broadlands, village of	do	Aug. 30, 1974		
Do	Wayne	Fairfield, city of	do	Feb. 22, 1974		
Do	Kendall	Newark, village of	do	Nov. 23, 1973		
Do	Bureau	Spring Valley, city of	do	Feb. 22, 1974		
Do	Cook	Stone Park, village of	do	Mar. 22, 1974		
Indiana	Wayne	Cambridge City, town of	do	Nov. 23, 1973		
Do	Harrison	Lanesville, town of	do			
Iowa	Woodbury	Cushing, city of	do	Aug. 9, 1974		
Maryland	Somerset	Crisfield, city of	do			
Michigan	Ionia	Ionia, city of	do	June 7, 1974		
Do	St. Joseph	Three Rivers, city of	do	June 28, 1974		
Minnesota	Le Sueur	Kasota, city of	do	June 7, 1974		
Do	Ramsey	White Bear Lake, city of	do	do		
Mississippi	Quitman	Lambert, town of	do	do		
Montana	Glacier	Browning, town of	do	Mar. 15, 1974		
Nebraska	Otoe	Dunbar, village of	do	Sept. 6, 1974		
Do	Phelps	Holdrege, city of	do	June 7, 1974		
New Jersey	Salem	Quinton, township of	do	Aug. 9, 1974		
Do	Passaic	West Milford, township of	do	July 19, 1974		
New York	Saratoga	Corinth, village of	do	Aug. 7, 1974		
Do	Cattaraugus	Persia, town of	do	May 17, 1974		
North Carolina	Henderson	Unincorporated areas	do	Jan. 10, 1975		
Do	Jones	do	do			
Ohio	Fulton	Delta, village of	do	May 31, 1974		
Do	Van Wert	Van Wert, city of	do	Nov. 23, 1973		
Texas	Runnels	Ballinger, city of	do	June 28, 1974		

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

Issued: April 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–12253 Filed 5–9–75;8:45 am]

[Docket No. FI–581]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alabama	Baldwin	Loxley, town of	Apr. 24, 1975, Emergency	June 28, 1974		
Do	Jefferson	Roosevelt, city of	do	do		
Arkansas	Mississippi	Wilson, city of	do	May 17, 1974		
Arizona	Apache	St. Johns, city of	do	June 7, 1974		
Connecticut	Fairfield	Monroe, town of	do	Aug. 16, 1974		
Georgia	McIntosh	Darien, city of	do	May 10, 1974		
Indiana	Jefferson	Hanover, town of	do	Feb. 1, 1974		
Do	Henry	Middletown, town of	do	do		
Iowa	Cedar	Bennett, city of	do	Dec. 27, 1974		
Do	Carroll	Unincorporated area	do			
Kansas	Harvey	Hesston, city of	do	June 28, 1974		
Louisiana	Tangipahoa Parish	Kentwood, town of	do	Nov. 2, 1973		
Do	St. Landry Parish	Sunset, town of	do	June 14, 1974		
Maine	Somerset	Anson, town of	do	Aug. 23, 1974		
Do	Androscoggin	Durham, town of	do	Mar. 15, 1974		
Do	Washington	Machias, town of	do	Aug. 2, 1974		
Do	Aroostook	Mars Hill, town of	do	June 21, 1974		
Do	Lincoln	Waldoboro, town of	do	Nov. 1, 1974		
Massachusetts	Middlesex	Ashland, town of	do	Feb. 8, 1974		
Michigan	Ingham	Mason, city of	do	May 31, 1974		
Do	Oakland	Pleasant Ridge, city of	do			
Mississippi	George	Lucedale, city of	do			
Do	Lee	Saltillo, town of	do			
Nebraska	Cuming	West Point, city of	do	Jan. 9, 1974		
New York	Greene	Athens, village of	do	Feb. 22, 1974		
Pennsylvania	Franklin	Greencastle, borough of	do	June 28, 1974		
Texas	McCulloch	Brady, city of	do	do		
Do	Wood	Winnsboro, city of	do	do		
Virginia		Falls Church, city of	do	Sept. 6, 1974		
West Virginia	Jefferson	Charles Town, city of	do	Feb. 1, 1974		
Do	Ohio	Wheeling, city of	do	Dec. 13, 1974		

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

Issued: April 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–12254 Filed 5–9–75;8:45 am]

[Docket No. FI–582]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Gila	Miami, town of	Apr. 30, 1975, Emergency	June 28, 1974		
Illinois	Ogle	Oregon, city of	do	Nov. 23, 1973		
Iowa	Kossuth	Titonka, town of	do	May 3, 1974		
Louisiana	Webster	Cullen, town of	do	Apr. 12, 1974		
New Hampshire	Carroll	Ossipee, town of	do	June 21, 1974		
New Jersey	Bergen	Moonachie, borough of	do	June 28, 1974		
New York	Cayuga	Cato, village of	do	June 14, 1974		
Do	Allegany	Friendship, village of	do	Feb. 1, 1974		
North Carolina	Cherokee	Murphy, town of	do	Mar. 8, 1974		
Ohio	Erie	Kelleys Island, village of	do	Apr. 18, 1975		
Do	Union	Marysville, city of	do	Mar. 22, 1974		
Do	Jefferson	Mingo Junction, city of	do	Mar. 1, 1974		
Oregon	do	Unincorporated areas	do			
Do	Wallowa	Joseph, city of	do	May 24, 1974		
Do	Clackamas	Wilsonville, city of	do	Mar. 29, 1974		
Pennsylvania	Schuylkill	Delano, township of	do	Feb. 7, 1975		
Do	Centre	Halfmoon, township of	do	Jan. 24, 1975		
Do	Westmoreland	Ligonier, borough of	do	Apr. 12, 1974		
Do	McKean	Mt. Jewett, borough of	do	June 28, 1974		
Do	Greene	Waynesburg, borough of	do	do		
Tennessee	Lauderdale	Halls, city of	do	Jan. 17, 1975		
Vermont	Windsor	Andover, town of	do	Dec. 20, 1974		
Do	Addison	Cornwall, town of	do	Apr. 21, 1975		
Washington	Grays Harbor	McCleary, town of	do	May 31, 1974		
Do	Yakima	Union Gap, city of	do	Jan. 9, 1974		
Do	Whatcom	Bellingham, city of	do	June 14, 1974		
Wisconsin	Polk	Balsam Lake, village of	do	May 3, 1974		
Do	Fond Du Lac	Fairwater, village of	do	Nov. 8, 1974		
Do	Ozaukee	Grafton, village of	do	May 31, 1974		
Do	Green	Brodhead, city of	do	Feb. 8, 1974		
Do	Iron	Montreal, city of	do	May 10, 1974		
Do	Sauk	Rock Springs, village of	do	Dec. 17, 1973		
Do	Shawano	Shawano, city of	do	Nov. 30, 1973		
Do	Bayfield	Washburn, city of	do	May 31, 1974		
Do	Shawano	Wittenberg, village of	do	May 24, 1974		
Wyoming	Crook	Sundance, city of	do	May 17, 1974		
Do	Washakie	Worland, city of	do	May 3, 1974		

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

Issued: April 23, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-12255 Filed 5-9-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—PROCEDURES; PRACTICE

PART 1—APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS

PART 2—APPEALS FROM ADMINISTRATIVE ACTIONS

Amendments to Hearings and Appeals Procedural Rules

On December 19, 1973, there was published in the FEDERAL REGISTER (38 FR 34812–34813) a notice and text of proposed amendments to procedural rules in 25 CFR Parts 1 and 2, to note (1) the applicability of Department Hearings and Appeals Procedures in 43 CFR Part 4, including proposed additional procedural rules in Subpart D of Part 4 (38 FR 34813–34816, December 19, 1973), to appeals to the Department pertaining to administrative actions of Bureau of Indian Affairs officials in cases involving determinations, findings, and orders protested as a violation of a right or privilege of the appellant, as provided in 25 CFR Part 2; and (2) the authority delegated by the Secretary of the Interior to the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary, to act finally for the Department on such appeals. These amendments were proposed under authority contained in R.S. 463, 465, 5 U.S.C., sec. 301, and 25 U.S.C. secs. 2 and 9.

Interested persons were invited to participate in the proposed rulemaking by the submission of comments, suggestions, or objections. Due consideration has been given all material presented; and in light of the comments received and subsequent review, the amendment of the regulations as proposed is hereby adopted, subject to minor changes of an editorial and clarifying nature and one notable change.

The change of note is that which reinstates appeals to the Commissioner from decisions of Area Directors, similar to the procedures presently provided in 25 CFR Part 2. Under this procedure, the Commissioner issues a decision final for the Department when exercise of discretion is required. Where the decision is dependent upon the interpretation of the law, the Commissioner issues a decision within 30 days of receipt of the appeal; and such a decision is further appealable to the Board of Indian Appeals. He may in lieu thereof refer the appeal to the Board without decision. If he fails to act timely, it is presumed he did not choose to issue a decision; and the Board will automatically take jurisdiction to issue a decision as if the appeal were direct from the Area Director. The Board's decision is final for the Department.

Effective date. These regulations shall become effective June 11, 1975 and shall govern all appeals involving decisions of Bureau of Indian Affairs officials issued after the effective date and all such pending appeals, in matters within the enlarged jurisdiction of the Board of Indian Appeals, except to the extent that application of the amended regulations or any portion thereof in a pending proceeding would not be feasible or would work injustice, in which case the appropriate former rule or rules would apply.

Dated: May 3, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior

1. In § 1.3, the third sentence is amended by substituting for the word "governs" the following: "contains procedural rules for appellate and other administrative review and for". As revised, the sentence reads:

§ 1.3 Scope.

* * * Subtitle A of Title 43 of the Code of Federal Regulations has application to certain aspects of Indian affairs and, among other things, contains procedural rules for appellate and other administrative review and for practice before the Department of the Interior, of which the Bureau of Indian Affairs is a part. * * *

§ 2.1 [Amended]

2. In paragraph (c) of § 2.1, the term "Petitioner" is changed to "Appellant".

3. The heading and the text of § 2.3 are revised to read as follows:

§ 2.3 Appeals.

(a) Except as otherwise provided by law or regulation, any interested party adversely affected by a decision of an official under the supervision of an Area Director of the Bureau of Indian Affairs not approved by the Secretary before the decision was made shall have a right to appeal. Where administrative authority is held under an Area Director, the appeal shall be to him. A further appeal from decisions of the Area Director may then be made to the Commissioner of Indian Affairs. As prescribed in § 2.19(b) of this Part, further appeals from the decisions of the Commissioner of Indian Affairs may then be made to the Board of Indian Appeals.

(b) If no appeal is timely filed, the decision shall be final for the Department. The officer to whom the appeal is directed may require an adequate bond to protect the interest of any Indian, Indian tribe, or other party involved during the pendency of the appeal. In order to insure the exhaustion of administrative remedies before resort to court action, no decision which at the time of its rendition is subject to appeal to a superior authority in the Department shall be considered final so as to be agency action subject to judicial review under 5 U.S.C. 704, unless when an appeal is filed, the officer to whom the appeal is made shall rule that the decision appealed from shall be made immediately effective.

(c) Appeals to the Board of Indian Appeals shall be made in the manner provided in Department Hearings and Appeals Procedures in 43 CFR Part 4, Subpart D, §§ 4.350–4.369.

4. Existing Subparts B, C, and D are deleted, and a new Subpart B entitled "Appeals to the Area Director and Commissioner" is added. The new Subpart B consolidates regulations formerly appearing in Subparts B, C, and D with appropriate amendments.

Subpart B—Appeals to the Area Director and Commissioner

Sec.
2.10 Appeal, how taken; mandatory time limit.
2.11 Service of appeal documents.
2.12 Answers.
2.13 When a document is filed.
2.14 Record address.
2.15 Computation of time for filing and service.
2.16 Extensions of time.
2.17 Summary dismissal.
2.18 Action by Area Director on appeal.
2.19 Action by Commissioner on appeal.
2.20 Scope of review.

AUTHORITY: R.S. 463, 465; 5 U.S.C. 301, 25 U.S.C. 2, 9, unless otherwise noted.

§ 2.10 Appeal, how taken; mandatory time limit.

(a) A notice of appeal shall be in writing and filed in the office of the official who made the decision that the appellant wishes to appeal. The date of receipt shall be noted or stamped on the notice of appeal by the receiving office. The official who made the decision being appealed from, if requested by an Indian or Indian tribe, shall render such assistance as is appropriate in the preparation of any appeal by an Indian or Indian tribe. The appeal shall give an identification of the case, a statement of reasons for the appeal, and any arguments the appellant wishes to make. The notice of appeal must be received in the office of the official who made the decision within 30 days after the date notice of the decision complained of is received by the appellant, together with all supporting documents. The appellant shall file his appeal with the Area Director or the Commissioner within 30 days after filing of the notice of appeal in the office of the official who made the decision being appealed.

(b) No extension of time will be granted for filing of the notice of appeal. Notices of appeal which are not timely filed will not be considered, and the case will be closed.

§ 2.11 Service of appeal documents.

(a) On the date of filing of the notice of appeal, the appellant, or the officer with whom the notice of appeal is filed when the appellant is an Indian or Indian tribe not represented by counsel, shall personally serve or mail a copy of the notice of appeal and/or other appeal and any supporting documents upon each interested party known to him as such, in the manner prescribed in paragraph (b) of this section. The proof of such service shall be filed with the Area Director or the Commissioner within 15 days after the date of service unless filed with the appeal or with any additional statement of reasons, arguments, or briefs. The date of service is determined as stated in paragraph (c) of this section. When an appeal is being filed with the Commissioner, a copy of the notice of appeal shall also be served on or mailed to the Board of Indian Appeals.

(b) Wherever the regulations require that a copy of a document be served, service shall be made by delivering the copy personally or by sending the document by certified or registered mail, return receipt requested, to the address of record as required in § 2.14. Where a tribe is an interested party, service shall be made on the principal or designated tribal official or on the tribal governing body.

(c) A document will be considered to have been served at the date (1) of acknowledgment of service, (2) of personal service, (3) of delivery of a certified or registered letter, or (4) of the return by the post office of an undelivered certified or registered letter.

(d) In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client; and service of any document relating to the proceeding upon such attorney shall be deemed to be service on the party he represents. Where a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

§ 2.12 Answers.

If any party served with an appeal wishes to participate in the proceeding on appeal, he must file a written answer within 30 days after service of the appeal upon him. The answer must be filed with the Area Director or the Commissioner and be personally served upon or mailed to the appellant, in the manner prescribed in § 2.11, at the time the answer is filed. Proof of such service shall be filed with the Area Director or the Commissioner within 15 days after service. If an answer is not filed or if a copy is not served, as required, a default will not result; but the answer may be disregarded in deciding the appeal.

§ 2.13 When a document is filed.

A document is properly filed when received in the office of the official with whom the filing is required during regular office hours. No degree of formality is required to file a notice of appeal; a simple letter will suffice. The appellant need not be represented by counsel. A notice of appeal and/or appeal received in an office other than that to which it should be properly addressed shall be transmitted to the proper office and the appellant advised. If such office is unknown where received, it shall be returned to the writer.

§ 2.14 Record address.

Every interested party who files a document in connection with an appeal shall state his address at the time of his notice of appeal or initial filing in the matter. Thereafter, he shall promptly inform the official with whom the filing was made of any change in address, giving appropriate identification of all matters in which he has made such a filing; otherwise, the address, as stated, shall be accepted as the proper address. The successors of such party shall likewise promptly inform the official of their interest in the matter and state their addresses. If an interested party fails to furnish his address as required in this section, he will not be entitled to notice in connection with the proceedings.

§ 2.15 Computation of time for filing and service.

In computing any period of time prescribed herein for filing or serving a document, the day upon which the decision or document to be appealed or answered was received or served, or the day of any other event after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included unless it falls upon a Saturday, Sunday, legal holiday, or other nonbusiness day.

§ 2.16 Extensions of time.

The period for filing or serving any document may be extended on behalf of an interested party by the officer to whom the appeal is taken, for good cause shown, except for the time for filing a notice of appeal and except where such extension is contrary to law or regulation.

§ 2.17 Summary dismissal.

An appeal to the Area Director or the Commissioner may be subject to summary dismissal for any of the following causes:

(a) If a statement of the reasons for the appeal is not included in the appeal.

(b) If the notice of appeal and/or appeal together with any supporting documents are not filed or not served upon the interested parties as required in §§ 2.10, 2.11, and 2.13 of this Part.

§ 2.18 Action by Area Director on appeal.

The Area Director shall render a written decision in each case appealed to him, and he shall include a statement that the decision will become final 60 days from receipt thereof unless a notice of appeal is filed with the Commissioner of Indian Affairs pursuant to §§ 2.10, 2.11, and 2.13 of this Part. A copy of such decision shall be forwarded to each known interested party by certified or registered mail, return receipt requested. Such receipts shall become a permanent part of the record.

§ 2.19 Action by Commissioner on appeal.

(a) Within 30 days after all time for pleadings (including extension granted) has expired, the Commissioner of Indian Affairs shall:

(1) Render a written decision on the appeal or

(2) Refer the appeal to the Board of Indian Appeals for decision.

(b) If no action is taken by the Commissioner within the 30-day time limit, the Board of Indian Appeals shall review and render the final decision.

(c) When the Commissioner renders a written decision on an appeal, he shall include one of the following statements in the written decision:

(1) If the decision is based on the exercise of discretionary authority, it shall so state; and a statement shall be included that the decision is final for the Department.

(2) If the decision is based on interpretation of law, a statement shall be included that the decision will become final 60 days from receipt thereof unless an appeal is filed with the Board of Indian Appeals pursuant to 43 CFR 4.354 and 4.355.

(d) A copy of the Commissioner's written decision in each case shall be forwarded to each known interested party by certified or registered mail, return receipt requested. Such receipts shall become a permanent part of the record. A copy of the Commissioner's written decision in each case shall also be sent to the Board of Indian Appeals.

§ 2.20 Scope of review.

When a matter on appeal is before an Area Director or the Commissioner of the Bureau of Indian Affairs, any information available to that officer may be used whether formally part of the record or not; where reliance is placed on information not of record, such information shall be identified as to source and nature and inserted in the record.

[FR Doc.75-12371 Filed 5-9-75;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-17]

PART 240—WINE

Production of Wine for Family Use

This document amends Part 240—Wine of Title 27 of the Code of Federal Regulations, to liberalize requirements governing the production of wine for family use. Present regulations require the home wine producer to record the quantity of wine produced and the date of production on his approved copy of Form 1541, Annual Registration for Production of Wine for Family Use. The purpose of the amendment is to eliminate this particular requirement, simplifying the registration for both ATF and the public. Form 1541 has been revised to conform with the new regulatory changes; and to further reduce the complexity of the registration, several entries pertaining to eligibility of the registrant have been eliminated.

In addition, conforming changes are being made with respect to titles, resulting from the establishment of the Bureau of Alcohol, Tobacco and Firearms as a separate entity replacing the former Alcohol, Tobacco and Firearms Division of the Internal Revenue Service.

In order to accomplish these changes, the regulations in 27 CFR Part 240 are amended as follows:

§ 240.17 [Reserved]

PARAGRAPH 1. Section 240.17 is revoked and reserved.

PAR. 2. Section 240.19 is revised to redefine "Director". As revised, § 240.19 reads as follows:

§ 240.19 Director.

The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

§ 240.41 [Reserved]

PAR. 3. Section 240.41 is revoked and reserved.

PAR. 4. Section 240.542 is amended to eliminate the requirement for recording the quantity of wine produced and date of production on Form 1541, Annual Registration for Production of Wine for Family Use. As amended, § 240.542 reads as follows:

§ 240.542 Registration, Form 1541.

Every person (other than the operator of a bonded wine cellar) coming within the statutory exemption and desiring to produce wine for the exclusive use of his family shall file Form 1541 in accordance with the instructions on the form. An approved copy of the form shall be returned to the registrant by the regional director and retained at the place of production while the wine produced pursuant thereto remains on hand. A new form shall be submitted each succeeding year during which it is desired to produce wine for family use, the year to be reckoned as commencing on July 1 and ending June 30 following.

(72 Stat. 1331 (26 U.S.C. 5042))

PAR. 5. Section 240.543 is amended by deleting reference to the term "assistant regional commissioner" and inserting in lieu thereof, the term "regional director". As amended, § 240.543 reads as follows:

§ 240.543 Removal of wine.

Wine made for family use may not be removed from the premises where made without authority of the regional director.

(72 Stat. 1331 (26 U.S.C. 5042))

Because this Treasury decision is of a liberalizing nature and of minor significance, it is found that, pursuant to 5 U.S.C. 553(b)3(B), it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b). Accordingly, this Treasury decision shall become effective June 11, 1975.

This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Dated: April 23, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

Approved: May 2, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-12286 Filed 5-9-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Vermont Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(b) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State

is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: Enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibility is to be published in the FEDERAL REGISTER.

2. *Notice of Vermont Operational Agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Vermont has met the following conditions for operational status.

(1) Enactment of the Vermont Occupational Safety and Health Act (hereinafter referred to as VOSHA) (Senate Bill No. 174, Act No. 205) effective July 1, 1973, and approved as part of the Vermont Plan (38 FR 28658). Legislative amendments (Senate Bill No. 196) were enacted on April 3, 1974, and became effective July 1, 1974. These amendments were approved by the Assistant Secretary on December 23, 1974 (39 FR 44201).

(2) The State, after a public hearing, adopted the Federal standards contained in 29 CFR Part 1910 dated October 18, 1972; 29 CFR Parts 1915, 1916, 1917, 1918, and 1919 dated October 19, 1972; and 29 CFR Part 1926 dated December 16, 1972, which became State standards effective July 1, 1973. The State has also adopted all changes to Federal standards issued through March 31, 1974, effective July 18, 1974;

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, nine (9) safety compliance officers and five (5) health compliance officers as of March 1974;

(4) Operation since November 12, 1973, under rules and regulations formally promulgated pursuant to Title 3, VSA section 804, effective February 4, 1974, of a review and appeals system providing an avenue for employers and employees to contest enforcement actions and/or abatement periods. These regulations were approved by the Assistant Secretary on December 23, 1974 (39 FR 44201);

(5) State enforcement since November 12, 1973, of the State standards described in (2) above, monitored under Subpart C of 29 CFR Part 1954, including an onsite evaluation conducted April 15–18, 1974.

(b) In addition, the State has provided under its plan for:

(1) The display of the Federal poster by employers considered to be in compliance with VOSHA until the State poster, submitted as a developmental plan change in accordance with 29 CFR Part 1953, is approved as recommended by the Assistant Regional Director;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan;

(3) Responding to complaints filed with the Vermont Department of Labor and Industry for violation of the prohibition against employer discrimination against employees for exercising their rights. Section 231 of the amended VOSHA Code provides provisions identical to those contained in sections 11(c)(1), (2) and (3) of the Federal Act;

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective February 19, 1975, and incorporated as part of the Vermont plan has been entered into between Louis Lavin, Commissioner of the Vermont Department of Labor and Industry and Vernon A. Strahm, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered under 29 CFR Parts 1910, 1915, 1916, 1917, 1918, 1919, and 29 CFR Part 1926, where Vermont standards are in effect and operational, except as provided below.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of Federal temporary emergency standards until such time as the State shall have adopted such standards, in accordance with 29 CFR Part 1953; enforcement of standards contained in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919 on the U.S. navigable waters including dry docks, graving docks and marine railways; and investigations and inspections for the purpose of evaluating the State plan under sections 18 (c) and (f) of the Act (29 U.S.C. 667 (c) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of February 19, 1975, Subpart U of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.272 is revised to read as follows:

§ 1952.272 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Vermont, effective February 19, 1975, and based on a determination that Vermont is operational in issues covered by the Vermont occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Vermont shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; standards contained in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919 on the U.S. navigable waters including dry docks, graving docks, and marine railways; and investigations and inspections for the purpose of the evaluation of the Vermont plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 67(e)) whenever, and to the degree necessary to assure occupational safety and health protection to employees in Vermont.

(Secs. 8(g)(2), 18, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 6th day of May 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-12454 Filed 5-9-75;8:45 am]

CHAPTER XXV—EMPLOYEE BENEFITS SECURITY

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Deferral of Initial Reporting and Disclosure Requirements; Correction

In FR Doc. 75-11656 appearing at page 19469 in the FEDERAL REGISTER of May 5, 1975, paragraph (a) of § 2520.104-3 appearing on page 19469 is corrected in the third line of that paragraph by changing the date August 31, 1974, to the correct date of August 31, 1975.

Dated: May 7, 1975.

PAUL J. FASSER, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.75-12443 Filed 5-9-75;8:45 am]

PART 2550—GUIDELINES FOR SUBMISSION OF APPLICATION FOR POSTPONEMENT OF THE EFFECTIVE DATE OF CERTAIN FIDUCIARY RESPONSIBILITY PROVISIONS

PART 2555—BONDING REQUIREMENTS

Redesignation of Subchapters, Parts and Sections

In order to simplify the location and application of regulations adopted under the Employee Retirement Income Security Act of 1974 (the Act), Subchapter F, and Parts 2550 and 2555 thereof, of Chapter XXV of Title 29 of the Code of Federal Regulations are hereby redesignated as set forth below. By a document appearing today in the Proposed Rules section of the FEDERAL REGISTER, all proposed regulations under the Act have also been redesignated.

The redesignated section numbers of the regulations promulgated under Chapter XXV are based on the section numbers of the Act to which each regulation relates and will, therefore, facilitate the location of the regulations applicable to the various sections of the Act.

For example, as redesignated, 29 CFR § 2550.412–1 is a regulation relating to section 412 of the Act, and 29 CFR § 2550.414b–1 relates to section 414(b) of the Act.

Accordingly, Subchapter F, and Parts 2550 and 2555 thereof, of Chapter XXV of Title 29 of the Code of Federal Regulations are redesignated as follows:

Part 2550—[Redesignated]

Part 2550 (Guidelines for Submission of Application for Postponement of the Effective Date of Certain Fiduciary Responsibility Provisions) of Title 29, published in the FEDERAL REGISTER on November 21, 1974 (39 FR 40853), shall be redesignated as § 2550.414b–1 of Part 2550, Rules and Regulations for Fiduciary Responsibility of Subchapter F, Fiduciary Responsibility Under the Employee Retirement Income Security Act of 1974, of Title 29 and the sections of former Part 2550 shall be redesignated as paragraphs (a) through (i) of § 2550.414b–1.

§ 2555.1 [Redesignated]

Part 2555—[Reserved]

Section 2555.1 of Part 2555, Bonding Requirements, published in the FEDERAL REGISTER on January 10, 1975 (40 FR 2203), shall be redesignated as § 2550.412–1 of Part 2550 of Subchapter F, Title 29, and Part 2555 is vacated and reserved.

Because the above redesignations are made without modifying or amending the substance of any regulation, notice of the pendency of these redesignations is unnecessary and, therefore, not required pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 553(b). Further, since the redesignations set forth above are not substantive in nature, they shall become effective immediately.

Signed at Washington, D.C., this 7th day of May, 1975.

PAUL J. FRASER, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.75–12445 Filed 5–9–75;8:45 am]

Title 40—Protection of the Environment

[FRL 371–2]

CHAPTER I—U.S. ENVIRONMENTAL PROTECTION AGENCY

PART 6—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Waiver

Notice is hereby given of a waiver, effective immediately until July 1, 1975, of the 15 working-day waiting period required for negative declarations pursuant to 40 CFR 6.108(c) and 40 CFR 6.212(a) of the Final Regulation, "Preparation of Environmental Impact Statements" published April 14, 1975, on pages 16,816 and 16,818, respectively, of the FEDERAL REGISTER. The 15 working-day requirement was originally planned to take effect at this later date to avoid disruption of the orderly flow of construction grant projects under Title II of Pub. L. 92–500. Through an oversight in drafting, the requirement was allowed to become effective upon publication. The Administrator has determined this waiver necessary to allow the full obligation of Title II construction grant funds and to prevent the loss to certain States of grant funds.

Dated: May 8, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75–12593 Filed 5–9–75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 372–3, PP4F1425/R27]

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

Atrazine

On September 10, 1973, notice was given (38 FR 24683) that CIBA–GEIGY Corp., PO Box 11422, Greensboro NC 27409, had filed a pesticide petition (PP 4F1425) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for negligible residues of the herbicide atrazine (2 - chloro - 4 - ethylamino-6-isopropylamino-*s*-triazine) in or on the raw agricultural commodity range grass at 0.1 part per million (ppm).

CIBA-GEIGY subsequently amended the petition by increasing the proposed tolerance for residues in or on range grass from 0.1 to 4 ppm and by expressing the tolerance proposal in terms of atrazine and its chloro metabolites 2-amino - 4 - chloro-6-ethylamino-*s*-triazine, 2 - amino - 4-chloro-6-isopropylamino-*s*-triazine, and 2 - choloro - 4,6-diamino-*s*-triazine.

The data submitted in this petition and other relevant material have been evaluated. The herbicide is considered useful for the purpose for which the tolerance is sought.

The proposed tolerance is adequate to cover residues in or on range grass, and the tolerance as established by regulation will protect the public health. The established tolerance for residues in eggs, meat, milk, and poultry is adequate to cover residues resulting from the proposed and established uses. Therefore, it is concluded that § 180.220 should be amended as set forth below.

Any person adversely affected by this regulation may on or before June 11, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and 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.

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

Effective May 12, 1975, Part 180, Subpart C, is amended by revising Section 180.220.

Dated: May 7, 1975.

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

Part 180, Subpart C, is amended by adding paragraph (b) to § 180.220 as follows.

§ 180.220 Atrazine; tolerances for residues.

* * * * *

(b) A tolerance is established for combined residues of the herbicide atrazine (2 - chloro-4-ethylamino - 6-isopropylamino-*s*-triazine) and its metabolites 2-amino - 4 - chloro - 6 - ethylamino - *s* - triazine, 2-amino-4-chloro-6-isopropylamino-*s*-triazine, and 2-chloro-4,6-diamino-*s*-triazine in or on the raw agricultural commodity range grass at 4 parts per million.

* * * * *

[FR Doc.75–12457 Filed 5–9–75;8:45 am]

Title 41—Public Contracts and Property Management

[FRL 325-1]

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15-3—PROCUREMENT BY NEGOTIATION

Subpart 15-3.6—Small Purchases

Public Law 93-356, dated July 25, 1974, amended the Federal Property and Administrative Services Act of 1949, as amended, to increase the authority to negotiate small purchases from $2,500.00 to $10,000.00. FPR Temporary Procurement Regulation No. 33, which implemented the law, lists the additional requirements that must be observed by small purchasing personnel. Subpart 15-3.6 Small Purchases, is hereby amended to comply with the new FPR requirements.

Effective Date: This regulation will be effective May 12, 1975.

Dated: May 2, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart 15-3.6—Small Purchases

Sec.

AUTHORITY: The provisions of this Subpart 15-3.6 issued under 40 U.S.C. 486(c), sec. 205 (c), 63 Stat. 377, as amended.

§ 15-3.600 Scope of subpart.

This subpart prescribes policies and procedures to be followed by purchasing activities in the procurement of supplies and nonpersonal services from commercial sources when the aggregate amount involved in any one transaction does not exceed $10,000 for supplies and services from commercial sources and $2,000 for construction. The small purchase limitations of $10,000 and $2,000 apply to the aggregate total of the order including all estimated handling and freight charges to be paid to the vendor.

§ 15-3.601 Purpose.

The purpose of this subpart is to prescribe the standardized forms and procedures to be used by all Environmental Protection Agency (EPA) purchasing activities in the issuance of small purchase orders.

§ 15-3.602 Policy.

(a) All purchases covered by the subpart shall be accomplished by negotiation and shall cite 41 U.S.C. 252(c)(3) in accordance with § 1-3.203 of this title.

(b) Small purchases and small business set-asides over $2,500 must be screened. If there is a set-aside for small business, the Notices prescribed in § 1-1.706-5 and § 1-1.706-6 of this title must be included in any written Request for Quotation (RFQ). Also, notice of set-aside for small business must be included in any required synopsis.

§ 15-3.603 Competition.

§ 15-3.603-1 Solicitation.

(a) *Written or oral quotations.* Written solicitations of quotations shall be used: for all purchases estimated to exceed $5,000; for all purchases estimated to exceed $2,500, except where urgency requires use of oral solicitations; and for all purchases where the contracting officer believes that written solicitations might be helpful or more efficient, as might be the case, for example, where detailed specifications are to be used, or where the procurement of a large number of different items is involved. Oral solicitations may be used whenever written solicitations are not required. (Use of standing price quotations is considered equivalent to the use of written solicitations of quotations.)

(b) *When competitive quotations must be obtained.* Competitive quotations shall be obtained in all small purchase actions, except—

(1) when the purchase is estimated not to exceed $250 and the price is reasonable; or

(2) when a justification for noncompetitive procurement has been approved by the contracting officer and any required approvals have been obtained.

(c) *Limited number of quotations in under-$5,000 purchases.* When a purchase being handled competitively is estimated not to exceed $5,000, only three competitive quotations need be obtained.

(d) *Purchases under $250.* Although purchases estimated not to exceed $250 need not be conducted competitively (if the price is reasonable), such purchases shall be distributed equitably among qualified suppliers. Such purchases need not be supported by a justification for noncompetitive procurement nor by a determination of price reasonableness.

(e) *Synopsis of proposed procurement.* See § 1-1.1003-2 of this title.

§ 15-3.603-2 Data to support small purchases.

(a) EPA Form 1900-13, Worksheet for Small Purchases, shall be used to record oral quotations, to tabulate written quotations, and to document the purchase order file.

(b) When a purchase is not based on the lowest quotation obtained, the reasons for rejecting each lower quotation shall be included in the purchase order file by notation on the worksheet or by separate memorandum. Equal low quotations shall be treated in accordance with § 1-2.407-6 of this title.

(c) Notification to unsuccessful offerors shall be given only if requested.

(d) The Certification of Independent Price Determination which is required by § 1-1.317 of this title is preprinted on page 2 of Standard Form 18. It is not applicable to small purchases up to $10,000.

(e) Buy American Certificate which is required by § 1-6.104-3 of this title shall be obtained to comply with clause 5, Foreign Supplies, on page 2 of Standard Form 147.

(f) Labor surplus area. The notice provided in § 1-1.804-2 of this title, shall be placed in all Invitations for Bids or requests for proposals when labor surplus area set-asides have been made and for consideration of labor surplus areas as a factor in deciding between equal quotations.

(g) The requirement in § 1-12.905-3 of this title to forward Standard Form 98, Notice of Intention to Make a Service Contract, to the Department of Labor applies to any contract subject to the Service Contract Act (including small purchases) exceeding $2,500. The requirement of § 1-12.905-6 of this title to forward SF 99, Notice of Award of Contract, to the Department of Labor applies to any contract over $2,500 subject to the Act. When the purchase is for services subject to the Service Contract and the order is $2,500 or less, add the clause in § 1-12.904-2 of this title.

(h) The clause contained in § 1-6.804-4 of this title, U.S. Products and Services (Balance of Payments Program) shall be placed in all contracts resulting from the Balance of Payments Program.

§ 15-3.604 Imprest funds (petty cash) method.

(a) Imprest funds shall be utilized to the fullest extent for all authorized small purchases when this method results in savings.

(b) Imprest funds shall be established and operated in accordance with procedures issued by the Financial Management Division.

(c) Small purchases from imprest funds shall be in accordance with EPA Order 2545.1A.

(d) Small purchases from imprest funds shall be based upon an authorized Procurement Request/Requisition, EPA Form 1900-8, or other suitable document.

§ 15-3.605 Purchase order forms.

§ 15-3.605-1 Standard Form 44 Purchase Order-Invoice-Voucher.

(a) Standard Form 44, Purchase Order-Invoice-Voucher may be authorized for use when all the following conditions are satisfied:

(1) The transaction is not in excess of $250 except on a case-by-case basis when the Regional Administrator, or the head of the activity delegated authority to use Standard Form 44, approves a higher dollar level. In no event shall such dollar level exceed $2,500.

(2) Supplies or services are immediately available.

(3) One delivery and one payment will be made. Standard Form 44 shall not be used when the use of imprest funds or blanket purchase arrangements are feasible. Standard Form 44 shall not be

used to procure nonexpendable property unless the Property officer authorizes its use.

(b) Since Standard Form 44 is an accountable form, a record shall be maintained of serial numbers of forms, to whom issued and dates issued. Standard Form 44's shall be kept under adequate lock and key to prevent unauthorized use. A reservation of funds must be established prior to use of Standard Form 44's.

§ 15–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) Standard Forms 147 and 148 shall be used for small purchases not in excess of $10,000, delivery orders against Government prime contracts, blanket purchase arrangements, and modifications to these documents.

(b) Additional terms and conditions may be added to the Standard Form 147 provided they are not in conflict with those printed on the form. The following clauses and procedures shall be used as applicable:

(1) For bulk quantity items, and those subject to shrinkage, evaporation, miscount, weight, or footage variance, the allowable variation in quantity (normally not over 10 percent) shall be specified in the order by use of the following clause:

VARIATION CLAUSE

Variation in the quantity delivered will be accepted in any amount within + -------- — ---- percent of the quantity for each item. When the quantity received is within the range of the variation clause such item shall be considered complete, and if additional shipments are made to apply against such item, the Government reserves the right to return such shipment to the Contractor, transportation charges collect.

(2) When Government property is exchanged, the written administrative determination required by § 101–46.202(b) (4) of this title shall be included in the file. The purchase order shall specify the acquisition price of the new item less the trade-in price, and shall include the following statement:

"The ---------- being acquired under this order is/are bona fide replacement(s) and similar to the ---------- being offered for credit. The application of exchange allowance is in accordance with the Exchange/Sale Provision of the Federal Property and Administrative Services Act of 1949, as amended."

(3) When Government property is returned to a contractor for repair, the purchase order shall include a statement that the Contractor assumes the responsibility for loss of or damage to equipment, except for normal wear and tear.

(4) F.O.B. destination prices shall be obtained whenever possible. If vendors will not quote F.O.B. destination, the delivery terms and procedures prescribed in Subpart 115–19.3 shall be applied.

(5) The order shall specify that the vendor's invoice shall be forwarded directly to the appropriate Accounting Operations Office for payment. Receiving reports shall be processed in accordance with § 115–27.5009 of this title. The Accounting Operations Office shall be furnished the receiving report as expeditiously as possible to facilitate payment of invoices.

(c) Following are guidelines for completion of Standard Form 147:

(1) *Issuing office.* Enter name and address of the purchasing activity.

(2) *Date of Order.* Enter date of order. The date of verbal award shall be entered if order is being issued on a confirming basis.

(3) *Contract Number.* Enter the number of the GSA or other prime contract when issuing a delivery order. If more than one contract number is applicable, or if the contract is not applicable to all items, insert "see Schedule" and list the information in the schedule.

(4) *Order No.* Enter the order number in accordance with instructions issued for each fiscal year.

(5) *Accounting and Appropriation Data.* Enter the appropriate accounting codes (appropriation, account number, commitment transaction number and object class) in accordance with instructions issued by the Financial Management Division.

(6) *Requisitioning Office.* Enter appropriate identification.

(7) *Requisition No./purchase authority.* Enter the Procurement Request Requisition Number.

(8) *Contractor.* Enter the full business name and address of the Contractor. If the order is placed through a dealer and the invoice will be submitted by a manufacturer, enter the name of the manufacturer, and insert "care of (c/o)" before the dealer's name and address.

(9) *Ship to.* Enter the name and complete address of the receiving activity. Indicate the method of shipment after "Via" if order is F.O.B. Origin.

(10) *Type of order.* Indicate by checking the appropriate box whether order is a purchase or delivery order. If a purchase order, identify the quotation; e.g., written quotation number and date, or telephone quotation with name of quoter and date.

(11) *F.O.B. point.* Enter delivery terms in accordance with Subpart 1–19.3 of this title.

(12) *Government B/L No.* Enter the GBL number if the contractor is being furnished a GBL with the order.

(13) *Delivery to F.O.B. point on or before.* If a single date of delivery is applicable to the entire order, it shall be entered in this block. Multiple delivery dates shall be listed in the schedule and this block annotated (see Schedule).

(14) *Discount terms.* Enter the discount for prompt payment in terms of percentages and corresponding days allowed.

(15) *Schedule.* Enter an item number for each item of supply or service, description of each item including the National Stock Number (NSN), catalog and part numbers; quantity ordered, unit, unit price and amount for each item, and additional terms and conditions applicable to the order.

(16) *Size classification.* Check Small Business if vendor is a small business concern as defined in Subpart 1–1.7 of this title.

(17) *Mail invoices to.* Enter the name and address of the activity making payment.

(18) *Contracting/ordering officer.* The contracting/ordering officer's signature and typed name shall be entered.

(d) Distribution of Standard Form 147 and Standard Form 148. The preprinted copies of SF–147 and SF–148 shall normally be distributed to:

Original—Vendor
First Blue—Commitment Clerk
Yellow—Purchase/Delivery Order File
Green—Accounting Operations Office
Pink—Receiving Activity
Blue—Property Accountability Officer via the Receiving Activity

The distribution order may be revised and additional copies may be prepared and distributed as are essential for local administrative purposes.

(e) Modification or cancellation of purchase orders. SF–147 and SF–148 shall be used for modifying or cancelling purchase orders. Distribution shall be made in accordance with paragraph (d) of this section. The concurrence of the vendor shall be obtained prior to modification or cancellation of a purchase order.

(f) Duplicate purchase orders. If the vendor reports nonreceipt or loss of an original purchase order and requests another copy, a duplicate copy conspicuously marked as such may be furnished. To avoid the possibility of a duplicate shipment, a letter of transmittal or the purchase order shall contain the following type of notice:

"This is a duplicate copy of the lost original purchase order, furnished in accordance with your request of ----------. The Government will not be responsible for duplicate shipment."

(g) The following terms and conditions prescribed by the FPR shall be added to or incorporated by reference in Standard Form 147 when purchases exceed $2,500.

Examination of Records by Comptroller General (§ 1–7.103–3 of this title).

Termination for Convenience of the Government (§ 1–8.705–1 of this title).

Utilization of Minority Business Enterprises (§ 1–1.1310–2(a) of this title when purchase exceeds $5,000).

Listing of Employment Openings (§ 1–12.1102–2 of this title).

Employment of the Handicapped (§ 1–12.1304–1 of this title).

Utilization of Labor Surplus Area Concerns (§ 1–1.805–3(a) of this title when purchase exceeds $5,000).

Contract Work Hours and Safety Standards Act-Overtime Compensation (§ 1–22.303 of this title).

Utilization of Small Business Concerns (§ 1–1.710–3(a) of this title when purchase exceeds $5,000).

Service Contract Act of 1965 (Rev. Dec. 1972) (§ 1–12.904–1 of this title).

(See statutory exemptions in § 1–12.902–3 of this title).

§ 15–3.606 Blanket purchase arrangements.

(a) A blanket purchase arrangement or agreement (BPA) is a simplified

method of filling anticipated repetitive needs for small quantities of supplies or services from qualified sources of supply. A blanket purchase agreement shall not be used to avoid the legal requirements for formal advertising. Single purchases of like or reasonably related items, or individual calls may not be made if the total value is in excess of $5,000. The total value of all deliveries or services performed under the blanket purchase agreement, or the maximum limitation included in the agreement may exceed the $10,000 limitation for individual open market purchase orders.

(b) Calls against blanket purchase agreements shall be placed only after compliance with § 15–3.603. When concurrent agreements are in effect for similar items, calls shall be equitably distributed. Where there is an insufficient number of blanket purchase agreements for any class of supplies or services to assure adequate competition, quotations shall be solicited from other sources.

(c) Blanket purchase agreements shall be prepared and issued on SF–147 and SF–148. Each BPA shall be appropriately numbered and shall contain the following provisions as a minimum:

(1) Authorization to the supplier to furnish the supplies or services described in general terms, when requested by authorized personnel listed therein during a specified period.

(2) A statement that the Government is obligated only to the extent of calls placed against the BPA by authorized personnel.

(3) A statement that individual calls will not exceed $5,000 or a lesser dollar limitation determined to be appropriate for the agreement.

(4) A statement that prices to the Government shall be as low, or lower than those charged the supplier's most favored customer, and that the supplier's established discounts will apply to calls placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, date of call, call number, itemized list of supplies or services furnished including unit price and extension on each item, applicable discount and date of delivery.

(6) A statement covering submission of invoices, e.g., a summary invoice shall be submitted at least monthly or upon expiration of the blanket purchase agreement whichever occurs first, for all deliveries made during a billing period, identifying the delivery tickets covered therein, stating their total dollar value, and supported by delivery tickets bearing the signature of the Government employee receiving the item or services.

(7) A statement that the issuance of individual requests against the blanket purchase agreement will be made under authority of 41 U.S.C. 252(c)(3). (This requirement does not apply to blanket purchase agreements issued under GSA contracts.)

(d) Calls against blanket purchase agreements generally will be made orally, except that informal correspondence may be used when more convenient.

(e) Purchasing activities shall establish procedures to ensure availability of funds and control of obligations on blanket purchase agreements. Calls shall be numbered in sequence in separate series for each blanket purchase agreement.

(f) Since payments are usually made on the basis of vendor's invoices, accompanied by signed delivery tickets, receiving reports ordinarily need not be prepared.

[FR Doc.75–12455 Filed 5–9–75;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

EXPENSES TO ENABLE INDIVIDUALS TO BE GAINFULLY EMPLOYED

Proposed Rule Making

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 June 12, 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 June 12, 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 section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) to the amendment of section 214 of the Internal Revenue Code of 1954 by section 210 of the Revenue Act of 1971 (Pub. L. 92-178, 85 Stat. 518), relating to expenses for household and dependent care services necessary for gainful employment. Section 210 of the Act applies in the case of taxable years beginning after December 31, 1971.

Section 1.214A-1(a) states the general rule of section 214(a) that an itemized deduction is allowed for employment-related expenses paid by an individual taxpayer who maintains a household which includes as a member one or more qualifying individuals. However, the deduction for such expenses must first be reduced by certain payments received by the qualifying individual and described in section 214(e)(5), must then be disallowed to the extent the expenses exceed the monthly limitations on amounts deductible described in section 214(c), and must finally be further reduced in accordance with the income limitation of section 214(d) if the adjusted gross income of the taxpayer exceeds $18,000. An expense may be deducted only if it has been paid.

Section 1.214A-1(b) describes in accordance with section 214(b)(1) the individuals who are qualifying individuals. A qualifying individual is a dependent under age 15 for whom the taxpayer is entitled to a deduction for a personal exemption or an incapacitated dependent or spouse of the taxpayer. Subparagraph (3) of § 1.214A-1(b) sets forth the terms under which an individual will be considered to be physically or mentally incapacitated.

Section 1.214A-1(c) describes in accordance with section 214(b)(2) those expenses which are employment-related. Such expenses must be incurred to enable the taxpayer to be gainfully employed and must be paid for household services and for the care of one or more qualifying individuals. The expenses must be incurred while the taxpayer is gainfully employed or is in active search of gainful employment. Subparagraphs (2) and (3), respectively, of § 1.214A-1(c) describe which expenses are incurred for household services and which expenses are incurred for care of a qualifying individual. Under subparagraph (4) allocation will often be required where an expense is incurred for other services in addition to household services and care of a qualifying individual.

Section 1.214A-1(d) describes in accordance with section 214(b)(3) when an individual taxpayer is considered to be maintaining a household. In general, the taxpayer must furnish over one-half of the cost of maintaining the household. Further, the household must be the principal place of abode of both the taxpayer and the qualifying individual. Subparagraph (3) of § 1.214A-1(d) sets forth those costs which are considered to be the costs of maintaining the household.

Section 1.214A-1(e) describes the substantiation required for employment-related expenses which are deducted.

Section 1.214A-2(a) states the overall monthly limitation of $400 on amounts deductible set forth in section 214(c)(1). If employment-related expenses in excess of $400 are incurred in any month, such excess of expenses may not be carried to, and deducted with respect to, another month for which such expenses are less than $400.

Section 1.214A-2(b) sets forth the rule of section 214(c)(2) that, in general, in order for employment-related expenses to be deductible, they must be incurred for services in the household. The lone exception to this rule, authorized by section 214(c)(2)(B), permits the deduction of expenses for services outside the household for the care of a qualifying individual who is a dependent under age 15 for whom the taxpayer may claim a deduction for a personal exemption. The amount of such expenses which may be deducted is limited to $200, $300, or $400, respectively, if, the taxpayer claims such expenses with respect to one, two, or three or more of such dependents.

Section 1.214A-2(c) contains the income limitation of $18,000 provided by section 214(d). The amount of employment-related expenses incurred for a month must be reduced by the excess over $18,000 of the taxpayer's adjusted gross income for the taxable year divided by twice the number of months in the taxable year. If the taxpayer is married, the adjusted gross income of his spouse for the period of the year in which the taxpayer was married is included in applying the foregoing income limitation.

Section 1.214A-3 describes the reduction of employment-related expenses for certain payments received by certain qualifying individuals. In accordance with section 214(e)(5)(A), employment-related expenses incurred in respect of a dependent incapable of self-care are reduced on a monthly basis by the excess over $750 of such dependent's adjusted gross income and disability payments received during the year. In accordance with section 214(e)(5)(B), employment-related expenses incurred in respect of a spouse incapable of self-care are reduced on a monthly basis by disability payments received by the spouse for the year. Paragraph (b) of § 1.214A-3 describes which payments are considered to be disability payments. Paragraph (c) of § 1.214A-3 provides that employment-related expenses are not reduced under § 1.214A-3 if they are in part attributable to a qualifying dependent under age 15. Paragraph (d) of § 1.214A-3 recites the

ordering sequence of the various reductions and limitations under section 214.

Section 1.214A–4 contains the special rules of section 214(e) (1) through (3) applicable to married individuals. If the taxpayer is married at the close of the year, he must file a joint return with his spouse in order to claim a deduction under section 214. If the taxpayer is married, both he and his spouse must be gainfully employed on a substantially full-time basis or in active search of gainful employment on a substantially full-time basis for employment-related expenses to be deductible under section 214. Finally, for purposes of section 214, certain married individuals living apart are treated as if they were not married.

Section 1.214A–5 provides other special rules relating to employment-related expenses. As provided in section 214(e)(4), payments made to certain individuals related to the taxpayer are not deductible under section 214. Paragraph (b) of § 1.214A–5 provides rules for the integration of sections 213 and 214 in respect of employment-related expenses which also qualify as medical expenses.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 214 of the Internal Revenue Code of 1954 to the changes made by section 210 of the Revenue Act of 1971 (Pub. L. 92–178, 85 Stat. 518), such regulations are hereby amended as set forth below:

1. Section 1.214 is amended by revising the heading of such section and the historical note to read as follows:

§ 1.214 Statutory provisions; expenses for care of certain dependents for taxable years beginning before January 1, 1972.

* * * * *

(Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. L. 88–4, 77 Stat. 4); sec. 212, Rev. Act 1964 (78 Stat. 49); as in effect before amendment by sec. 210, Rev. Act 1971 (85 Stat. 518))

2. Section 1.214–1 is amended by revising so much thereof as precedes paragraph (b) thereof to read as follows:

§ 1.214–1 Expenses for the care of certain dependents for taxable years beginning before January 1, 1972.

(a) *General rule.* (1) This section applies only for expenses incurred in taxable years beginning before January 1, 1972. For expenses incurring in taxable years beginning after December 31, 1971, see §§ 1.214A through 1.214A–5.

(2) Section 214 allows, subject to certain limitations, a deduction from gross income of expenses paid for the care of certain dependents where the care is for the purpose of enabling the taxpayer to be gainfully employed. Such expenses are referred to in this section as "child care" expenses. The deduction is allowed only for expenses incurred while the taxpayer is gainfully employed or in active search of gainful employment. The employment which is the cause of the incurring of the expenses may, however, consist of service either within or without the home of the taxpayer. Self-employment constitutes employment for purposes of section 214.

* * * * *

3. The following new sections are inserted immediately after § 1.214–1:

§ 1.214a Statutory provisions; expenses for household and dependent care services necessary for gainful employment for taxable years beginning after December 31, 1971.

Sec. 214. *Expenses for household and dependent care services necessary for gainful employment*—(a) *Allowance of deduction.* In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1)), there shall be allowed as a deduction the employment-related expenses (as defined in subsection (b)(2)) paid by him during the taxable year.

(b) *Definitions, etc.* For purposes of this section—

(1) *Qualifying individual.* The term "qualifying individual" means—

(A) A dependent of the taxpayer who is under the age of 15 and with respect to whom the taxpayer is entitled to a deduction under section 151(e),

(B) A dependent of the taxpayer who is physically or mentally incapable of caring for himself, or

(C) The spouse of the taxpayer, if he is physically or mentally incapable of caring for himself.

(2) *Employment-related expenses.* The term "employment-related expenses" means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed:

(A) Expenses for household services, and

(B) Expenses for the care of a qualifying individual.

(3) *Maintaining a household.* An individual shall be treated as maintaining a household for any period only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his spouse).

(c) *Limitations on amounts deductible*—(1) *In general.* A deduction shall be allowed under subsection (a) for employment-related expenses incurred during any month only to the extent such expenses do not exceed $400.

(2) *Expenses must be for services in the household*—(A) *In general.* Except as provided in subparagraph (B), a deduction shall be allowed under subsection (a) for employment-related expenses only if they are incurred for services in the taxpayer's household.

(B) *Exception.* Employment-related expenses described in subsection (b)(2)(B) which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of a qualifying individual described in subsection (b)(1)(A) and only to the extent such expenses incurred during any month do not exceed—

(i) $200, in the case of one such individual,

(ii) $300, in the case of two such individuals, and

(iii) $400, in the case of three or more such individuals.

(d) *Income limitation.* If the adjusted gross income of the taxpayer exceeds $18,000 for the taxable year during which the expenses are incurred, the amount of the employment-related expenses incurred during any month of such year which may be taken into account under this section shall (after the application of subsections (e)(5) and (c)) be further reduced by that portion of one-half of the excess of the adjusted gross income over $18,000 which is properly allocable to such month. For purposes of the preceding sentence, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his spouse for such period.

(e) *Special rules.* For purposes of this section—

(1) *Married couples must file joint return.* If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

(2) *Gainful employment requirement.* If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

(A) Both spouses are gainfully employed on a substantially full-time basis, or

(B) The spouse is a qualifying individual described in subsection (b)(1)(C).

(3) *Certain married individuals living apart.* An individual who for the taxable year would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

(4) *Payments to related individuals.* No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

(5) *Reduction for certain payments.* In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subsection (b)(1)(A)), the amount of such expenses which may be taken into account for purposes of this section shall (before the application of subsection (c)) be reduced—

(A) If such individual is described in subsection (b)(1)(B), by the amount by which the sum of—

(i) Such individual's adjusted gross income for such taxable year, and

(ii) The disability payments received by such individual during such year, exceeds $750, or

(B) In the case of a qualifying individual described in subsection (b)(1)(C), by the amount of disability payments received by such individual during the taxable year.

For purposes of this paragraph, the term "disability payment" means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income.

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

[Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. Law 88–4, 77 Stat. 4); sec. 212, Rev. Act 1964 (78 Stat. 49); sec. 210, Rev. Act 1971 (85 Stat. 518)]

§ 1.214A–1 Certain expenses to enable individuals to be gainfully employed for taxable years beginning after December 31, 1971.

(a) *In general.* (1) For expenses incurred in taxable years beginning after December 31, 1971, section 214 allows,

subject to the requirements of this section and §§ 1.214A–2 through 1.214A–5, a deduction for employment-related expenses (as defined in paragraph (c) of this section) which are paid during the taxable year by an individual who maintains a household (within the meaning of paragraph (d) of this section) which includes as a member one or more qualifying individuals (as defined in paragraph (b) of this section). The deduction for expenses allowed under section 214 may be taken only as an itemized deduction and may not be taken into account in determining adjusted gross income under section 62. No deduction shall be allowed under section 214 in respect of any expenses incurred during a taxable year for which the taxpayer's adjusted gross income is $27,600 or more. Expenses which are taken into account in determining the deduction under section 214—

(i) Must first be reduced by that amount by which a disabled dependent's (age 15 or over) adjusted gross income and nontaxable disability payments for the taxable year exceed $750 or by the total amount of a disabled spouse's nontaxable disability payments (see section 214(e)(5) and § 1.214A–3),

(ii) Are then disallowed to the extent that, for any calendar month, they exceed $400, determined after taking into account the $200 (or more) per calendar-month limitation on the amount of expenses incurred outside the household for the care of a dependent (or dependents) under the age of 15 (see section 214(c)(1) and (2) and § 1.214A–2 (a) and (b)), and

(iii) Finally, when the taxpayer's adjusted gross income for the taxable year exceeds $18,000, must be further reduced, on a monthly basis, by one-half of the amount by which the adjusted gross income for the calendar year exceeds $18,000 (see section 214(d) and § 1.214A–2 (c)).

(2) The deduction for employment-related expenses is allowable only for such expenses as are actually paid during the taxable year regardless of when the event which occasions the expenses occurs and of the taxpayer's method of accounting. If such expenses are incurred but not paid during the taxable year, no deduction may be taken for such year. Thus, if such an expense is incurred in the last month of a taxable year but not paid until the following taxable year, a deduction for such expense shall not be allowed for the earlier taxable year. However, if the requirements for deductibility, other than payment, are satisfied in the last month of the taxable year, and the item is paid in the following taxable year, a deduction is allowed under section 214 for such following taxable year.

(3) The requirements of section 214, this section, and §§ 1.214A–2 through 1.214A–5 are to be applied to such expenses as of the time they are incurred regardless of when they are paid:

(4) For special rules relating to the deduction of employment-related expenses which may also qualify as medical expenses deductible under section 213, see § 1.214A–5(b).

(5) For substantiation of the deduction, see paragraph (e) of this section.

(b) *Qualifying individual*—(1) *In general.* A person is considered to be a qualifying individual if he is either (i) the taxpayer's dependent who is under the age of 15 and is an individual for whom the taxpayer is entitled to a deduction for a personal exemption under section 151(e); (ii) the taxpayer's dependent (not described in subparagraph (i) of this section) who is physically or mentally incapable of caring for himself; or (iii) the taxpayer's spouse who is physically or mentally incapable of caring for himself. The term "dependent", as used in this subparagraph, includes any individual who is a dependent within the meaning of section 152. For the rules for determining which parent may claim a child as a dependent where the parents are divorced, legally separated, or separated under a written separation agreement, see section 152(e) and the regulations thereunder.

(2) *Qualification on a daily basis.* The status of a person as a qualifying individual will be determined on a daily basis. Thus, if a dependent or spouse of a taxpayer ceases to be a qualifying individual on September 16, the dependent or spouse will be treated as a qualifying individual through September 15 only.

(3) *Physical or mental incapacity.* An individual will be considered to be physically or mentally incapable of caring for himself if as a result of a physical or mental defect he is incapable of caring for his hygienical or nutritional needs, or requires full time attention of another person for his own safety or the safety of others. The fact that an individual, by reason of a physical or mental defect, is unable to engage in any substantial gainful activity, or is unable to perform the normal household functions of a homemaker or to care for minor children, will not of itself establish that the individual is physically or mentally incapable of caring for himself. An individual who is physically handicapped or is mentally defective, and for such reason requires constant attention of another person, is considered to be physically or mentally incapable of caring for himself.

(c) *Employment-related expenses*—(1) *Gainful employment*—(i) *In general.* Expenses are considered to be employment-related expenses only if they are incurred to enable the taxpayer to be gainfully employed and are paid for household services or for the care of one or more qualifying individuals. The expenses must be incurred while the taxpayer is gainfully employed or is in active search of gainful employment. The employment may consist of service either within or without the home of the taxpayer and may include self-employment. Unpaid volunteer work or work for a nominal salary does not constitute qualifying employment. An expense will not be considered to be employment-related merely because it is incurred while the taxpayer is gainfully employed. Whether the purpose of the expense is to enable the taxpayer to be gainfully employed depends upon the facts and circumstances of the particular case. Thus, the fact that the cost of providing care for a qualifying individual is greater than the amounts anticipated to be received from the employment of the taxpayer may indicate that the purpose of the expenditure is other than to permit the taxpayer to be gainfully employed. Any tax required to be paid by the taxpayer under section 3111 (relating to the Federal Insurance Contributions Act) in respect of any wages which otherwise constitute employment-related expenses shall be considered to be an employment-related expense.

(ii) *Determination of period of employment on a daily basis.* An allocation of expenses is required on a daily basis when such expenses cover any period during part of which the taxpayer is gainfully employed or is in active search of gainful employment and during the other part of which there is no employment or active search for gainful employment. Thus, for example, if a taxpayer incurs during each month of the taxable year $60 of expenses which would be employment-related if he were gainfully employed all year, and the taxpayer is gainfully employed, or in active search of gainful employment, for only 2 months and 10 days during such year, the amount of employment-related expenses is limited to $140. If a taxpayer is married, both he and his spouse must be gainfully employed on a substantially full-time basis (see § 1.214A–4(b)). However, certain married individuals living apart are treated as not married for this purpose (see § 1.214A–4(c)).

(2) *Household services.* Expenses will be considered to be paid for household services if they are paid for the performance in and about the taxpayer's home of ordinary and usual services necessary to the maintenance of the household. However, expenses will not be considered as paid for household services unless the expenses are attributable in part to the care of the qualifying individual. Thus, amounts paid for the services of a domestic maid or cook will be considered to be expenses paid for household services if a part of those services is provided to the qualifying individual. Amounts paid for the services of an individual who is employed as a chauffeur, bartender, or gardener, however, will not be considered to be expenses paid for household services.

(3) *Care of qualifying individual*—(i) *In general.* The primary purpose of expenses for the care of a qualifying individual must be to assure that individual's well-being and protection. Not all benefits bestowed upon such an individual will be considered as provided for his care. Accordingly, amounts paid to provide food, clothing, or education are not expenses paid for the care of a qualifying individual. However, where the manner of providing care is such that the

expense which is incurred includes expense for other benefits which are inseparably a part of the care, the full amount of the expense will be considered to be incurred for care. Thus, for example, the full amount paid to a nursery school in which a qualifying child is enrolled will be considered to be for the care of the child, even though the school also furnishes lunch, recreational activities, and other benefits. Educational expenses incurred for a child in the first or higher grade level are not expenses incurred for the care of one or more qualifying individuals. Expenses incurred for transportation of a qualifying individual described in paragraph (b)(1)(i) of this section between the taxpayer's household and a place outside the taxpayer's household where services for the care of such qualifying individual are provided will not be considered to be incurred for the care of such qualifying individual.

(ii) *Manner of providing care.* The manner of providing the care need not be the least expensive alternative available to the taxpayer. For example, the taxpayer's mother may reside at the taxpayer's home and be available to provide adequate care at no cost for the taxpayer's wife who is physically or mentally incapable of caring for herself. Nevertheless, the expenses incurred in providing a nurse for the wife may be an expense for the care of the wife. See, however, paragraph (c)(1)(i) of this section with respect to the requirement that the expense must be for the purpose of permitting the taxpayer to be gainfully employed.

(4) *Allocation of expenses.* Where a portion of an expense is for household services or for the care of a qualifying individual and a portion of such expense is for other unrelated purposes, a reasonable allocation must be made and only the portion of the expense paid which is attributable to such household services or care will be considered to be an employment-related expense. No such allocation is required to be made, however, if the portion of expense for the unrelated purpose is minimal or insignificant. Such an allocation must be made, for example, if a servant performs household duties, cares for the children of the taxpayer, and also performs social services for the taxpayer (for which a deduction is not allowable) and clerical services in the office of the taxpayer outside the home (for which a deduction may be allowable under section 162). Since a household service expense may be considered employment-related in its entirety even though it is only in part attributable to the care of a qualifying individual, no allocation is required between the part of the household service expense which is attributable to that care of a qualifying individual and that part which is not so attributable.

(5) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). The taxpayer lives with her mother who is physically incapable of caring for herself. In order to be gainfully employed the taxpayer hires a practical nurse whose sole duty consists of providing for the care of the mother in the home while the taxpayer is at work. All amounts spent for the services of the nurse are employment-related expenses.

Example (2). The taxpayer has a dependent child 10 years of age who has been attending public school. The taxpayer who has been working part time is offered a position involving full-time employment which she can accept only if the child is placed in a boarding school. The taxpayer accepts the position, and the child is sent to a boarding school. The expenses paid to the school must be allocated between that part of the expenses which represents care for the child and that part which represents tuition for education. The part of the expense representing care of the child is considered to be incurred for the purpose of permitting the taxpayer to be gainfully employed.

Example (3). The taxpayer, in order to be gainfully employed, employs a housekeeper who cares for the taxpayer's two children, aged 9 and 15 years, respectively, performs regular household services of cleaning and cooking, and chauffeurs the taxpayer to and from his place of employment. The chauffeuring service never requires more than 30 minutes out of the total period of employment each day. No allocation is required for purposes of determining the portion of the expense attributable to the chauffeuring (not a household service expense) since it is de minimis. Further, no allocation is required for the purpose of determining the portion of the expense attributable to the care of the 15 year old child (not a qualifying individual) since the household expense is in part attributable to the care of the 9 year old child, who is a qualifying individual. Accordingly, the entire expense of employing the housekeeper is an employment-related expense.

(d) *Maintenance of a household*—(1) *In general.* An individual is considered to have maintained a household for his taxable year (or lesser period) only if he (and his spouse if he is married) have furnished over one-half of the cost incurred for such taxable year (or lesser period) in maintaining the household. The household must actually constitute for the taxable year the principal place of abode of the taxpayer and the qualifying individual or individuals described in paragraph (b) of this section. It is not sufficient that the taxpayer maintain the household without being its occupant. A physical change in the location of the home will not, however, prevent the home from constituting the principal place of abode of the taxpayer and a qualifying individual. The fact that an individual is born or dies during the taxable year will not prevent a home from constituting his principal place of abode for such year. An individual will not be considered to have terminated a household as his principal place of abode merely by reason of temporary absences therefrom by reason of illness, education, business, vacation, military service, or a custody agreement.

(2) *Two or more families.* Solely for purposes of section 214 and this section, if two or more families occupy living quarters in common, each of such families will be treated as constituting a separate household, and the taxpayer who provides more than one-half of the costs of maintaining such a separate household will be treated as maintaining such household. Thus, for example, if two unrelated women each with children occupy living quarters in common and each woman pays more than one-half of her proportionate share of household costs incurred by both families, each woman will be treated as maintaining her separate household.

(3) *Costs of maintaining a household.* The cost of maintaining a household shall be the expenses incurred for the mutual benefit of the occupants thereof by reason of its operation as the principal place of abode of such occupants. The expenses of maintaining a household include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. Such expenses do not include the cost of clothing, education, medical treatment, vacations, life insurance, or transportation or payments on mortgage principal or for the purchase, permanent improvement, betterment, or replacement of property. However, the cost of maintaining a household shall not include any amount which represents the value of services performed in the household by the taxpayer or by a qualifying individual described in paragraph (b) of this section. Expenses incurred in respect of which money or other property is received as compensation or reimbursement may not be included as a cost of maintaining a household.

(4) *Monthly proration of annual costs.* In determining the cost incurred for a period of less than a taxable year in maintaining a household, the cost incurred during the entire taxable year must be prorated on the basis of the number of calendar months within such lesser period. For this purpose a period of less than a calendar month will be treated as a calendar month. Thus, for example, if the cost of maintaining a household for a taxable year is $6,600, and the period in respect of which a determination is being made under section 214 is from June 20 to December 31, the taxpayer must furnish more than $1,925 ([$6,600×7/12]×50%) in maintaining the household from June 1 to December 31.

(e) *Substantiation.* A taxpayer claiming a deduction under paragraph (a) of this section for employment-related expenses must substantiate by adequate records or other sufficient evidence any deductions taken under this section. For example, if requested, the taxpayer must furnish information as to the nature and period of the physical or mental incapacitation of any dependent or spouse in respect of whom a deduction is claimed, including necessary information from the attending physician as to the nature of the physical or mental incapacity.

§ 1.214A–2 Limitations on deductible amounts.

(a) *Overall monthly limitation of $400.* The deduction under section 214(a) and § 1.214A–1(a) for employment-related expenses is not allowed in respect of any such expenses in excess of $400 incurred during any one calendar month. For purposes of the limitation of $400, a period of less than a calendar month

will be treated as a calendar month. Any amount by which employment-related expenses incurred during any calendar month exceed $400 may not be carried to another calendar month and used in determining the employment-related expenses incurred in such other calendar month. Thus, for example, if a taxpayer incurs employment-related expenses of $500 during each of the first 6 months of the taxable year and only $200 of such expenses during each of the last 6 months, the amount of his deduction for the payment during such taxable year of such expenses shall be limited by this paragraph to $3,600, consisting of $2,400 ($400×6) incurred during the first 6 months of the taxable year and $1,200 ($200×6) incurred during the last 6 months of the taxable year. The limitation provided by this paragraph must be applied after making the reduction in the amount of employment-related expenses provided by paragraph (a) of § 1.214A–3 (relating to disability payments) and after the application of the limitation upon the amount deductible provided by paragraph (b) of this section.

(b) *Restriction to expenses incurred for services in the household*—(1) *In general.* Except as otherwise provided in paragraph (b)(2) of this section, the deduction shall be allowed under § 1.214 A–1(a) only for employment-related expenses incurred for services performed in the household of the taxpayer. Thus, for example, if a taxpayer places his invalid father in a nursing home, he is not entitled to deduct his employment-related expenses incurred for his father's care provided by the nursing home. If, however, the taxpayer's father remains in the home used as the household, the taxpayer is allowed to deduct his employment-related expenses attributable to the employment in the household of a nurse to care for his father.

(2) *Exception for certain expenses incurred outside the household.* A deduction shall be allowed under § 1.214A–1(a) for employment-related expenses incurred for services performed outside the household of the taxpayer only if such expenses are incurred for the care of one or more dependents of the taxpayer who are under the age of 15 and who are persons for whom the taxpayer is entitled to a deduction for a personal exemption under section 151(e). The amount of such expenses incurred during a calendar month for services performed outside the household of the taxpayer which may be deducted is limited to—

(i) $200, in the case of one such dependent,

(ii) $300, in the case of two such dependents, or

(iii) $400, in the case of three or more such dependents.

For purposes of the limitation under this subparagraph, a period of less than a calendar month will be treated as a calendar month. Any amount which is taken into account after the application of such limitation is also subject to the monthly limitation of $400 provided by paragraph (a) of this section.

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

Example (1). If during a calendar month a taxpayer incurs employment-related expenses of $150 for services performed within his household and $300 for services performed outside the household for the care of his child, age 5, the taxpayer is entitled to deduct only $350 of such expenses. In such case the $300 for services performed outside the household is limited to $200 by subparagraph (2) of this paragraph.

Example (2). If the facts are the same as in example (1) except that during the month the taxpayer incurs employment-related expenses of $250 for services performed within his household, the taxpayer is entitled to deduct only $400 of the total expenses incurred. In such case the total expenses incurred during the month which may be taken into account ($450) are limited to $400 by paragraph (a) of this section.

(c) *Income limitation of $18,000*—(1) *In general.* This paragraph applies only if the adjusted gross income of the taxpayer for the taxable year exceeds $18,000. In such a case, in determining the deduction allowable under § 1.214A–1(a) for employment-related expenses, the amount of such expenses incurred during any calendar month of the taxable year must be reduced by an amount equal to the excess of the adjusted gross income of the taxpayer for the taxable year over $18,000 divided by twice the number of calendar months in the taxable year. For purposes of applying the limitation of $18,000, a period of less than a calendar month will be treated as a calendar month. The limitation provided by this paragraph must be applied after making the reduction in the amount of employment-related expenses provided by paragraph (a) of § 1.214A–3 and after the application of the limitations upon the amount deductible provided by paragraphs (a) and (b) of this section. The application of this subparagraph may be illustrated by the following examples:

Example (1). A, a single individual who uses the calendar year as the taxable year, incurs during May, 1972, and pays within that year employment-related expenses of $600. He has adjusted gross income of $24,000 for 1972. Under such circumstances the amount of employment-related expenses for the month of May which may be taken into account under paragraph (a) of § 1.214A–1 is $150, determined as follows:

Employment-related expenses incurred during May ($600, but not to exceed $400 under paragraph (a) of this section)	$400
Less: Reduction under this subparagraph:	
Adjusted gross income for taxable year	24,000
Less: Income limitation	18,000
Excess adjusted gross income over income limitation	6,000
Excess divided by twice the number of calendar months in taxable year ($6,000÷[2×12])	250
Employment-related expenses to be taken into account	150

Example (2). Assume the same facts as in example (1) except that A incurs employment-related expenses of only $200 during May, 1972. Under such circumstances no amount of employment-related expenses may be taken into account for the month of May under paragraph (a) of § 1.214A–1 because the expenses of $200 for such month are fully offset by the reduction of $250 required under this subparagraph.

Example (3). B, a single individual who uses the calendar year as the taxable year, incurs and pays during June, 1973, employment-related expenses of $500. On August 31, 1973, B dies. His adjusted gross income for the taxable year ending August 31 is $22,800. Under such circumstances the amount of employment-related expenses for the month of June which may be taken into account under paragraph (a) of § 1.214A–1 is $100, determined as follows:

Employment-related expenses incurred during June ($500, but not to exceed $400 under par. (a) of this sec.)	$400
Less: Reduction under this subparagraph:	
Adjusted gross income for taxable year	22,800
Less: Income limitation	18,000
Excess adjusted gross income over income limitation	4,800
Excess divided by twice the number of calendar months in taxable year ($4,800÷[2×8]	300
Employment-related expenses to be taken into account	100

(2) *Marital status.* For purposes of paragraph (c)(1) of this paragraph, the adjusted gross income of the taxpayer for his taxable year shall include the adjusted gross income of his spouse for such year if he is married for the entire taxable year. If the taxpayer is married during only a part of his taxable year, his adjusted gross income for the taxable year shall include the adjusted gross income of his spouse for only such period within the taxable year during which he is married. Thus, if the taxpayer and his wife use the calendar year as the taxable year and the taxpayer's wife dies on May 15 and he does not remarry before the close of his taxable year, the adjusted gross income of the wife for the period from January 1 to May 15 must be included in applying the income limitation for the taxable year under section 214 (d) and paragraph (c)(1) of this paragraph. If, however, in such case the taxpayer were to remarry on October 15 of his taxable year and file a single return jointly with the second wife, the adjusted gross income of the first wife for the period from January 1 to May 15 and the adjusted gross income of the second wife for the period from October 15 to December 31 must be included in applying the income limitation for the taxable year under paragraph (c)(1) of this paragraph.

§ 1.214A–3 Reduction of expenses for certain disability payments and adjusted gross income.

(a) *Amount of reduction.* This section applies only if the taxpayer incurs

employment-related expenses during a taxable year solely attributable to a qualifying individual who is either a dependent (other than a dependent described in § 1.214A-1(b)(1)(i)) of the taxpayer or a spouse of the taxpayer and who is physically or mentally incapable of caring for himself. The amount of such expenses, which may be taken into account under section 214 shall be reduced—

(1) In the case of such expenses attributable to a dependent who is physically or mentally incapable of caring for himself, by the excess, if any, over $750 of the sum of (i) such dependent's adjusted gross income for such taxable year and (ii) the disability payments (as defined in paragraph (b) of this section) he receives during such year, and

(2) In the case of such expenses attributable to a spouse who is physically or mentally incapable of caring for himself, by the disability payments (as defined in paragraph (b) of this section) such spouse receives during such taxable year.

The reduction so required must be made on the basis of a calendar month. Thus, the employment-related expenses attributable to a spouse which are incurred during any calendar month of the taxable year must be reduced by an amount equal to the disability payments received by the spouse during such taxable year divided by the number of calendar months therein during which such employment-related expenses are incurred. Further, the employment-related expenses attributable to a dependent which are incurred during any calendar month of the taxable year must be reduced by an amount equal to the excess described in paragraph (c)(1) of this paragraph divided by the number of calendar months therein during which such employment-related expenses are incurred. For purposes of this reduction, a period of less than a calendar month will be treated as a calendar month. The reduction is not required to be made in respect of any employment-related expenses solely attributable to a dependent under the age of 15 for whom the taxpayer is entitled to a deduction for a personal exemption under section 151(e). The reduction required by this paragraph must be made before applying the limitations under section 214(c) and (d) and § 1.214A-2 for the taxable year. The application of this paragraph may be illustrated by the following examples:

Example (1). A, a taxpayer who uses the calendar year as the taxable year, incurs $250 of employment-related expenses during each month of 1972 for services within his household. B, his wife, is physically incapable of caring for herself. During 1972, B receives total disability payments of $1,200, consisting of a lump-sum disability payment of $300 received in June and disability payments of $75 received each month. Under such circumstances, A may take into account $150 of his employment-related expenses for each month of 1972, determined as follows:

Employment-related expenses attributable to B incurred during each month	$250
Less: Disability payments received by B in 1972 divided by number of calendar months in 1972 during which employment-related expenses attributable to B are incurred ($1,200÷12)	100
Employment-related expenses to be taken into account	150

Example (2). B, a single individual who uses the calendar year as the taxable year, incurs $200 of employment-related expenses during each month of 1972 for services within his household. C, his son aged 15, is physically incapable of caring for himself. During 1972, C receives total disability payments of $1,200, consisting of a lump-sum disability payment of $300 received in June and disability payments of $75 received each month. For 1972, C has adjusted gross income of $1,050. Under such circumstances, B may take into account $75 of his employment-related expenses for each month of 1972, determined as follows:

Employment-related expenses attributable to C incurred during each month	$200
Less: Reduction under this paragraph:	
C's adjusted gross income for 1972	1,050
Disability payments received by C in 1972	1,200
Total	2,250
Less: Income limitation	750
Excess under subparagraph (1) of this paragraph	1,500
Excess divided by number of calendar months in 1972 during which employment-related expenses attributable to C are incurred ($1,500÷12)	125
Employment-related expenses to be taken into account	75

Example (3). H, a taxpayer who uses the calendar year as the taxable year, incurs employment-related expenses attributable to W, his wife, during five months of 1972, including $350 for the month of July, for services within his household. W, who is physically incapable of caring for herself, receives during 1972 total disability payments of $625. Under such circumstances, H. May take into account $225 of his employment-related expenses for July, determined as follows:

Employment-related expenses attributable to W incurred during July	$350
Less: Disability payments received by W in 1972 divided by number of calendar months in 1972 during which employment-related expenses attributable to W are incurred ($625÷5)	125
Employment-related expenses to be taken into account	225

Example (4). S, a single individual who uses the calendar year as the taxable year, incurs and pays during 1972 $450 of employment-related expenses attributable to P, his father, for each of the six months during which his father is incapacitated. During 1972, P receives adjusted gross income of $1,266, a gift of $300, and a disability payment of $55 for each month of disability. During 1972 S receives adjusted gross income of less than $18,000. Under such circumstances, S may deduct $1,854 for 1972 under section 214, determined as follows:

Employment-related expenses attributable to P incurred during each month of his incapacity	$450
Less: Reduction under this paragraph:	
P's adjusted gross income for 1972	1,266
Disability payments received by P in 1972	330
Total	1,596
Less: Income limitation	750
Excess under subparagraph (1) of this paragraph	846
Excess divided by number of calendar months in 1972 during which employment-related expenses attributable to P are incurred ($846+6)	141
Employment-related expenses to be taken into account for each month of P's incapacity	309
Deduction for 1972 ($309×6)	1,854

(b) *Disability payment defined.* For purposes of paragraph (a) of this section, the term "disability payment" means any payment not includible in gross income which is made on account of the physical or mental incapacity of an individual. A disability payment may include social security payments, State or local payments, private disability insurance payments, or payments from a private person on account of a civil wrong, if attributable to the mental or physical disability of the individual. Gifts are not considered to be disability payments for purposes of this paragraph.

(c) *Expenses not solely attributable.* An employment-related expense which is not solely attributable to a qualifying individual to whom paragraph (a) (1) or (2) of this section applies shall not be reduced under this section. Thus, for example, if household expenses are incurred with respect to a qualifying individual to whom paragraph (a) (1) or (2) of this section applies and also with respect to a qualifying dependent under the age of 15, such expenses shall not be considered to be solely attributable to a qualifying individual to whom paragraph (a) (1) or (2) of this section applies, and such expenses shall not be reduced under this section. The application of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer has a child, aged 6, and his spouse is physically incapable of caring for herself. During the taxable year he incurs employment-related expenses of $500 solely attributable to the care of the child, of $1,000 solely attributable to the care of his spouse, and of $1,500 for household services attributable to both the child and spouse. Of the taxpayer's total employment-related expenses of $3,000, only the $1,000 solely attributable to his spouse must be reduced as provided in paragraph (a) of this section.

Example (2). A taxpayer has a dependent, aged 15, and a spouse both of whom are physically incapable of caring for themselves. During the taxable year he incurs employment-related expenses of $500 solely attributable to the care of the dependent, of $1,000 solely attributable to the care of his spouse, and of $1,500 for household services equally attributable to both the dependent and spouse. The $1,500 of household expenses must be allocated one-half to the dependent and one-half to the spouse. Accordingly, employment-related expenses of $1,250 are attributable to the dependent, and employment-related expenses of $1,750 are attributable to the spouse. The expenses attributable to each must be reduced as provided in paragraph (a) of this section.

(d) *Ordering of reductions and limitations.* For purposes of determining the amount of employment-related expenses which may be taken into account under section 214, the employment-related expenses incurred by the taxpayer during any calendar month of the taxable year are first to be reduced by the amount of reduction determined under section 214(e)(5) and paragraph (a)(1) or (2) of this section in respect of disability payments and adjusted gross income, then by the outside-of-household limitation prescribed by section 214(c)(2)(B) and § 1.214A-2(b)(2), then by the overall monthly limitation of $400 prescribed by section 214(c)(1) and § 1.214A-2(a), and finally by the $18,000 income limitation prescribed by section 214(d) and § 1.214A-2(c), in that order. The application of this subparagraph may be illustrated by the following examples:

Example (1). The taxpayer's wife is physically incapable of caring for herself. He incurs employment-related expenses of $1,000 during the calendar month for services within the household. Disability payments of the wife applicable to such month under paragraph (a)(2) of this section amount to $350. The taxpayer's excess adjusted gross income (over the $18,000 limitation) applicable to such month under § 1.214A-2(c)(1) amounts to $300. Under such circumstances, the amount of employment-related expenses for such month which may be taken into account for purposes of section 214 is $100, determined as follows:

Employment-related expenses	$1,000
Less: Reduction under paragraph (a)(2) of this section	350
Balance	650
Application of limitation under § 1.214A-2(a) (employment-related expenses of $650, but not to exceed $400)	400
Less: Reduction under § 1.214A-2(c)(1)	300
Employment-related expenses to be taken into account	100

Example (2). The taxpayer's child, aged 15, is physically incapable of caring for himself. The taxpayer incurs employment-related expenses of $487 during June for services within the household. The excess of the adjusted gross income and disability payments of the dependent child for the taxable year (over the $750 limitation) applicable to June under paragraph (a)(1) of this section amounts to $112. The taxpayer's excess adjusted gross income (over the $18,000 limitation) applicable to June under § 1.214A-2(c)(1) amounts to $125. Under such circumstances, the amount of employment-related expenses for June which may be taken into account for purposes of section 214 is $250, determined as follows:

Employment-related expenses	$487
Less: Reduction under paragraph (a)(1) of this section	112
Balance	375
Less: Reduction under § 1.214A-2(c)(1)	125
Employment-related expenses to be taken into account	250

§ 1.214A-4 Special rules applicable to married individuals.

(a) *Joint return requirement.* This section applies only if the taxpayer is married at the close of a taxable year in which employment-related expenses are paid. In such a case the deduction provided by section 214(a) and § 1.214A-1(a) for such expenses shall be allowed only if for such taxable year the taxpayer files a single return jointly with his spouse. If either spouse dies during the taxable year and a joint return may be made for such year under section 6013(a)(2) for the survivor and the deceased spouse, the deduction shall be allowed for such year only if a joint return is made. If, however, the surviving spouse remarries before the end of his taxable year in which his first spouse dies, a deduction is allowed under section 214(a) on the separate return which is made for the decedent spouse. For purposes of this section, certain married individuals living apart are treated as not married, as provided in paragraph (c) of this section.

(b) *Gainful employment requirement*—(1) *In general.* The employment-related expenses incurred during any month of any period within the taxable year of a taxpayer who is married for such period shall be taken into account under section 214(a) and § 1.214A-1(a) only if both the taxpayer and his spouse are gainfully employed on a substantially full-time basis or are in active search of gainful employment on a substantially full-time basis, or if his spouse is physically or mentally incapable of caring for herself. For such purposes, an individual is considered to be gainfully employed on a substantially full-time basis if he is employed for three-quarters or more of the normal or customary work week (or the equivalent on the average during a month).

(2) *Determination of qualifying periods on a daily basis.* For purposes of this paragraph, the determination as to whether an individual is gainfully employed on a substantially full-time basis shall be made on a daily basis in accordance with the provisions of paragraph (c)(1)(ii) of § 1.214A-1, and the determination as to whether a spouse is physically or mentally incapable of caring for himself shall be made on a daily basis in accordance with paragraph (b)(2) of such section. Thus, for example, if a taxpayer is gainfully employed throughout the taxable year on a substantially full-time basis but his spouse ceases on August 17 of such year to be employed on a substantially full-time basis and on November 16 of the same year becomes physically or mentally incapable of caring for herself, an allocation must be made to determine the period ending on August 17 during which both spouses are gainfully employed on a substantially full-time basis, and the incapacitated spouse is to be treated as a qualifying individual described in section 214(b)(1)(C) only for the period commencing with November 16. Employment-related expenses incurred from August 18 through November 15 may not be taken into account since only one spouse is gainfully employed on a substantially full-time basis during such period and the other spouse is not physically or mentally incapable of caring for herself during such period.

(c) *Certain married individuals living apart.* For purposes of section 214 an individual who for his taxable year would be treated as not married under section 143(a)(2), or would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent of the taxpayer (and not simply to a son, stepson, daughter, or stepdaughter of such individual), shall be treated as not married for such taxable year. Thus, an individual who is married within the meaning of section 143(a) will be treated as not married for his entire taxable year for purposes of section 214, if—

(1) He files a separate return for such year,

(2) He maintains as his home a household which constitutes for more than one-half of such year the principal place of abode of one or more of his dependents with respect to whom he is entitled to a deduction under section 151 for such year,

(3) He furnishes over one-half of the cost of maintaining such household for such year, and

(4) His spouse is not a member of such household for any part of such year. Thus, for example, an individual who is married during the taxable year and is living apart from his spouse, but is not legally separated under a decree of divorce or separate maintenance, may, if he is treated as not married by reason of this paragraph, determine the limitation upon the amount of his employment-related expenses without taking into account the adjusted gross income of his spouse under § 1.214A-2(c)(2), without complying with the requirement under paragraph (a) of this section for filing a joint return with his spouse, and without complying with the requirement under paragraph (b) of this section that his spouse be gainfully employed.

The principles of § 1.143-1(b) shall apply in making determinations under this paragraph.

§ 1.214A-5 Other special rules relating to employment-related expenses.

(a) *Payments to related individuals.* No deduction will be allowed under section 214(a) and § 1.214A-1(a) for the

amount of any employment-related expenses paid by the taxpayer to an individual who bears to the taxpayer any relationship described in section 152(a)(1) through (8). These relationships are those of a son or daughter or descendant thereof; a stepson or stepdaughter; a brother, sister, stepbrother, or stepsister; a father or mother or an ancestor of either; a stepfather or stepmother; a nephew or niece; an uncle or aunt; or a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law. In addition, no deduction will be allowed under section 214(a) for the amount of any employment-related expenses paid by the taxpayer to an individual who qualifies as a dependent of the taxpayer for the taxable year within the meaning of section 152(a)(9), which relates to an individual (other than the taxpayer's spouse) whose principal place of abode for the taxable year is the home of the taxpayer and who is a member of the taxpayer's household.

(b) *Expenses qualifying as medical expenses.* An expense which may constitute an amount otherwise deductible under section 213, relating to medical, etc., expenses, may also constitute an expense for which a deduction is allowable under section 214(a) and § 1.214A-1(a). In such a case, that part of the amount for which a deduction is allowed under section 214(a) will not be considered as an expense allowable as a deduction under section 213. On the other hand, where an amount is treated as a medical expense under section 213 for purposes of determining the amount deductible under that section, it may not be treated as an employment-related expense for purposes of section 214. The application of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer pays $520 of employment-related expenses in the taxable year for the care of his child during one month of such year when the child is physically incapable of caring for himself. These expenses are incurred for services performed in the taxpayer's household and are of a nature which qualify as medical expenses under section 213. The taxpayer's adjusted gross income for the taxable year is $5,000. Of the total expenses, the taxpayer may take $400 into account under section 214; the balance of the expenses, or $120, may be treated as medical expenses to which section 213 applies. However, this amount does not exceed 3 percent of the taxpayer's adjusted gross income for the taxable year and is thus not allowable as a deduction under section 213.

Example (2). Assume the same facts as in example (1). In such case it is not proper for the taxpayer first to determine under section 213 his deductible medical expenses of $370 ($520−[$5,000×3%] and then claim the $150 balance as employment-related expenses for purposes of section 214. This result is reached because the $150 balance has been treated as a medical expense in determining the amount deductible under section 213.

Example (3). A taxpayer incurs and pays $1,000 of employment-related expenses each month during the taxable year for the care of his child. These expenses are incurred for services performed in the taxpayer's household, and they also qualify as medical expenses under section 213. The taxpayer's adjusted gross income for the taxable year is $18,000. No reduction in the amount of the expenses is required under § 1.214A-3, and the taxpayer takes $4,800 ($400×12) of such expenses into account under section 214. The balance, or $7,200, he treats as medical expenses for purposes of section 213. The allowable deduction under section 213 for such expenses is limited to the excess of such balance of $7,200 over $540 (3 percent of the taxpayer's adjusted gross income of $18,000), or $6,660.

[FR Doc.75-12160 Filed 5-9-75;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ROCKY MOUNTAIN NATIONAL PARK, COLORADO

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and section 4 of the Act of January 26, 1915 (38 Stat. 800, as amended; 16 U.S.C. 195), section 4 of the Act of March 2, 1929 (45 Stat. 1537; 16 U.S.C. 198c), section 7 of the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1536), 245 DM 1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), as amended, Regional Director, Rocky Mountain Region Order No. 1 (39 FR 12369), it is proposed to amend § 7.7 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to increase the number of non-native trout which may be taken by park visitors, protect the greenback cutthroat trout (*Salmo clarki stomias*), an endangered species, by prohibiting its taking and closing certain waters to the taking of fish; permit the use of fish bait in certain waters by children twelve years of age or under, and delete the Special Management Area on the Colorado River. The long range objective of management is to restore the dynamics of the natural aquatic ecosystems and at the same time to provide protection for the fishery resource which will insure a high quality angling experience for park visitors.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80517, on or before June 11, 1975.

Paragraph (a) of § 7.7 is amended to read as follows:

§ 7.7 Rocky Mountain National Park.

(a) Fishing. (1) Possession limit. Possession limit shall mean the numbers, sizes, or species of fish that may be in the possession of a person regardless if fresh or preserved. All fish a person does not elect to keep, or which do not meet the possession requirements, shall be carefully and immediately returned to the waters from which they were taken.

(i) The possession limit shall be sixteen (16) fish, of which at least all but six (6) fish must be non-native brook trout (char) not exceeding eight (8) inches in length.

(ii) No greenback cutthroat trout (*Salmo clarki stomias*), an endangered species, may be taken or possessed.

(2) Method of capture. (i) Each person fishing in park waters shall use only one hand-held fishing rod or fishing line with one (single, double, or treble) hook with a common shank.

(ii) Except as provided in paragraph (2)(iii) only artificial lures or flies may be used in park waters.

(iii) The possession or use of natural bait including worms, insects, minnows, fish eggs or parts thereof for fishing purposes is prohibited except in those portions of Shadow Mountain Lake, the Colorado River, and Lake Granby where the Rocky Mountain National Park boundaries adjoin Shadow Mountain National Recreation Area; and except that such possession and use is permitted by persons of twelve (12) years of age or under who fish in Boulder Brook above its confluence with Glacier Creek, Sprague Lake, Mill Creek above its confluence with Glacier Creek, and East Inlet Creek below East Inlet Falls.

(3) Waters closed to fishing. (i) Big Thompson River in Forest Canyon above its confluence with Spruce Creek.

(ii) Fay Lake drainage above 10,200 feet elevation.

(iii) Hidden Valley Creek above its confluence with Fall River.

(iv) Bear Lake is closed to all fishing from April 1 to October 31, inclusive.

WAYNE B. CONE,
Acting Superintendent,
Rocky Mountain National Park.

[FR Doc.75-12395 Filed 5-9-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-WA-4]

ESTABLISHMENT AND REVOCATION OF VOR FEDERAL AIRWAYS

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke several airways and realign several airways in the Kansas City, Mo., area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th street, Kansas City, Mo. 64106. All communications received on or before June 11, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be

changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would make the following changes:

I. *Revoke.*

1. V-9W Between St. Louis, Mo., and Farmington, Mo.
2. V-14S Between St. Louis, and Vichy, Mo.
3. V—4N Between St. Louis, and Hallsville, Mo.
4. V-14N Between St. Louis, and Vandalia, Ill.
5. V-12S Between Anthony, Kans., and Wichita, Kans.
6. V-12N Between Wichita, and Emporia, Kans.
7. V-13E Between Kansas City, and Butler, Mo.
8. V-4N Between Kansas City, and Topeka, Kans.
9. V-280 Between Kansas City, and Topeka.
10. V-125 Between Hutchinson, Kans., and Anthony.
11. V-4S Between Salina, Kans., and Topeka.
12. V-12N Between Wichita, and Gage, Okla.
13. V-65 From INT Kansas City 310°T (302°M) and St. Joseph, Mo., 177°T (170°M) radials to INT St. Joseph 177°T (177°M) and Kansas City 231°T (22°3M) radials.
14. V-116 Between Kansas City and INT Kansas City 076°T (068°M) and Blue Springs 016°T (009°M) radials.
15. V-15 Between St. Joseph and Kansas City.
16. V-22 Between Kansas City, and Ottumwa, Iowa.

II. *Alterations.* Realign the following VOR Federal Airways:

1. Realign V-69 in part from Farmington, Mo., direct to Troy, Mo.
2. Realign V-77 in part from Pioneer, Okla., direct to Wichita, Kans.
3. Realign V-74N from Anthony, Kans., via INT Anthony 097°T (087°M) and Pioneer 334°T (325°M) radials to Pioneer.
4. Realign V-159 in part from St. Joseph, Mo., via INT St. Joseph 132°T (125°M) and Blue Springs, Mo., 347°T (340°M) radials direct to Blue Springs.
5. Realign V-206 in part from Blue Springs direct to Kirksville, Mo.
6. Realign V-424 from Blue Springs, direct to Macon, Mo.
7. Realign V-71 in part from Butler, Mo., via Topeka, Kans., direct to Pawnee City, Nebr.
8. Realign V-10 in part from Emporia, Kans., via Blue Springs direct to Kirksville.
9. Realign V-12 in part from Emporia direct to Blue Springs.
10. Realign V-13, in part from Butler, via Blue Springs direct to INT Blue Springs 347°T (340°M) and St. Joseph 132°T (125°M) radials.
11. Realign V-289 in part from Dogwood, Mo., direct Forney, Mo., thence to Vichy, Mo., via INT Forney 046°T (040°M) and Vichy 216°T (210°M) radials.
12. Realign V-4 in part from Hallsville, Mo., via INT Hallsville 276°T (270°M) and Blue Springs 066°T (059°M) radials to Blue Springs, thence via INT Blue Springs 268°T (261°M) and Topeka 099°T (091°M) radials to Topeka.
13. Realign alternate Airway V-10N in part from Emporia, Mo., direct to INT Emporia 050°T (042°M) and Topeka 090°T (091°M) radials.
14. Designate new VOR Federal Airway No. V-256 from Hutchinson direct to Pioneer.
15. Designate new alternate VOR Federal Airway No. V-4N from Topeka via INT Topeka 293°T (235°M) and Manhattan, Kans., 078°T (070°M) radials to Manhattan, thence direct to INT Manhattan 213°T (204°M) and Salina 080°T (071°M) radials.
16. Extend V-307 from Chanute, Kans., via Oswego, Kans., direct to Neosho, Mo.
17. Designate new alternate VOR Federal Airway No. V-50S from Pawnee City to INT Pawnee City 122°T (113°M) and Kansas City 310°T (302°M) radials.
18. Designate new alternate VOR Federal Airway No. V-10N from INT Kansas City 060°T (052°M) and Blue Springs 016°T (009°M) radials to Kirksville, Mo.
19. Designate new VOR Federal Airway No. V-261 from Manhattan to Wichita, via INT Manhattan 212°T (204°M) and Wichita 122°T (013°M) to Wichita.

These proposed airway changes within the Kansas City area have been designated as PHASE I of a ten year plan to increase user benefits by designating direct-route airways where possible, thereby reducing mileages and aircraft operating costs. Controller work load would be reduced by simplifying the airway structure around the terminal area and by restricting the number of climb/descent routes therein. Several airway route segments are proposed for revocation because traffic surveys indicated routes are not utilized or requested sufficiently to support their continued designation. The overall objective of these planned airway changes is to improve traffic flow around St. Louis, Mo., Kansas City, Mo., and Wichita, Kans., terminal areas. In addition, these changes would aid in reducing chart clutter.

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

Issued in Washington, D.C., on May 5, 1975.

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

[FR Doc.75-12357 Filed 5-9-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-11; Notice 1]

CENTRAL HYDRAULIC BRAKE SYSTEMS

This notice proposes an amendment of Standard No. 105-75, Hydraulic brake systems, 49 CFR § 571.105-75, that would permit the manufacture of hydraulic-braked vehicles without split service brake systems as long as they are capable of meeting additional stopping requirements in the event of failure in the service brake system. This notice responds to the petitions of Citroen, Maserati, S.p.A., and Volkswagen of America, Inc.

Standard No. 105-75 presently specifies that each vehicle be manufactured with a split service brake system (S5.1) as defined in S4. In a September 14, 1973, letter to Citroen, the National Highway Traffic Safety Administration (NHTSA) interpreted a split service system as capable of indefinite operation in the event of a single failure in one of its sub-systems, which describes the brake system found on most passenger cars and light trucks. Separate lines lead from a common master cylinder at the service brake control to the front wheels and to the rear wheels, to ensure that one-half of the braking system will remain operational if any single failure occurs in either sub-system.

The petitions of Citroen, Maserati, and Volkswagen concern a different braking system, called a central hydraulic system. A hydraulic pump supplies energy to several fluid accumulators which in turn provide energy as required to the power steering, suspension, and brake systems. The braking systems in question have separate lines from the service brake control to the front weels and to the rear wheels, but only a single pump and line up to the point of bifurcation. This type of system does not qualify as a split system because a single failure at certain points (e.g., pump failure) would prevent "indefinite operation" as required by the standard. The system is capable of providing a limited number of stops after any single failure because of the separate accumulators in the separate brake lines to the front and the rear wheels.

Citroen and Volkswagen suggest that the central hydraulic systems, which offer only a limited number of stops upon a single failure, provide the equivalent in back-up capability to a split system. They believe that the danger of operating indefinitely on one-half of a split system is as great as the possibility of operating a central hydraulic system beyond its reserve capability. They also point out that a driver would experience stiffer steering, an imbalanced suspension, and a warning light if a central hydraulic system were used repeatedly after failure.

NHTSA requested data on Citroen's accident and defect experience with the central hydraulic system. The response indicates that the Citroen system is not responsible for a greater percentage of accidents than a conventional system. It cannot be assumed, of course, that all central hydraulic systems would perform as well as the Citroen system.

Citroen suggested that the parking brake system be required to have minimum braking capability from 60 mph to supplement the central hydraulic system reserve capability. NHTSA does not believe that most drivers are conditioned to change from one brake control to another in an emergency. While a dynamic parking brake capability is always desirable, and sometimes specified in NHTSA safety regulations (as in Standard No. 121, Air brake systems), NHTSA

concludes that the failed-system capabilities of the primary brake system should not be permitted to vary, depending on the presence of a separate system with a separate control.

NHTSA agrees with Citroen that a system with only limited reserve capabilities should be equipped with special warning that will advise the driver to stop the vehicle when failure occurs.

Having evaluated the submitted systems and the associated warning signal, NHTSA tentatively concludes that a central hydraulic system with the capability of at least 10 stops following any single failure in the service brake system provides a level of safety equivalent to the more traditional split systems. It is to be emphasized that "any" single failure means that NHTSA could select any location in the system from the pump to either set of wheels to introduce a failure. (See 49 CFR § 571.4 for an explanation of the usage of "any" by NHTSA.)

Both Citroen and Volkswagen expressed concern that a central hydraulic system would be unable to meet the requirements of S5.1.3 for braking in the event of failure in the brake power unit. Both companies assume that a central hydraulic system must meet S5.1.3.1, S5.1.3.3, and S5.1.3.4 if the vehicle is equipped with a brake power unit. In actuality, S5.1.3 requires only that such vehicles meet S5.1.3.1, S5.1.3.3, or S5.1.3.4. Sections S5.1.3.3 would appear to be the appropriate option for these systems. Volkswagen asked that the clarification of this requirement made for the benefit of Citroen (in the September 1973 letter noted earlier) be included in the text of the standard. NHTSA agrees and proposes a clarification of the language in this notice. Corresponding changes would be made in the test procedures and sequence for this requirement in S7.10.2 (b).

Volkswagen requested clarification that the brake fluid level indicator requirement of S5.3.1(b) would not apply to central hydraulic systems. NHTSA affirms this understanding.

In consideration of the foregoing, it is proposed that Standard No. 105–75 (49 CFR § 571.105–75) be amended as follows:

§ 571.105–75 [Amended]

1. The first sentence of S5.1 would be amended to read:

S5.1 *Service brake system.* Under the conditions specified in S6, when tested according to the procedures and in the sequence in S7, each vehicle manufactured with a split service brake system shall be capable of meeting the requirements of S5.1.1 through S5.1.6, and each vehicle manufactured without a split service brake system shall be capable of meeting the requirements of S5.1.1, and S5.1.3 through S5.1.7.

* * * * *

S5.1.2 *Partial failure.* [Amended]

2. S5.1.2 would be amended by the addition at the beginning of the text of the phrase "Except for the brake system on a vehicle manufactured without a split service brake system,".

S5.1.3.3 *Brake power units.* [Amended]

3. In S5.1.3.3, the phrase "with one such unit inoperative" would be replaced by the phrase "with any one failure in such unit", the word "inoperative" would be deleted from pargraph (a) and the phrase "the inoperative unit" in paragraph (b) would be replaced by the phrase "the failed element of the unit."

4. A new S5.1.7 would be added to read:

S5.1.7 *Vehicles not manufactured with a split service brake system.* A vehicle which is not equipped with a split service brake system shall meet the requirements of S5.1.7.1 through S5.1.7.3 in place of the requirements of S5.1.2 and in addition to all other requirements of the standard.

S5.1.7.1 In the event of any one rupture or leakage type failure in any component of the service brake system, the vehicle shall be capable of stopping 10 times consecutively from 60 mph within the corresponding distance specified in Column IV of Table II.

S5.1.7.2 The force applied to make the stops specified in S5.1.7.1 shall be made by operation of the service brake control.

S5.1.7.3 The vehicle shall be equipped with a warning system which activates, for as long as the failure condition specified in S5.1.7.1 exists and the ignition switch in the "on" position, a continuous or intermittent audible signal and a flashing warning light, visible to the driver, which displays the words "STOP—BRAKE FAILURE" in block capital letter not less than one-quarter of an inch in height.

5. A new S7.9.5 would be added to read:

S7.9.5 *Vehicles not manufactured with a split service brake system.* In place of the procedures specified in S7.9.1 through S7.9.3, a vehicle which is not manufactured with a split service brake system shall be sequentially tested in accordance with the procedures of S7.9.5.1, S7.9.5.2, and S7.9.4, in that order.

S7.9.5.1 With the vehicle at lightly loaded vehicle weight, alter the service brake system to induce any one rupture, leakage type, or pump failure. Determine the control force or pressure level necessary to cause the brake system indicator to operate. Make 10 stops, each from 60 mph, by a continuous application of the service brake control. Restore the service brake system to normal at completion of this test.

S7.9.5.2 Repeat S7.9.5.1 with the vehicle at GVWR. Restore the service brake system to normal at completion of this test.

6. S7.10.2(b) would be amended to read:

S7.10.2 *Optional procedures.* * * *

* * * * *

(b) (For vehicles with brake power units with accumulator type systems.) Test as in S7.10.2(a), except make 10 stops instead of 6 and, at the completion of the 10 stops, deplete the failed element of the brake power unit of any residual brake power reserve capability.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: July 11, 1975.

Proposed effective date: January 1, 1976.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 7, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75–12389 Filed 5–9–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 371–7]

IMPLEMENTATION PLANS, APPROVAL AND PROMULGATION

Extension of Comment Period

MAY 2, 1975.

This notice extends the period for comments announced in the notice published January 30, 1975 (40 FR 4445) as extended (40 FR 12287), proposing disapproval of a sulfur dioxide regulation in California (Bay Area Air Pollution Control District Regulation 2, sections 3121–3123.9, 4110, 5110 and 6110) and proposing replacement Federal regulations.

The extension published March 18, 1975 would close the comment period on May 2, 1975. The agency has determined that an additional 60 days should be allowed for interested parties to examine the technical basis for the proposed rulemaking and to submit comments thereon. The comment period is hereby extended to July 1, 1975.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.75–12456 Filed 5–9–75;8:45 am]

[FRL 370-7]

[40 CFR Part 52]

NORTH CAROLINA

Approval and Promulgation of Implementation Plans; Compliance Schedules

Section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On November 7 and 27, 1974, pursuant to these requirements, the State of North Carolina submitted for the Agency's approval a number of individually negotiated compliance schedules. The purpose of this notice is to offer those schedules as proposed rulemaking and to solicit public comment on them.

These schedules are presented here in two groups. The first is composed of new schedules and certain schedules which were proposed in the FEDERAL REGISTER previously, but were then renegotiated by the State before the agency could act on them. Composing the second group are schedules which have been renegotiated by the State since the Administrator's original approval of them on June 20, 1973 (38 FR 16144). It is proposed to revise existing lines of 40 CFR 52.1774(a) to reflect these extensions in the deadline for final compliance.

Each of the proposed compliance schedules identified below establishes a date by which an air pollution source must attain compliance with an emission limitation or other regulation of the State implementation plan. This date is indicated in the table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table does not list these, the actual schedules do. The notation "Immediately" under the heading "Effective Date" means that the schedule will become Federally enforceable immediately upon its approval by the Administrator.

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office,
Environmental Protection Agency,
Region IV,
1421 Peachtree Street, NE,
Atlanta, Georgia 30309.

Air Quality Section,
Division of Environmental Management,
Department of Natural and Economic Resources,
226 West Jones Street,
Raleigh, North Carolina 27611.

Each schedule was adopted by the North Carolina Department of Natural and Economic Resources, after notice and public hearing, and was submitted to the Agency in accordance with the procedural requirements of 40 CFR 51.4. Each also satisfies the substantive requirements of 40 CFR 51.6 and 51.15 pertaining to plan revisions and compliance schedules respectively. In addition, each schedule has been determined to be consistent with the control strategies of the North Carolina implementation plan.

An evaluation of any of the schedules may be obtained by consulting personnel of the Agency's Region IV Air Programs Office at the Atlanta address given above.

Interested persons are encouraged to submit written comments on the proposed schedules. To be considered, comments must be received by June 11, 1975, and should be directed to Thomas A. Strickland of the Agency's Region IV Air Programs Office at the Atlanta address given above. After carefully weighing relevant comments and all other available information in the light of requirements set forth in section 110(a) of the Clean Air Act and in the implementing regulations of 40 CFR Part 51, the Administrator will take approval/disapproval action on the proposed North Carolina compliance schedules listed below.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: April 29, 1975.

JACK E. RAVAN,
Regional Administrator
Region IV.

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

Subpart II—North Carolina

§ 52.1770 [Amended]

1. Section 52.1770, *Identification of plan*, is amended by inserting the dates November 7 and 27 [1974] in proper chronological order in paragraph (c).

2. Section 52.1774 is amended by inserting new lines in the tables of paragraph (a) as follows:

§ 52.1774 **Compliance schedules.**

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.51 of this chapter. All regulations cited are air pollution control regulations of the State.

* * * * *

NORTH CAROLINA

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
ALEXANDER COUNTY						
Worth Spinning Co., Cotton picker collection system.	Stoney Point.	02-224-2-1575.	IV-2.30.....	Nov. 18, 1974	Immediately...	Feb. 15, 1975
Lewittes Furniture Enterprises, Woodwaste collection system.	Taylorsville.	02-194-8-3174.	IV-2.00.....	Dec. 17, 1973	.....do.....	Aug. 31, 1974
AVERY COUNTY						
Loven Ready Mix Co., process operations.	Pineola.....	T-2479.....	IV-2.30, II-2.2.	Oct. 10, 1974	Immediately...	Oct. 30, 1974
ALAMANCE COUNTY						
Glen Raven Mills, finishing division.	Glen Raven.	T-2229.....	II-2.2, II-5.2, IV-2.30, IV-2.60.	Mar. 15, 1974	Immediately...	Aug. 31, 1974
ASHE COUNTY						
Thomasville Furniture Industry, Inc., chair plant.	West Jefferson.	T-2254.....	II-2.2, II-5.2, IV-1.10, IV-2.40, IV-2.30, IV-2.60.	Sept. 9, 1974	Immediately...	Mar. 31, 1975
ANSON COUNTY						
Burlington Industries, Kenville, Inc.	Lilesville....	T-2317.....	II-2.2, IV-2.30.	Sept. 9, 1974	Immediately...	June 1, 1975
BURKE COUNTY						
Great Lakes Carbon Corp..	Morganton..	12-146-12-3173.	II-2.00.....	Nov. 18, 1974	Immediately...	Oct. 1, 1974
Building No. 6, pitch impregnation process.	.....do.....	12-212-12-3174.	II-2.00.....	Nov. 18, 1974	.....do.....	Dec. 31, 1974
Baking furnace exhaust stacks.	.....do.....	12-112-6-3073.	II-2.00.....	Nov. 18, 1974	.....do.....	Dec. 1, 1974
Henredon Furniture, Industry plant No. 2, wood dust collection system.	.....do.....	12-216-10-174.	IV-2.50.....	Nov. 18, 1974	.....do.....	Jan. 1, 1975
Southern Devices, Inc., wood dust emissions.	.....do.....	12-223-6-1475.	IV-2.00.....	Nov. 18, 1974	.....do.....	June 14, 1975
Knob Creek, wood dust system.	.....do.....	12-180-12-3174.	IV-2.00.....	Nov. 18, 1974	.....do.....	Mar. 15, 1975
Drexel Heritage Furnishings: Plant No. 1, woodwaste collection system.	Drexel.....	12-158-1-175.	IV-2.00.....	Nov. 18, 1974	.....do.....	June 30, 1975

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
Plants Nos. 3 and 5, woodwaste collection system.	do	12-156-12-174.	IV-2.00	Dec. 17, 1973	do	Dec. 1, 1974
Plant No. 6, woodwaste collection system.	do	12-155-1-175.	IV-2.00	Nov. 18, 1974	do	June 30, 1975
Plant No. 43, woodwaste collection system.	Hildebran	12-161-1-175.	IV-2.00	Nov. 18, 1974	do	June 30, 1975
Plant No. 60, woodwaste collection system.	Morganton	12-159-1-175.	IV-2.00	Nov. 18, 1974	do	June 30, 1975
Great Lakes Carbon Corp.: Bldg. No. 2, process operations.	do	12-198-8-174.	IV-2.30	Dec. 17, 1973	do	Aug. 1, 1974
Buildings Nos. 4 and 5, open furnace tops.	do	12-201-12-2474.	IV-2.30, II-2-2.2.	Dec. 17, 1973	do	Dec. 24, 1974
Building No. 10, salvage and renovation of resistor and insulation materials.	do	12-199-10-3074.	IV-2.30, II-2-2.2.	Dec. 17, 1973	do	Oct. 30, 1974
Building No. 10, salvage and renovation of resistor insulation materials.	do	12-200-8-3074.	IV-2.30, II-2-2.2.	Nov. 18, 1974	do	Dec. 31, 1974
Building No. 10, salvage and renovation of used resistor material.	do	12-202-3-3174.	IV-2.30, II-2-2.2.	Dec. 17, 1973	do	Mar. 31, 1974
Highlander, Ltd., tenter frame finishing process.	do	12-173-3-174.	IV-2.00	Dec. 17, 1973	do	Apr. 1, 1974
Knob Creek of Morganton, woodwaste collection system.	do	12-180-12-3174.	IV-2.00	Nov. 18, 1974	do	Mar. 15, 1975
Southern Devices, Inc., clay blender dust collection system.	do	12-149-2-174.	IV-2.30	Dec. 17, 1973	do	Feb. 1, 1974
Wamsutta Knitting Mills Finishing Plant, heat setting equipment.	do	12-150-12-3173.	IV-2.30	Dec. 17, 1973	do	Apr. 1, 1974
		BEAUFORT COUNTY				
Blount Midyette Co., Inc., process operations.	Washington	T-2525	IV-2.30	Sept. 9, 1974	Immediately	June 1, 1975
Cargill, Inc	Belhaven	T-2392	IV-2.30	Dec. 12, 1974	do	June 1, 1975
		CATAWBA COUNTY				
Drexel Heritage Furnishings, Plant No. 7, woodwaste collection system.	Drexel	12-226-6-30-75.	IV-2.00	Nov. 18, 1974	Immediately	June 30, 1975
Shuford Mills, Inc., Tape Division, hydrocarbon emissions.	Hickory	18-208-11-174.	IV-2.60	Nov. 18, 1974	do	Apr. 1, 1975
Fairgrove Furniture Co., wood dust collection system.	do	18-210-8-174.	IV-2.00	Nov. 18, 1974	do	Aug. 1, 1974
Cegen Furniture, Inc., wood-fired boiler.	do	18-211-6-3074.	IV-2.00	Nov. 18, 1974	do	June 30, 1974
Ethan Allen, Inc., Plant No. 1, wood dust collection system.	Maiden	18-214-12-174.	IV-2.00	Nov. 18, 1974	do	Nov. 18, 1974
General Electric Co., Hickory Plant, paint spray booth exhausts hydrocarbon.	Hickory	18-218-12-3174.	IV-2.60	Nov. 18, 1974	do	Dec. 31, 1974
Century Furniture Co., case goods division, wood dust collection system.	do	18-220-1-175.	IV-2.00	Nov. 18, 1974	do	Jan. 1, 1975
Stezer's Frame Co., Brurd's, Inc., wood dust exhaust system.	Newton	18-222-12-174.	IV-2.00	Nov. 18, 1974	do	Dec. 1, 1974
The Major's Shop, Inc., wood dust collection system.	Hickory	18-225-5-175.	IV-2.00	Nov. 18, 1974	do	May 1, 1975
Custom Craft Furniture, Inc., wood dust system.	do	18-195-6-1574.	IV-2.00	Nov. 18, 9174	do	Dec. 31, 1974
Stream Line Tools, Inc., wood dust system.	Conover	18-205-5-1574.	IV-2.00	Nov. 18, 1974	do	Aug. 1, 1974
Clayton-Marcus Co., Plant No. 1, wood dust collection system.	Hickory	02-217-9-1574.	IV-2.00	Nov. 18, 1974	do	Sept. 15, 1974
Carolina Tables, Inc., wood dust collection system.	do	18-189-4-174.	IV-2.00	Nov. 18, 1974	do	Nov. 1, 1974
Custom-Craft Furniture, Inc., woodwaste collection system.	do	18-195-6-1574.	IV-2.00	Dec. 17, 1973	do	June 15, 1974
Drexel Heritage Furnishings: Plant No. 40, wood dust collection system.	do	18-162-6-174	IV-2.00	Nov. 18, 1974	do	Dec. 31, 1974
Plant No. 44, wood waste collection system.	do	18-154-6-174.	IV-2.00	Dec. 17, 1973	do	June 1, 1974
Plant No. 44, boilers	do	18-177-2-1574	IV-1.20, II-2.2.	Dec. 17, 1973	do	Feb. 15, 1973
Plant No. 45, wood waste collection system.	Longnier	18-160-1-175.	IV-2.00	Nov. 18, 1974	do	June 30, 1975
Granline Corp., wood dust collection system.	Hickory	18-167-11-3064	IV-2.00	Dec. 17, 1973	do	Nov. 30, 1974
Hickory Chair Co., wood dust collection system.	do	18-181-6-174.	IV-2.00	Dec. 17, 1973	do	June 1, 1974
Hickory Manufacturing Co., 2 boilers burning wood waste.	do	18-171-1-174.	IV-1.20	Dec. 17, 1973	do	Jan. 1, 1974
Hickory Manufacturing Co., wood dust collection system.	do	18-183-10-174	IV-2.00	Nov. 18, 1974	do	June 1, 1975
Marwell Royal Chair Co., boilers.	do	18-151-10-1573	IV-1.20, II-2.2.	Dec. 17, 1973	do	Jan. 4, 1974

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
Southern Furniture Co., wood dust collection system.	Conover	18-191-7-174	IV-2.00	Dec. 17, 1973	do	July 1, 1974
		CHATHAM COUNTY				
C. C. Routh Mills, Inc., process operations.	Boulee	T-2494	IV-2.30, II-2.2.	Oct. 10, 1974	Immediately	Jan. 30, 1975
Central Carolina Farmers, Inc., process operations.	Pittsboro	T-2498	IV-2.30, II-2.2.	Oct. 10, 1974	do	June 31, 1975
Do	Siler City	T-2490	IV-2.30, II-2.2.	Oct. 10, 1974	do	May 31, 1975
Selig Manufacturing, Inc., process operations and fuel combustion.	do	T-2482	II-2.2, IV-1.10, IV-2.40.	Oct 10, 1974	do	Feb. 15, 1975
		CHOWAN COUNTY				
C. A. Perry & Sons, Inc., process operations.	Hobbsville	T-2513	IV-2.30	Oct. 10, 1974	Immediately	May 15, 1975
Chowan Feed and Supply, process operations.	Edenton	T-2529	IV-2.30	Oct. 10, 1974	do	May 1, 1975
Chowan Storage Co., Inc., process operations.	do	T-2528	IV-2.30	Oct. 10, 1974	do	May 1, 1975
Home Feed and Fertilizer Co., Inc., process operations.	do	T-2523	IV-2.30	Oct. 10, 1974	do	May 1, 1975
Leary Brothers Storage Co., process operations.	do	T-2527	IV-2.30	Oct. 10, 1974	do	May 1, 1975
Valhalla Produce Co., process operations.	do	T-2510	IV-2.30	Oct. 10, 1974	do	May 15, 1975
Rose Brothers Paving, Inc	do	T-2206	II-2.2, II-5.2, IV-2.40, IV-2.60, IV-1.40.	Sept. 9, 1974	do	Dec. 31, 1974
		CALDWELL COUNTY				
Bernhardt Furniture Industry, Plant No. 1, wood dust emissions.	Lenoir	14-215-12-3174.	IV-2.00	Nov. 18, 1974	Immediately	Dec. 31, 1974
Granite Chair Col, wood dust collection system.	Hudson	14-221-12-174.	IV-2.00	Nov. 18, 1974	do	Dec. 1, 1974
Singer Furniture Division, Plants Nos. 1, 5, 6, and 7, woodwaste collection system.	Lenoir	14-100-1-1073; 14-102-1-1073; 14-104-1-1073; 14-103-1-1073.	IV-2.00	Nov. 18, 1974	do	June 30, 1975
Carolina Tire & Appliance Co., Inc., exhaust system from buffing of automobile tire casings.	do	14-219-11-171.	II-2.2, II-2.30.	Nov. 18, 1974	do	Nov. 1, 1974
Bernhardt Furniture Industry: Plant No. 1, wood dust collection system.	do	14-185-1-175	IV-2.00	Dec. 17, 1973	do	Jan. 1, 1975
Plant No. 2, Wood dust collection system.	do	11-186-1-175	IV-2.00	Nov. 18, 1974	do	Feb. 28, 1975
Plant No. 3, wood dust collection system.	do	14-187-1-175	IV-2.00	Dec. 17, 1973	do	Jan. 1, 1975
Plant No. 7, wood dust collection system.	do	14-188-1-175	IV-2.00	Dec. 17, 1973	do	Jan. 1, 1975
Brandon Furniture Co., wood dust collection system.	Granite Falls.	11-178-2-171	IV-2.00	Dec. 17, 1973	do	Feb. 1, 1974
Caldwell Furniture Division of Thomasville Industries, hydrocarbons emissions from finishing.	Lenoir	14-131-1-174	IV-2.60	Dec. 17, 1973	do	Jan. 1, 1974
Caldwell Furniture Division of Thomasville Industries, wood dust collection system.	do	11-176-6-3074.	IV-2.00	Dec. 17, 1973	do	June 30, 1974
Davis Wood Products, Inc., Plant No. 4, wood dust lection system.	Hudson	14-137-9-173	IV-2.00	Nov. 5, 1974	do	Nov. 18, 1974
Fairfield Chair Co.: Plant No. 1, wood dust collection system.	Lenoir	14-192-1-175	IV-2.00	Dec. 17, 1973	do	Jan. 1, 1975
Plant No. 2, wood dust collection system.	do	14-193-4-174	IV-2.00	Dec. 17, 1973	do	Apr. 1, 1974
Hanmary Furniture: Plant No. 1, wood dust collection system.	do	14-141-9-3074.	IV-2.00	Dec. 17, 1973	do	Sept. 30, 1974
Plant No. 2, wood dust collection system.	Granite Falls.	14-143-9-3074;	IV-2.00	Dec. 17, 1973	do	Sept. 30, 1974

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
Kincaid Furniture Co., Inc., dust collection system.	Hudson	14-129-6-2873	IV-2.00	Dec. 17, 1973	do	Mar. 1, 1974
Kohler & Campbell, Inc., wood dust collection system.	Granite	14-196-5-174	IV-2.00	Dec. 17, 1973	do	May 1, 1974
Lenoir Coatings & Resins—Division of Whittaker Corp.:	Lenoir	14-168-4-174	IV-2.00	Dec. 17, 1973	do	Apr. 1, 1974
Dust emissions	do	14-170-4-174	IV-2.60	Dec. 17, 1973	do	Apr. 1, 1974
Hydrocarbon emissions	do	14-204-7-3174	IV-2.00	Dec. 17, 1973	do	July 31, 1974
Triplett Carving Co., wood dust collection system.						
CABARRUS COUNTY						
Mineral Research & Development Corp., process operations.	Harrisburg	T-2472	II-5.2	Oct. 10, 1974	Immediately	Jan. 30, 1975
Kerr Industries, Inc	Concord	T-2323	II-2.2, IV-2.30.	Sept. 9, 1974	do	Jan. 31, 1975
Main plant:						
(a) Tenter frames 3, 4, 5		T-2337	II-2.20, IV-2.30.	Sept. 9, 1974	do	Feb. 28, 1975
(b) Thermal ovens 1, 3			II-2.2, IV-2.30.	Sept. 9, 1974	do	Mar. 31, 1975
(c) Boilers 1, 2			II-2.2, IV-1.10.	Sept. 9, 1974	do	June 1, 1975
CLEVELAND COUNTY						
McCarty & Sons, process operations.	Fallston	T-2477	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 30, 1975
Wilson & Cornwell Gin Co., Inc., process operations.	Shelby	T-2478	II-2.2, IV-2.30.	Oct. 10, 1974	do	June 30, 1975
COLUMBUS COUNTY						
Berry Veneer and Plywood, fuel combustion.	Chadbourne.	T-1692	II-2.2, IV-1.10, IV-2.40.	May 16, 1972	Immediately	Sept. 1, 1973
CRAVEN COUNTY						
Harlowe Community Center, fuel combustion.	Harlowe	T-2520	II-2.2, IV-1.10.	Oct. 10, 1974	Immediately	May 31, 1975
CUMBERLAND COUNTY						
Thomason Industry, Inc., process operations.	Fayetteville.	T-2506	II-2.2, IV-1.10.	Oct. 10, 1974	Immediately	May 30, 1975
Fexfi Lively Knits, process operations.	do	T-2382	II-2.2	Sept. 6, 1973	do	Mar. 31, 1975
CURRITUCK COUNTY						
Currituck Grain, Inc., process operations.	Moyock	T-2514	IV-2.30	Oct. 10, 1974	Immediately	June 1, 1975
DAVIDSON COUNTY						
Arcadia School, fuel combustion.	Lexington	T-2281	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	Immediately	June 1, 1975
Burlington Industries, Inc., process operations.	Denton	T-2399	II-2.2, IV-1.10.	Oct. 10, 1974	do	June 1, 1975
Indiana Moulding & Frame Co., process operations, fuel combustion.	Lexington	T-2406	II-2.2, IV-1.10.	Oct. 10, 1974	do	Jan. 1, 1975
Link-Taylor Corp., process operations.	do	T-2453	II-2.2, IV-1.10.	Oct. 10, 1975	do	June 1, 1975
Carolina Panel Co., Inc	do	T-2326	II-2.2, IV-1.10.	Mar. 15, 1974	do	Sept. 1, 1974
DUPLIN COUNTY						
A&B Milling Co., process operations.	Warsaw	T-2504	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
Beulaville Milling Co., process operations.	Beulaville.	T-2505	II-2.2, IV-2.30.	Oct. 10, 1974	do	June 1, 1975
DURHAM COUNTY						
Liggett & Myers, Inc., process operations.	Durham	T-2500	IV-1.10	Oct. 10, 1974	Immediately	May 31, 1975
Wade Daniel Cabinet Shop, process operation	do	T-2492	II-2.2, IV-2.30.	Oct. 10, 1974	do	Feb. 28, 1975
FORSYTH COUNTY						
Adams-Millis Fabrics, Inc., (2) artos tenter frames for drying and heat setting.	Winston-Salem.	T-096-2	II-2.0	Aug. 28, 1974	Immediately	Dec. 15, 1974
Hanes Dye and Finishing Co.:						
Boilers	do	T-042-7	II-2.0	Aug. 6, 1974	do	Feb. 1, 1975
Processing equipment		T-052-4	II-2.0	Aug. 6, 1974	do	Oct. 1, 1974
Sheppard Veneer Co., Fitzgibbons fire tube boiler.	do	T-100-2	II-2.0, IV-1.20.	June 21, 1974	do	Dec. 31, 1974
GATES COUNTY						
Wright Milling Co., process operations.	Hobbsville	T-2513	IV-2.30	Oct. 10, 1974	Immediately	May 15, 1975

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
			GRANVILLE COUNTY			
Central Carolina Farmers, Inc., process operations.	Oxford	T-2497	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	May 31, 1975
			HALIFAX COUNTY			
Beasley Lumber Products, fuel combustion.	Scotland Neck	T-2493	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	Immediately	Dec. 31, 1974
Federal Paper Board Co., Inc., fuel combustion.	Roanoke Rapids.	T-2489	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	June 1, 1975
J. S. Turner & Sons, Inc., fuel combustion.	Weldon	T-2488	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	June 30, 1975
Rose's Store No. 16, fuel combustion.	Enfield	T-2487	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	May 31, 1975
Weldon Veneer Co., Inc., fuel combustion.	Weldon	T-2491	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	do	June 1, 1975
J. P. Stevens:						
Rosemary plant	Roanoke Rapids.	T-783	II-2.2, IV-1.1, IV-2.4.	Sept. 6, 1973	do	June 1, 1975
Roanoke No. 1	do	T-781	II-2.2, IV-1.10, IV-2.40.	Sept. 6, 1973	do	June 1, 1974
			HENDERSON COUNTY			
Crauston Print Works Co., process operations.	Fletcher	T-2475	II-2.2, II-5.2, IV-2.30.	Oct. 10, 1974	Immediately	May 31, 1975
			HERTFORD COUNTY			
Chowan Milling Co., Inc., process operations.	Como	T-2518	IV-2.30	Oct. 10, 1974	Immediately	June 1, 1975
G. V. Wise Products, process operations.	Murfreesboro.	T-2524	IV-2.30	Oct. 10, 1974	do	June 1, 1975
			HOKE COUNTY			
Upchurch Milling & Storage, process operations.	Raeford	T-2232	IV-2.30	Sept. 6, 1973	Immediately	June 30, 1974
			IREDELL COUNTY			
Melville Textile Works, Inc., process operations.	Statesville	T-2466	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
Thonet Industries, Inc., fuel combustion.	do	T-2467	II-2.2, IV-1.10.	Oct. 10, 1974	do	June 1, 1975
A. L. Shaver & Sons, Inc	do	T-2340	II-2.2	Dec. 12, 1974	do	June 1, 1975
Gilliam Furniture, Inc	do	T-2341	II-2.2, IV-1.10, IV-2.40.	Sept. 9, 1974	do	Oct. 31, 1974
			JONES COUNTY			
Maysville Milling Co., Inc., process operations.	Maysville	T-2530	IV-2.30	Oct. 10, 1974	Immediately	June 1, 1975
			LEE COUNTY			
Singer Furniture Co., process operations.	Sanford	T-2483	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	Mar. 1, 1975
Steven Milling Co., Inc., process operations.	Broadway	T-2501	II-2.2, IV-2.30.	Oct. 10, 1974	do	June 1, 1975
			LENOIR COUNTY			
Carolina-Dixie Grain Co., process operations.	Kinston	T-2519	IV-2.30	Oct. 10, 1974	Immediately	June 1, 1975
Deep Run Milling Co., process operations.	Deep Run	T-2512	IV-2.30	Oct. 10, 1974	do	June 15, 1975
Johnson Grain, Inc., process operations.	Kinston	T-2521	IV-2.30	Oct. 10, 1974	do	May 31, 1975
Leco Feed Mills, process operations.	do	T-2526	IV-2.30	Oct. 10, 1974	do	May 15, 1975
Neuse Milling Co., Inc., process operations.	do	T-2517	IV-2.30	Oct. 10, 1974	do	June 1, 1975
Texfi Knit-One, process operations.	do	T-2199	IV-2.60	June 27, 1973	do	Mar. 1, 1975
Cargill, Inc	do	T-2390	IV-2.30	Sept. 6, 1973	do	June 1, 1975
E. I. duPont de Nemours, process operations.	do	T-2211	IV-2.60	June 27, 1973	do	June 1, 1975

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
			LINCOLN COUNTY			
N.C. Spinning Mills, Inc., process operations.	Lincolnton..	T-2468.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	June 1, 1975
			MONTGOMERY COUNTY			
Alliance Furniture Division of Troy Lumber Co., fuel combustion.	Biscoe.....	T-2508.....	II-2.2, IV-1.10.	Oct. 10, 1974	Immediately..	May 1, 1975
Taylor Homes Division of Troy Lumber Co., fuel combustion.	Troy.....	T-2507.....	II-2.2, IV-1.10.	Oct. 10, 1974	.....do.....	May 1, 1975
			NEW HANOVER COUNTY			
MoBill Textiles, Inc., process operations.	Wilmington.	T-2509.....	II-2.2.....	Oct. 10, 1974	Immediately..	Mar. 1, 1975
Singer Co., process operations.	.....do.....	T-2203.....	IV-2.60.....	June 27, 1973	.....do.....	June 1, 1975
Shell Oil, process operations.	.....do.....	T-2201.....	IV-2.60.....	July 31, 1973	.....do.....	June 1, 1975
			NORTH HAMPTON COUNTY			
Georgia Pacific, process bag house.	Conway.....	T-1427.....	II-2.20.....	Sept. 6, 1973	Immediately..	Nov. 1, 1973
			PASQUOTANK COUNTY			
Elizabeth City State University, fuel combustion.	Elizabeth City.	T-2205.....	II-2.2, IV-1.10, IV-2.40.	Dec. 12, 1974	Immediately..	Dec. 31, 1974
College of the Albermarle, fuel combustion.	.....do.....	T-2200.....	II-2.2, IV-1.10, IV-2.40.	Dec. 6, 1973	.....do.....	May 31, 1975
			PERSON COUNTY			
Central Carolina Farmers, Inc., process operations.	Roxboro.....	T-2496.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	May 31, 1975
RPC Division, Midland Ross Corp., process operations.	.....do.....	T-2486.....	II-2.2, IV-2.60, IV-2.30.	Oct. 10, 1974	.....do.....	Dec. 31, 1974
Roxboro Concrete Services, process operations.	.....do.....	T-2241.....	II-2.2, IV-2.30.	Oct. 10, 1974	.....do.....	Dec. 31, 1974
			PITT COUNTY			
FCX Feed Mill, process operations.	Farmville...	T-2511.....	IV-2.30.....	Oct. 10, 1974	Immediately..	June 1, 1975
King Brothers Farm Center, Inc., process operations.	Ayden.....	T-2515.....	IV-2.30.....	Oct. 10, 1974	.....do.....	June 30, 1975
Cox Trailers, Inc.....	Grifton.....	T-2212.....	IV-2.60.....	Sept. 9, 1974	.....do.....	Dec. 31, 1974
			ROBESON COUNTY			
Texfi Single Knits.....	Lumberton..	T-2383.....	II-2.2.....	Sept. 6, 1973	Immediateiy..	Mar. 31, 1975
			ROCKINGHAM COUNTY			
Stoneville Furniture Co., process operations.	Stoneville...	T-2464.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	June 1, 1975
			RUTHERFORD COUNTY			
N.C. Display Fixture Co., Inc., process operations.	Forest City.	T-2476.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	Apr. 1, 1975
Rutherford County Board of Commissioners, fuel combustion.	Rutherfordton.	T-2394.....	II-2.2, IV-2.40, IV-1.10.	Oct. 10, 1974	.....do.....	June 1, 1975
			SAMPSON COUNTY			
Butler & Crumpler Milling Co., process operations.	Roseboro....	T-2502.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	Apr. 1, 1975
Garland Farm Supply, process operations.	Garland.....	T-2503.....	II-2.2, IV-2.30.	Oct. 10, 1974	.....do.....	Apr. 1, 1975
Coharie Mill & Supply Co...	Clinton.....	T-2375.....	IV-2.30.....	Sept. 9, 1974	.....do.....	June 1, 1975
H. J. Underwood Co.....	.....do.....	T-2377.....	IV-2.30.....	Sept. 9, 1974	.....do.....	Apr. 1, 1975
			STANLY COUNTY			
E. J. Snyder & Co., Inc., process operations.	Albemarle...	T-2470.....	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately..	June 1, 1975
Page Church Furniture Co., Inc., fuel combustion.	.....do.....	T-2469.....	II-2.2, IV-1.10.	Oct. 10, 1974	.....do.....	June 30, 1975
Smith Novelty Co., Inc., unapproved incinerator.	.....do.....	T-2471.....	II-2.2, IV-1.30.	Oct. 10, 1974	.....do.....	Mar. 1, 1975
			STOKES COUNTY			
R. J. Reynolds, fuel combustion process operations.	Walnut Cove.	T-2389.....	II-2.2, IV-2.30, IV-1.10.	Sept. 6, 1973	Immediately..	June 1, 1975

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
			SURRY COUNTY			
Elkin Furniture Co., process operations.	Elkin	T-2457	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 30, 1975
Mount Airy Table Co., Inc., process operations.	Mount Airy.	T-2463	II-2.2, IV-2.30.	Oct. 10, 1974	do	May 15, 1975
National Furniture Co., Inc., process operations.	do	T-2465	II-2.2, IV-2.30.	Oct. 10, 1974	do	May 15, 1975
			TYRRELL COUNTY			
Butler Land & Timber Co., woodwaste open burning.	Columbia	T-1772		Sept. 6, 1973	Immediately	Sept. 30, 1973
			UNION COUNTY			
FCX, Inc., process operations.	Marshville	T-2473	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	May 1, 1975
Monroe Combining Corp., process operations.	Monroe	T-2474	II-2.2, IV-2.30.	Oct. 10, 1974	do	July 1, 1975
			VANCE COUNTY			
Dixie Milling Co., process operations.	Henderson	T-2495	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	Jan. 31, 1975
			WAKE COUNTY			
Adams Concrete Products Co., process operations.	Raleigh	T-2484	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975
Carolina Plywood Co., Inc., process operations.	Apex	T-2485	II-2.2, IV-2.30.	Oct. 10, 1974	do	Jan. 30, 1975
Baby Diaper Service, fuel combustion.	Raleigh	T-2295	II-2.2, IV-1.10, IV-2.40.	Sept. 6, 1973	do	Aug. 31, 1974
Carolina Power & Light Co., fuel combustion.	do	T-2246	II-2.2, IV-1.10, IV-2.40.	Sept. 6, 1973	do	Nov. 1, 1974
			WATAUGA COUNTY			
Loven Ready Mix Co., process operations.	Boone	T-2480	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	Dec. 30, 1974
			WAYNE COUNTY			
Dewey Brothers, Inc., conical burner.	Goldsboro	T-1583	II-2.20, IV-2.00.	Sept. 9, 1974	Immediately	Dec. 31, 1974
Peacock & Rose, process operations.	Fremont	T-2522	IV-2.30	Oct. 10, 1974	do	June 1, 1975
			WILKES COUNTY			
J. F. Enterprises, process operations.	Wilkesboro	T-2269	II-2.2, II-5.2, IV-2.30.	Sept. 6, 1973	Immediately	May 1, 1974
Hammary Furniture, process operations.	North Wilkesboro.	T-2276	II-2.2, II-5.2, IV-2.60, IV-2.30.	Sept. 6, 1973	do	Dec. 1, 1973
			WILSON COUNTY			
Cargill, Inc., process operations.	Wilson	T-2490	II-2.2, II-5.2, IV-2.30.	Oct. 10, 1974	Immediately	May 31, 1975
Lucama Grain Co., Inc., process operations.	Lucama	T-2481	II-2.2, IV-2.30.	Oct. 10, 1974	do	Dec. 31, 1974
			YADKIN COUNTY			
Carl Rose & Sons Ready Mix, process operations.	Jonesville	T-2414	II-2.2, IV-2.30.	Oct. 10, 1974	Immediately	June 1, 1975

§ 52.1774 [Amended]

3. Section 52.1774 is revised by changing the final compliance dates specified in the tables of paragraph (a) for certain schedules approved on June 20, 1973 (38 FR 16144). As revised, the affected lines of § 52.1774(a) read as follows:

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
			ASHE COUNTY			
Weaver Manufacturing Co.	West Jefferson.	T-2163	II-2.2, IV-2.30.	Oct. 9, 1974	Immediately	May 1, 1975
			CABARRUS COUNTY			
Cabarrus Memorial Hospital.	Concord	T-1975	II-1.3	Oct. 9, 1974	Immediately	Dec. 31, 1974
			CHEROKEE COUNTY			
Fitco, Inc.	Murphy	T-2165	II-2.2, IV-1.10.	Oct. 9, 1974	Immediately	July 15, 1974

Source	Location	Permit No.	Regulation involved	Date of adoption	Effective date	Final compliance date
			CURRITUCK COUNTY			
J. J. Flora & Co., Inc.	Moyeock	T-2070	II-2.2, IV-2.30.	Oct. 9, 1974	Immediately	June 1, 1975
			HALIFAX COUNTY			
Columbia Peanut Co.	Enfield	T-1855	II-1.3	Mar. 15, 1974	Immediately	July 1, 1974
			HENDERSON COUNTY			
Basics Ceramics	Henderson-ville.	T-2161	II-2.2, IV-2.30.	Oct. 9, 1974	Immediately	Feb. 1, 1975
			LINCOLN COUNTY			
Burris Industries	Lincolnton	T-2148	II-2.2, IV-1.10.	Oct. 9, 1974	Immediately	July 15, 1974
			MADISON COUNTY			
Mars Hills College	Mars Hill	T-1175	II-1.3, II-2.2, IV-1.10.	Oct. 9, 1974	Immediately	May 31, 1975
			MOORE COUNTY			
Moore Memorial Hospital, Inc.	Pinehurst	T-1966	II-1.3	Mar. 15, 1974	Immediately	May 1, 1974
			NASH COUNTY			
H. F. Ward Metal Salvage	Nashville	T-788	II-1.3	Sept. 30, 1974	Immediately	Oct. 9, 1974
			NEW HANOVER COUNTY			
Curbett Lumber Co.	Wilmington	T-2084	II-2.2	Sept. 9, 1974	Immediately	Dec. 31, 1974
			PITT COUNTY			
East Carolina University	Greenville	T-669	II-2.2, IV-1.10.	Oct. 9, 1974	Immediately	Apr. 3, 1975
			RICHMOND COUNTY			
Standard Foundry & Manufacturing Co.	Rocking-ham.	T-1841	II-2.2, II-5.2, IV-2.30, IV-2.30, IV-2.40.	Oct. 9, 1974	Immediately	Apr. 30, 1975
			ROCKINGHAM COUNTY			
Golden Belt Manufacturing Co.	Reidsville	T-1960	IV-2.60	Mar. 15, 1974	Immediately	Mar. 1, 1975
			SAMPSON COUNTY			
C. A. Brown Lumber Co.	Ivanhoe	T-2113	II-2.2, IV-1.10.	Mar. 15, 1974	Immediately	Apr. 30, 1975
			RUTHERFORD COUNTY			
Parton Lumber Co., Inc.	Ruther-fordton.	T-2024	II-2.2, IV-1.10, IV-2.40.	Mar. 15, 1975	Immediately	Apr. 30, 1974
			WATAUGA COUNTY			
Town of Boone	Boone	T-2026	II-2.2, IV-1.10, IV-2.40.	Mar. 15, 1974	Immediately	Sept. 1, 1974
Lee Barnett Chevrolet-Oldsmobile.	do	T-2029	II-2.2, IV-1.10, IV-2.40.	Mar. 15, 1974	do	July 1, 1974
			WILKES COUNTY			
American Drew, Inc., American No. 1 Plant.	North Wilkes-boro.	T-1851	II-2.2, II-5.2, IV-2.30.	Mar. 15, 1974	Immediately	Mar. 30, 1975
Lineberry Foundry & Machine Co., Inc.	do	T-1909	II-2.2, II-5.2, IV-2.20, IV-2.30.	Dec. 12, 1974	do	May 1, 1975

[FR Doc.75-12010 Filed 5-9-75;8:45 am]

[40 CFR Part 180]

[OPP-260006; FRL 372-4]

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

Carbofuran; Proposed Clarification of Pesticide Tolerance

On June 12, 1974, the Environmental Protection Agency published a regulation in the FEDERAL REGISTER (39 FR 20596) which established tolerances for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl - N - methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl - 3-hydroxy-7-benzofuranyl-N-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol 2,3 - dihydro-2,2-dimethyl-3-oxo-7-benzofurandiol in or on several raw agricultural commodities. This regulation was established based on data submitted by FMC Corp., 100 Niagara St., Middleport NY 14115, in connection with two pesticide petitions (PP 1F1163 and PP 2F1283) which proposed the establishment of such tolerances.

At the time, the raw agricultural commodity popcorn was not specifically mentioned in the regulation (§ 180.254) FMC has requested a clarification of the existing tolerances for the insecticide carbofuran in or on corn grain at 0.2 part per million (of which no more than 0.1 part per million is carbamates) to include popcorn.

The data supporting the request has been reviewed, as well as other relevant material and available information on the chemistry and toxicity of the pesticide. The pesticide was certified as useful for the purpose for which a tolerance was sought on corn grain. It has been determined that the nature of the residues is adequately delineated and that an adequate analytical method is available to enforce the tolerance. The established tolerance for corn grain, including popcorn, is still considered adequate for residues resulting from the proposed conditions of use, and residues which could result in meat, milk, poultry and eggs from the proposed use on corn are adequately covered by existing tolerances. Therefore, the tolerance established by amending § 180.254 will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before June 11, 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 on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in reviewing them. The comments must be received on or before June 11, 1975, and should bear a notation indicating the subject [OPP-260006]. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Registir Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 6, 1975.

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

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

It is proposed that § 180.254, Subpart C, Part 180, be amended by revising the paragraph "0.2 part per million . . ." to include popcorn as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

0.2 part per million in or on corn grain (including popcorn) and peanuts (of which no more than 0.1 part per million is carbamates) and rice.

* * * * *

[FR Doc.75-12458 Filed 5-9-75;8:45 am]

[40 CFR Part 180]

[PP4E1509/P3; FRL 372-5]

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

Trifluralin; Proposed Tolerance

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, Federal Center Building, Hyattsville MD 20782, submitted a pesticide petition (PP4E1509) to the Environmental Protection Agency. This petition proposed the establishment of a tolerance for negligible residues of the herbicide trifluralin (α,α,α-trifluoro-2, 6-dinitro-*N,N*-dipropyl-p-toluidine) in or on field corn grain, fodder, and forage at 0.05 part per million.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and there is no reasonable expectation of residues in eggs, meat, milk or poultry and § 180.6(a)(3) applies. The tolerance established by amending § 180.207 will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before June 11, 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 on this proposal to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M St., SW., Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in reviewing them. The comments must be received on or before June 11, 1975, and should bear a notation indicating the subject [PP4E1509/P3]. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 6, 1975.

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

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

It is proposed that Section 180.207, Subpart C, Part 180, be amended by revising the paragraph "0.05 part per million (negligible residue) * * *" to read as follows.

§ 180.207 Trifluralin; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on citrus fruits, cottonseed, cucurbits, field corn grain, fodder, and forage, forage legumes, fruiting vegetables, grapes, hops, leafy vegetables, nuts, peanuts, peppermint hay, root crop vegetables, (except carrots), safflower seed, seed and pod vegetables, spearmint hay, stone fruits, sugarcane, sunflower seed, wheat grain, and wheat straw.

* * * * *

[FR Doc.75-12459 Filed 5-9-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Part 73]

[Docket No. 19789]

COMBINATION ADVERTISING RATES AND OTHER JOINT SALES PRACTICES

Order Extending Time for Filing Comments and Reply Comments

1. On January 29, 1975, the Commission adopted a First Report and Further Notice of Proposed Rule Making in the above-captioned proceeding. Publication was given in the Federal Register on March 12, 1975, 40 FR 11603. Comment and reply comments dates are presently specified as May 12, 1975 and June 12, 1975.

2. On April 23, 1975, Station Representatives Association (SRA), through its attorneys, requested that the time for filing comments and reply comments be extended to June 12, 1975 and July 14, 1975, respectively. SRA states that the issues raised in this proceeding are of vital importance to SRA, its members and the stations represented by its members, and that in order to adequately respond to the issues and coordinate the response among SRA members, its board and counsel, additional time is needed.

3. It appears that extension of time would serve the public interest. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including June 12, 1975 and July 14, 1975, respectively.

4. This action is taken pursuant to authority fund in sections 4(i), 5(d)(i), 303(r) and 403 of the Communications Act of 1934, as amended and § 0.281 of the Commission's Rules.

Adopted: May 1, 1975.

Released: May 6, 1975.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-12411 Filed 5-9-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20467, RM-2403]

FM BROADCAST STATIONS

Table of Assignments

1. On June 20, 1974, Green Bay Broadcasting Company (WDUZ), licensee of WDUZ(AM) and WDUZ-FM at Green Bay, Wisconsin, filed a petition for rule making (supplemented on July 17, 1974) requesting the substitution of FM Channel 253 for FM Channel 252A, on which it broadcasts, at Green Bay, Wisconsin. No other revisions in our Table of Assignments were proposed. No oppositions were received.

2. The filings emphasize that petitioner's request seeks only to restore the number and class of assignments at Green Bay to that in existence in 1964. In 1964 Channel 253 was removed from Green Bay and replaced by Channel 252A due to the fact that our minimum mileage separation requirements and the configuration of then existing FM assignments required that a Channel 253 assignment at Green Bay be located a minimum of 38 miles from that community. See Report and Order in Docket No. 15256. Present assignments and other circumstances permit a Channel 253 transmitter to be constructed as close as 12 miles to Green Bay.

3. Green Bay, Wisconsin (population 87,809 (1960, 62,888)),[1] located approximately 100 miles north of Milwaukee, Wisconsin, is the seat of Brown County (population 158,244 (1960, 125,082)). Petitioner brings to our attention the facts that Green Bay's population has grown 39.6 percent, and Brown County's population has grown 26.5 percent, between 1960 and 1970. Green Bay has three

[1] Population statistics cited are from the 1970 U.S. Census unless otherwise specified.

standard broadcast stations: WBAY, licensed to Norbertine Fathers; WNFL, licensed to Communications Properties, Inc.; and WDUZ, licensed to petitioner. The community also has two commercial FM assignments, Channel 252A (WDUZ–FM), licensed to petitioner) and Channel 266 (WBAY–FM, licensed to Nobertine Fathers). There are two educational FM services in Green Bay, WGBW, licensed to the Board of Regents of the University of Wisconsin System and WPNE–FM, licensed to the State of Wisconsin Educational Communications Board. With respect to Green Bay, petitioner states that it is: ". . . a major Lake Michigan, port. It has numerous paper mills and is the agricultural trading center for the northeastern Wisconsin region." In conclusion, WDUZ maintains:

"* * * the proposed change from a Class A to a Class C channel would result in a gain of coverage for Station WDUZ–FM and eliminate the intermixture of the channels. A new FM service would be provided to an underserved area. It would improve the competitive position of Station WDUZ–FM in the market."

4. With regard to preclusion considerations—the preclusion occuring beyond that resulting from present WDUZ–FM prevents three communities with populations in excess of 2,000 persons from using Channel 252A, petitioner notes. Two of these communities are presently listed in the Table of Assignments: Iron Mountain, Michigan (Channel 280A, WJNR–FM) and Iron River, Michigan (Channel 244A, unoccupied and unapplied for). The third community, Norway, Michigan, is located less than 10 miles from Iron Mountain. The preclusion occurring on Channel 254 affects the above three communities as well as L'Anse, Michigan (population 2,538). It is noted that Channel 292A, among others, is available for assignment to L'Anse. Concerning Channel 253, a very limited area on the Keweenaw Peninsula, Michigan is affected. Petitioner's engineering statement correctly notes that most of this affected area receives FM service from the occupied assignment at Hancock, Michigan (WMPL–FM, Channel 228A). Moreover, the community of Houghton, Michigan, located contiguous to Hancock, provides a potential for more FM service in its unoccupied and unapplied for Channel 249A assignment. Our engineering analysis of petitioner's showing indicates that there appears to be an ample number of FM channels available for assignment to the above-described affected communities. Hence, it seems that petitioner's proposal does not have a significant adverse effect on future channel availability for communities located within the affected area.

5. We have carefully considered petitioner's filings in this matter and have come to the preliminary judgment that it is in the public interest to explore the proposal below set out, i.e., the assignment of FM Channel 253 to Green Bay as a substitute for FM Channel 252A at Green Bay, in this proceeding.

6. With the above material and public interest finding before us, we propose, for consideration, the following revision in our FM Table of Assignments (Section 73.202(b) of our Rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Green Bay, Wis	252A, 266	253, 266

7. The action proposed in this Notice, if adopted, will require the modification of petitioner's FM license to specify operation on Channel 253 in place of Channel 252A at Green Bay. In light of WDUZ's explicit written request for such a modification set out in the pleadings we are not issuing an order to show cause to it in connection with this Notice.

8. In commenting on the above-described proposal, WDUZ should make a showing as to whether the proposed Class C assignment would provide a first or second FM service. This showing should use the new site specified in the supplement to the petition. (The information contained in the petition was based on a site located some 25 miles from Green Bay.) The method for making such a showing is set forth in paragraph 3 of Roanoke Rapids and Goldsboro, N.C. (9 F.C.C. 2d 672 (1967)). Since we view AM and FM services as complementary parts of a single aural service, petitioner should also show whether the proposed assignment would bring a first or second fulltime aural service to any populations or areas. See Anamosa and Iowa City, Iowa (46 F.C.C. 2d 520 (1974)). Furthermore, advocates of the proposal should give some additional descriptive information concerning the economic, social and governmental life of Green Bay.

9. Comments in this proceeding must be filed on or before June 23, 1975, while reply comments must be filed on or before July 14, 1975.

10. Authority for the institution of this rule making proceeding and the procedural rules and regulations governing it are set out and/or cited in the attached Appendix.

Adopted: April 29, 1975.

Released: May 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making.*

2. Showings required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. Number of copies. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.75–12410 Filed 5–9–75;8:45 am]

[47 CFR—Part 76]

[Docket No. 19995, RM-2275]

CABLE TELEVISION SYSTEMS

Order Designating Participants and Postponing the Date of Panel Discussion and Extending Time for Filing of Supportive Factual Data

In the matter of amendment of Subpart F of Part 76 of the Commission's Rules and Regulations with respect to network program exclusivity protection by cable television systems.

1. On April 11, 1975, the Commission released an Order designating May 20, 1975, as the date for a panel discussion in the above-captioned proceeding, and May 5, 1975, as the date for submission and exchange of supportive factual data by panel participants (FCC 75-407, — FCC 2d — (1975)). Designation of those persons to participate in the panel discussion was deferred. As noted specifically in the above-referenced Order, only those network program exclusivity issues particularly of concern to the Mountain Time Zone are included within the scope of the panel discussion to be held before the Commission meeting en banc.

2. Following consultation with representatives of the broadcast and cable television industries, the following persons have been selected to participate as spokesmen in the subject panel discussion and to submit supportive factual data to the Commission, and to each other, in advance of the panel:

Mr. William F. Duhamel, Duhamel Broadcasting Enterprises, Rapid City, South Dakota
Mr. William Harrison, Torrington Community TV System, Torrington, Wyoming
Mr. J. Allen Jensen, KID Broadcasting Corp., Idaho Falls, Idaho
Mr. Wallace D. Miller, American Cablevision Co., Lewiston, Idaho
Mr. Joseph S. Sample, Garryowen Corporation, Billings, Montana
Mr. Robert Towe, Montana Video Inc., Billings, Montana

Also attending this panel discussion and submitting data will be Mr. Carter F. Page, of Western Tele-Communications, Inc. Though he will not be a formal participant in this panel proceeding, we believe Mr. Page's informational role will prove quite valuable. We shall not expect him to take a position on the merits of same-day network program exclusivity or of any change from that standard.

3. On April 22, 1975, counsel for the Rocky Mountain Broadcasters Association (RMBA) filed a "Motion to Change Date of Panel Discussion." Counsel states that at least two panel participants representing the RMBA, which actively supports retention of same-day network program exclusivity protection in the Mountain Time Zone, find it necessary to attend the NBC-TV network affiliates meeting in Los Angeles, California. This three-day affiliates meeting concludes on May 20, 1975, the date originally set for the panel discussion. Counsel for the RMBA asks that the panel discussion be rescheduled for June 10, 1975. Furthermore, it is requested that the date for submission and exchange of supportive factual data be extended to May 26, 1975. RMBA asserts that the additional time is necessary to allow for adequate and proper compilation of supportive data and for the distribution of same.

4. Notwithstanding our desire to reach a decision in this Mountain Time Zone matter as expeditiously as possible, we are of the view that the public interest would be served by postponing the date of the subject panel discussion and by extending the time for the filing and exchange of supportive factual data. The suggested June 10, 1975, date for the panel discussion is not acceptable, however, due to prior commitments of certain Commission members. Instead, and after consulting with those persons chosen to participate therein, we have selected June 17, 1975, as the revised date for this panel proceeding. The date for submission of data shall be extended to June 3, 1975. Accordingly, *it is ordered*, That the subject panel discussion is rescheduled for June 17, 1975, and the date for the filing and exchange of supportive factual data is extended to and including June 3, 1975.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.288 and 1.46 of the Commission's Rules and Regulations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-12412 Filed 5-9-75;8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

[29 CFR Parts 2510-2560]

REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Redesignation of Proposed Parts and Sections

In order to simplify the location and application of regulations proposed under the Employee Retirement Income Security Act of 1974 (the Act), the subchapters, proposed parts, and proposed sections of Chapter XXV of Title 29 of the Code of Federal Regulations are hereby redesignated as set forth below. By a document appearing today in the Rules and Regulations section of the FEDERAL REGISTER, regulations already adopted under the Act have also been redesignated.

The redesignated section numbers of the proposed and adopted regulations promulgated under Chapter XXV are based on the section numbers of the Act to which each regulation relates and will, therefore, facilitate the location of the regulations applicable to the various sections of the Act.

For example, as redesignated, proposed § 2510.3-37 of Title 29 is a regulation relating to section 3(37) of the Act; proposed § 2520.104-2 relates to section 104 of the Act; proposed § 2520.104a-1 relates to subsection (a) of section 104 of the Act; and proposed § 2550.403b-1 relates to section 403(b) of the Act.

Accordingly, the subchapters, proposed parts, and proposed sections of Chapter XXV of Title 29 of the Code of Federal Regulations are redesignated as follows:

Proposed Part 2505, Definition of Multiemployer Plan, published in the FEDERAL REGISTER on December 4, 1974, (39 FR 42234), shall be redesignated as proposed § 2510.3-37 of Part 2510—Definitions of Terms Used in Subchapters C, D, E, F and G of this Chapter, and the sections of proposed Part 2505 shall be redesignated as paragraphs (a) through (d) of proposed § 2510.3-37. Proposed Part 2505 is vacated and reserved.

Proposed § 2520.30, *Postponement of effective date of reporting requirements and extension of WPPDA reporting requirements*, of the proposed Part 2520—General Provisions Regarding Reporting and Disclosure, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as proposed § 2520.104-2 of Subpart D, *Provisions applicable to both reporting and disclosure*, of Part 2520—Rules and Regulations for Reporting and Disclosure.

Proposed § 2521.10, *Exemption from filing requirements for certain welfare plans*, of proposed Part 2521—Exemptions and Variations from Reporting and Disclosure Requirements, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as proposed § 2520.104-20 of Subpart D of Part 2520 of Subchapter C. Proposed Part 2521, and Subpart A thereof, are vacated and reserved.

Proposed § 2521.30, *Alternative method of initial reporting and disclosure for pension plans*, of proposed Part 2521, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated proposed § 2520.104-4 of Subpart D of Part 2520 of Subchapter C. Subpart B of proposed Part 2521 is vacated and reserved.

Proposed § 2522.1, *General*, of proposed Part 2522—Filing with the Secretary of Labor, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as paragraph (a) of proposed § 2520.104a-1, *Filing with the Secretary of Labor*, of Subpart E, Reporting Requirements, of Part 2520 of Subchapter C. Proposed Part 2522, and Subpart A thereof, are vacated and reserved.

Proposed § 2522.10, *Plan description filing obligation*, of proposed Part 2522, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as paragraph (a) of proposed § 2520.104a-2, *Plan description reporting requirements*, of Subpart E of Part 2520 of Subchapter C. Subpart B of former proposed Part 2522 is vacated and reserved.

Proposed § 2522.20, *Plan description form*, of proposed Part 2522, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated

as proposed § 2520.102–1 of Subpart B, Contents of Plan Descriptions and Summary Plan Descriptions, of Part 2520 of Subchapter C.

Proposed § 2522.30, *Obligation to file copy of summary plan description*, proposed § 2522.35, *Filing of multiple summary plan descriptions*, and proposed § 2522.40, *Alternative to filing copy of summary plan description*, of proposed Part 2522, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as paragraphs (a), (b), and (c), respectively, of proposed § 2520.104a–3, *Summary plan description reporting requirements*, of Subpart E of Part 2520 of Subchapter C. Subpart C of proposed Part 2522 is vacated and reserved.

Proposed § 2523.1, *Introduction*, and proposed § 2523.10, *Fulfilling the disclosure obligation*, of proposed Part 2523—Disclosure to Participants and Beneficiaries, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as paragraphs (a) and (b), respectively, of proposed § 2520.104b–1, *Disclosure*, of Subpart F, Disclosure Requirements, of Part 2520 of Subchapter C, and paragraphs (a) and (b) of previously published proposed § 2523.10 shall be redesignated as subparagraphs (1) and (2) of proposed § 2520.104b–1(b). Proposed Part 2523, and Subpart A thereof, are vacated and reserved.

Proposed § 2523.20, *Obligation to furnish summary plan description*, of proposed Part 2523, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as paragraph (a) of proposed § 2520.104b–2, *Summary plan description disclosure requirements*, of Subpart F of Part 2520 of Subchapter C. Subpart B of proposed Part 2523 is vacated and reserved.

Proposed § 2523.22, *Option to prepare different summary plan descriptions for various classes of participants and beneficiaries*, proposed § 2523.25, *Style and format of summary plan description*, proposed § 2523.30, *Option to use plan description as the summary plan description*, and proposed § 2523.35, *Contents of summary plan description*, of proposed Part 2523, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as proposed §§ 2520.102–4, 2520.102–2, 2520.102–5, and 2520.102–3, respectively, of Subpart B, Contents of Plan Descriptions and Summary Plan Descriptions, of Part 2520 of Subchapter C.

Proposed § 2523.80, *Reasonable charge for furnishing plan documents*, of proposed Part 2523, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as proposed § 2520.104b–30 of Subpart F of Part 2520 of Subchapter C. Subpart C of proposed Part 2523 is vacated and reserved.

As indicated below, by a document appearing today in the Rules and Regulations section of the FEDERAL REGISTER, Part 2550 under Subchapter F (Fiduciary Responsibility Under the Employee Retirement Income Security Act of 1974) is now entitled Rules and Regulations for Fiduciary Responsibility.

Proposed § 2552.1, *Exemption from trust requirements for unfunded welfare benefit plans*, of proposed Part 2552—Control and Management of Funds, published in the FEDERAL REGISTER on December 24, 1974 (39 FR 44456), shall be redesignated as proposed § 2550.403b–1 of Part 2550 of Subchapter F and proposed Part 2552 is vacated and reserved.

Proposed Part 2560—Claims Procedure, published in the FEDERAL REGISTER on December 4, 1974 (39 FR 42234), shall be redesignated as proposed § 2560.503–1 of Part 2560—Rules and Regulations for Administration and Enforcement, of Subchapter G, Administration and Enforcement Under the Employee Retirement Income Security Act of 1974, and the sections of proposed Part 2560 shall be redesignated as paragraphs (a) through (h) of proposed § 2560.503–1.

In addition, by a document appearing today in the Rules and Regulations section of the FEDERAL REGISTER, regulations adopted under the Act have been redesignated as follows:

Part 2550—Guidelines for Submission of Application for Postponement of the Effective Date of Certain Fiduciary Responsibility Provisions, 29 CFR Part 2550, published in the FEDERAL REGISTER on November 21, 1974 (39 FR 40853), has been redesignated as § 2550.414b–1 of Part 2550, Rules and Regulations for Fiduciary Responsibility, of Subchapter F, Fiduciary Responsibility Under the Employee Retirement Income Security Act of 1974, 29 CFR § 2550.414b–1, and the sections of Part 2550 have been redesignated as paragraphs (a) through (i) of § 2550.414b–1.

Section 2555.1, *Temporary bonding requirements*, of Part 2555—Bonding Requirements, 29 CFR Part 2555, published in the FEDERAL REGISTER on January 10, 1975 (40 FR 2203), has been redesignated as § 2550.412–1 of Part 2550 of Subchapter F, Title 29, and Part 2555 has been vacated and reserved.

Signed at Washington, D.C., this 7th day of May, 1975.

PAUL J. FASSER, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.75–12444 Filed 5–9–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

DECONTROL OF OLD OIL

Notice of Change in Location of Public Hearing

In the May 2, 1975, issue of the FEDERAL REGISTER, the Federal Energy Administration gave notice of a proposal to amend Part 212 of Title 10 of the Code of Federal Regulations to phase out over a two-year period all price controls on crude oil at the producer level. It was stated that the public hearing scheduled for May 13 and 14 with respect to this proposal would be held at 2000 M Street, N.W., Washington, D.C.

The place for the public hearing has been changed to the GSA Auditorium, 18th and F Streets, N.W., Washington, D.C. The public hearings will begin at this location at 9:30 a.m., e.d.t., May 13, 1975.

DAVID G. WILSON,
Acting General Counsel Federal Energy Administration.

MAY 9, 1975.

[FR Doc.75–12628 Filed 9–11–75;11:30 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-5/46]

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

Notice of Meeting

The Department of State announces that Study Group CMTT of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on June 3, 1975, at 10 a.m. at the Public Broadcasting Service, 475 L'Enfant Plaza West, SW., Washington, D.C. The meeting will be held in the Promenade P2 Conference Room.

Study Group CMTT deals with technical standards for telecommunication systems to permit the transmission of sound and television programs over long distances. The main items on the agenda for the meeting on June 3 are:

1. Review work underway in preparation for the international meeting of CMTT in 1976;
2. Discussion of complementary work being carried out by other organizations and proposed liaison arrangements; and
3. Review of general CCIR activities related to the interests of CMTT.

Members of the general public who desire to attend the meeting on June 3 will be admitted up to the limits of the capacity of the meeting room. Public participants may engage in the discussions subject to instructions of the Chairman.

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

MAY 5, 1975.

[FR Doc.75-12375 Filed 5-9-75;8:45 am]

[Public Notice CM-5/44]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Tuesday, June 17, 1975 in Room 6200 of the Department of Transportation, 400 7th Street, SW., Washington, D.C. The meeting will be open to the public.

The purpose of this meeting is to make final preparations for the third session of the Marine Environmental Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to meet in London June 23-27, 1975. In particular, the Shipping Coordinating Committee will discuss development of United States positions on three specific items on the agenda for the third session of the MEPC; means for ensuring the provision and maintenance of adequate reception facilities in ports; consideration of draft revised performance standards for oily water separating equipment and oil content meters; and studies of procedures and arrangements for the discharge of noxious liquid substances.

Further information on this Shipping Coordinating Committee meeting may be obtained from the Committee's Chairman, Richard K. Bank, Director, Office of Maritime Affairs, Department of State, 20520, telephone (area code 202) 632-0704.

Members of the public may submit written comments to the Chairman prior to June 9. The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

APRIL 28, 1975.

[FR Doc.75-12376 Filed 5-9-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series—No. 14-75]

8 PERCENT TREASURY NOTES

Redesignation

MAY 8, 1975.

The Secretary of the Treasury announced on May 7, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 14-75, dated May 2, 1975, will be 8 percent per annum. Accordingly, the notes are hereby redesignated 8 percent Treasury Notes of Series A-1982. Interest on the notes will be payable at the rate of 8 percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-12549 Filed 5-9-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 3 June 1975 at 9:45 a.m. in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, U.S.C. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential, (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 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 believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

Dated: May 7, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

[FR Doc.75-12423 Filed 5-9-75;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 10 June 1975 at 9:45 a.m. in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, U.S.C. Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (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 believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

Dated: May 7, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

[FR Doc.75-12424 Filed 5-9-75;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 17 June 1975 at 9:45 a.m. in room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, U.S.C. Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential, (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense, (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence, (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 believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

Dated: 7 May 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

[FR Doc.75-12425 Filed 5-9-75;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 24 June 1975 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 652(b) of Title 5, U.S.C. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential, (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense, (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence, (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 believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

Dated: 7 May, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

[FR Doc.75-12426 Filed 5-9-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

Notice of Determination; Amendment

MAY 2, 1975.

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

Section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law and order functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law and order functions they have responsibility to exercise. Determination concerning Indian tribes not listed is made on an individual basis upon application by such tribes under provisions of the Act of the Law Enforcement Assistance Administration, Department of Justice. The Secretary's authority to make such determinations was delegated to the Commissioner of Indian Affairs by 230 DM 1.

It has been determined by the Commissioner of Indian Affairs that:

The Fort Mohave Indian Tribe has law and order responsibility in that portion of the reservation lying in the State of Arizona, for exercising all six of the law and order functions in the published listing.

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) and amended at page 42393 of the December 5, 1974, FEDERAL REGISTER (39 FR 42392) is further amended by adding the entry for the Fort Mohave Indian Tribe of Arizona to read as follows:

	Tribal entities recognized by Federal Government by State
Arizona	
Fort Mohave	
x	To employ tribal police
x	To establish a tribal court
x	To adopt a tribal Law & Order Code
x	To undertake correction functions
x	To undertake programs aimed at preventing adult crime & juvenile delinquency
x	To undertake adult & juvenile rehabilitation programs

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-12393 Filed 5-9-75;8:45 am]

Bureau of Land Management

[ES 15165; Survey Group 159]

FLORIDA

Filing of Plat of Survey

MAY 2, 1975.

1. The plat of survey of the following island in Lake Tsala Apopka will be officially filed in this office effective 10 a.m. on June 16, 1975:

TALLAHASSEE MERIDIAN

T. 18 S., R. 19 E.
Tract 37.

The area described aggregates 0.25 of an acre.

2. The island's formation is similar in all respects to that of the adjacent surveyed lands. The soil is composed of a 6-inch layer of humus over a sandy loam base. Vegetation consists mainly of large live oak and red maple. Borings of live oaks showed several to be approximately 100 years old. Undergrowth consists of native grasses, briars, small willows and vines. The elevation of this island is approximately 2½ feet above the ordinary highwater mark of Lake Tsala Apopka.

3. The character of this island attests to its existence on March 3, 1845, when Florida gained statehood, and at all times since. The island is well over 50 percent upland in character within the interpretation of the Swampland Act of September 28, 1850. It is, therefore, held to be public land.

4. Except for valid existing rights, this land will not be subject to application, petition, location, selection, or to any other type of appropriation under any public land law, including the mining and mineral leasing laws, until a further order is issued.

5. All inquiries relating to this land should be sent to the Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LANE J. BOUMAN,
Acting Director, Eastern States.

[FR Doc.75-12370 Filed 5-9-75;8:45 am]

National Park Service

PUBLIC WORKSHOP; CONCERNS AND GOALS

Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, Texas

A public workshop will be held at 1 p.m. on May 29, 1975, in the auditorium of Frank Phillips College, at Borger, Texas, designed to:

(1) Communicate National Park Service concerns and goals relevant to future preser-management of the monument;

(2) Encourage public input regarding alternatives for the National Park Service environmental assessment on a proposed master plan/development concept plan.

A statement of National Park Service concerns and goals relevant to future planning for Alibates is available for review at or by mail upon request from the Superintendent, Lake Meredith Recreation Area and Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, P.O. Box 1438, Fritch, Texas 79036; and the National Park Service's Southwest Regional Office, P.O. Box 728, Old Santa Fe Trail, Santa Fe, New Mexico 87501.

APRIL 24, 1975.

JOSEPH C. RUMBURG, Jr.,
Regional Director.

[FR Doc.75-12394 Filed 5-9-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Thursday, May 29, 1975.

The purpose of the meeting is to discuss marketing area opening dates and selling schedules for the flue-cured tobacco to be sold in each marketing area and each market for the 1975 season. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 - 12th Street, SW., United States Department of Agriculture, Washington, D.C. 20250 (202) 447-2567.

Dated: May 7, 1975.

E. L. PETERSON,
Administrator.

[FR Doc.75-12379 Filed 5-9-75;8:45 am]

SHIPPERS ADVISORY COMMITTEE (MARKETING ORDER NO. 905)

Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on May 28, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O.

Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: May 6, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75–12380 Filed 5–9–75;8:45 am]

Rural Electrification Administration

MINNKOTA POWER COOPERATIVE

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102 (2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Minnkota Power Cooperative of Grand Forks, North Dakota. This loan application requests REA loan funds to finance a 36 mile portion of a 54 mile, 230 kV transmission line from Winger to Wilton, Minnesota, and related transmission facilities. Otter Tail Power Company will construct the remaining portion of the transmission facilities.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of May 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75–12383 Filed 5–9–75;8:45 am]

Office of the Secretary

NATIONAL MEAT AND POULTRY INSPECTION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–563), notice is hereby given that a meeting of the National Meat and Poultry Inspection Advisory Committee will be held on Wednesday, June 11, beginning at 9 a.m. in Room 5221, South Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of this Committee is to advise and make recommendations to the Secretary of Agriculture regarding operations pertaining to meat and poultry inspection programs pursuant to section 301 of the Federal Meat Inspection Act and Section 5 of the Poultry Products Inspection Act. Subjects to be discussed include State Budgets, Microbiological Guidelines, Mechanically Deboned Meat, Protein Salvage, Disease Traceback, and other matters related thereto.

This meeting is open to the public, but space and facilities are limited. Comments of interested persons may be filed with the Committee before or after the meeting.

Information pertaining to the meeting may be obtained from James K. Payne, Room 4349-South Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. (Telephone: Area Code (202) 447–6313.

Dated: May 7, 1975.

F. J. FULLERTON,
Executive Secretary.

[FR Doc.75–12487 Filed 5–9–75;8:45 am]

COMBINED FOREST PEST R&D PROGRAM BOARD

Notice of Intent To Establish

Notice is hereby given that the Secretary of Agriculture intends to establish a Forest Pest R&D Program Advisory Committee designated as the "Combined Forest Pest R&D Program Board." The purpose of the Committee will be to provide advice to the Secretary and other officials on the overall aspects of management and direction of forest pest research and development programs concerning the gypsy moth. Douglas fir tussock moth, and southern pine beetle. The Secretary has determined that establishment of this Committee is in the public interest in connection with the duties imposed on the Department by law.

The Chairman of this Committee will be the Deputy Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, Washington, D.C. 20250.

The Committee will report its recommendations directly to the Assistant Secretary for Conservation, Research and Education. The Committee will meet at the call of the Chairman and will terminate 2 years from the date of its establishment unless the Secretary determines not more than 60 days prior to the termination date that continuation is in the public interest.

This notice is given in compliance with Pub. L. 92–463. Views and comments of interested persons may be submitted to Keith R. Shea, Staff Officer, U.S. Department of Agriculture, Office of the Secretary, Room 359–A, Washington, D.C. 20250, telephone 202–447–6827, no later than May 27, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the above office during regular business hours.

Dated: May 7, 1975.

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

[FR Doc.75–12384 Filed 5–9–75;8:45 am]

Soil Conservation Service

CUB CREEK WATERSHED PROJECT, NEBRASKA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cub Creek Watershed Project, Gage and Jefferson Counties, Nebraska.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by five single purpose floodwater retarding structures and five grade stabilization structures.

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

Soil Conservation Service, USDA
134 South 12th Street, Room 604
Lincoln, Nebraska 68508

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until May 27, 1975.

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

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

MAY 2, 1975.

[FR Doc.75–12365 Filed 5–9–75;8:45 am]

McNAIRY-CYPRESS CREEK WATERSHED PROJECT, TENNESSEE

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 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 McNairy-Cypress Creek Watershed Project, McNairy County, Tennessee, USDA-SCS-EIS-WS-(ADM)-75-1(D)-TN.

The environmental impact statement concerns a plan for watershed protection, flood prevention, industrial water supply, and recreation in the 109,600-acre watershed. The planned works of improvement include 23,810 acres of conservation land treatment, 4.8 miles of channel work, 20 floodwater-retarding structures, including two structures with recreation water and facilities and one with industrial water supply. The recreational development will provide 8,000 visitor-days of recreation annually. The channel work will require bank clearing, debris and sand removal on 4.8 miles of previously modified channel with perennial flow. Waterfowl habitat development will be incorporated into 18 floodwater-retarding structures and on 1,000 acres of flood plain land.

McNairy-Cypress Creek Watershed Project, Tennessee
Notice of Availability of Draft Environmental Impact Statement

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies 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 Donald C. Bivens, State Conservationist, Soil Conservation Service, 561 U.S. Courthouse, Nashville, Tennessee 37203.

Comments must be received on or before June 25, 1975, in order to be considered in the preparation of the final environmental impact statement.

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

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

MAY 1, 1975.

[FR Doc.75-12364 Filed 5-9-75;8:45 am]

SPRING CREEK WATERSHED PROJECT, NEBRASKA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Spring Creek Watershed Project, Dawson and Custer Counties, Nebraska.

The environmental assessment of this federal action indicates that the subject part of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by a floodwater retarding structure.

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

Soil Conservation Service, USDA
134 South 12th Street, Room 604
Lincoln, Nebraska 68508

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until May 27, 1975.

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

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

MAY 2, 1975.

[FR Doc.75-12366 Filed 5-9-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

OPERATING-DIFFERENTIAL SUBSIDY FOR WAGES OF OFFICERS AND CREWS

Proposed Amendments to Manual of Procedures

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board have authorized amendments to the General Provisions and Part One (Wages of Officers and Crews) of the Manual of General Procedures for Determining Operating-Differential Subsidy (Manual), adopted by the Maritime Subsidy Board on June 17, 1971. The amendments discontinue the one-year and two-year cost regression methods for determining operating-differential subsidy rates for wages, subsistence on passenger vessels, maintenance and repairs, and insurance by providing for the use of current cost data of the subsidized period. The amendments are effective with the 1972 subsidy rates and affect only the following sections of the General Provisions and Part One of the Manual:

GENERAL PROVISIONS

Page vi.—para. B.2.
Page ix.—para. C.1.(a) and C.2.
Page x—para. C.3. and C.4.(a).

PART ONE

Page 2—para. D., E., F., and G.
Page 8—para. E.1. and B.2.
Page 9—para. C.1. and D.
Page 12
Pages 14 thru 16—para. A., B.1-3 and C.1.
Page 21—para. C.5. and C.6.
Pages 22 and 23—para. D.
Pages 24 and 25—para. C.
Pages 26 and 27—para. A., C. and D.

APPENDIX A

Notice of the proposed amendments to the Manual was published in the FEDERAL REGISTER on November 29, 1973 (38 FR 32961) and the proposed amendments were circulated to subsidized operators by Circular Letter No. 13-73. Liner Council, American Institute of Merchant Shipping, submitted comments on the proposed amendments by letter dated January 14, 1974, and through discussions with the Maritime Administration Staff. All comments by the Liner Council, American Institute of Merchant Shipping, were considered by the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board in the decision to authorize the amendments to the Manual. Circular Letter No. 2-75 is being addressed to subsidized operators setting forth the explanation for the amendments, a discussion of the operators' comments, and attaching the amendments.

Copies of the amendments and Circular Letter No. 2-75 may be obtained from the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C. 20230.

While the rulemaking procedures relating to the administration of the public contracts under Titles VI and VII of the Merchant Marine Act, 1936, as amended, are exempt from the notice and hearing requirements of 5 USC 553, this Notice is published to advise the public of this amendment.

Dated: May 6, 1975.

By Order of the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-12440 Filed 5-9-75;8:45 am]

TANKER CONSTRUCTION PROGRAM

Vessels Which Are Covered by Tanker Program; Environmental Impact Statement

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725–F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes including range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following applications for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the applications will be, from an environmental standpoint, based on the above mentioned impact statement. These applications are:

Athena Marine Shipping Company, for two ships; Ajax Marine Shipping Company, for two ships; Aeron Marine Shipping Company, for one ship; Achilles Marine Company, for one ship; and Hedge Haven Corporation, for four ships. They are to be MarAd Design T5–M–119a, about 56,000 DWT as proposed to be built to plans and specifications of Avondale Shipyards, Inc. This class of ship is described in the EIS as an example of a "Handy Tanker" given in Section II. The environmental impact of such designs are covered throughout the Statement in various sections.

The bases for the Board's determinations as described herein, are available for public inspection in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, 14th & "E" Streets, NW., Washington, D.C. 20230.

Dated: May 6, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75–12439 Filed 5–9–75;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. Sub–B–38/50]

PAN-ALASKA FISHERIES, INC.

Hearing

MAY 6, 1975.

Pan-Alaska Fisheries, Inc., has applied for permission to transfer the operation of the 267.4′ registered length fishing vessel ROYAL SEA (ex-SEAFREEZE PACIFIC), constructed with the aid of a fishing vessel construction-differential subsidy. The vessel is presently authorized to operate in the fishery for bottomfish, hake, and herring in the North Pacific Ocean; the freezing and transportation of salmon in the North Pacific Ocean; and the catching, processing and transportation of tanner crab (snow crab) in the Bering Sea. The application seeks additional authority to operate in the fishery for the catching, processing, and transportation in the Atlantic Ocean, the Southeast Pacific Ocean, and the Western Indian Ocean, as such areas will be defined by the Administrative Law Judge, of trouts, shads, flounders, halibuts, soles, cods, hakes, haddocks, redfishes, basses, congers, jacks, mullets, sauries, herrings, sardines, anchovies, tunas, bonitos, billfishes, mackerels, cutlassfishes, sharks, crabs, spiny lobsters, shrimps, prawns, and squid and other mullusks as the aforementioned species or groups may occur in these areas.

Notice is hereby given pursuant to the provisions of 46 U.S.C. 1401–1413 and 50 CFR Part 257 that a hearing in the above-entitled proceedings will be held on July 8, 1975, at 9:30 a.m., d.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petitions of intervention are granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change.

ROBERT HUTTON,
Associate Director for Resource Management.

[FR Doc.75–12427 Filed 5–9–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

APPLICATIONS FOR MAINTENANCE AND OPERATIONS ASSISTANCE

Closing Date for Receipt of Supplemental Applications and Assurances

Notice is hereby given that pursuant to authority contained in section 5(a), Pub. L. 81–874, (20 U.S.C. 240(a)) and Title III, section 305(b)(2)(B), Pub. L. 93–380 (88 Stat. 534), the U.S. Commissioner of Education is hereby establishing a closing date for receipt of Fiscal Year 1975 supplemental applications for assistance under section 305(b)(2)(B), Pub. L. 93–380 and supplemental assurances relating to Indian children and parents of Indian children required under section 5(a)(2), Pub. L. 81–874, as amended, (20 U.S.C. 240(a)(2)), section 425, Pub. L, 90–247, as amended, (20 U.S.C. 1231d), and 45 CFR 115.14. Such application or assurances must be received by the Commissioner on or before June 30, 1975, after transmittal through certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing timely transmittal of the application to the Commissioner. In order to give the State educational agency time in which it may process the application, the applicant should file its application with the State educational agency by June 23, 1975.

(A) *Applications sent by mail.* An application sent by mail should be addressed as follows: Director, Division of School Assistance in Federally Affected Areas, U.S. Office of Education, Room 2017, FOB No. 6, 400 Maryland Avenue, SW, Washington, D.C. An application sent by mail will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than June 25, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintenance by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(B) *Hand delivered applications.* An application to be hand delivered must be taken to the Director, Division of School Assistance in Federally Affected Areas, U.S. Office of Education, Room 2017, FOB No. 6, 400 Maryland Avenue, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

(C) *Program information and forms.* Information and application forms may be obtained from State educational agencies.

(D) *Applicable regulations.* The regulations applicable to this program are 45 CFR 115 published in the FEDERAL REGISTER on April 8, 1975 at 40 FR 10032.

(47 U.S.C. 240(a); Pub. L. 93–380, sec. 305(b)(2)(B); 88 Stat 534)

(Catalog of Federal Domestic Assistance Number 13.478. School Assistance in Federally Affected Areas—Maintenance and Operations)

Dated: May 6, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75–12400 Filed 5–9–75;8:45 am]

EMERGENCY SCHOOL AID

Funding Criteria and Reservation of Funds

Notice is hereby given that in accordance with sections 705(b)(3) and 710(c) of the Emergency School Aid Act (20 U.S.C. 1601–1619) and 45 CFR 185.14(c)(2), an application for assistance for a basic grant under section 706(a) of the Act (20 U.S.C. 1605(a)) will be considered to set forth a project of such insufficient promise for achieving the

purposes of the Act that approval of such application is not warranted if such application has been awarded less than 40 points on the basis of the criteria set forth in 45 CFR 185.14 (a) and (b) or less than 28 points on the basis of the criteria set forth in 45 CFR 185.14(b). Pursuant to section 710(d)(2) of the Act, an application which is thus determined to have insufficient promise of achieving the purposes of the Act will be returned to the applicant with the reasons for such determination and such applicant will be given an opportunity to modify its application.

In accordance with sections 705(b)(3) and 710(c) of the Act and 45 CFR 185.24 (c) and 185.14(c)(2), an application for assistance for a pilot project under section 706(b) of the Act (20 U.S.C. 1605 (b)) will be considered to set forth a project of such insufficient promise for achieving the purposes of the Act that approval of such application is not warranted if such application has been awarded less than 45 points on the basis of the criteria set forth in 45 CFR 185.24 (a) and (b) or less than 33 points on the basis of the criteria set forth in 45 CFR 185.24(b). Pursuant to section 710(d)(2) of the Act, an application which is thus determined not to warrant approval will be returned to the applicant with the reasons for such determination and the applicant will be given an opportunity to modify its application.

In accordance with section 705(b)(3) of the Act and 45 CFR 185.64(c)(2), an application for assistance from a public or nonprofit private organization under section 708(b) of the Act (20 U.S.C. 1607 (b)) will be considered to set forth a project of such insufficient promise for achieving the purposes of the Act that approval of such application is not warranted if such application has been awarded less than 40 points on the basis of the criteria set forth in 45 CFR 185.64 (a) and (b) or less than 28 points on the basis of the criteria set forth in 45 CFR 185.64(b). To be consistent with the treatment accorded applications from local educational agencies under section 710(d)(2) of the Act, an application from a public or nonprofit private organization which is determined, by the above criteria, not to warrant approval will be returned to the applicant with the reasons for such determination and the applicant will be given an opportunity to modify its application.

It is anticipated that applications for assistance under sections 706(a), 706(b), and 708(b) of the Act will have been reviewed on the basis of the criteria referred to above on or before May 29, 1975. No less than one-fifth of the funds apportioned to each State pursuant to section 705(a) of the Act for the purposes of sections 706(a), 706(b), and 708(b) will be reserved until such time as applicants whose applications are determined, in the manner described above, to be of insufficient promise for achieving the purposes of the Act have been given an opportunity to modify their applications. Submission of modified applications by such applicants after June 13, 1975 may not permit sufficient time for the necessary review of such applications prior to the reapportionment of Fiscal Year 1975 funds from States having no need for such funds to States where such need exists in accordance with section 705(b) of the Act and 45 CFR 185.95(c)(2) and 185.95(d)(3).

In view of the limited time remaining in the fiscal year for the review of applications and the award of funds, it has been determined that resort to proposed rulemaking procedures with respect to in the meaning of 5 U.S.C. 553. Although this notice would be impracticable with-this notice is being published in final form, public comment on the notice is nevertheless invited for purposes of future policy making regarding programs under the Emergency School Aid Act. Comments should be addressed to Dr. Herman R. Goldberg, Associate Commissioner, Equal Educational Opportunity Programs, Room 2001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Pursuant to section 431(d) of the General Education Provisions Act, as added by section 509(a)(2) of Pub. L. 93-380 (20 U.S.C. 1232(d)) this notice has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. The section provides that issuances subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Programs Numbers 13.525 Emergency School Aid—Basic Grants, 13.526 Emergency School Aid—Pilot Projects, 13.529 Emergency School Aid—Nonprofit Organizations)

Dated: April 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: May 6, 1975.

STEPHEN KURZMAN,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.75-12422 Filed 5-9-75;8:45 am]

Food and Drug Administration

[FDA-225-75-4049]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding with the Vermont Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Vermont Department of Health on March 18, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE VERMONT DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Offices of the Administrator of the Vermont State Department of Health—Room 104.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

11. To transmit, on an emerging basis, messages for the FDA inspector assigned to Vermont.

IV. *Name and Address of Terminal Agency.* Vermont State Department of Health, 115 Colchester Avenue, Burlington, Vermont 05401.

V. *Liaison Officers.* For Vermont Department of Health: Aaron J. Fuchs, Administrator, Vermont Department of Health. Address: 115 Colchester Avenue, Burlington, Vermont 05401. Telephone No.: (802) 862-5701 EXT. 78 or 87. For FDA: Richard J. Davis. Address: Boston. Telephone: No.: 223-5067.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Vermont Department of Health:

ANTHONY ROBBINS,
State Health Comm. (VT).

Dated: March 18, 1975.

Approved and accepted for the Food and Drug Administration:

A. J. BEEBE,
Regional Food and Drug Director.

Dated: March 13, 1975.

Effective date. This Memorandum of Understanding became effective March 18, 1975.

Dated: MAY 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-12386 Filed 5-9-75;8:45 am]

Social Security Administration

SUPPLEMENTAL SECURITY INCOME STUDY GROUP

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Social Security Administration announces the establishment by the Secretary, DHEW, on April 14, 1975, with concurrence by the Office of Management and Budget, Committee Management Secretariat, of the following advisory committee:

Designation. Supplemental Security Income Study Group.

Purpose. The SSI Study Group will review the implementation and administration of the SSI program. The study group will also conduct a broad assessment of the SSI program concepts, including the role of the Federal and State Governments. The group will issue an independent report to the Secretary of HEW recommending administrative and legislative improvements of the programs' effectiveness and its fiscal accountability.

Authority for this Committee will expire April 13, 1976, unless the Secretary, DHEW, with the concurrence of the Office of Management and Budget, Committee Management Secretariat, formally determines that continuance is in the public interests.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income for the Aged, Blind, and Disabled.)

Dated: May 5, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.75-12288 Filed 5-9-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. 74-36; Notice 6]

MARYLAND

Highway Safety Act Sanctions; Termination of Proceeding

Notice is hereby given that the highway sanctions proceeding involving the State of Maryland as announced in the FEDERAL REGISTER on October 21, 1974 (39 FR 37411), is terminated. The proceeding was begun by the Federal Highway Administration and the National Highway Traffic Safety Administration as a result of Maryland's failure to enact legislation making it presumptively unlawful to drive with a blood alcohol concentration of 0.10 percent (w/v) or higher.

A hearing was initially set for November 15, 1974, but before that date an interim agreement was reached between the parties and hearing postponed until May 15, 1975 (39 FR 41758).

Pursuant to the interim agreement, on March 4, 1975, the Governor of Maryland signed into law a bill which established a 0.10 percent blood alcohol level as prima facie evidence of unlawful driving. As a result of this legislation, the terms of the interim agreement require the termination of the sanctions proceeding against the State of Maryland.

Accordingly I have ordered the termination of the sanctions proceeding for Maryland and have directed the cancellation of the sanctions hearing for Maryland, scheduled for May 15, 1975. I am also lifting all restrictions on the FY 1976 apportionment of Maryland's highway safety funds under 23 U.S.C. 402(c) and on the FY 1976 apportionment of Maryland's Federal-aid highway funds under 23 U.S.C. 104.

(Sec. 101, Pub. L. 89-564, 80 Stat. 731 (23 U.S.C. 402))

Issued on: May 6, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary, Department of Transportation.

[FR Doc.75-12442 Filed 5-9-75;8:45 am]

[Docket No. 74-36; Notice 7]

MARYLAND

Highway Safety Act Sanctions Review Board; Cancellation of Hearing

In accordance with the decision of the Secretary of Transportation, published in today's edition of the FEDERAL REGISTER, to terminate the Highway Safety Act sanctions proceeding against Maryland, the hearing scheduled for May 15, 1975 (39 FR 41758) is cancelled.

(23 U.S.C. 402, 23 CFR 1206)

Issued on May 6, 1975.

HERBERT H. KAISER, Jr.,
Presiding Officer, Sanctions Hearing Board.

[FR Doc.75-12441 Filed 5-9-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on May 28, 1975, at 230 S. Dearborn Street, 32nd floor, Chicago, Illinois.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to discuss areas of concern in the educational systems in Illinois as part of the preparation of a meeting with State Superintendents of Schools.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 6, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-12361 Filed 5-9-75;8:45 am]

MISSOURI STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the Missouri State Advisory Committee (SAC) to this Commission will convene at 8:30 a.m. on May 21, 1975 and end at 6 p.m. on May 22, 1975, at the Federal (MART) Building, 405 S. 12th Street, St. Louis, Missouri 63102. (SAC briefing from 8:30 a.m. until Noon May 21).

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to receive testimony on Revenue Sharing from citizens and government officials in St. Louis City and County.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-12362 Filed 5-9-75;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the United States Commission on Civil Rights, that a planning meeting of the Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on June 6, 1975, at the Federal Building, 228 Walnut Street, Room 804, Harrisburg, Pennsylvania 17108.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20425.

The purpose of this meeting is to hear subcommittee reports on projects proposed for study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-12360 Filed 5-9-75;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on June 17, 1975 and end at 9:30 p.m. Salt Lake City, Utah, 440 East 1st So. Board of Education-Conference Room.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80282.

The purpose of this meeting Utah SAC will hear reports from Subcommittees and experts in the State on topics relating to: education, Administration of Justice and Police and Community Relations. The SAC will determine its next project based upon this information.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 7, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-12359 Filed 5-9-75;8:45 am]

WEST VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia State Advisory Committee (SAC) to this Commission will convene at 12 noon on May 22, 1975, at Cle'ments Restaurant, 2805 Kanawha Blvd. E., Charleston, West Virginia.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to review the SAC's findings of its investigation of the Kanawha County textbook controversy.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 6, 1975.

ISAIAH T. CRESWELL, Jr.
Advisory Committee Management Officer.

[FR Doc.75-12363 Filed 5-9-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ASSOCIATED PERSONS; COMMODITY TRADING ADVISORS; COMMODITY POOL OPERATORS

Intention To Consider Requests for Interpretations and Exclusions; Solicitation of Comments

This notice is issued in conjunction with the Commission's adoption today of regulations under the Commodity Exchange Act ("Act") that specify the procedure for registration with the Commission as an associated person, "commodity trading advisor" or "commodity pool operator." As stated in the preamble to those rules (40 FR 20614), as of July 18, 1975, any person who is associated with a futures commission merchant as set forth in section 4k of the Act,[1] or who meets the Act's definitions of "commodity trading advisor" or "commodity pool operator," which are contained in section 2(a)(1) thereof,[2] must be registered with the Commission in order lawfully to continue in that capacity.[3] The purpose of this notice is to inform prospective registrants that, in view of the broad description in section 4k of who is an associated person, and the fact that section 2(a)(1) broadly defines the terms "commodity trading advisor" and "commodity pool operator," the Commission will, in the period before July 18, 1975 and thereafter, consider requests for interpretations of sections 4k and 2(a)(1) and exclusions from the section 2(a)(1) definitions. (Under section 2(a)(1) the Commission has explicit authority to exclude from the definitions, and thus from registration, such persons as are "not within the intent" of the definitions; the exclusions may be issued by way of rule or order.) In addition, the Commission is hereby requesting comments upon the circumstances in which exclusions would be in the public interest so that the Commission may be able to formulate standards for granting exclusions.

1. *Associated Persons.* Section 4k of the Act provides:

(1) It shall be unlawful for any person to be associated with any futures commission merchant as a partner, officer, or employee (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged, unless such person shall have registered, under this Act, with the Commission and such registration shall not have expired nor been suspended (and the period of suspension has not expired) or revoked, and it shall be unlawful for any futures commission merchant or any agent of a futures commission merchant to permit such a person to become or remain associated with him in any such capacity if such futures commission merchant or agent knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired) or revoked: Provided, That any individual who is registered as a floor broker or futures commission

[1] 7 U.S.C. 6k. Section 4k is an amendment to the Act that was added by the Commodity Futures Trading Commission Act of 1974 ("CFTCA"), Pub. L. 93-463, 88 Stat. 1389 et seq. See section 204(a) of the CFTCA, 88 Stat. 1397.

[2] 7 U.S.C. 2(1). These definitions were also added to the Act by the CFTCA. See section 205 of the CFTCA, 88 Stat. 1395-1396.

The effective date of the CFTCA was April 21, 1975; however, Congress recognized that in the time available to it before April 21, the Commission would be unable to issue the necessary regulations, review the applications, make meaningful fitness checks, and issue the required registrations. S. Rep. No. 94-73, 94th Cong., 1st Sess. 3 (1975). Therefore, Congress enacted Pub L. 94-16, 89 Stat. 77, authorizing the Commission to defer for up to 90 days the effective date of sections 204 and 205 of the CFTCA. On April 17, 1975, the Commission, pursuant to section 1(c) of Pub. L. 94-16, issued an order deferring until July 18, 1975 the effective date of sections 204 and 205. 40 FR 17409 (April 18, 1975).

[3] An associated person need not register if he is already registered with the Commission as a floor broker or futures commission merchant. Section 4k. A commodity trading advisor who, during the preceding twelve months, has not furnished commodity trading advice to more than fifteen persons and who does not hold himself out generally to the public as a commodity trading advisor is exempt from registration. Section 4m, 7 U.S.C. 6m.

merchant (and such registration is not suspended or revoked) need not also register under these provisions.

The Commission will consider requests for interpretations of this definition as it applies to specific situations. The Commission plans to issue these interpretations so as to aid futures commission merchant partners, officers, employees and others in determining whether registration is required.

2. *Commodity Trading Advisors.* The term "commodity trading advisor" is defined in section 2(a)(1) of the Act to mean

> any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities * * *

Section 2(a)(1) further provides that the term

> does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market * * *.

In addition, the term does not include

> such other persons not within the intent of this definition as the Commission may specify, by rule, regulation, or order * * *

The Commission's power to exclude persons from the trading advisor definition was discussed in the report of the House of Representatives Committee on Agriculture on the 1974 amendments to the Act, which amendments added the trading advisor provisions. The Committee stated that it

> intends that the discretionary power vested in the Commission to exclude by rule, regulation, or order "(6) such other persons not within the intent of this definition as the Commission may specify * * *" be exercised to exempt from registration those persons who would otherwise meet the criteria for registration under this section if, in the opinion of the Commission, there is no substantial public interest served by such registration.[4]

The Commission desires comments upon the circumstances, if any, in which the registration of a person who comes within the trading advisor definition serves "no substantial public interest," and the Commission will consider specific requests for exclusions. In addition, the Commission will consider requests for interpretations of the definition and the statutory exclusions as they apply to specific situations.

3. *Commodity Pool Operators.* The term "commodty pool operator" is defined in section 2(a)(1) of the Act to mean

> any person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market * * *

The section further provides that the term

> does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order.

As in the case of trading advisors, Congress intended the Commission to exercise its authority to exclude persons from the definition if no substantial public interest would be served by their registration.[5]

The Commission desires comments upon the situations in which it would be in the public interest to exclude persons from the pool operator definition, and the Commission will consider specific requests for exclusions. In addition, the Commission will consider requests for interpretations of the definition itself as it applies to specific situations.

The Commission wishes to emphasize that since it must consider a number of other pressing matters before July 13, 1975—foremost among them being the designation of boards of trade as contract markets (See 40 FR 17406)—the Commission may not be able to respond to all reqeusts for interpretations and exclusions by that date. The Commission will, however, make such responses in due course and thereafter will continue to provide interpretations of the associated-persons provision and issue exclusions—if appropriate—from the definition of "commodity trading advisor" and "commodity pool operator" as the public interest may dictate from time to time. It is the Commission's desire to provide as much guidance as is feasible to those persons required to register under the broad definitions contained in the Commodity Futures Trading Commission Act of 1974 and it intends to do so through interpretations and/or exclusions as discussed above.

In view of the time necessary to perform fitness checks, the Commission advises prospective applicants to submit their registration applications as soon as possible and not to withhold such submissions in anticipation of the Commission's issuance of an interpretation or exclusion applicable to their situation.

Issued in Washington, D.C. on May 7, 1975.

By the Commission.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.75-12438 Filed 5-9-75;8:45 am]

[4] H. Rep. No. 93-975, 93d Cong., 2d Sess. 29 (1974). (Emphasis added.)

[5] See H. Rep. No. 93-975, supra, p. 29.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 354-4]

COMPLIANCE WITH STATIONARY SOURCE AIR POLLUTION STANDARDS

Federal Agencies Guidelines

Background. Section 118 of the Clean Air Act requires Federal facilities to comply with Federal, State, and local air pollution control standards and emission limitations. In order to insure uniform, national, Federal agency compliance with these environmental standards, the President issued Executive Order 11752 reaffirming the responsibilities of Federal agencies to comply and directing the Environmental Protection Agency to provide guidance to the Federal agencies.

As the air quality attainment deadlines approach (July 1, 1975 in most areas of the country for health related standards), it becomes imperative that Federal facilities continue the leadership role mandated by the Order. Section 1 of the Order directs all Federal facilities, "in full cooperation with State and local governments," to "provide leadership in the nationwide effort to protect and enhance the quality of our air, water, and land resources through compliance with applicable standards for the prevention, control, and abatement of environmental pollution."

Purpose. The purpose of this guideline is to provide a means to determine the compliance status of all Federal stationary sources of air pollutants which are subject to Federal, State, and local emission limitations and establish firm public commitments to abate emissions as expeditiously as practical from those facilities exceeding limitations. This program will be carried out in three phases:

First, the compliance status of major Federal sources of air pollutants will be determined;

Next, compliance determinations will be made on Federal facilities with minor emissions located in areas of the country projected to have air quality in excess of the health related ambient air quality standards; and

Last, compliance by the remaining Federal facilities will be determined.

While Federal agencies have the primary responsibility to ensure that their facilities comply with applicable standards, this three step program establishes realistic priorities for accurate and thorough assessment of compliance status by EPA and the State air pollution control agencies.

Major emitters. First, the Federal agencies, EPA, and the State air pollution control agencies will determine the compliance status of major Federal emitters. Major emitters are those capable of emitting a total of 100 tons per year or more of a single air pollutant from all points of emission within the facility. Approximately 85% of all air pollutants from stationary sources in the United States come from this class of emitters. An estimated 500 Federal

facilities meet this definition. To minimize time-consuming calculations at every Federal facility, facilities having one or more of the following points of emission should be considered major emitters:

(a) Coal and residual oil fired boilers with heat inputs of greater than 10 million BTU's per hour.

(b) Incinerators with a rated capacity of 2,000 lbs. or more of refuse per hour.

(c) Nitric and sulphuric acid plants.

(d) Coal cleaning operations.

(e) Petroleum storage vessels having total capacities of 2 million gallons or greater.

(f) Open burning of munitions, municipal wastes, and agricultural wastes (excluding slash burning) and fire fighter training schools using open flames to simulate firefighting conditions.

Emissions from other large Federal facilities thought to be a major emitter but lacking one or more of the above points of emission should be determined by the agencies using EPA Publication AP–42, titled Compilation of Air Pollution Emission Factors, or by consulting the appropriate EPA regional office.

Minor emitters in high pollution areas. Federal facilities which are incapable of emitting 100 tons per year or more of a pollutant, are classified as minor emitters. Compliance status determinations will be made next for those minor emitters subject to Federal, State, and local emissions limitations which are located in areas having problems meeting health related national ambient air quality standards. This effort will overlap that associated with major emitters. However, additional time will be allowed to make these determinations due to the greater number of minor emitters, and to allow the Federal agencies, EPA, and the State air pollution control agencies to determine the compliance status of the major emitters which have greater impact on the environment.

It is currently estimated that on the order of 120 air quality control regions (usually in urban areas) will not attain health related national ambient air quality standards by the congressionally mandated attainment date. In many of these areas the noncompliance by large numbers of minor emitters is a major factor in nonattainment of the standards. Studies are in progress to project air quality levels across the Nation and identify the problem areas. A list of the problem areas will be published upon completion of the studies.

Other emitters. The compliance status of Federal sources of air pollution not addressed above but subject to Federal, State, and local emissions limitations will be documented as the Federal agencies', EPA's, and State air pollution control agencies' resources permit.

Compliance determinations. The compliance status of Federal facilities will be determined in accordance with the priorities outlined above. This will be accomplished as follows:

(a) The Federal agencies will determine which facilities are major or minor emitters subject to Federal, State, or local emissions limitations.

(b) Those facilities will then submit to EPA and the State air pollution control agencies emissions data needed to determine compliance on the Air Pollutant Emissions Report (OMB Form Number 158–R75).

In those cases where a facility has previously submitted emissions data to EPA on an Air Pollutant Emissions Report or a National Emissions Data System form, the facility need only advise EPA and the State air pollution control agency that the data are still valid. A new report will be submitted only where the data previously reported do not accurately describe current operations.

If a facility has provided the needed data, previously, to a State air pollution control agency but not to EPA, a copy will be forwarded to EPA with a statement verifying that the data are still valid. The verification statement will also be sent to the State air pollution control agency.

(c) The facilities will provide data on each of its points of emission. If a facility has a large number of individual points of emission (each with potential emissions less than 100 tons per year) which can be grouped into source categories such as home heating plants, those emissions may be reported as a group.

(d) If needed, additional information necessary to determine compliance status will be requested by EPA or the State air pollution control agency from the facility in either a written inquiry regarding specific aspects of the process emissions or in a request to the agency to perform an emission test, or as determined through joint EPA and State inspections.

(e) EPA and the State air pollution control agencies will determine the compliance status of each facility from the data submitted and notify those facilities of the findings. The compliance status of facilities which are major emitters will be determined first and then the minor emitters.

(f) For those facilities found to have emissions which exceed applicable limitations and have not obtained a compliance schedule from EPA or the State air pollution control agency, conferences will be held between representatives of the facility, EPA, and the State air pollution control agencies to develop compliance schedules which will be embodied in consent agreements.

Consent agreements. Consent agreements are a documentation of a Federal facility's non-compliance with an applicable Federal, State, or local air pollutant emission limitation and the schedules and conditions under which the facility will be brought into compliance. Consent agreements will be signed by responsible representatives of the Federal facility, EPA, and if possible, concurred in by the State air pollution control agency. Each consent agreement will contain at a minimum:

(a) The name and location of the facility;

(b) A specific identification of emission points determined to exceed emission limitations;

(c) A statement of the Federal, State, or local emission limit exceeded;

(d) The means by which emissions will be controlled at each of these points of emission;

(e) A program of interim measures to be accomplished to minimize pollution from the facility until final compliance is achieved;

(f) Records of process parameters related to emissions to be kept at the facility; and

(g) A timetable of increments of progress to abate emissions from each point in violation representing the Federal facility's commitment to achieve final compliance. Increments of progress will include but will not be limited to the following dates when applicable: (1) when design will be completed for control measures; (2) when construction of control devices or process modifications are to be initiated; (3) when process modifications or control device construction is to be completed; and (4) when final compliance is to be achieved (this last increment will always be included).

These increments of progress will be monitored by both EPA and the State air pollution control agency. Notification of the inability to meet an increment of progress in the schedule will be mailed to EPA and the State air pollution control agency within 10 working days of the date on which the increment is due. Increments of progress will also be verified by EPA and State inspection as resources permit. Achievement of final compliance will in all cases be verified by EPA and if possible by State air pollution control agencies through information received from the facility, joint inspections, or where necessary, observation of emission tests performed by the agency.

(h) A provision for renegotiation of the agreement if the facility is unable to comply with any substantial portion of the agreement due to circumstances beyond the control of the facility involved (strikes, fire, lack of Congressional approval of funding, etc.).

Availability of information. Information reported to EPA under these guidelines will be available to agencies and States at their request. Information concerning source compliance status and progress in meeting increments of progress will be published in the State Implementation Plan Progress Report.

Interagency report control. Interagency reporting provided for in these guidelines has been approved under the General Services Administration Interagency Report Control Number 0056–EPA–AR.

Effective date. The guidelines set forth above are effective immediately upon the date of publication.

Dated: May 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75–12460 Filed 5–9–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-465; Docket Nos. 20458, etc.]

DAVIS BROADCASTING CO., INC., AND LOIS I. PINGREE

Order Designating Hearing, Notice of Apparent Liability

In re applications of: Davis Broadcasting Company, Inc. [KLAT], Centerville, Utah, Docket No. 20458, File No. BR-3567, for renewal of license; Davis Broadcasting Company, Inc. [KLAT], Centerville, Utah, Docket No. 20459, File No. BL-13482, for a license to cover changes; Lois I. Pingree, Executrix of the estate of Howard W. Pingree, deceased [KSTU (FM)] Centerville, Utah, Docket No. 20460, File No. BPH-8845, for a construction permit.

1. The Commission has before it for consideration: (a) The above-captioned applications, and (b) its inquiries into the operation of Station KLAT, Centerville, Utah.

2. Information before the Commission raises serious questions as to whether the applicants possess the qualifications to be or to remain the licensee of KLAT or the permittee of proposed Station KSTU (FM). In view of these questions, the Commission is unable to find that a grant of the applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. A Commission field investigation was conducted to develop the facts and circumstances surrounding the execution of contracts in 1970 and 1972 whereby the stockholders of the licensee purported to sell their interests to individuals and a corporation which thereafter may have exercised control of Station KLAT without Commission authority. Further, a second Commission field investigation was conducted to develop the facts and circumstances surrounding, inter alia, the execution of a contract, in June 1974, whereby Southern Nevada Communications Corporation (SNCC) agreed to purchase Station KLAT. Included in three of the aforementioned contracts may have been the interest of Lois I. Pingree in the KSTU(FM) construction permit. However, it appears that no application for transfer of control of the licensee was filed in connection with any contract. Serious questions of fact regarding the ownership, control and financial status of the stations remain unresolved which must be settled in a hearing.

4. *Accordingly, it is ordered,* That the captioned applications for renewal and for a construction permit are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, and, *it is further ordered,* That the application for a license to cover changes authorized by a construction permit (BP-19,288) is designated for hearing in the same consolidated proceeding pursuant to section 319(c) of the Communications Act, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine the facts and circumstances surrounding the execution of a contract on or about March 25, 1970, whereby R. Blair Lund allegedly obtained a majority or controlling interest in the licensee and an interest in the KSTU(FM) construction permit;

(b) To determine the facts and circumstances surrounding the execution of contracts on or about August 15, 1972, and November 15, 1972, whereby Charles Clark Ronnow, Ronald L. Tolman, David N. Phelps and a corporation, KLAT, Inc., allegedly obtained a majority or controlling interest in the licensee and an interest in the KSTU(FM) construction permit;

(c) To determine the facts and circumstances surrounding the execution of a contract on or about June 13, 1974, whereby Southern Nevada Communications Corporation allegedly would become, pursuant to Commission approval, the purchaser of all interests in Davis Broadcasting Co., Inc., and in the KSTU (FM) construction permit;

(d) To determine the facts and circumstances surrounding the KLAT format change to religious programming on or about May 27, 1974, and to what extent, if any, Southern Nevada Communications Corporation influenced that format change, and whether SNCC exercised control over Station KLAT's programming;

(e) In light of the evidence adduced pursuant to issues (a) through (d) above, to determine whether the license for KLAT and the construction permit for KSTU(FM) or any rights thereunder were transferred, assigned or disposed of, by transfer of control of the applicants or otherwise, without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310(b) of the Communications Act of 1934, as amended;

(f) To determine the present ownership of the licensee and of the KSTU (FM) construction permit and the extent to which the individuals herein named exercise control or have exercised control of the operations of Station KLAT;

(g) To determine whether the licensee and permittee have failed to file contracts relating to the ownership or control of KLAT and the KSTU(FM) construction permit, in violation of § 1.-613 of the Commission's rules;

(h) To determine whether the licensee and permittee have failed to file timely Ownership Reports (Form 323), in violation of § 1.615 of the Commission's rules;

(i) To determine whether the licensee, permittee or any individuals herein named have attempted to conceal from the Commission the actual ownership or control of the licensee or of the KSTU (FM) construction permit, or have made misrepresentations of fact to the Commission or have been lacking in candor;

(j) To determine whether the licensee has available to it the financial resources required to operate Station KLAT with the non-commercial format proposed in its pending renewal application; and

(k) To determine whether, in light of the evidence adduced under issues (a) through (j), the captioned applicants possess the requisite qualifications to be or to remain a licensee or permittee of the Commission, and whether a grant of the applications would serve the public interest, convenience and necessity.

5. *It is further ordered,* That if it is determined that the hearing record does not warrant an order denying the captioned applications, it shall also be determined whether the applicants have repeatedly or willfully violated section 310(b) of the Communications Act of 1934, as amended, and §§ 1.613 and 1.615 of the Commission's rules.[1] If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

6. *It is further ordered,* That this document constitutes a Notice of Apparent Liability to Davis Broadcasting Company, Inc., and to Lois I. Pingree, executrix of the estate of Howard W. Pingree (deceased), for forfeiture for violations of the Communications Act of 1934, as amended, and the Commission's rules set out in paragraph 5 above. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since this procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

7. *It is further ordered,* That in view of their alleged ownership and control of the licensee, R. Blair Lund, David N. Phelps, Charles Clark Ronnow, Ronald L. Tolman, and Southern Nevada Communications Corporation are made parties to this proceeding.

8. *It is further ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicants and the individuals named in paragraph 7 above within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (j), inclusive.

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[1] See Bill of Particulars for specific dates and details of each alleged violation.

9. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (j), inclusive, and the applicants, pursuant to section 309(e) of the Act, then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be and to remain a licensee and a permittee and that a grant of the applications for renewal and for a construction permit would serve the public interest, convenience and necessity.

It is further ordered, That with respect to the application for a license to cover changes in the KLAT facilities authorized by a construction permit (BP–19,288), the Broadcast Bureau, pursuant to section 319(c) of the Act, shall have the burden of proceeding with the presentation of the evidence, if any, and the burden of proving that there are causes or circumstances, if any, arising or first coming to the knowledge of the Commission since the granting of the construction permit, which would in the judgment of the Commission make the operation of such station against the public interest.

10. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and the Parties Respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered,* That the applicants herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

12. *It is further ordered,* That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Davis Broadcasting Company, Inc., licensee of Station KLAT, Centerville, Utah; to Lois I. Pingree, Executrix of the estate of Howard W. Pingree (deceased), applicant for a construction permit for Station KSTU (FM), Centerville, Utah; and to R. Blair Lund, David N. Phelps, Charles Clark Ronnow, Ronald L. Tolman, and Southern Nevada Communications Corporation.

Adopted: April 23, 1975.

Released: May 8, 1975.

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

[FR Doc.75–12413 Filed 5–9–75;8:45 am]

[Docket Nos. 20450; 20451 File Nos. 1186–C2–P–70; 5601–C2–P–70 FCC 75–446; 34683]

GENERAL TELEPHONE CO. OF FLORIDA AND RAM BROADCASTING CO. OF FLORIDA, INC.

Applications for Consolidated Hearing

In re applications of General Telephone Company of Florida, Tampa, Florida and the RAM Broadcasting of Florida, Inc., Tampa, Florida, for construction permits to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above-captioned applications to establish new air-ground radio telephone service facilities to operate on 454.750, 454.675 and 459.750 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Tampa, Florida.

2. It appears from the application of General Telephone Company of Florida (GTCF) that it is a corporation whose address is 519 Zack Street, Tampa, Florida, and is a subsidiary of General Telephone and Electronics Corporation which owns 100 percent of the voting stock of GTCF. RAM Broadcasting of Florida, Inc. (RAM) is a Florida corporation whose principal office address is 1300 Florida Title Building, Jacksonville, Florida. RAM is a wholly owned subsidiary of RAM Broadcasting Corporation, a New York Corporation whose principal office address is 80 Broad Street, New York, New York.

3. Each applicant appears to be legally, financially, technically, and otherwise qualified to construct and operate the proposed facilities. However, since each applicant requests authorization to provide essentially similar communications services on the same frequencies, and in the same geographical area their applications are mutually exclusive because a grant of both would result in harmful electrical interference. Accordingly, the applications must be designated for comparative hearing to determine which applicant is better qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *FCC,* 326 U.S. 327. (1945).

4. As regards local management of the proposed facilities, GTCF recites that the transmitters to be employed in the proposed service will be under the direct control of an aviation operator 24 hours a day, 7 days a week. The control terminal will be located at GTCF's radio stations alarm center which is located on the seventh floor of the Tampa Main Telephone Company Building, corner Zack and Morgan Streets, Tampa, Florida. GTCF further states that the control terminal is staffed 24 hours a day, 7 days a week by 5 technically qualified personnel who are holders of First Class FCC Radio Telephone Operator Licenses and 2 technically qualified personnel who are holders of Second Class FCC Radio-Telephone Operator Licenses.

5. The control point and message center of RAM's proposed system will be situated at a location to be determined in Tampa. RAM proposes to select a General Manager to be responsible for the daily management and operation of the entire facility on a full time basis and with the assistance of two or more of RAM's marketing representatives. The supervisory control of the station, it states, will be maintained by an operator on a 24 hour per day basis.

6. In view of the foregoing, *it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, (47 U.S.C. 309(e)) that the captioned applications of General Telephone Company of Florida and RAM Broadcasting of Florida, Inc. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of services proposed by each applicant.[1]

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

7. *It is further ordered,* That the hearing shall be held at a place to be specified and before a judge to be designated in a subsequent order.

8. *It is further ordered,* That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty (20) days of the release date hereof, a written notice stating an intention to appeal on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

9. *It is further ordered,* That the Chief, Common Carrier Bureau is made a party to the proceeding.

Adopted: April 23, 1975.

Released: May 2, 1975.

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

[FR Doc.75–12414 Filed 5–9–75;8:45 am]

[Docket No. 20462; CSC–107; (CA659); FCC 75–476]

HUMBOLDT BAY VIDEO CO., D/B/A HB CABLE TV

Order To Show Cause & Instituting Hearing

1. On January 21, 1975, Dean Hazen, d/b/a Garberville Cable TV, filed a pe-

[1] The Commission recently defined the scope of the general comparative issue, i.e., Issue 1 herein to include consideration of the significant differences between the applicants as to charges, maintenance, personnel, practices, classifications, regulations and facilities. *Vegas Instant Page,* 50 F.C.C. 2d 1163. The general comparative issue also includes significant differences with respect to local management. *RAM Broadcasting of Florida,* 50 F.C.C. 2d 1136.

tition for an order to show cause to be directed against Humboldt Bay Video Co. (d/b/a HB Cable TV), operator of a cable television system in the unincorporated area of Humboldt County, California known as McKinleyville. On January 30, 1975, HB Cable filed an opposition to Garberville Cable TV's petition and Garberville Cable TV replied on January 31, 1975.

2. Garberville Cable TV presently operates a cable television system at McKinleyville, California, having received a certificate of compliance on August 23, 1974 from the Commission by its Cable Television Bureau.[1] In support of its present petition Garberville Cable TV alleges that HB Cable is operating its cable television system at McKinleyville, California in violation of § 76.11 of the Commission's rules in that it commenced operations to more than fifty subscribers, subsequent to March 31, 1972 without obtaining a certificate of compliance. Garberville Cable TV maintains that although HB Cable has been operating a cable television system in Humboldt County since 1968, under a county-wide franchise, according to § 76.5(a) of the Commission's rules[2] McKinleyville is a separate and distinct community within Humboldt County and HB Cable's operations in McKinleyville therefore constitute a separate cable television system which requires Commission certification before HB Cable may commence operations in that community. It is Garberville Cable TV's contention that HB Cable is aware of the requirement that its cable television system at McKinleyville must be certified because the Chief, Cable Television Bureau, in letters dated August 15, 1974, to counsel for HB Cable and August 23, 1974, to Dean Hazen, a copy of which was sent to counsel for HB Cable, stated that HB Cable would have to receive a certificate of compliance for McKinleyville before it could commence cable television operations in that community. Garberville Cable TV further maintains that as of August 23, 1974 there was only one subscriber to HB Cable's system in McKinleyville, and that HB Cable is currently serving more than fifty subscribers who have been added subsequent to the above-described letters alerting HB Cable to the need for certification of its cable television operations at McKinleyville. Accordingly, Garberville Cable TV requests that the Commission issue an order directed against HB Cable to show cause why it should not be compelled to cease and desist from operating in McKinleyville until it applies for and receives a certificate of compliance.

3. In its opposition to Garberville Cable TV's petition, HB Cable concedes that it is presently providing cable television service to more than fifty subscribers in the unincorporated area of Humboldt County known as McKinleyville, but argues that such service is authorized by the franchise granted to it by the Humboldt County Board of Supervisors in 1966. HB Cable claims that the letters relied upon by Garberville Cable TV imposed no obligation on HB Cable in connection with extension of service into McKinleyville and accordingly, the opinion stated in the letters regarding the status of McKinleyville is not an administrative ruling which is binding and conclusive on HB Cable. In response to HB Cable, Garberville Cable TV argues that the issue in this proceeding is whether McKinleyville is a separate and discrete area within the meaning of § 76.5(a) of the rules. Garberville reiterates its reliance on the letters from the Commission's Cable Television Bureau indicating that McKinleyville is a separate community, and argues that HB Cable has knowingly violated the Commission's Rules by expanding its service into McKinleyville.

4. In the instant case, it is undisputed that HB Cable TV is currently providing cable television service to more than fifty subscribers in the unincorporated part of Humboldt County known as McKinleyville and that such service commenced after March 31, 1972. The Commission's rules provide that each separate and distinct community including unincorporated communities within unincorporated areas, served by cable television facilities constitutes a separate cable television system. This concept applies to discrete, unincorporated communities within a large county-area, even if a cable television operator holds a franchise for the entire county. Calvert Telecommunications Corp., FCC 74–1095, 49 FCC 2d 200 (1974). In a previous decision in connection with Garberville Cable TV's application for a certificate of compliance (GAC–3240), the Commission treated McKinleyville as a separate and discrete community within Humboldt County, and therein noted that § 76.5(a), makes it clear that a cable system may not spread cable facilities to all of the unincorporated territory of a county as part of that one system even though it may have a county-wide franchise and there are no separate political subdivisions to distinguish the separate communities. Dean Hazen d/b/a Garberville Cable TV, FCC 74–1338, 50 FCC 2d 346, 350 (1974).[3]

5. From the foregoing, it appears that, for purposes of our Rules, McKinleyville, California is a separate and distinct community within Humboldt County, and that, absent grandfathering, HB Cable was required to obtain a certificate of compliance before commencing operations at McKinleyville. Consequently, the requested order to show cause will be issued. Further, we take this opportunity to caution HB Cable that expansion of cable in McKinleyville during the pendency of this proceeding will be strictly at its own risk. Commencement of service in any other part of Humboldt County without first obtaining a certificate of compliance should not be undertaken.

Accordingly, *it is ordered*, That the "Opposition to Petition for Order to Show Cause" filed January 30, 1975, by Humboldt Bay Video Co. (d/b/a HB Cable TV) IS DENIED.

It is further ordered, That pursuant to sections 312 (b) and (c) and 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c) and 409(a), Humboldt Bay Video Co. (d/b/a HB Cable TV) is directed to Show Cause why it should not be ordered to cease and desist from further violation of § 76.11(a) of the Commission's rules and regulations on its cable television system at McKinleyville, California.

It is further ordered, That Humboldt Bay Co. (d/b/a HB Cable TV) is directed to appear and give evidence with respect to the matters described above at a hearing to be held in Washington, D.C. at a time and place before an Administrative Law Judge to be specified by subsequent order, unless the hearing is waived in which event a written statement may be submitted.

It is further ordered, That Dean Hazen d/b/a Garberville Cable TV and the Chief, Cable Television Bureau are made parties to this proceeding.

It is further ordered, That the Secretary of the Commission shall send copies of this order by certified mail to Humboldt Bay Video Co. (d/b/a HB Cable TV).

Adopted: April 23, 1975.

Released: May 5, 1975.

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

[FR Doc.75–12417 Filed 5–9–75;8:45 am]

[Docket Nos. 20454, 20455; File Nos. BP–19252, BP–19291; FCC 75–458]

DALE A. OWENS AND CLAY F. HUNTINGTON

Applications for Consolidated Hearing

In re applications of Dale A. Owens, Lakewood, Washington requests: 1480

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[1] The Commission denied reconsideration of this grant in Dean Hazen d/b/a Garberville Cable TV, FCC 74–1338, 50 FCC 2d 346 (1974).

[2] § 76.5(a) provides in pertinent part:

In general, each separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and including 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 e.g., *Telerama, Inc.*, 3 FCC 2d 585 (1966); *Mission Cable TV, Inc.* 4 FCC 2d 236 (1966).

[3] In addition, that case noted that the letter which Garberville Cable TV claims required HB Cable to obtain a certificate of compliance before commencing operations in McKinleyville, was not a declaratory ruling adversely affecting HB Cable, but a routine inquiry answered in the regular course of business. Furthermore, the Commission stated that the boundaries of each of HB Cable's systems in Humboldt County were not in issue in that proceeding, but would be determined in other proceedings to which HB Cable is a party. *Dean Hazen d/b/a Garberville Cable TV*, supra, at 350. The instant proceeding, and hearing that we are ordering below will be an appropriate forum to determine this issue.

kHz, 1 kW, DA, Day, Clay Frank Huntington, Lakewood, Washington requests: 1480 kHz, 1 kW, DA, Day, for construction permits.

1. The Commission has before it: (i) the above-captioned applications for new standard broadcast stations in Lakewood, Washington, which are mutually exclusive in that they both seek, in effect, the deleted facilities of standard broadcast station KOOD, Lakewood, the application for renewal of which was dismissed for lack of prosecution on September 13, 1972; (ii) an interference study and request for addition of conditions, submitted with respect to both applications by KELA Corporation [KELA], licensee of standard broadcast station KELA, Centralia-Chehalis, Washington; (iii) a "Petition to Deny" the application of Clay Frank Huntington [Huntington], filed by his competing applicant, Dale A. Owens [Owens]; (iv) pleadings in opposition and reply thereto; (v) an "Informal Objection" to the Huntington application, also filed by Owens; and (vi) pleadings in opposition and reply thereto.

2. In reference to both of the above-captioned applications, KELA has filed an interference study containing field intensity measurement data. The study shows that no prohibited overlap would result from either proposal. However, the study also shows that KELA's 0.5 mV/m contour and that of either applicant would be separated by less than one mile. KELA points out that prohibited overlap could occur if the proposed array were not in proper adjustment. Accordingly, KELA requests that certain conditions be included in any grant for KOOD's deleted facilities. These conditions include:

(a) A monitor point on the 238° true radial, or a nearby radial;

(b) Measurements at the monitor point to be made weekly;

(c) A copy of the weekly measurements to be mailed to KELA;

(d) Making the monitor point locations known to KELA so that KELA might make independent measurements; and

(e) If the monitor point readings exceed the maximum allowable, that the proposed operation be given a certain number of days to make necessary adjustments or cease operation.

KOOD had monitor points on 230° true and 290° true. Since there is a null at approximately 230° true, a monitor point on this radial would, in conjunction with the 290° true monitor point, give a fairly accurate indication of what is happening at 238° true. Accordingly, a 230° true monitor point will be required, if either application is granted. Measurements at the monitor points are normally made weekly. Since KOOD made weekly measurements, no change will be made in the frequency of the measurements. The location of the monitor points is a part of a station's license. Since the license is public information, KELA can determine the location of the monitor points simply by checking the license, should either application be granted. Since KELA would know the location of the monitor points and could make its own measurements, and since it is assumed, absent information to the contrary, that the monitor point values are within the maximum allowable, it would be unduly burdensome to require the weekly measurements to be mailed to KELA. In the event that the maximum allowable values are exceeded, the proposed licensee would have to request special temporary authority from the Commission to operate with parameters at variance in order to maintain the monitor points within the allowable values. Thus, it appears that present Commission procedures would provide adequate protection to KELA's service area without the need for unduly burdensome requirements. Accordingly, KELA's request for addition of conditions will be denied.

3. Owens, as noted, has filed both a petition to deny and an informal objection against the Huntington application. Since Owens is himself a competing applicant for this construction permit, he clearly has standing to challenge Huntington. However, the petition to deny was filed on July 11, 1974, despite the fact that Huntington's "cut-off date," i.e., the last day on which such a pleading was acceptable for filing, was July 16, 1973. See § 1.580(i) of the rules. Owens asserts that the petition was invited by the Commission's staff in a letter dated May 17, 1974.[1] However, it is not apparent that the staff's letter to Owens constituted a waiver of the requirements of the rules. Rather, the letter merely sought to inform Owens of the appropriate manner of raising objections to applications pending before the Commission. Thus, the untimeliness of Owens' petition to deny cannot be excused on the basis of the staff's letter. However, we will consider the pleading to be an informal objection, and will accordingly reach the substantive issues raised therein. Huntington also takes issue with the timeliness of Owens' informal objection. Huntington asserts that Owens knew of the matters discussed in that pleading for more than a year before the pleading was filed. However, as Owens correctly notes in his reply to Huntington's opposition, the rules simply require that an informal objection be filed "before Commission action." See § 1.587. It is apparent that Owens has satisfied that requirement, and thus the issue raised in his informal objection will likewise be considered.

4. In his petition to deny, Owens seeks either the denial of Huntington's application, or the addition of an issue regarding the extent of Huntington's compliance with the requirements of section 1.526. In support of these requests, Owens alleges that he attempted, on three separate occasions, to inspect Huntington's public file, which was maintained at the real estate office of one Boyd Lundstrom, of Lakewood. According to Owens, on May 7, 1974, he was told that the file had been picked up and was no longer available, and twice on May 22, 1974, he was given an incomplete file. Owens alleges that, during his second visit, he asked whether that which he had been given was all that was available and that he was informed by a secretary that it was. A list of the documents made available to Owens is included in the affidavit of Spirro Damis, who accompanied Owens on his third visit. According to the Damis statement, the documents provided for inspection included only a thick file entitled "Amendment to Application for Construction Permit," dated October 9, 1973, a letter from the Commission's staff requesting site photographs, and two copies of a general engineering statement. It appears, therefore, that the original Huntington application was not included in the file given to Damis and Owens. In opposition, Huntington states that all material relevant to the application had been delivered to Lundstrom's office, and Huntington further asserts that the file is all together now, and that there is no longer any confusion among Lundstrom's employees regarding its location or its contents. However, Huntington appears to concede that that part of the file containing the original application was, in fact, "missing" for some time, and that a "thorough search" was necessary to locate it. Huntington attributes the misplacement to Lundstrom's staff. As Owens points out in reply, affidavits of Lundstrom and Huntington, submitted with Huntington's opposition, contain conflicting statements regarding how many people had requested to see the file. Further, Lundstrom's affidavit suggests that Owens raised no question regarding the completeness of the file, and that, if an appropriate inquiry had been made, a further search would have been undertaken.

5. § 1.526 of the rules requires, in relevant part, that an applicant make available for public inspection a public file containing "a copy of [the] application . . . and all exhibits, letters and other documents tendered for filing as part thereof, all amendments thereto, copies of all documents incorporated therein by reference, all correspondence between the Commission and the applicant pertaining to the application after it has been tendered." It would appear from the pleadings filed that Owens has succeeded in raising a substantial question regarding the extent of Huntington's compliance with these requirements. While the amendment of October 9, 1973, which was available for inspection, constituted a substantial part of the application, the public file, according to Owens, did not provide any information regarding Huntington's legal qualifications, which information was contained in section II of the original application. Further, a significant portion of Huntington's proposed programming practices, contained in section IV of the original application, was likewise unavailable. These omissions do not appear to be minor. *Cf. Edward G. Atsinger, III*, 29 FCC 2d 443 (1971). With respect to Huntington's opposition, it must be noted that a licensee may not shield himself from the requirements of § 1.526 by delegating to another the responsibility of maintaining the public

[1] A copy of the letter is contained in Owens' application file.

file. See Centreville Broadcasting Co., 21 RR 2d 216 (1971). Huntington's assertion that part of the file was misplaced by Lundstrom's office personnel thus does not benefit him. Further, an individual requesting to see a public file is entitled to assume that the file is complete, and has no duty to inquire about the possible existence of specific documents. *Cf. Atsinger,* supra. Thus, Lundstrom's claim that a more thorough search would have been instituted at Owens' request does not excuse the apparent violation. In light of all the above, an issue will be specified in order to determine the extent of Huntington's compliance with the requirements of section 1.526, and the effect of any noncompliance on his comparative qualifications.

6. In his informal objection, Owens alleges that one George Farquhar Heard [Heard], a disk jockey for KLAY(FM), Tacoma, of which Huntington is the licensee, was arrested in the station's control room for unlawful delivery of a controlled substance. According to arrest and presentencing records included as attachments to the pleading, Heard arranged a meeting between a police officer and another individual for the purpose of a sale to the officer, by that individual, of ten pounds of marijuana. The meeting, and arrest, occurred at the KLAY studio at 3 a.m., while Heard was on duty as the KLAY disk jockey. When Heard was arrested, he signed the station off the air. According to Huntington's uncontroverted statement, Heard left the employ of KLAY immediately after the arrest, and subsequently pled guilty to the charge.[2] From the pleadings Huntington does not appear to have been involved in any way with Heard's transactions, either actively or vicariously. No other offenses, drug-related or otherwise, are alleged to have occurred.

7. On the basis of the allegations listed above, Owens contends that Huntington failed to supervise and control the activities of his employees, and that this failure raises "most serious character qualification issues." Informal objection at 3. Owens' claim is apparently based on past Commission statements that a licensee is responsible for the acts of the licensee's employees in the course of their employment. See, e.g., Thomas K. Cassell (WATS), 1 RR 2d 986 (1964). This responsibility is merely a particular aspect of the licensee's overall duty to exercise adequate control and supervision over the operation and management of the station. *Id.;* see also, Continental Broadcasting, Inc., 15 FCC 2d 120 (1968), recon. denied, 17 FCC 2d 485 (1969); Eleven Ten Broadcasting Corp., 32 FCC 706 (1962). Thus, in order to raise a qualifications issue based on the transgressions of a licensees employees, a party must allege facts tending to show that the licensee failed to exercise such adequate control and supervision. To meet this burden, Owens relies exclusively on the fact of the arrest, apparently in the belief that the arrest itself presents a prima facie case of a breach by Huntington of his duty of supervision. However, we find that, even if true, the facts presented by Owens are not sufficient to raise a character qualification issue against Huntington. Huntington states, in his supplement to opposition to informal objection, that he was in no way involved in Heard's drug transaction. Owens does not deny this. Further, Owens does not indicate how this trafficking might in any way be related to the operation of the station so that Huntington might have been expected to know of it. Besides a vague suggestion, raised indirectly[3] in a footnote, that drug traffic at the station may have occurred prior to the arrest, Owens does not allege any facts suggesting that other drug traffic ever took place at the station. Indeed, the fact that Heard left the station's employ immediately after the arrest suggests the contrary. In addition, such drug dealing as appears here is clearly outside the scope of a disk jockey's employment. From the arrest records attached to the informal objection, it appears that Heard acted on his own, independently of other station personnel, in arranging the transaction. There is nothing in the pleadings to suggest that the choice of the station as a transaction point was anything more than a matter of convenience for Heard. Finally, Heard was arrested at 3 a.m. While a licensee is expected to exercise control of the operation of his station, we do not require him to be in the control room twenty-four hours every day. As a result, even though the arrest occurred at the station, we cannot find on the precise facts presented by Owens that Huntington knew or should have known that the incident would occur or that it was occurring when it did.[4] This case is thus distinct from those cited in the informal objection, since the cases on which Owens relies involved alleged misconduct so directly related to the operation and management of the subject stations that the licensees either knew or should have known of it. See Armak Broadcasters, Inc., 24 FCC 2d 367 (1970) (repeated logging violations); Image Radio, Inc., 15 FCC 2d 317 (1968) (fraudulent billing practices, numerous Commission rule violations, misrepresentations to the Commission); Eleven Ten Broadcasting Corp., 32 FCC 706 (1962) (fraudulent contests, falsification of logs); Star Stations of Indiana, Inc., 26 RR 2d 1101 (Initial Decision 1973) (slanted newscasts, unlawful political contributions, harassment of witnesses involved in a Commission proceeding); Watkins Glen-Montour Falls Broadcasting Corp., 18 FCC 2d 755 (1969) (falsification of logs); Continental Broadcasting, Inc., 15 FCC 2d 120 (1968) (false representations to the Commission). Thus, we cannot find, on the basis of these pleadings, that Huntington's qualifications are in any way affected by Heard's misconduct in this isolated incident.[5] Since no substantial or material question has been raised regarding Huntington's qualifications, Owens' request for a character issue will be denied.

8. In his opposition to Owens' informal objection, Huntington suggests that a letter[6] sent by Owens to the Chairman of the Commission on May 7, 1974, represents an ex parte communication which raises questions regarding Owens' own qualifications. According to Huntington, the letter "discussed in great detail a substantive matter which later became the basis for Mr. Owens' Petition to Deny (alleged violation of rule 1.526)." Huntington's counsel asserts that neither he nor his client was served with a copy of the letter. In his reply to Huntington's opposition, Owens responds to this charge by characterizing the letter both as "a request for information concerning the status of an application" and as something "in the nature of an informal objection based upon Mr. Owens' frustration at his inability to review" certain information in Huntington's public file. Owens also asserts that the Commission has not treated the letter as an unlawful ex parte communication, and that, since the Commisson's staff sent Huntington's counsel a copy of the letter on May 17, 1974, Huntington has not been prejudiced and any violation of the rules has been de minimis.

9. In relevant part the rules governing ex parte contacts prohibit any written communication, by an interested person, which goes to the merits or outcome of any aspect of a restricted proceeding if

[2] Heard was also charged with, and pled guilty to, sale of eighteen ounces of marijuana to a police officer. However, this incident was separate and apart from the KLAY meeting, and there is no suggestion that this sale took place at the station or was in any way related to KLAY.

[3] Owens' footnote, in its entirety, is as follows: "It is not known whether this illicit drug traffic occurred on other occasions prior to the particular one which resulted in Mr. Heard's arrest, and but for the fact that Mr. Heard was arrested and removed from the station by local law enforcement officers, this drug traffic engaged in by Mr. Heard at the station might still have continued." Informal objection, at 4, N. 1.

[4] We note also that the usual KLAY signoff time, according to Huntington, is 4:00 a.m. See supplement to opposition to informal objection. The station signed on at its usual time (6 a.m.) following the arrest. Thus, the public was deprived of, at most, one hour of broadcast service. Under the particular circumstances we do not find that this deprivation reflects adversely on Huntington's ability to control and supervise KLAY's operation.

[5] Owens also makes passing reference to a statement in Heard's presentencing report, which indicates that two or three unauthorized persons apparently had "ready and free access" to the station's control room on the night of the arrest. Again, as with his central argument, Owens relies on the bald assertion, without indicating that this was anything more than an isolated incident. There is no allegation that this was a station-wide policy detrimental to the normal operation of the station.

[6] A copy of the letter is contained in Owens' application file.

that communication is made to decision-making personnel, and if the parties to the proceeding are not served with copies. See §§ 1.1221, 1.1201. Owens' claim to the contrary notwithstanding, it is apparent that the written communication in question clearly "goes to the merits" of the present proceeding: in the letter Owens makes factual allegations involving the failure of his competitor to comply with the Commission's rules, and suggests that an investigation be undertaken, the outcome of which "should be made a part of Mr. Huntington's record." There can be no question that such charges could affect the outcome of the present proceeding, since such rule violations, as Owens himself argues in his petition to deny, might reflect on an applicant's qualifications to be a licensee. Further, this communication was made by Owens, who is clearly "an interested person." See § 1.1201(e)(1). The presentation was made in a restricted proceeding,[7] and it was addressed to the Chairman, a decision-making individual. Section 1.1205(a). Finally, uncontroverted allegations have been made that no copies of the document were filed with the other party to this proceeding. It appears, therefore, that a prima facie violation of the Commission's ex parte rules has been alleged. With respect to Owens' attempt to characterize the letter as "in the nature of an informal objection," we note that such pleadings are appropriately addressed to the Secretary of the Commission, and not to the Chairman. See § 1.587, 0.11(g). This is not, therefore, a successful defense, especially since Owens, as an applicant, may be assumed to be familiar with the Commission's filing requirements. In addition, the fact that Huntington was eventually sent a copy of the letter by the Commission's staff is not exculpatory, since the ex parte rules look to the actions of the individual, and not any subsequent actions of the staff, acting independently of the individual. Similarly, the fact that our treatment of the letter may not have been consistent with the procedures set out in § 1.1241 does not excuse Owens' conduct in submitting the letter in the first place. We note, however, that Huntington does not appear to have been prejudiced by Owners' letter—indeed, since Owens subsequently filed a petition to deny based on, and containing, the allegations detailed in his letter to the Chairman, Huntington has had full opportunity to respond to those allegations. Thus, even if Owens' letter was unlawful, Owens has not derived any improper advantage from it. Factors such as this may serve to mitigate any violation which may have occurred. See K.C.O.D. Broadcasting Corp., 11 FCC 2d 349 (Review Board 1968); Marvin C. Hanz, 22 FCC 2d 147 (Review Board 1970), review denied, FCC 70–724, released July 13, 1970. In light of all the above, an appropriate issue will be included to determine whether an unlawful ex parte presentation was made and, if so, the effect of such a presentation on Owens' comparative qualifications. See K.C.O.D. Broadcasting Corp., supra.

10. Although each applicant originally indicated that he would use the site of former broadcast station KOOD, Owens has, in an amendment, proposed a different transmitter site, approximately 0.7 mile from the site originally proposed. According to an engineering statement submitted with this amendment, the site change was necessitated by "new building construction in the immediate area [of the KOOD site] since KOOD left the air." Huntington has not so amended. He has, however, submitted the sworn statement of a professional engineer indicating that he "could find nothing that would render that the [KOOD] site would be unacceptable [sic]." In addition, and in contrast to the vague conclusory statement of Owens' engineer, Huntington's engineer explains his conclusion, and offers a site photograph in support thereof. In light of this showing, we do not believe that Owens' unspecific and undocumented assertion of the non-suitability of Huntington's site is sufficient to raise any question about Huntington's proposal.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding*, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Clay Frank Huntington:

(a) The extent of the applicant's compliance with the requirements of § 1.526 of the rules; and

(b) The effect of the evidence adduced pursuant to (a), above, on the applicant's comparative qualifications.

2. To determine, with respect to Dale A. Owens:

(a) The extent of the applicant's compliance with the requirements of § 1.1221(b) of the rules; and

(b) The effect of the evidence adduced pursuant to (a), above, on the applicant's comparative qualifications.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

13. *It is further ordered*, That, in the event of a grant of the application of Dale A. Owens, the construction permit shall contain the following condition:

Data made in acordance with §§ 73.48 and 2.579 of the rules for type acceptance of the proposed transmitter shall be submitted with the application for license.

14. *It is further ordered*, That, in the event of a grant of the application of Clay Frank Huntington, the construction permit shall contain the following condition:

Equipment performance measurements shall be made in accordance with § 73.47 of the rules and shall be submitted with the application for license.

15. *It is further ordered*, That, the request for addition of conditions, filed by KELA Corporation, *is denied;* that the petition to deny the application of Clay Frank Huntington, filed by Dale A. Owens, *is granted* to the extent indicated above and *is denied* in all other respects; and that the informal objection to the application of Clay Frank Huntington, filed by Dale A. Owens, *is denied*.

16. *It is further ordered*, That, to avail themselves of opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

17. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 23, 1975.

Released: May 5, 1975.

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

[FR Doc.75–12418 Filed 5–9–75;8:45 am]

[FCC 75–466; Docket No. 20461; File No. BR–2509]

WILLIAM Y. TANKERSLEY AND FRANK A. DEL VECCHIO

Notice of Apparent Liability Designating Application for Hearing on Stated Issues

In re application of William Y. Tankersley and Frank A. Del Vecchio D/B/A New Deal Broadcasting Co. (KFDR) Grand Coulee, Washington, for renewal of license.

1. The Commission has before it for consideration: (a) the above-captioned application, and (b) its inquiries into the operation of Station KFDR, Grand Coulee, Washington.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain the licensee of KFDR. In view of these questions, the Commission is unable to find that a grant of the

[7] Consideration of mutually exclusive applications becomes a "restricted proceeding" on the day on which public notice of filing of the mutually exclusive application is given. Section 1.1203(b)(2). Such notice was given with respect to Huntington's application on May 8, 1973. Thus, when Owens' letter was sent on May 7, 1974, the present proceeding had become "restricted."

application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *It is ordered,* That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine the facts and circumstances surrounding the filing of an application (BAL–7464) for assignment of license of KFDR to the captioned applicant;

(b) To determine the respective interests of William Y. Tankersley and Frank A. Del Vecchio (herein "Tankersley" and "Del Vecchio") in the applicant partnership when the application (BAL–7464) for assignment of license of KFDR was filed;

(c) To determine the present interests of Tankersley and Del Vecchio in the applicant partnership;

(d) To determine the extent to which Mrs. Gertrude Del Vecchio and/or other parties have exercised control over the operation of KFDR without Commission authorization thereof;

(e) In light of the evidence adduced pursuant to issues (a) through (d) above, to determine whether the license for KFDR or any rights thereunder were transferred, assigned, or disposed of, by transfer of control of the applicant partnership or otherwise, without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310 (b) of the Communications Act of 1934, as amended;

(f) To determine the nature of Del Vecchio's convictions for criminal activity and the extent to which such conduct adversely affects his qualifications to be a Commission licensee;

(g) To determine whether Del Vecchio deliberately set fire to and burned a building containing KFDR logs for the purpose of destroying those logs to prevent Commission inspection thereof;

(h) To determine whether Del Vecchio falsely answered in the negative Question 10(d) of section II of the assignee's portion of the application for assignment of license of KFDR concerning whether the applicant or any party to the application had been found guilty by any court of any felony or other crime involving moral turpitude;

(i) To determine whether all business and financial interests of Tankersley and Del Vecchio were correctly set forth in the application for assignment of license and the captioned application;

(j) To determine all the facts and circumstances surrounding Del Vecchio's response to a Commission letter of inquiry dated January 24, 1974, concerning criminal and civil proceedings to which the applicant, Del Vecchio, or Tankersley was a party;

(k) To determine whether, in connection with the captioned application, the applicant adequately conducted a survey of the needs and interests of the community which it is licensed to serve;

(l) In light of the evidence adduced pursuant to issues (a) through (k) above, to determine whether Tankersley and/or Del Vecchio have made misrepresentations to the Commission or were lacking in candor;

(m) To determine whether any KFDR logs were altered at any time without compliance with the procedures set forth in §§ 73.111, 73.113 and 73.114 of the Commission's rules and regulations;

(n) To determine whether any KFDR logs were falsified at any time under the supervision or direction of Del Vecchio, and whether Del Vecchio falsely represented to the Commission that such logs were true and accurate;

(o) To determine whether the applicant, its principals, agents or employees failed to file an Annual Financial Report (FCC Form 324) for 1973, in violation of § 1.611 of the Commission's rules;

(p) To determine whether the applicant, its principals, agents or employees failed to file timely Ownership Reports (FCC Form 323) in violation of § 1.615 of the Commission's rules, and whether any ownership reports filed with the Commission contained misrepresentations of fact or were lacking in candor;

(q) To determine whether the applicant failed to respond to official Commission correspondence dated June 7, 1974, August 7, 1974, August 26, 1974, and October 1, 1974;

(r) To determine whether the applicant, its principals, agents or employees stored dangerous explosives in any KFDR building, and failed to provide for the welfare and comfort of the operator at the transmitter control point, in violation of § 73.40(d) (2) of the Commission's rules;

(s) To determine whether the applicant operated KFDR at times or with modes other than those specified in the basic instrument of authorization, in violation of § 73.87 of the Commission's rules;

(t) To determine whether the applicant is financially qualified to operate KFDR;

(u) To determine, in light of the evidence adduced under the preceding issues, whether the applicant has the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered,* That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license of Station KFDR, it shall also be determined whether the applicant has repeatedly or willfully violated section 310(b) of the Communications Act of 1934, as amended, and the following sections of the Commission's Rules and Regulations: §§ 1.611, 1.615, 73.87, 73.111, 73.113, and 73.114.[1] If so, it shall also be determined whether an order of forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or less should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

5. *It is further ordered,* That this document constitutes a Notice of Apparent Liability to William Y. Tankersley and Frank A. Del Vecchio d/b/a New Deal Broadcasting Co. for forfeiture for violations of the Communications Act and the Commission's Rules set out in paragraph 4 above. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since this procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (t), inclusive.

7. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (t), inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee and that a grant of the application would serve the public interest, convenience and necessity.

8. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.211(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered,* That the applicant herein, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It is further ordered,* That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to William Y. Tankersley and Frank A. Del Vecchio d/b/a New Deal Broadcasting Co., licensee of

[1] See Bill of Particulars for specific dates and details of each alleged violation.

Station KFDR, Grand Coulee, Washington.

Adopted: April 23, 1975.

Released: May 9, 1975.

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

[FR Doc.75-12419 Filed 5-9-75;8:45 am]

[Docket No. 20468; FCC 75-503]

WORLD ADMINISTRATIVE RADIO CONFERENCE

Notice of Inquiry

In the matter of an inquiry relating to the preparations for the 1977 World Administrative Radio Conference of the International Telecommunication Union for planning of the Broadcasting-Satellite Service in the 11.7–12.2 GHz band.

1. The 1973 Plenipotentiary Conference of the International Telecommunication Union (ITU) resolved that a World Administrative Radio Conference (WARC) be convened for the planning of the Broadcasting-Satellite Service[1] in the 11.7–12.2 GHz frequency band no later than April 1977. (See Appendix 1.) Since this frequency band is also allocated to the Fixed-Satellite Service in ITU Region 2, it is expected that the development of this service in the 11.7–12.2 GHz band will be affected by the results of the 1977 WARC.

2. The Administrative Council of the ITU will subsequently determine the specific convening date, the duration of the conference and the agenda, and will invite comments from interested member nations. The nature and objectives of this conference could result in the revision of several provisions of the international Radio Regulations to which the United States is a signatory nation. Because of the far-reaching importance of this conference to the development of the Broadcasting-Satellite Service, as well as the Fixed-Satellite Service in this band, it is necessary that the United States position at the 1977 WARC be soundly based on pertinent facts and information. Accordingly, the purpose of this Inquiry is to solicit comments and responses, together with supporting materials, on those issues and proposals relating to the use of the 11.7–12.2 GHz frequency band which may be addressed at that conference.

3. The frequency allocations to the Broadcasting-Satellite Service to be considered at the 1977 WARC are set forth as follows in Article 5 of the International Radio Regulations:

Allocation to Services		
Region 1	Region 2	Region 3
11.7–12.5 FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE	11.7–12.2 FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE 405BB 405BC	11.7–12.2 FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE 405BA
405BA	12.2–12.5 FIXED MOBILE except aeronautical mobile BROADCASTING	

405BA Spa2 In the band 11.7–12.2 GHz in Region 3 and in the band 11.7–12.5 GHz in Region 1, existing and future fixed, mobile and broadcasting services shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the decisions of the appropriate broadcasting frequency assignment planning conference (see Resolution No. Spa2–2) and this requirement shall be taken into account in the decisions of that conference.

405BB Spa2 Terrestrial radiocommunication services in the band 11.7–12.2 GHz in Region 2 shall be introduced only after the elaboration and approval of plans for the space radiocommunication services, so as to ensure compatibility between the uses that each country decides for this band.

405BC Spa2 The use of the band 11.7–12.2 GHz in Region 2 by the broadcasting-satellite and fixed-satellite services is limited to domestic systems and is subject to previous agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected (see Article 9A and Resolution No. Spa2–3).

Within the United States, the 11.7–12.2 GHz frequency band is allocated to the Broadcasting-Satellite and Fixed-Satellite Service on a co-equal shared basis, and to the mobile service on a secondary basis. Footnote NG105 to this allocation provides that:

> Pending adoption of specific rules concerning sharing of the band 11.7–12.2 GHz between the Broadcasting-Satellite and Fixed-Satellite Services, systems in the latter service may be authorized on a case-by-case basis subject to the condition that adjustments in certain system design or technical parameters (including but not limited to orbital location, channel use, etc.) may become necessary during the system lifetime in order to accommodate use of the band by systems of the same or other service.

4. The basic technology necessary to establish and operate satellite systems in the 11.7–12.2 GHz frequency band is currently available, and two experimental satellites operating in this band are scheduled to be launched in the near future. The Communications Technology Satellite (CTS) is a joint venture between Canada and the National Aeronautics and Space Administration (NASA) to be launched in the fall of 1975. Japan is planning to launch an experimental broadcasting-satellite during 1977, and Germany has been conducting studies looking toward the development of a broadcasting-satellite system. Within the United States, experiments comprising a wide variety of instructional and educational services have been Conducted with NASA's Advanced Technology Satellite–6 (ATS–6) since June 1974 in the 2.50–2.69 GHz frequency band using nearly 120 low cost receiving earth stations in the Appalachian and Rocky Mountain regions and in Alaska. Similar types of experiments are planned for the CTS satellite in the 11.7–12.2 GHz frequency band. In addition, interest in the possible use of this band for fixed-satellite systems has been expressed by several domestic satellite applicants.

5. Appendix 2 presents a brief historical summary of the Commission's policies regarding the Broadcasting-Satellite Service in this country. Because of the uncertainties surrounding the development of this service, the wide range of communications services that might be provided by satellite systems operating in the 11.7–12.2 GHz frequency band, and the possible evolution of satellite systems operating in this band, the Commission has maintained a position of maximum flexibility regarding the use of the 11.7–12.2 GHz frequency band by both fixed and broadcasting-satellite systems. The Commission believes that this same position of maximum flexibility in this band should form the basis for preparations for the 1977 WARC.

6. To maintain this flexibility in the use of the 11.7–12.2 GHz frequency band by both fixed and broadcasting-satellites, the Commission believes that procedures similar to those set forth in Article 9A of the international Radio Regulations for obtaining international recognition of orbit and frequency assignments to space systems other than broadcasting-satellites should be adopted by the 1977 WARC for broadcasting-satellites in the 11.7–12.2 GHz frequency band. The interim procedures modeled after these Article 9A procedures which are set forth in Resolution No. Spa2-3 appear to form a good basis on which to develop a United States proposal to the 1977 WARC in this regard. Comments on this position or suggested changes to these procedures are requested.

7. It is expected that the 1977 WARC will also adopt criteria for sharing the 11.7–12.2 GHz frequency band between the Broadcasting-Satellite and the other radio services to which this band is allocated. Thus, a major portion of our preparations for this conference will be to develop proposals governing the sharing of this band together with the necessary supporting technical analyses. In this regard, a technical analysis contained in a report prepared for NASA in May 1974[2] concludes that the 11.7–12.2 GHz band could best be utilized through orbit-division rather than spectrum-division which means that a satellite in either service should be capable of utilizing the entire 500 MHz allocation. Comments on this matter and technical

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[1] The definition of the Broadcasting-Satellite Service, as given in the Radio Regulations of the ITU, is as follows:

Broadcasting-Satellite Service. A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception[1] by the general public.

Individual reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennae.

Community reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennae larger than those used for individual reception, and intended for use:

—by a group of the general public at one location; or

—through a distribution system covering a limited area.

[1] In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception.

[2] "Orbit-Spectrum Sharing Between the Fixed-Satellite and Broadcasting-Satellite Services with Applications to 12 GHz Domestic Systems", Rand Report R–1463–NASA.

analyses of orbital separation requirements between and among broadcasting and fixed satellites for various types of proposed services are requested.

8. While the position of the United States has been that no power flux density limits should be imposed in the 11.7–12.2 GHz frequency band, our preparations for the 1977 WARC should include consideration of possible power flux density limits [3] within which both the broadcasting and fixed satellite systems in this country can develop in this band with minimum constraints in the event that the 1977 WARC does decide to impose such limits in Region 2. Accordingly, comments and proposals, together with supporting technical analyses, are requested with respect to possible United States proposals to the 1977 WARC to regulate the use of the 11.7–12.2 GHz frequency band by the Broadcasting-Satellite Service and the sharing of this band between this and the other radio services to which this band is allocated.

9. Our preparations for the 1977 WARC must also include consideration of the possibility that proposed plans and regulations for the use of the 11.7–12.2 GHz frequency band may be advanced at the conference which may impose significant constraints on the development of broadcasting and fixed satellite systems in this country. Such proposals and plans could arise from different types of radio facilities other countries may be planning to construct and operate in this frequency band to satisfy their own internal communications requirements. While it may not be possible to definitively identify all of the potential communications services and satellite systems which might eventually be established within the United States in the 11.7–12.2 GHz frequency band, prudence dictates that a basic step in our preparations for the 1977 WARC include the documentation, to the extent possible, of this country's total orbit and spectrum requirements in this band, including an identification of typical baseline technical characteristics of potential broadcasting and fixed-satellite systems.[4] For this reason, potential users and suppliers of satellite communications services and equipment in the 11.7–12.2 GHz frequency band are requested to supply the types of information listed in Appendix 3 to the extent that they are able. In supplying this information, it is suggested that parties address two general time frames: (1) the near to medium range future until about the mid-1980's covering second generation and potentially new domestic fixed satellite systems and follow-on satellite systems to ATS–6 and CTS, and (2) the long range future from about the mid-1980's until the end of this century. Parties are also requested to specify whether the proposed communications services would be provided by means of dedicated satellite systems in the Broadcasting-Satellite Service, or by means of general purpose fixed-satellite systems.

10. There may be some ambiguity in the definitions of the Broadcasting- and the Fixed-Satellite Services. The 1977 WARC does not appear to be competent to address this issue. Although this issue may be considered for the preparation of the 1979 WARC, comments, at this time, are requested on all possible requirements, irrespective of the service, in the 11.7–12.2 GHz band. For example, restrictions on the reception of certain types of material that might be carried over broadcasting satellites may be desirable or necessary under certain circumstances, e.g. for privacy purposes in the case of medical programs or to restrict unauthorized reception of subscription broadcast programming or data services. In addition, encoding techniques employed to restrict such unauthorized reception may also impact sharing criteria and/or spectrum requirements. Comments on these matters are requested.

11. It is expected that broadcasting-satellite systems will serve large numbers of receiving earth stations, whether for individual or community reception. It would also appear desirable that such satellite systems be designed in a manner that reduces the cost of the receiving antenna and associated circuitry while permitting the continued use of ordinary television or radio receivers and, in the case of community reception, existing types of distribution facilities. One of the possible outcomes of the 1977 WARC with respect to planning for the Broadcasting-Satellite Service in the 11.7–12.2 GHz band could be the specification of standard technical parameters for such systems, such as channel plans, type of modulation, polarization, minimum receiving antenna size or G/T ratio, etc. The adoption of such technical standards by the 1977 WARC would have a very significant impact on the development of the Broadcasting-Satellite Service within the United States. In keeping with our position of retaining maximum flexibility with respect to the use of the 11.7–12.2 GHz frequency band within this country, it may be desirable for the United States to present proposals to the conference with respect to reasonable technical standards and specifications on the design and operation of receiving earth terminals in the Broadcasting-Satellite Service, particularly since such types of proposals may be advanced by other countries at the 1977 WARC. For this reason, information and comments are requested with respect to the preferred choices for such types of technical standards in the event that the 1977 WARC decides to adopt such standards.

12. In addition to the above, the Commission welcomes comments on any topic relating to our preparations for the 1977 WARC not covered in this Notice of Inquiry or specific proposals for the United States position at that conference.

13. In developing proposals for consideration by the Commission in preparation for the 1977 WARC, participants should keep in mind the importance of the conference actions and the impact that the decisions reached at the 1977 WARC will have on the future development of both broadcasting and fixed satellite systems operating in the 11.7–12.2 GHz frequency band in this country. As in the past, the Commission will coordinate its views with those of the Office of Telecommunications Policy and the Department of State in developing national proposals for the 1977 WARC. Thus, it should be noted that this and any subsequent Notice(s) of Inquiry in this proceeding are not rule making actions and will not involve at this stage any changes in or additions to the Commission's Rules and Regulations. However, inputs into this proceeding may eventually lead to proposals for the modification of the international Radio Regulations and the consequent incorporation of such changes in the Commission's rules and regulations.

14. Time will be an important factor in this proceeding since the 1977 WARC will be convened no later than April 1977. The proposals of the United States to this conference will have to be received by the ITU no later than the third quarter of 1976, and an even earlier date may be established internationally. In the past, the United States has developed preliminary views followed by draft proposals in the course of issuing a sequence of Notices of Inquiry in preparation for a World Administrative Radio Conference. It is not clear at this point in time whether such a course of action will be feasible in this instance in view of the short time remaining until the 1977 WARC although the Commission will endeavor to do so. In any event, the Commission will be unable to afford the expense of time that might otherwise be allowed for the filing of comments and reply comments.

15. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended, a Notice of Inquiry is adopted into the matter captioned above.

16. Interested parties may file comments on or before August 1, 1975, and reply comments on or before September 2, 1975. Comments and reply comments shall be filed pursuant to § 1.419 (b) of the Commission's rules and regulations which requires, among other things, and original and 14 copies of all filings. All relevant and timely comments and reply comments filed in this proceeding will be considered before further action is taken. The Commission may also take into account other pertinent information before it in addition to the

[3] Appendix 4 (filed as part of the original document) contains a sample calculation showing the derivation of a possible power flux density limit in the 11.7–12.2 GHz band. The specific parameters indicated in Appendix 4 were chosen for the purposes of illustration only.

[4] Appendix 5 (filed as part of the original document) contains a possible model of a Satellite System in the 11.7–12.2 GHz band. The specific parameters indicated in Appendix 5 were chosen for the purposes of illustration only.

specific comments and reply comments elicited by this Notice of Inquiry.

Adopted: April 30, 1975.

Released: May 9, 1975.

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

APPENDIX 1

RESOLUTION NO. 27

World Administrative Radio Conference for the Planning of the Broadcasting-Satellite Service in the Frequency Band 11.7–12.2 GHz (12.5 GHz in Region 1)

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering (a) that there is an urgent need in certain parts of the world to bring into use frequencies within the band 11.7–12.2 GHz (12.5 GHz in Region 1) for terrestrial services to which the band is allocated;

(b) that it is highly desirable that this should be done on the basis of a world-wide plan for the broadcasting-satellite service;

(c) that the C.C.I.R. expects to produce sufficient technical data for planning purposes as its XIIIth Plenary Assembly;

resolves That a World Administrative Radio Conference for the Planning of the Broadcasting-Satellite Service in the frequency band 11.7–12.2 GHz (12.5 GHz in Region 1) shall be convened not later than April 1977;

instructs the Administrative Council to make preparations for convening that Conference.

APPENDIX 2

BACKGROUND OF THE BROADCASTING-SATELLITE SERVICE IN THE 11.7 TO 12.2 GHZ BAND

The first mention of a broadcasting satellite service and the first mention of the 11.7 to 12.2 GHz band in the proceeding (preparatory Docket No. 18294) to the 1971 World Administrative Radio Conference for Space Telecommunications (WARC–ST) both occurred in the COMSAT response to the Second Notice of Inquiry (33 FR 15356; October 16, 1968). Comsat originally proposed that a broadcasting satellite service should be located in the upper part of the 470 to 890 MHz band (the UHF TV band) and the lower part of the 890–942 MHz band. With regard to the 11.7 to 12.2 GHz band, they proposed that it be one of the bands allocated to a "communication-satellite" service.[1] In the Notice of Inquiry immediately following (Third Notice of Inquiry in Docket No. 18294, 33 FR 17808; November 28, 1968) the Commission noted an outstanding Notice of Proposed Rule Making (Docket No. 18262) proposing the reallocation of a major part of the spectrum between 806 and 947 MHz to the land mobile services. The Commission went on to state that it did not at that time favor an exclusive allocation to space broadcasting, but, in order to avoid precluding such a service in the future it would propose accommodating it between 470 and 806 MHz by means of a footnote in the allocation table.

Emphasis on providing for satellite broadcasting continued to be focused on existing broadcasting bands, though it varied over various parts of those bands. For example, in the Fourth Notice of Inquiry (34 FR 2686; February 27, 1969) the Commission proposed 614 to 890 MHz. General Electric at one time proposed that a broadcasting satellite service be permitted to operate in the 88 to 108 MHz FM broadcasting band. Comsat proposed a "provisional" allocation for a broadcasting satellite service in the vicinity of 800 MHz; the allocation would have been coupled with a request that administrations make no further terrestrial station assignments in the portion of the spectrum so designated. The net result of the various proposals (*see* Report and Order in Docket No. 18294, 35 FR 19590; December 24, 1970) was that the United States went to the WARC–ST proposing footnotes which would allow the operation of broadcasting satellite stations in two existing broadcast bands, 88 to 108 MHz and 614 to 890 MHz. The proposal affecting the 88 to 108 MHz band was greeted with almost unanimous objection and was dropped. The second proposal was accepted, with the band reduced to 620 to 790 MHz, and is reflected in the current footnote 332A of the International Telecommunication Union (ITU) Regulations. In the proceeding instituted to amend the Commission's Rules to reflect the results of the WARC–ST (Docket No. 19547), however, the Commission stated that it was unwilling to see a broadcasting satellite service develop in the UHF television band at that time, and it did not amend its Rules to reflect ITU footnote 332A (which, incidentally, contained a power flux density limitation). Therefore, the Commission's Rules contain no provision at this time for broadcasting satellite operations in any of the broadcasting bands.

Meanwhile, in the proceeding to prepare for the WARC–ST, the 11.7 to 12.2 GHz band was being considered primarily as a possible place to put a communication-satellite service; it was being looked at especially as a band suitable for the distribution of TV program material. By the Sixth Notice of Inquiry (35 FR 5431; April 1, 1970) the 11.7 to 12.2 GHz band was being considered with an eye toward the accommodation of the broadcasting-satellite service, and it was proposed for that use by the Commission.[2] Concommitantly, increased attention was being given to the definition of the broadcasting-satellite service.

In discussing its rationale regarding the allocation of spectrum for this service the Commission said that the future place of the service in our national communications system was highly problematical; many questions had to be explored before an informed decision could be reached. In order not to foreclose the use of satellites for direct boadcasting[3] the Commission stated that it would recommend international allocation for the service so that accommodation would be available if and when national interest dictated its use. The Commission therefore proposed (1) that the 11.7 to 12.2 GHz band be shared co-equally between the communication-satellite service (limited to the distribution of TV programming) and the broadcasting-satellite service and (2) that appropriate definitions be adopted for the broadcasting-satellite service so as to include community reception. These proposals were finally adopted and taken to the WARC–ST (*see* Report and Order in Docket No. 18294), where they were substantially adopted by the allocation of the 11.7 to 12.2 GHz band to the broadcasting-satellite service in Region 2. The term "communication-satellite service" was dropped and an allocation to the "fixed-satellite service" in the same band was made instead in Region 2 (with no limitations that it could be used for TV program distribution only). Primary terrestrial allocations were also made in the band.[4] No power flux density limitations were imposed on either of the space services by the WARC–ST, and none have been subsequently imposed by the Commission.

The Commission amended its Rules to reflect these changes in allocation in its proceedings in Docket No. 19547. A large number of comments addressed the 11.7 to 12.2 GHz band. In the Notice of Proposed Rule Making instituting that proceeding (37 FR 15714; August 4, 1972.) it was suggested, in order to prevent pre-emption of the entire band and the preferred orbital slots by fixed-satellite stations, that the lower part of the band be allocated on a primary basis to the fixed-satellite service with the broadcasting-satellite service secondary, and that the upper part be allocated in the reverse manner. This suggestion reflected the primary problem involving this band—permitting fixed-satellite use to develop apace while protecting the potential development of the broadcasting-satellite service. The solution arrived at in the Report and Order in Docket No. 19547 (39 FCC 2d 956) was to allocate the entire band co-equally to the two services, but to make no assignments until the relative service and technical peramenters were better defined. A new footnote NG105 was adopted to state this intent. Upon petitions to reconsider, this footnote was changed to permit authorization of fixed-satellite operations, on a case by case basis, subject to a condition that they may be required to make adjustments to accommodate subsequent operations. No regular licenses have yet been issued for satellite operations in this band, although authorization has been granted for the Canadian Technology Satellite (CTS), a joint Canadian-American experimental satellite.

APPENDIX 3

All interested parties are requested to supply the following information concerning the 11.7–12.2 GHz band, in particular as it applies to the Broadcasting-Satellite Service.

(a) a description of the nature of the proposed service or services and the general operational characteristics of the earth stations and satellites to be used to provide the service including special operational requirements which may require or be affected by international regulatory provisions.

(b) a description of the geographic coverage area for the proposed service (e.g. national, time zone, regional, etc.), including the estimated number of earth stations to be served in each geographic coverage area.

(c) the estimated volume or market for the proposed communications service. For example, in the Fixed-Satellite Service, this may be expressed in terms of voice channels, data channels of a given bit rate, and/or transponders of a given bandwidth. In the Broadcasting-Satellite Service, requirements may be expressed in terms of simultaneous television channels and/or program quality

[1] The term "communication-satellite service" was used extensively in the proceedings in Docket No. 18294 and was not used thereafter. In the context of that proceeding, in the 11.7–12.2 GHz band it was intended primarily for use in providing satellite distribution of television programming, but the term was meant to be more inclusive. The term "communication-satellite service" is approximately the same as the term "fixed-satellite service" appearing in the ITU regulations.

[2] A number of other administrations had developed an interest in allocating this band for the broadcasting-satellite service by that time.

[3] A narrow definition of the term "broadcasting-satellite service" was being used in discussion at that time.

[4] In Region 2 the terrestrial services given allocations are the fixed, mobile (except aeronautical mobile), and broadcasting. However, footnote 405BB, also adopted by the WARC–ST, limits the use of this band by the terrestrial services by forbidding the introduction of such systems until after space systems have been developed.

audio channels for each of the geographic coverage areas identified in response to paragraph (b) above. Also, probable sources of funding should be identified for the Broadcasting-Satellite Service.

(d) the required or desired performance quality of the radio channels used to provide the communications service. For example, in the Fixed-Satellite Service, this may be expressed in terms of total picowatts per voice channel in the case of FM–FDM r.f. carriers or total C/N ratio required for a specified bit error rate for digital channels. In the Broadcasting-Satellite Service, video channel performance quality may be expressed in terms of TASO grade picture quality related to a required C/N ratio.

(e) an identification of the technical characteristics and link transmission parameters for the space stations and earth stations to be used to provide the communications service, together with supporting link calculations. This information will be useful in analyzing the feasibility and impact of alternative sharing strategies with respect to potential satellite communications services that may be provided in the 11.7–12.2 GHz frequency band.

(f) assessments of the future technical state-of-the-art and estimated costs of the space stations and earth stations that may be available to provide the proposed satellite communications services in the 11.7–12.2 GHz frequency band, particularly with respect to available satellite EIRP, earth station receiving system noise temperature, the maximum number of television channels available per broadcasting satellite, and satellite design lifetime.

(g) to the extent that such studies are currently available, analyses of the trade-offs between earth segment, space segment, and total system costs and the technical and link transmission parameters (including channel performance quality) of the satellite and earth stations used to provide the communications services, including the impact of these cost and technical parameter trade-offs on the orbit and spectrum required for the provision of the services.

[FR Doc.75–12420 Filed 5–9–75;8:45 am]

[Report No. 752]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 5, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21512–CD–TC–(3)–75, Radio Broadcasting Company. Consent to Transfer of Control from Leon S. Gross and Rose L. Gross, Transferors to Leon S. Gross, Rose L. Gross, William S. Gross, Ladina Erech, Transferees. Stations: KTS280, Allentown, Pennsylvania; KGB874 and KUC898, Philadelphia, Pennsylvania.

21513–CD–P–75, Commonwealth Telephone Company (New). C.P. for a new 1-way station to operate on 152.84 MHz. to be located 2.6 mi N.E. of Trucksville, Kingston Twp., Pennsylvania.

21514–CD–P–75, Kidd's Communications, Inc. (KUO618). C.P. to relocate and change antenna system for facilities operating on 158.70 MHz. located at 215 East 18th Street, Bakersfield, California.

21515–CD–P–(6)–75, Communications Equipment and Service Company (KWA632). C.P. for additional facilities to operate on 152.06, 152.12 and 152.18 MHz., Base, and Control facilities operating on 454.125 MHz. at Loc. #1: Ester Dome, Fairbanks, Alaska; 152.21 MHz., Base, and Control facilities operating on 459.125 MHz. at Loc. #4: Approx. 17 miles SW of Stevens Village, Alaska.

21516–CD–P–75, Paging, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz. to be located at Corner Clay extension & Alleghany Street, S.E., Blacksburg, Virginia.

21517–CD–P–75, Air, Inc. (New). C.P. for a new station to operate on 152.21 MHz. to be located at State Route 116, 1 mile West of Pontiac, Illinois.

21518–CD–R–75, The Mountain States Telephone & Telegraph Company (KAR68) (Developmental). Renewal of developmental license expiring 6/1/75. Term: 6/1/75 thru 6/1/76. Temporary-Fixed.

21519–CD–P–75, East Otter Tail Telephone Company (New). C.P. for a new station to operate on 152.63 MHz. to be located 0.4 Mile North from center of Perham, Minnesota.

20508–CD–ML–75, The Mountain States Telephone and Telegraph Company (KOE 261). Mod. Lic. to change frequency from 152.66 to 152.78 MHz. located 3 Miles NE of Newcastle, Wyoming.

Correction

21646–C2–P–(5)–74, General Telephone Company of Florida (KIY397). Correction to show auxiliary test frequency to operate on 152.92 MHz. located at Northwest corner of Constitution Avenue and Swift Road, Sarasota, Florida. All other particulars to remain as reported on PN #708, dated July 8, 1974.

RURAL RADIO

60325–CR–P–75, RCA Alaska Communications, Inc. (WQO78). C.P. to change antenna system of frequencies operating on 152.54, 152.63 and 152.69 MHz. and for additional facilities to operate on 152.81 MHz. located at Indian Mountain AFS facility, Indian Mountain, Alaska.

60326–CR–P–75, RCA Alaska Communications, Inc. (WOG85). C.P. to change antenna system of frequencies operating on 157.80, 157.89 and 157.95 MHz. and for additional facilities to operate on 158.07 MHz. located at Village located 35 miles west of Galena AFS, Nulato, Alaska.

60327–CR–P–75, RCA Alaska Communications, Inc. (WOG86). C.P. for additional facilities to operate on 158.07 MHz. located at Village located 43 miles east of Galena AFS, Ruby, Alaska.

60328–CR–P–75, RCA Alaska Communications, Inc. (WQO99). C.P. for additional facilities to operate on 158.07 MHz. located at Village located 25 miles WNW of Galena AFS, Koyukuk, Alaska.

60329–CR–P–75, RCA Alaska Communications, Inc. (New). C.P. for a new central office station to operate on 157.86 MHz. to be located approximately 6.5 miles ENE from Tyonek, Phillips Platform, Alaska.

60330–CR–P/L–75, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 158.07 MHz. to be located 14.3 miles ESE of Callao, Utah.

60204–CR–ML–75, The Mountain States Telephone & Telegraph Company (KPK24). Mod. License to change frequency from 157.92 to 158.04 MHz. located 42.1 miles southwest of Newcastle, Wyoming.

60183–CR–ML–75, The Mountain States Telephone & Telegraph Company (KPQ52). Mod. License to change frequency from 158.07 to 158.04 MHz. located 13.0 miles east-northeast of Three Forks, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2798–CF–ML–75, Northwestern Bell Telephone Company (KAW77), Approx. 4.5 Miles South of Philip, South Dakota. Lat. 45°58'52" N., Long. 101°38'32" W. Mod. of License to correct co-ordinates to read as shown above.

3390–CF–ML–75, American Telephone and Telegraph Company (KPV20), 120 East Pennington Street, Tucson, Arizona. Lat. 32°13'26" N., Long. 110°58'08" W. Mod. of License for partial transfer of control from Mountain States Telephone and Telegraph Company of frequencies 6197.2H and 6315.-9H MHz toward Oracle, Arizona on azimuth 02°52'.

3391–CF–ML–75, Same (KPT99), 14.5 Miles NW of Oracle, Arizona. Lat. 32°45'48" N., Long. 110°56'13" W. Mod. of License for partial transfer of control from Mountain States Telephone and Telegraph Company of frequencies 5945.2H and 6063.8H MHz toward Tucson, Arizona on azimuth 182°53'.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

3392–CF–ML–75, The Mountain States Telephone and Telegraph Company (KOS52), 120 East Pennington Street, Tucson, Arizona. Lat. 32°13'26'' N., Long. 110°58'08'' W. Mod. of License to delete and transfer to A.T.&T. frequencies 6197.2 and 6315.9 MHz toward Oracle, Arizona.

3408–CF–P–75, Northwestern Bell Telephone Company (KBI62), 105 North Wheeler Street, Grand Island, Nebraska. Lat. 40°-55'25'' N., Long. 98°20'25'' W. C.P. to replace transmitter and change power on frequency 6360.3V MHz, add amplifier to authorized transmitter for frequency 11685V MHz toward Wood River, Nebraska on azimuth 238°50'.

3409–CF–P–75, Same (KBI63), Approx. 1.5 Miles South of Wood River, Nebraska. Lat. 40°48'00'' N., Long. 98°36'31'' W. C.P. to replace transmitter and change power on frequency 6137.9V, add amplifier to authorized transmitter on 10755V MHz toward Grand Island, Nebraska on azimuth 58°40'; replace transmitter and change power on 6108.3H, add amplifier to authorized transmitter on 10955H MHz toward Minden, Nebraska on azimuth 219°22'.

3410–CF–P–75, Same (KBI64), 1 Mile South of Minden, Nebraska. Lat. 40°28'55'' N., Long. 98°56'59'' W. C.P. to replace transmitter and change power on frequency 6360.3H, add amplifier to authorized transmitter on 11685H MHz toward Holdrege, Nebraska on azimuth 260°22'; replace transmitter and change power on 6390.0H, add amplifier to authorized transmitter on 11405H MHz toward Wood River, Nebraska on azimuth 39°08'.

3411–CF–P–75, Same (KBI65), 1.4 Miles SW of Holdrege, Nebraska. Lat. 40°25'22'' N., Long. 99°23'57'' W. C.P. to replace transmitter and change power on frequency 6137.9H, add amplifier to authorized transmitter on 10755H MHz toward Minden, Nebraska on azimuth 80°05'; replace transmitter and change power on 6108.3V, add amplifier to authorized transmitter on 10955V MHz toward Oxford, Nebraska on azimuth 221°49'.

3412–CF–P–75, Northwestern Bell Telephone Company (KBI66), 2 Miles South of Oxford, Nebraska. Lat. 40°13'06'' N., Long. 99°38'15'' W. C.P. to replace transmitter and change power on frequency 6390.0V MHz, add amplifier to authorized transmitter on 11405V MHz toward Holdrege, Nebraska, on azimuth 41°40'.

3413–CF–P–75, Illinois Bell Telephone Company (KKU37), 1414 W. Jefferson Street, Joliet, Illinois. Lat. 41°31'20'' N., Long. 88°06'58'' W. C.P. to replace transmitter and change frequency 6330.7V to 6301.0H MHz toward Lorenzo, Illinois on azimuth 221°32'.

3414–CF–P–75, Same (KYC83), 3.5 Miles NW of Lorenzo, Illinois. Lat. 41°23'15'' N., Long. 88°16'28'' W. C.P. to replace transmitter and change frequency 6049.0V. to 6078.6H MHz toward Joliet, Illinois on azimuth 41°26'; replace transmitter and change frequency 6078.6V to 5960.0H MHz toward Norway, Illinois on azimuth 284°48'.

3415–CF–P–75, Same (KSN61), 2.8 Miles ESE of Norway, Illinois. Lat. 41°27'21'' N., Long. 88°37'14'' W. C.P. to replace transmitter and change frequency 6301.0V to 6330.7H MHz toward Lorenzo, Illinois, on azimuth 104°35'.

Corrections

3366–CF–P–75, United Inter-Mountain Telephone Company (KJD23), Chestnut Ridge, Approx. 6.5 Miles East of Kingsport, Tennessee. Lat. 36°33'25'' N., Long. 82°26'37'' W. Correct entry of Public Notice of April 28, 1975 to read: C.P. to change frequencies 10755H and 10995V MHz to 10915H and 11075H MHz toward Kingsport, Tennessee on azimuth 262°50'; change 10715H and 10955V MHz to 10735H and 10815H MHz toward Weaver, Tennessee on azimuth 99°48'; replace transmitters and change power.

3367–CF–P–75, Same (KJB45), Corner of North Roan and Commerce Street, Johnson City, Tennessee. Lat. 36°19'07'' N., Long. 82°21'10'' W. Correct entry of Public Notice of April 28, 1975 to read: C.P. to change frequencies 10755V, 10835H, 10915V, 10995H, 11075V, and 11155V MHz to 10755V, 10915V, 11075V, and 11155V MHz toward Weaver, Tennessee on azimuth 35°16'; replace transmitters and change power.

[FR Doc.75–12421 Filed 5–9–75;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Meeting

The National Crime Information Center Advisory Policy Board (Board) will meet on June 11–12, 1975, at the Prom Sheraton Hotel in Kansas City, Missouri. The meeting will begin at 9 a.m. and conclude at 5 p.m. each day.

The purpose of this meeting will be to conduct an election of officers for the Board, to consider an implementation plan for limited message switching of NCIC related matters, and to discuss any other matters presented to the Board. The Executive Director and Chairman of SEARCH Group, Incorporated, and officers and members of the Board of Directors of the National Law Enforcement Telecommunications Systems have been invited to participate in the discussion of the implementation plan.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must file written statements or questions at least twenty-four hours prior to the inception of the meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

The NCIC Advisory Policy Board is constituted according to Pub. L. 92–463 and its membership is composed of criminal justice representatives from throughout the United States.

Further information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Computer Systems Division, FBIHQ, Washington, D.C.

Minutes of the meeting will be available upon request from the above-designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.75–11791 Filed 5–9–75;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND COOK TERMINAL CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 2, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Mr. Carl S. Parker, Jr.
Traffic Manager
Board of Trustees of the Galveston Wharves
802 Rosenberg
P.O. Box 328
Galveston, Texas 77550

Agreement No. T–2814–1, between the Board of Trustees of the Galveston Wharves (Galveston) and Cook Terminal Company, Inc. (Cook), modifies the parties' basic agreement providing for Galveston's construction of a materials handling facility to Cook's specifications for the warehousing, storage, conditioning and shipping of bulk commodities. The purpose of the modification is to: (a) change the series date of the bonds to be sold for the facility from Series 1973 to Series 1975; (b) change the date by which these bonds must be sold from December 31, 1973, to December 31, 1975; and (c) change references to 1973 in Paragraphs VI and XIII to 1975.

Agreement No. T–2814–A–1, also between Galveston and Cook, modifies the parties' basic agreement providing for Cook's lease of the facility constructed pursuant to Agreement No. T–2814,

above. The purpose of the modification is to: (a) provide that Galveston will have the right of prior approval of Cook's tariff rates, charges, rules and regulations; (b) provide that taxes paid by Cook to the City of Galveston shall not be credited against amounts due Galveston under the lease; and (c) change the references to the series date of the bonds to be sold for the facility from Series 1973 to Series 1975.

Agreement No. T–2814–B–1, between Galveston and Cook's parent company, Cook Industries, Inc., modifies the parties' basic agreement providing that Cook Industries, Inc., will guarantee Cook's obligations to Galveston under Agreement No. T–2814–A. The purpose of the modification is to change the references to the series date of the bonds to be sold for the facility from Series 1973 to Series 1975.

The modifications provided for by Agreements Nos. T–2814–1, T–2814–A–1 and T–2814–B–1 are required by the Texas Constitution, as confirmed by the Texas Supreme Court in City of Galveston, Texas v. John L. Hill, Attorney General (No. B–4975, February 19, 1975).

By Order of the Federal Maritime Commission.

Dated: May 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–12397 Filed 5–9–75;8:45 am]

[NO. 75–15]

THE CARBORUNDUM CO. V. ROYAL NETHERLANDS STEAMSHIP CO. (ANTILLES) N.V.

Filing of Complaint

MAY 6, 1975.

Notice is hereby given that a complaint filed by The Carborundum Company against Royal Netherlands Steamship Company (Antilles) N.V. was served May 6, 1975. The complaint alleges that complainant has been subjected to payment of a freight rate for transportation which is unjust and unreasonable in violation of section 18(b)(3) of the Shipping Act, 1916.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–12398 Filed 5–9–75;8:45 am]

TRANS-WAY, INC., ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should municate with the Director, Bureau of Certification and Licensing, Federal not receive a license are requested to comMaritime Commission, Washington, D.C. 20573.

Trans-Way, Inc., 3777 NW 36th Street, Miami, Florida 33142.
Officers: Rafael R. Almaguer, Secretary/Treasurer, Frank Jimenez, President.

Ro-Modal International, 260 Sheridan Avenue, Palo Alto, California 94306.
Officers: David P. Roush, President, C. J. Boddington, Vice President, Joseph P. Ficurelli, Secretary.

Sergio E. Vasquez, 1215 West 6th Street, Los Angeles, California 90017.

Maria Victoria MacDougall, d/b/a Lysan Forwarding Company, P.O. Box 571077, Miami, Florida 33157.

Constant Shipping Corporation, Texas Professional Tower, Room 1604, 608 Fannin, Houston, Texas 77002.

OFFICERS:

Fred Haas, President/Treasurer/Director.
Nina Haas, Vice President/Secretary.
Norman Whitlow, Director.
Elton V. Amburn, Jr., Director.

Hector M. Scolari, d/b/a Scolari-Lopez, 630 Front Street, San Ysidro, California 92073.

By the Federal Maritime Commission.

Dated: May 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–12399 Filed 5–9–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75–328]

BLUEFIELD GAS CO., ET AL.

Order Directing Immediate Filing To Show Cause

MAY 2, 1975.

Carnegie Natural Gas Company, Cities Service Gas Company, National Fuel Gas Supply Corporation, The Sylvania Corporation, Tennessee Gas Pipeline Company, A Division of Tenneco Inc., Wheeler Gas Company.

Each of the above-listed respondents has failed to make timely filing of its Form 15, Annual Report of Total Gas Supply, due April 1, 1975, for calendar year 1974. Since the Respondents are delinquent in meeting the filing requirement prescribed by the Commission's regulations (18 CFR 260.7), each Respondent is by this order directed to make immediate filing of its Form 15 and to show cause why it should not be held to be in willful violation of the Natural Gas Act and the Commission's rules and regulations thereunder. In revising Form 15 in 1973, the Commission noted the importance of early filing over the burden of the filing since "the Commission's need for the data is so great at this time of energy shortage." [Order No. 476, 49 FPC 602, 604 (1973).]

The Commission's Secretary by letter of February 10, 1975, specifically notified each respondent of the April 1, 1975, due date and also supplied all the necessary Form 15 filing materials.

The obligation of these respondents to make timely filing of reports prescribed by the Commission is quite clear. The Natural Gas Act in section 10(a) requires every natural-gas company to file with the Commission such annual and other reports as the Commission prescribes. Section 10(b) of the Act provides that it shall be unlawful for any natural-gas company willfully to delay the filing of any report required to be filed under the Act or any rule, regulation or order thereunder. Additionally, section 21 of the Act prescribes criminal penalties for the willful and knowing violation of the Act or Commission rules, regulations or orders.

The Commission finds. It is necessary in the public interest in the administration and enforcement of the Natural Gas Act to require each respondent to make immediate filing of its Form 15 and to show cause why it should not be held in willful violation of the Natural Gas Act and the Commission's rules and regulations thereunder.

The Commission orders. (A) Each respondent shall make immediate filing of its Form 15 for the calendar year 1974.

(B) Each respondent shall also show cause why it should not be found to be in willful violation of the Natural Gas Act and the Commission's rules and regulations thereunder as set forth in this order by filing a written answer to this order with the Commission within 10 days from the date of issuance hereof in accordance with §§ 1.6(d) and 1.9(c) of the Commission's rules of practice and procedure [18 CFR 1.6(d) and 1.9(c)].

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–12324 Filed 5–9–75;8:45 am]

[Docket No. RI75–132]

CABOT CORP. (SW)

Petition for Special Relief

MAY 6, 1975.

Take notice that on April 24, 1975, Cabot Corporation (SW) (Petitioner), P.O. Box 1101, Pampa, Texas 79065, filed a petition for special relief in Docket No. RI75–132, pursuant to § 1.7(b) of the Commission's rules of practice and procedure, § 2.76 of the Commission's general policy and interpretations, and § 154.106(h) of the Commission's regulations under the Natural Gas Act.

Petitioner proposes with respect to five gas wells in the Mocane-Laverne Gas Area, Oklahoma, to install pumping units to remove the accumulation of salt water and condensate that is impeding the normal flow of gas. Petitioner requests approval of an increase from 21.6584 cents per Mcf to 55 cents per Mcf for the sale of natural gas to Panhandle Eastern Pipe Line Company under its FPC Gas Rate Schedule No. 47 in order to permit it to perform the requisite remedial work on subject five wells, which are set forth more fully in the Petitioner's application which is on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with

the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12325 Filed 5-9-75;8:45 am]

[Project No. 2322]

CENTRAL MAINE POWER CO.

Application for Approval of Certain Proposed Easement

MAY 5, 1972.

Public notice is hereby given that application was filed on February 28, 1975, under the Federal Power Act (16 U.S.C. 791a–825r) by Central Maine Power Company, Licensee (correspondence to: Mr. James Loughman, Chief Engineer, Scott Paper Company, Northeast Operations, Winslow, Maine 04901; copy to Mr. W. H. Kimball, Vice President, Central Maine Power Company, 9 Green Street, Augusta, Maine 04330), for approval to issue an easement to Scott Paper Company (Scott) to construct (1) an intake facility approximately 4 miles upstream of the dam of the Shawmut Project No. 2322 and approximately 50 feet from the shore and (2) a buried effluent outfall pipeline approximately 3½ miles upstream of the dam which would discharge at the center of the river. Both facilities would be within the project boundary on the Kennebec River and would be constructed in connection with Scott's proposed new bleached kraft pulp mill to be located in the Towns of Skowhegan and Fairfield, Somerset County, Maine.

Scott was granted a Waste Discharge License (DEP No. 385) by the Maine Department of Environmental Protection to discharge 40 million gallons per day of pulp process and cooling waters and sanitary wastewaters into the Kennebec River at the proposed site. In addition, permits and approvals have been obtained from the Environmental Protection Agency (NPDES Permit), the U.S. Army Corps of Engineers (Construction Permit), and State and local agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h), and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time requred herein and if the applicant or initial pleader requests within the time required herein and if be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12326 Filed 5-9-75;8:45 am]

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Further Extension of Procedural Dates

MAY 5, 1975.

On April 15, 1975, Central Vermont Public Service Corporation filed a motion to extend the procedural dates fixed by order issued December 5, 1974, as most recently modified by notice issued February 28, 1975, in the above-designated matter. On April 28, 1975, Vermont Public Service Board filed an answer in opposition to the above-motion; on April 29, 1975, Staff Counsel filed a motion in support of an extension of procedural dates; and on April 30, 1975, Vermont Electric Cooperative, Inc., filed a motion unopposed to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, July 8, 1975.
Service of Intrevenor's Testimony, July 22, 1975.
Service of Company Rebuttal, August 5, 1975.
Hearing, August 19, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12327 Filed 5-9-75;8:45 am]

[Docket No. E-9002]

COMMONWEALTH EDISON CO.

Further Extension of Procedural Dates

MAY 5, 1975.

On May 5, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 29, 1974, as most recently modified by notice issued January 23, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, June 24, 1975.
Service of Intervenor's Testimony, July 15, 1975.
Service of Company Rebuttal, August 5, 1975.
Hearing, September 8, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12328 Filed 5-9-75;8:45 am]

[Docket No. E-9406]

CONSUMERS POWER CO.

Proposed Tariff Change

MAY 6, 1975.

Take notice that Consumers Power Company (Consumers Power) on April 28, 1975 tendered for filing proposed changes in data supporting the Electric Coordination Agreement between Consumers Power and The Detroit Edison Company (Detroit Edison), designated Consumers Power Company Rate Schedule FPC No. 33. The proposed changes when fully effective would increase the charges under the agreement for seasonal, weekly and daily capacity reservations by approximately 2.6 percent.

The changes proposed to be effective on February 1, 1975 reflect an order of the Michigan Public Service Commission dated January 23, 1975 in the most recent Consumers Power Company electric rate case increasing the authorized overall rate of return for Consumers Power. Similarly, the changes proposed to be effective on March 1, 1975 reflect a later order of the Michigan Public Service Commission in a Detroit Edison rate case.

Consumers Power states that copies of the filing were mailed to Detroit Edison and to the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1975. Protests will be considered by the Commission in determining the appropriate action to

be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12329 Filed 5-9-75;8:45 am]

[Docket No. E-8947]

DELMARVA POWER AND LIGHT CO.

Further Extension of Procedural Dates

MAY 2, 1975.

On April 29, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 14, 1975, as most recently modified by notice issued April 18, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, May 13, 1975.
Service of Intervenor's Testimony, May 27, 1975.
Service of Company Rebuttal, June 10, 1975.
Hearing, June 24, 1975 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12330 Filed 5-9-75;8:45 am]

[Docket No. E-7679]

FLORIDA POWER CORP.

Tendering Corrected Exhibit to Service Agreement

MAY 5, 1975.

Take notice that on March 5, 1975, Florida Power Corporation (Company) tendered for filing a corrected "Exhibit C" to a service agreement which was accepted by Commission letter dated January 29, 1975 at this docket. Such letter accepted for filing the company's FPC Electric Tariff, First Revised Volume No. 1 and 21 unexecuted service agreements with Florida Power's municipal and rural electric cooperative customers. The company states that its Exhibit C relating to one of those service agreements, showing service specifications for delivery point No. 9 of Central Florida Rural Electric Cooperative, contained an error as to the metered voltage and that the tendered Exhibit C corrects such error and should be substituted for the one previously accepted for filing.

Any person desiring to be heard or to protest said filing shoud file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12331 Filed 5-9-75;8:45 am]

[Docket No. RI75-133]

J. M. HUBER CORP.

Petition for Special Relief

MAY 6, 1975.

Take notice that on April 21, 1975, J. M. Huber Corporation (Petitioner), 2000 West Loop South, Houston, Texas 77027, filed a petition for special relief in Docket No. RI75-133, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests that it be granted special relief covering the Church No. 2 well located in Section 18, T13S, R40W, Morton County, Kansas, for sales of natural gas to Cities Service Gas Company under its FPC Gas Rate Schedule No. 8 at 50 cents per Mcf. Petitioner states that said well has reached its economic limit and that by Amendment executed March 10, 1975, between Huber and Cities Service Gas Company, Huber has agreed, inter alia, to repair and maintain water removal equipment on said well in an effort to increase the gas production and prolong the productive life of the leasehold to said well. Petitioner further states that if relief is not granted it intends to terminate deliveries of gas from, and plug and abandon said well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12332 Filed 5-9-75;8:45 am]

[Docket Nos. E-9296, E-9297, and E-9298]

IOWA PUBLIC SERVICE CO.

Order Instituting Section 206 Investigation, Consolidating Proceedings, Granting Waiver, and Establishing Procedures

MAY 5, 1975.

On February 28, 1975, as completed by a supplemental filing on April 7, 1975,[1] Iowa Public Service Company (Iowa) tendered for filing as initial rate schedules a Participation Unit Agreement with Interstate Power Company (Interstate),[2] a Participation Unit Agreement with Nebraska Public Power District (Nebraska),[3] and a Firm Power and Participation Unit Agreement with Minnesota Power and Light Company (Minnesota).[4]

A joint notice of the initial filings was issued on March 10, 1975, with protests and petitions due on or before March 20, 1975. A further notice of the supplemental filing was issued on April 17, 1975, with protests and petitions due on or before May 6, 1975. No responses have been received by the Commission.

Docket Nos. E-9296 and E-9297. As per the terms of the proposed participation agreements, Iowa will deliver to Interstate and Nebraska 10 MW and 50 MW, respectively, of participation power from its George Neal Unit No. 2. The service period to Interstate and Nebraska will run from May 1, 1975, until October 31, 1975. Iowa states that the demand charge for service to Interstate will be $33,333 per month whereas the demand charge to Nebraska will be $166,650; the energy charge to both customers will be 110 percent of the average production costs of the George Neal Unit No. 2.

Docket No. E-9298. Iowa's proposed service to Minnesota provides for Iowa to supply 50 MW of firm power from the George Neal Unit No. 2 during the period of November 1, 1975, through April 30, 1977. The demand charge for this service will be $125,000 per month and the energy charge will be equal to 110 percent of the incremental costs of producing the energy. As to the participation power service, the demand charge is to be $166,650 per month whereas the energy charge will be 110 percent of the average production costs for energy generated by the Georgia Neal Unit No. 2. Iowa has requested waiver of § 35.3(a) of the regulations which proscribes the filing of rate schedules "more than ninety days prior to the date on which the electric service is to commence and become effective under an initial rate schedule * * *." Iowa states that the requested waiver of the aforementioned section will enable Iowa to plan for future fuel supplies and to make the necessary arrangements with other parties.

All of the instant parties are members of the Mid-Continent Area Power Pool (MAPP) Agreement,[5] and as such, Iowa has requested that the MAPP Agreement be incorporated by reference into these submittals as they concern the proposed participation unit agreements.

Our review of the proposed initial rates and accompanying cost support indicates that the rates have not been

[1] Iowa Public Service Company's February 28, 1975, filing was assessed as deficient and the Company was so informed by a Secretary letter dated March 26, 1975. The April 7, 1975. supplemental filing supplied the requested data on cost support.

[2] Docket No. E-9296.

[3] Docket No. E-9297.

[4] Docket No. E-9298.

[5] This agreement is on file with the Commission as Iowa FPC Rate Schedule No. 56, dated March 31, 1972.

shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall institute an investigation of the proposed initial rate schedules pursuant to the Commission's authority under section 206 of the Federal Power Act.

The Commission finds. (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission institute a section 206 investigation into the reasonableness of the proposed initial rate schedules.

(2) Good cause exists to grant the requested waiver of § 35.3(a) of the regulations.

(3) The three instant dockets should be consolidated into one proceeding.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held on July 29, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Iowa Public Service Company's proposed initial rate schedules.

(B) On or before May 30, 1975, company shall serve its direct testimony. On or before June 20, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before July 3, 1975. Any company rebuttal evidence shall be served on or before July 17, 1975.

(C) Iowa's request of a waiver of the notice requirements set forth in § 35.3(a) of the regulations is hereby granted.

(D) Docket Nos. E–9296, E–9297 and E–9298 are hereby consolidated into one proceeding.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–12333 Filed 5–9–75;8:45 am]

[Docket No. E–8888]

OHIO ELECTRIC CO.

Further Extension of Procedural Dates

MAY 2, 1975.

On April 29, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 16, 1974, as most recently modified by notice issued April 10, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, May 12, 1975.
Service of Company Rebuttal, May 16, 1975.
Hearing, May 19, 1975 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–12336 Filed 5–9–75;8:45 am]

[Docket No. E–9374]

KANSAS CITY POWER & LIGHT CO.

Filing of Supplemental Agreement

MAY 6, 1975.

Take notice that on April 11, 1975, Kansas City Power & Light Company (KCPL) tendered for filing a Third Amendment to Municipal Interconnection Contract between KCPL and the City of Carrollton, Missouri, relating to KCPL's FPC Rate Schedule No. 38, to become effective thirty (30) days after filing. The amending agreement provides for wholesale Off-Peak Service to the City of Carrollton.

In its filing, KCPL states that wholesale electric service is being provided under a rate which are KCPL's rates and charges for Municipal Wholesale Off-Peak Service determined from cost of service basis as agreed to in the settlement agreement approved September 4, 1974, by the Federal Power Commission in Docket No. E–8365, and that the City has requested such class of service, to alleviate fuel acquisition problems, and allow for increased maintenance of equipment by reducing its generation to a minimum level during the off-peak season (October 1 through May 31).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–12337 Filed 5–9–75;8:45 am]

[Docket No. E–9391]

KENTUCKY UTILITIES CO.

Rate Change

MAY 6, 1975.

Take notice that on April 18, 1975, the Kentucky Utilities Company (KU) tendered for filing a change in its Rate Schedule FPC No. 67 which is for service to Berea College.

KU states that the proposed contract provides for delivery at 69,000 volts, billing on Rate Schedule WPS–73. KU requests that the rate change be permitted to become effective on July 1, 1975.

Included with the KU filing was a Certificate of Concurrence executed by Berea College.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–12338 Filed 5–9–75;8:45 am]

[Docket No. E–9401]

KENTUCKY UTILITIES CO.

New Delivery Point

MAY 6, 1975.

Take notice that on April 28, 1975, the Kentucky Utilities Company (KU Co.) tendered for filing a change in its Rate Schedule FPC No. 82 to include an additional delivery point, to be known as the Coleman Road delivery point, as requested by the Jackson Purchase RECC (Jackson). According to KU Co., the new delivery point is in keeping with the contract between KU Co. and Jackson, specifically section 4; and KU Co. expects service to begin on or about June 1, 1975, which it requests as the effective date.

KU Co. states that no reasonable billing estimates can be made since the load served will be that transferred from other delivery points from time to time. KU Co. further states that copies of the tendered filing have been sent to Jackson and the Kentucky Public Service 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 protests should be filed on or before May 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12339 Filed 5-9-75;8:45 am]

[Docket No. E-8264]

MAINE PUBLIC SERVICE CO.

Order Accepting Fuel Adjustment Clause for Filing, Suspending Same, and Establishing Procedures

MAY 5, 1975.

On November 23, 1973, Maine Public Service Company (MPSC), tendered for filing initial rate schedules for service to three wholesale customers. By letter order dated May 28, 1974, the schedules were accepted for filing. MPSC was advised, however, that the proposed fuel clause was not in compliance with Opinion No. 633 and did not provide for a downward revision in the cost of fuel. MPSC was therefore required to submit a fuel clause within 30 days in conformance with § 35.14 of the Commission's regulations, as amended.

Various extensions of time were requested by MPSC, the last of which was denied. Accordingly, MPSC tendered the instant submitted on March 7, 1975, and completed same with additional information filed on April 9, 1975.

MPSC's filing of March 7, 1975, was noticed on March 21, 1975, with protests and petitions to intervene due on or before April 2, 1975. The filing of April 9, 1975, was noticed on April 25, 1975, with protests and petitions to intervene due on or before May 7, 1975. No response to either notice has been received.

The proposed fuel adjustment clause provides for a monthly adjustment for any upward or downward change in the cost of fuel from a base cost of $.003088 per kWh, a surcharge on 12 monthly installments for the unbilled fuel cost under the old clause at the end of the month preceeding the effective month, and correct, many of the deficiencies contained in previous submittals. Our review indicates, however, that the instand submittal, and particularly the surcharge clause therein, will not operate in a manner consistent with § 35.14 of the Commission's regulations, as amended by Order No. 517, and therefore may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend operation of the proposed fuel adjustment charge for one day and establish hearing procedures to determine the justness and reasonableness of MPSC's filing. Because we are suspending the operation of the fuel adjustment charge and providing for a hearing we shall afford MPSC an opportunity to file prepared testimony and exhibits which were not submitted with its filing.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of fuel in MPSC's proposed fuel adjustment charge in this docket and that the tendered fuel adjustment charge be suspended as hereinafter provided.

The Commission orders. (A) Pending a hearing and a decision thereon, MPSC's proposed fuel adjustment charge, tendered on March 7, 1975, and completed on April 9, 1975, is accepted for filing as of April 9, 1975, and suspended for one day the use thereof deferred until May 11, 1975, subject to refund.

(B) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the fuel adjustment charge proposed to be included in MPSC's FPC Rate Schedules, shall be held commencing on October 7, 1975, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before June 24, 1975, MPSC shall file its prepared testimony and exhibits. On or before August 26, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before September 9, 1975. Any rebuttal evidence by MPSC shall be served on or before September 23, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12340 Filed 5-9-75;8:45 am]

[Docket Nos. CP75-244, CP75-255, and CI75-515]

MID LOUISIANA GAS CO., ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date, and Prescribing Procedure

MAY 5, 1975.

United Gas Pipe Line Company, Mid Louisiana Gas Company, The Dow Chemical Company (Operator).

On February 27, 1975, Mid Louisiana Gas Company (Mid Louisiana) and United Gas Pipe Line Company (United) [hereinafter referred to jointly as Applicants] filed in Docket No. CP75-244 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange gas at certain additional exchange points pursuant to a letter agreement between them dated February 13, 1975, which further amends the exchange agreement between them dated March 26, 1968.

Applicants seek authorization to add new exchange points (i) on the existing field line of United in the Palmetto Bayou Field Area, Terrebonne Parish, Louisiana; (ii) on the existing field line of United in the Biscuit Bayou Field Area, Terrebonne Parish, Louisiana; (iii) on the existing field line of Mid Louisiana in the Holly Ridge Field Area, Tensas Parish, Louisiana; and (iv) at the outlet of the existing Cameron Meadows Plant of Mobil Oil Corporation in Cameron Parish, Louisiana. Applicants do not ask for authority to construct any new facilities.

Applicants state that the new exchange points will permit each company to purchase gas in fields remote from their systems and that issuance of the permanent certificate is required because of each company's emergency need for additional gas supplies.

On March 3, 1975, Mid Louisiana filed in Docket No. CP75-255, and on February 24, 1975, the Dow Chemical Company (DOW) filed in Docket No. CI75-515, application pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing Mid Louisiana to continue to operate until December 31, 1975, facilities to receive natural gas proposed to be sold for resale by Dow and authorizing Dow to sell gas in interstate commerce for resale to Mid Louisiana until December 31, 1975.

Mid Louisiana requests authorization to retain in place and operate through December 31, 1975, certain gas purchase facilities constructed pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) in order to receive gas produced by Dow from the Clark Oil-C. Ellis Henican, et al., No. 1 Well in the Palmetto Bayou Area, Terrebonne Parish, Louisiana.

Mid Louisiana states that it has constructed the subject facilities for the purpose of receiving gas from Palmetto Bayou on the system of United Gas Pipe Line Company; since United's system extends into said field. Mid Louisiana further states that United receives for Mid Louisiana's account gas produced by Dow from the McMoRan LL&E "C" No. 1 Well in the Biscuit Bayou Area, Terrebonne Parish. According to Mid Louisiana's application, United has agreed to receive gas delivered for Mid Louisiana's account in both fields and to redeliver gas to Mid Louisiana on an exchange basis and that Mid Louisiana has agreed to receive from United gas in Tensas Parish, Louisiana, and to redeliver equivalent volumes to United on an exchange basis.

Mid Louisiana relates that the facilities were put into operation so as to permit purchases from Dow in the Palmetto

Bayou Field beginning February 19, 1975, for a 60-day period pursuant to emergency authorization contained in § 157.22 of the regulations under the Natural Gas Act. The delivery to United in the Biscuit Bayou Field also commenced on February 19, 1975, pursuant to the same authorization, according to Mid Louisiana. Mid Louisiana states that promptly thereafter it filed with United a joint application for temporary and permanent certificates of public convenience and necessity authorizing said delivery points for the purpose of exchanging gas from the two fields.

Mid Louisiana states that it constructed to deliver gas from the Palmetto Bayou Field 5,200 feet of 4½-inch O.D. pipeline, a meter, tap and appurtenant facilities on United's existing 8-inch line in Terrebonne Parish, and that Dow installed a short segment of line between the LL&E well in the Biscuit Bayou Field to an existing delivery point of United. Mid Louisiana estimates the cost of the facilities it constructed at $61,000.

The contract provides for delivery near the wellhead; however, Dow has agreed to contribute one-half of the cost of the field pipeline facilities necessary to connect the Hennican well in the Palmetto Field to United's system. Should the sale of gas continue past the December 31, 1975, contract termination date, Mid Louisiana will refund to Dow the amount of the contribution. If the gas is not sold to Mid Louisiana after December 31, 1975, and the facilities are used for other disposition of the gas, then Dow agrees to purchase the facilities from Mid Louisiana for their then depreciated cost.

Mid Louisiana justifies its need for the subject gas by its declining gas supplies, its need for completing essential storage injections and the continuing serious curtailment on its system.

Dow has filed an application for authorization to continue to sell gas from the subject wells commencing at the end of the 60-day emergency sale begun on February 19, 1975, pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29).

Dow proposes to sell an estimated 300,000 Mcf per month at 15.025 psia at a price of 65.79 cents per Mcf plus a 7-cent per Mcf tax adjustment reimbursement. The price of 65.79-cents is subject to Btu adjustment currently estimated at 3.28 cents upward.

Dow also contends that it and the other co-owners of the subject production rights qualify as small producers and that the contract price for the subject gas was agreed to only after the Commission announced in its notice of proposed rulemaking issued September 9, 1974, in Docket No. R-393, that it proposes to permit small producers lawfully to collect rates of 150 per cent of the base nationwide rate.

In Opinion No. 699-B (52 FPC __), which reinstated the limited-term certificate provisions of § 2.70(b)(3) of the Commission's general policy and interpretations, the Commission stated that applicants for limited-term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market and that the supply of gas is available only for the limited period for which certification is sought." (Mimeo p. 6).

In support of the proposed price, Dow alleges that the contract rate is less than rates currently paid for new gas in the intrastate market and is less than the value of the gas if it were made available to Dow's petrochemical plant. With respect to the limited term, Dow states that it acquired rights to this and other production in south Louisiana for the sole purpose of acquiring gas reserves for delivery to its petrochemical plant at Plaquemine, where such supplies are essential to its operations. Dow states that the gas is being made available to Mid Louisiana in order to further evaluate the extent of the production being developed. Dow further states that its willingness to commit this gas to the interstate market is absolutely dependent upon the production from the wells being available after December 31, 1975, for its petrochemical plant. If this result is not assured, according to Dow, the gas will not be sold in interstate commerce.

The Commission stated that the purpose of Order No. 699-B is "to attract available natural gas supplies from the intrastate market to the interstate market."[1] On other occasions, however, the Commission has stated that it is not so interested in attracting intrastate gas to allow producers repeatedly and at short intervals to play the intrastate and interstate markets against one another in order to drive up the price of their gas.[2] Dow has not demonstrated by substantial evidence that the proposed price is or will be required by the present or future public convenience and necessity. Further there remains the question whether or not the limited term is justified.

A petition to intervene in support of the application in Docket No. CI75-515 was filed by Mid Louisiana on March 6, 1975.

Based on the facts currently before us, we believe that these proceedings should be consolidated and a formal hearing should be held to afford the Applicants an opportunity to establish through the presentation of credible evidence that (1) the proposed price is or will be required by the present or future public convenience and necessity when juxtaposed to similarly situated intrastate sales or alternatively, that the price is no more than is necessary to recover the lowest reasonable costs of the particular project and (2) the subject gas can reasonably be expected to be no longer available for sale after the prescribed limited term.

[1] Opinion No. 699-B, supra, mimeo p. 4.

[2] See Order Denying Authorization for Extension of Emergency Sale, Denying Limited-Term Certificate of Public Convenience and Necessity, and Granting Petition to Intervene, Wayne J. Spears, in Docket No. CI75-218, issued December 20, 1974.

The Commission finds. (1) There is good cause for the instant dockets to be consolidated.

(2) The intervention of Mid Louisiana in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders. (A) The proceedings in Docket Nos. CP75-244, CP75-255, and CI75-515 are hereby consolidated.

(B) Mid Louisiana is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the Authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on June 10, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(D) On or before May 30, 1975, all applicants and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12341 Filed 5-9-75;8:45 am]

[Docket No. RP71-125 PGA75-10]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Purchased Gas Cost Adjustment to Rates and Charges

MAY 5, 1975.

Take notice that Natural Gas Pipeline Company of American (Natural) on April 16, 1975, tendered for filing Twenty-third Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1 to become effective June 1, 1975, pursuant to the Purchased Gas Cost Adjustment Clause (PGA Clause) provision contained in its Tariff. Natural

proposes to increase its rates to reflect changes in the cost of gas purchased from producer suppliers and to recover accumulated deferred purchased gas costs as of February 28, 1975. Natural states that the Deferred Purchased Gas Cost Account balance as of February 28, 1975 was adjusted to eliminate the cost changes and recoveries applicable to changes that were filed for and made effective February 5, 1975 in Natural's Special One-Time PGA filing pursuant to Opinions 699–G and 699–H.

Copies of the filing have been mailed to each of the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12342 Filed 5-9-75;8:45 am]

[Docket No. E-9104]

NEVADA POWER CO.

Extension of Procedural Dates

MAY 5, 1975.

On April 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 17, 1975, in the above-designated. 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, May 27, 1975.
Service of Intervenor's Testimony, June 10, 1975.
Service of Company Rebuttal, June 24, 1975.
Hearing, July 8, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12343 Filed 5-9-75;8:45 am]

[Docket No. CP75-311]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 5, 1975.

Take notice that on April 21, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-311 an application pursuant to section 7(b) and (c) of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing August 1, 1975, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from funds on hand and from revenue generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 section 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12344 Filed 5-9-75;8:45 am]

[Docket No. E-9320]

PUBLIC SERVICE CO. OF COLORADO

Notice of Filing of Amendment To Contract for Interconnections and Transmission Service

MAY 5, 1975.

Take notice that on April 14, 1975, Public Service Company of Colorado (PSCOL) tendered for filing copies of an amendment to PSCOL's "Contract for Interconnections and Transmission Service" with the United States Department of the Interior, Bureau of Reclamation (Bureau).

PSCOL states that the subject amendment, designated "Supplement No. 3" and dated November 19, 1971, provides for the "Henderson Temporary Point of Delivery". PSCOL states further that it inadvertently failed to timely submit said amendment to this 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 protests should be filed on or before May 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12345 Filed 5-9-75;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICE, INC.

Further Extension of Procedural Dates

MAY 5, 1975.

On April 25, 1975, the Power Section of the Georgia Municipal Association and the Cities of Acworth, et al. and the Water Light and Sinking Fund Commission of the City of Dalton, Georgia, filed a motion to extend the procedural dates fixed by order issued May 8, 1974, as most recently modified by notice issued March 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, June 10, 1975.
Service of Staff's Testimony, July 1, 1975.
Service of Company Rebuttal, July 8, 1975.
Hearing, July 21, 1975 (10 a.m., e.d.t.).

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12346 Filed 5-9-75;8:45 am]

[Docket No. E-9382]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Cancellation

MAY 5, 1975.

Take notice that on April 16, 1975, Southwestern Electric Power Company (Southwestern) tendered for filing a notice of cancellation of a letter agreement between Southwestern and Arkansas Power & Light Company (Arkansas). Southwestern states that said letter agreement is dated May 25, 1973, and became effective March 1, 1974, under the designation of "Supplement No. 12 to Rate Schedule FPC No. 47." Southwestern states further that said letter agreement terminates by its own terms on May 31, 1975, and is to be considered cancelled as of that date.

Southwestern states that notice of the proposed cancellation has been served upon Arkansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12347 Filed 5-9-75;8:45 am]

[Docket No. E-9400]

VIRGINIA ELECTRIC AND POWER CO.

Supplemental Contract Filing

MAY 5, 1975.

Take notice that on April 25, 1975, Virginia Electric and Power Company (VEPCO) tendered for filing a new contract with Northern Piedmont Electric Cooperative for Brandy Delivery Point in Culpeper County, Virginia. The new contract has been designated FPC Rate Schedule No. 8-24 dated April 1, 1975, and the requested effective date is the date of connection of facilities, which is currently projected to be sometime in June, 1975. VEPCO states that when Brandy Delivery Point is connected, Remington Delivery Point (FPC Schedule No. 81-12 dated December 21, 1970), will be abandoned. The company states that it will notify the Commission of the date of connection so as to allow for the placing into effect of the supplement. VEPCO requests waiver of the requirements to file billing data since there will be no significant increase in the unit cost of electricity as a result of the planned connection.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest, with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12348 Filed 5-9-75;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of March 18, 1975

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on March 18, 1975.[1]

The information reviewed at this meeting suggests that real output of goods and services is continuing to fall sharply in the current quarter. In February industrial production and employment declined substantially further. The unemployment rate was unchanged, at 8.2 percent, as the civilian labor force declined sharply. Average wholesale prices of industrial commodities rose moderately again in February, and prices of farm and food products declined sharply further. The advance in average wage rates, although large, remained well below the increases of last spring and summer.

The foreign exchange value of the dollar declined in February, but it strengthened somewhat in early March, as short-term interest rates abroad fell further and as market attitudes toward the dollar improved somewhat. In January the U.S. foreign trade deficit was only moderately above the rate in the fourth quarter of 1974 despite a large bulge in recorded imports of oil. Net outflows of capital reported by banks continued large as foreigners withdrew deposits.

The narrowly defined money stock, which had declined sharply in January, expanded considerably in February, and broader measures of the money stock grew at substantial rates. Net inflows of consumer-type time and savings deposits were particularly large. Large-denomination CD's outstanding contracted in February and total bank credit showed little net change. Business demands for short-term credit remained weak, both at banks and in the commercial paper market, while demands in the long-term market continued exceptionally strong. Since mid-February short-term market interest rates have declined a little while longer-term yields have risen. Federal Reserve discount rates were reduced from 6¾ to 6¼ percent in early March.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to stimulating economic recovery, while resisting inflationary pressures and working toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with more rapid growth in monetary aggregates over the months ahead than has occurred in recent months.

By order of the Federal Open Market Committee, May 5, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-12368 Filed 5-9-75;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of March 18, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

C.S.B CO.

Formation of Bank Holding Company

C.S.B. Co., Cozad, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Cozad State Bank and Trust Company, Cozad, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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 Reserve Bank, to be received not later than May 30, 1975.

Board of Governors of the Federal Reserve System, May 2, 1975.

[SEAL] ROBERT SMITH, III
Assistant Secretary of the Board.

[FR Doc.75-12367 Filed 5-9-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LONG BRANCH COAL CO.

Applications for Renewal Permits; Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4079-000, LONG BRANCH COAL COMPANY, Mine No. 2, Mine ID No.

15 02805 0, Partridge, Kentucky, ICP Permit No. 4079–001–R–1 (Davis Drag Cable Shuttle Car, I.D. No. 1), ICP Permit No. 4079–002–R–1 (Davis Drag Cable Shuttle Car, I.D. No. 2).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before May 27, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

MAY 5, 1975.

[FR Doc.75–12358 Filed 5–9–75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Music Advisory Panel to the National Council on the Arts will be held on May 29 and May 30, 1975 from 9:30 a.m.–6 p.m. in the 14th floor conference room, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

The purpose of this meeting is for a general policy discussion. The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75–12372 Filed 5–9–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR–59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Scriba, Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the trip level settings for the 4 KV Emergency Bus Undervoltage Relays in order to be consistent with new type of relays that have been installed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 24, 1975, (2) Amendment No. 2 to License No. DPR–59, with Change No. 2, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 2nd day of May 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75–12352 Filed 5–9–75;8:45 am]

[Docket Nos. 50–500A, 50–501A]

THE TOLEDO EDISON CO. ET AL. (DAVIS-BESSE) NUCLEAR POWER STATION, UNITS 2 AND 3)

Antitrust Hearing

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, the notice published in the FEDERAL REGISTER of February 27, 1975 (40 FR 8395) by the Nuclear Regulatory Commission, and the memorandum and order dated May 6, 1975, granting the petition of the City of Cleveland to intervene and the State of Ohio to participate in this proceeding and directing a hearing to determine whether the activities under the proposed construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(c) of the Atomic Energy Act of 1954, 42 USC 2135(c), a hearing will be held at a time and place to be designated by the licensing board. The members of the board designated by the Chairman of the Atomic Safety and Licensing Board Panel are John H. Brebbia, John M. Frysiak and Douglas V. Rigler, Chairman.

The application, and a letter of the Attorney General dated February 14, 1975, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street, NW, Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Public Document Room and will be available for inspection by members of the public. Copies of the foregoing documents will also be available at the Ida Rupp Public Library, 301 Madison Street, Port Clinton, Ohio 43452.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position or the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than June 11, 1975. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, NW., Washington, D.C. Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's Rules of Practice, an original and twenty conformed copies of each such paper with the Commission.

Issued at Bethesda, Maryland, this 6th day of May, 1975.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN H. BREBBIA,
Member.

JOHN M. FRYSIAK,
Member.

DOUGLAS V. RIGLER,
Chairman.

[FR Doc.75–12354 Filed 5–9–75;8:45 am]

WISCONSIN ELECTRIC POWER CO., ET AL.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

WISCONSIN ELECTRIC POWER COMPANY ET AL.

(Koshkonong Nuclear Generating Plant, Units 1 and 2).
Docket Nos. 50-502-A and 50-503-A.

This action is in reference to the "Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published by the Commission in the above matter (40 FR 14808—April 2, 1975).

The members of the Board are:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Michael A. Duggan, Member
College of Business Administration
University of Texas
Austin, TX 78712

Sidney G. Kingsley, Esq., Member
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dated at Bethesda, Maryland this 6th day of May 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-12396 Filed 5-9-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-5672]

MISSISSIPPI POWER AND LIGHT CO.

Proposed Transactions Related to Financing of Pollution Control Facilities

MAY 2, 1975.

Notice is hereby given that Mississippi Power and Light Company ("Mississippi"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

In order to comply with prescribed environmental control standards of the State of Mississippi with respect to air and water quality, it will be necessary for Mississippi to construct certain pollution control facilities solely for this purpose. This application relates to the company's proposal for its disposition and acquisition of the pollution control facilities for use in connection with the Delta Steam Electric Station, located in Bolivar County, Mississippi, the Natchez Steam Electric Station, located in Adams County, Mississippi, and the Rex Brown Steam Electric Station, located in Hinds County, Mississippi.

It is intended that Bolivar County, Mississippi, will issue its pollution control revenue bonds for the purpose of paying the costs of the construction and equipping of certain pollution control facilities at the Delta Steam Electric Station ("Delta Project"). Mississippi proposes to enter into an installment Sale Agreement ("Delta Agreement") with Bolivar County which will provide for the construction and equipping of the Delta Project by or on behalf of Bolivar County and the issuance by Bolivar County of its Pollution Control Revenue Bonds ("Delta Bonds"), in principal amount presently estimated not to exceed $825,000 sufficient to cover the cost of construction. The proceeds of the sale of the Delta Bonds will be deposited by Bolivar County with the trustee ("Bolivar County Trustee") under an indenture to be entered into between Bolivar County and such Trustee, pursuant to which the Delta Bonds are to be issued and secured ("Bolivar Indenture"). The proceeds resulting from the issuance of the Delta Bonds will be applied to payment of the cost of construction. The Delta Agreement also will provide for the sale of the Delta Project to Mississippi, the payment by the company of the purchase price of the Delta Project in semi-annual installments over a term of years, and the assignment and pledge to the Bolivar County Trustee of Bolivar County's interest in, and of the moneys receivable by Bolivar County under, the Delta Agreement. The Delta Agreement will provide that the purchase price of the Delta Project payable by the company will be of such amount, including interest thereon, as shall be sufficient (together with other moneys held by the Bolivar County Trustee under the Bolivar Indenture for that purpose) to pay the principal of and interest on the Delta Bonds as the same become due and payable. The Delta Agreement will also obligate the company to pay the fees and charges of the Bolivar County Trustee under the Bolivar Indenture. The Delta Bonds are noncallable for redemption prior to July 1, 1985, except in case of certain special circumstances. It is intended that said bonds will mature serially at the rate of $50,000 each July 1st for the years 1978 through 1987, $100,000 for the years 1988 and 1989, and $125,000 for the year 1990.

In order to comply with Mississippi law, it will be necessary for the company to convey to Bolivar County such portions of the Delta Project as may be owned by the company at the time the Delta Agreement is executed ("Existing Delta Facilities"). Such Existing Delta Facilities would thereupon become a part of the Delta Project which is to be provided by Bolivar County and which the company proposes to acquire as provided in the Delta Agreement.

It is further intended that Adams County will issue its pollution control revenue bonds for the purpose of paying the costs of the construction and equipping of certain pollution control facilities at the Natchez Steam Electric Station ("Natchez Project"). Mississippi proposes to enter into an installment sale agreement ("Natchez Agreement") with Adams County which will provide for the construction and equipping of the Natchez Project by or on behalf of Adams County and the issuance by Adams County of its Pollution Control Revenue Bonds ("Natchez Bonds"), in principal amount not to exceed $625,000, which agreement will have terms and conditions similar to those in the Delta Agreement, except that the Natchez Bonds will mature serially at the rate of $50,000 each July 1st for the years 1978 through 1989 and $25,000 for the year 1990. The proceeds of the sale of the Natchez Bonds will be deposited by Adams County with the trustee ("Adams County Trustee") under an indenture to be entered into between Adams County and such Trustee, pursuant to which the Natchez Bonds are to be issued and secured ("Adams Indenture"). The terms and conditions of the Adams Indenture will be similar to the terms and conditions of the Bolivar Indenture.

In order to comply with Mississippi law, it will be necessary for the company to convey to Adams County such portions of the Natchez Project as may be owned by the company at the time the Natchez Agreement is executed ("Existing Natchez Facilities"). Such Existing Natchez Facilities would thereupon become a part of the Natchez Project which is to be provided by Adams County and which the company proposes to acquire as provided in the Natchez Agreement.

It is additionally intended that Hinds County, Mississippi ("Hinds County") will issue its pollution control revenue bonds for the purpose of paying the cost of the construction and equipping of the pollution control facilities at the Rex Brown Steam Electric Station ("Rex Brown Project"). Mississippi proposes to enter into an installment sale agreement ("Rex Brown Agreement") with Hinds County which provides for the construction and equipping of the Rex Brown Project by or on behalf of Hinds County and the issuance by Hinds County of its Pollution Control Revenue Bonds ("Rex Brown Bonds") in principal amount presently estimated not to exceed $950,000, which agreement will have terms and conditions similar to those in the Delta Agreement. The proceeds of the sale of the Rex Brown Bonds will be deposited by Hinds County with the trustee ("Hinds County Trustee") under an indenture to be entered into between Hinds County and such Trustee ("Hinds County Indenture") pursuant to which the Rex Brown Bonds are to be issued and secured. The terms and conditions

of the Hinds County Indenture will be similar to the terms and conditions of the Delta Indenture, except that all of the proposed Rex Brown Bonds will mature on July 1, 1995.

In order to comply with Mississippi law, it will be necessary for the company to convey to Hinds County such portions of the Rex Brown Project as may be owned by the company at the time the Rex Brown Agreement is executed ("Existing Rex Brown Facilities"). Such Existing Rex Brown Facilities would thereupon become a part of the Rex Brown Project which is to be provided by Hinds County and which the company proposes to acquire as provided in the Rex Brown Agreement.

The Existing Delta Facilities would be conveyed to Bolivar County, the Existing Natchez Facilities would be conveyed to Adams County, and the Existing Rex Brown Facilities would be conveyed to Hinds County subject to the lien of Mississippi's Mortgage and Deed of Trust. Upon reconveyance to the company, these facilities, as well as the new pollution control facilities generally, when constructed, will be subject to such lien.

It is contemplated that the Delta Bonds will be sold by Bolivar County, the Natchez Bonds by Adams County, and the Rex Brown Bonds by Hinds County pursuant to arrangements with Speed-Welch-McMullan, Inc., as the sole underwriter. In accordance with the laws of the State of Mississippi, the interest rate to be borne by each issue will be fixed by the County involved. The company will not be party to the underwriting arrangements for any of the bonds. Mississippi understands that interest payable on the bonds of the three issues will be exempt from Federal income taxes, and the company has been advised that the annual interest rates on obligations, interest on which is so tax exempt, historically have been and can be expected at the time of issuance of the above described issues of bonds to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

The fees and expenses to be incurred by Mississippi in connection with the proposed disposition and acquisition of pollution control facilities are estimated at $17,000, including counsel fee of $13,000. The application states that no State commission 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 May 29, 1975, 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.75-12407 Filed 5-9-75;8:45 am]

[File No. 70-5601]

PUBLIC SERVICE CO. OF OKLAHOMA

Proposed Acquisition of an Interest in Oil and Gas Exploration and Development Program

MAY 2, 1975.

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, a wholly-owned subsidiary of Central and Southwest Corporation ("CSW"), a registered holding company, has filed an application, and an amendment thereto, with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transactions.

PSO is a public utility engaged in the generation, transmission and distribution of electricity in eastern and southwestern Oklahoma. All of PSO's present base-load generating facilities use natural gas as a primary fuel and are equipped to substitute oil for short periods when natural gas is unavailable.

Exhibits accompanying the application show the existing and planned generating units of PSO, their capacity, heat rate and anticipated fuel requirements. The amount of gas which is expected to be required in 1977 for which contracts have not been obtained is 42 trillion BTU, or approximately 42 million Mcf, which equals 28 percent of PSO's expected fuel consumption in 1977. The increasing difficulty in obtaining additional firm, long-term contracts for supplies of natural gas to serve the fuel needs of units presently in operation or under construction, has led PSO to turn to coal and nuclear units for planned base-load generating facilities scheduled to be placed in service after 1976. The transactions which are the subject of this application are directed to the acquisition of fuel supplies to augment reserves and to cover partially the expected needs of PSO's gas and oil-fired generating units.

It is stated that PSO and Varibus Corporation ("Varibus"), a subsidiary of Gulf States Utilities Company, have undertaken an oil and gas exploration program with certain persons, (hereinafter referred to as Davis-McCoy) under an exploration agreement effective September 1, 1971 ("Davis-McCoy Agreement"). Under that agreement, Davis-McCoy undertook to conduct an exploratory program for 12 years or longer, divided into 3-year phases. Davis-McCoy agreed to administer the program, provide geological information and to acquire oil and gas rights in the form of leaseholds or other proprietary interests. Exploratory wells were to be drilled on the recommendation of Davis-McCoy. Development of proven reserves were to be at the option of PSO and Varibus. Davis-McCoy, as operators, would manage any such development.

Davis-McCoy were not required to invest any funds. PSO and Varibus became 50 percent participants shortly after the Davis-McCoy Agreement was executed and undertook to provide up to $10 million in the first phase of the program to pay all costs, including a 10 percent fee to Davis-McCoy. For the performance of their duties and for providing geological and geophysical knowledge, Davis-McCoy were also entitled to receive a 25 percent carried interest in all leases and property interests acquired under the program. The parties agreed to include under the program any interest acquired by any of them in the area to be explored and to use their best efforts to acquire, for the account of the program, any unacquired interests held by third parties in prospects selected for exploratory drilling.

A "carried working interest" is a right to receive a specified percentage of production of a particular gas or oil property, which does not obligate the holder to contribute funds for the development of such property. The carried interest which Davis-McCoy was entitled to under the Davis-McCoy agreement was a reversionary carried interest which provides for reimbursement of PSO and Varibus for all costs associated with each drilling prospect from production of such prospect before the Davis-McCoy interest begins to accrue. The reimbursement is on a prospect by prospect basis which means that production on one prospect may accrue to Davis-McCoy, even though PSO and Varibus are unable to recover their costs on another prospect.

Pursuant to this Agreement, approximately $9.8 million was spent through December 31, 1974, and about 422,000 net acres of oil and gas leaseholds which are located primarily in Alabama and Mississippi, were acquired. PSO's 50 percent participation in the venture entitles it to

a beneficial interest in approximately 211,000 net acres including an interest in approximately 1,158 net acres located in Oklahoma. A discovery has been made in Alabama on the eastern fringe of the area to which the venture was primarily directed and is being developed by Union Oil Company. PSO is entitled to a fractional interest presently valued at $2.3 million in this Chunchula unit. The bulk of the acreage requires exploratory drilling and development. PSO and Varibus did no desire to finance this stage of the program and have accordingly negotiated a new agreement ("Saga Agreement") with Saga Petroleum U.S., Inc. which excludes the Chunchula and other properties.

The Saga agreement provides for the exploration and development of the approximately 416,000 net acres in the Mississippi-Alabama area originally acquired under the Davis-McCoy agreement. Saga will act as operator and will provide $18 million (80 percent) out of $22.5 million to be expended in 42 months from the effective date of the agreement for exploration, lease acquisition and well drilling. Two wells are already being drilled. PSO and Varibus will each supply $2,250,000 (10 percent) of these costs.

The acreage subject to the Saga agreement will be developed in a series of prospects, each confined to a specified segment of the total acreage. If and when production on a prospect begins, all oil, gas and other hydrocarbons will be distributed to Saga, PSO and Varibus in the proportion of 80 percent, 10 percent and 10 percent, respectively, until the new investment in the prospect under the Saga agreement is recouped. Then, oil and gas production will be distributed to Saga, PSO and Varibus in the proportion of 40 percent, 30 percent, and 30 percent, respectively, until PSO and Varibus recover their aliquot investment in each prospect under the Davis-McCoy agreement. Thereafter, all production will be distributed to Saga, PSO, Varibus and Davis-McCoy in the proportions of 40 percent, 23¾ percent, 23¾ percent and 12½ percent, respectively, adjusted for the overriding royalty and the new acreage described below.

In order to facilitate the Saga agreement, Davis-McCoy has agreed to release its 25 percent reversionary interest originally granted by the Davis-McCoy agreement in all acreage dealt with by the Saga agreement and acquired prior to January 1, 1974. It is stated that this includes about 399,000 of the 416,000 net acres with which the Saga agreement deals. Davis-McCoy will receive, instead, a reversionary interest of 12½ percent, 25 percent of the 50 percent which PSO and Varibus will retain under the Saga agreement.

Davis-McCoy will also receive a reversionary interest of 12½ percent (25 percent of 50 percent with certain qualifications) in acreage acquired in the area of interest after December 31, 1973 and prior to March 1, 1979 out of the 50 percent working interest of Saga, PSO and Varibus, subject to prior recovery in each prospect of the new costs incurred under the Saga agreement.

It is stated that minor blocks will be acquired under the Saga agreement to consolidate holdings in prospects to be explored, but that it is not expected that acquisitions will be significant. The right to share in such acquisitions is a recognition of rights held by Davis-McCoy under the Davis-McCoy agreement.

The Saga agreement provides that its interest shall be subject to all royalty, overriding royalty and other burdens on production existing in favor of third parties, and that, if such interests aggregate less than 25 percent of the gross production attributable to the working interest, an overriding royalty, in favor of PSO and Varibus, in equal shares shall be created for the difference.

PSO is entitled to take in kind all oil, gas and other hydrocarbons accruing to the interests owned by it. It and Varibus are also entitled to purchase, in equal shares, all such production accruing to Davis-McCoy and up to 90 percent of that accruing to Saga. This production cannot be delivered to PSO's generating plants in Oklahoma, but it is stated that well-established practices in the oil industry will permit PSO to procure Oklahoma fuel on the basis of its ownership of the fuel to be produced in Alabama and Mississippi. The Saga agreement is subject to the condition that approval of this Commission, to the extent required, of PSO's entry into and performance of the Saga agreement is a condition precedent to the effectiveness thereof.

The interests owned by the Davis-McCoy venture represent oil and gas rights scattered over a large geographical area. It will be necessary in proving and developing these interests to enter into numerous agreements with other parties holding property in the same area in order to economically and equitably provide for the costs and division of production.

PSO requests all authorization necessary under the Act to enter into the Saga agreement and to carry out such agreement, which will include acquisitions, dispositions, farm-outs and farm-ins of leasehold interests and other transactions of the types customarily incidental to the exploration and development of oil and gas properties, as contemplated under the Saga agreement. It proposes to report quarterly to the Commission under Rule 24 on operations, on expenditures made and on interests acquired and disposed of pursuant to such authorization.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $13,000 (other than fees and expenses incident to the performance of the Saga agreement), including legal fees of $10,000.

A group of wholesale customers of PSO have heretofore filed objections and complaints as to certain activities of PSO, including certain aspects of the two agreements described above. On February 3, 1975 (HCAR No. 18800, 6 SEC Docket 224–225) the Commission denied a motion to consolidate these proceedings with other applications by PSO or CSW and stated that these objections, insofar as they relate to PSO's fuel procurement activities and are within the Commission's jurisdiction, will be considered in this proceeding.

Notice is further given that any interested person may, not later than May 27, 1975, 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, as amended, 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 amended, or as it may be further 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.75-12408 Filed 5-9-75;8:45 am]

[File No. 812-3793]

SCUDDER INTERNATIONAL INVESTMENTS LTD.

Filing of Application for an Exemption

Notice is hereby given That Scudder International Investments Ltd. ("Applicant") 44 King Street West—Suit 2510, Toronto Ontario, Canada M5H 1G5, a Canadian company registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on April 10, 1975, and an amendment thereto on April 23, 1975, for an order, as required by a previous order of the Commission (Investment Company Act Release No. 1975, April 27, 1954) ("1954 Order"), (1) pursuant to section 17(b) of the Act exempting from

the provisions of section 17(a) of the Act a transaction in which Applicant will change its corporate domicile from Canada to the State of Maryland through a sale of its assets to its newly created wholly-owned subsidiary in Maryland ("Scudder-Maryland") in exchange for the stock of Scudder-Maryland; and (3) pursuant to section 6(c) and 7(d) of the Act permitting Applicant to acquire the outstanding voting securities of Scudder-Maryland. 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 was incorporated under the Companies Act of Canada in 1953. The 1954 order permitted Applicant to register as an investment company under the Act and to make a public offering of its securities in the United States. Substantially all of its shares are owned by United States persons.

Applicant states that its Board of Directors has decided to change its corporate domicile from Canada to the State of Maryland primarily because there are no longer United States tax benefits to United States shareholders from incorporation in Canada and because incorporation in Maryland will increase efficiency and reduce operating costs.

To effectuate the proposed reincorporation, Applicant will sell all of its net assets, except for a limited amount of cash ("Retained Sum") which will be used to pay off Applicant's liabilities, to Scudder-Maryland in exchange for the issuance by Scudder-Maryland of its shares on a share-by-share basis to the shareholders of Applicant. Applicant will pay over to Scudder-Maryland the amount, if any, by which the Retained Sum exceeds the actual liabilities of Applicant. After paying off its liabilities, Applicant will surrender its charter as a Canadian corporation. Applicant represents that the reincorporation will not result in any change in its investment policy and will have no adverse tax consequences to its shareholders; and that the same shareholders will own the same number of shares with the same net asset value, before and after the change of domicile.

In the 1954 Order Applicant agreed, among other things, (1) to incorporate in its charter and by-laws numerous substantive provisions of the Act; (2) that its charter and by-laws would constitute a contract among Applicant, its shareholders, its officers and directors, and that such instruments would not be amended in material respects without permission of the Commission; and (3) that breach of the aforesaid agreements or violation of the Act by any of the contracting parties would permit revocation of the Order and the liquidation and distribution of Applicant's assets.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person of a registered investment company, acting as principal, to sell to or purchase from such registered company any securities or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and the general purposes of the Act.

Article 12.1(b) of Applicant's By-Laws provides, in general, that, except to the extent permitted by order of exemption issued by the Commission, Applicant, so long as it is registered under the Act, shall not knowingly purchase from or sell to any affiliated person, or any affiliated person of such person, any security or other property. Applicant alleges that, although Rule 17a–3 under the Act which relates to transactions between an investment company and a fully-owned subsidiary appears to exempt the proposed reincorporation from section 17(a) of the Act, Applicant nevertheless seeks an order of the Commission to comply fully with its By-Laws and the 1954 Order. Applicant states that there is no possibility of the abuse section 17(a) was designed to prevent. Applicant also states that the terms of the proposed transaction are reasonable, do not involve overreaching on the part of any party concerned, and are consistent with its policy and with the general purposes of the Act.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act. Section 7(d) of the Act prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission issues a conditional or unconditional order permitting such company to register under the Act and to make a public offering of its securities in the United States. To issue such an order, the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors. The Commission reserved jurisdiction to suspend or revoke the 1954 Order in whole or in part, upon the finding of certain facts.

Article 13.1 of Applicant's By-Laws prohibits, in general, Applicant from acquiring, owning or holding with power to vote 5 percent or more of the outstanding voting securities of any company except as may be permitted by rule or order of the Commission. Since the acquisition by Applicant of the outstanding voting securities of Scudder-Maryland, pursuant to the proposed reincorporation, may be deemed to violate such by-law, Applicant seeks an order of the Commission to comply with the by-law and the 1954 Order. Applicant states that the proposed reincorporation is consistent with the public interest and the protection of investors and is in accord with the general purposes of the Act since the change of domicile would reduce Applicant's operating expenses and would result in a domestic investment company, consistent with the policy of Section 7(d).

Notice is further given that any interested person may, not later than May 29, 1975, 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 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 Applicant at the address stated above. Proof of such service (by affidavit, or in 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.75–12409 Filed 5–9–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CLEVELAND DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration, Cleveland District Advisory Council will meet at 9:30 a.m., (e.d.t.), Tuesday, June 24, 1975, at the Marriott Inn, 4277 West 150th Street, Cleveland, Ohio, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information call or write S. C. Hemming, Small Business Administration, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522–4182.

Dated: May 2, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75–12373 Filed 5–9–75;8:45 am]

SEATTLE DISTRICT ADVISORY COUNCIL Public Meeting

The Small Business Administration Seattle District Advisory Council will meet at 9 a.m. (p.d.t.), Friday, May 30, 1975, in the Office of the District Director, Small Business Administration, 5th Floor, Dexter Horton Building, 710 Second Avenue, Seattle, Washington 98104, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information call or write Robert F. Caldwell, at the above address, (206) 442-7791.

Dated: May 5, 1975.

ANTHONY S. STASIO,
Chief Council for Advocacy,
Small Business Administration.

[FR Doc.75-12374 Filed 5-9-75;8:45 am]

[Amdt. 1; Delegation of Authority No. 30, Revision 15]

DELEGATION OF AUTHORITY TO CONDUCT PROGRAM ACTIVITIES IN FIELD OFFICES

Contracting Authority

Delegation of Authority No. 30, Revision 15 (40 FR 1165) is amended to provide necessary 8(a) contract authority to additional field positions. Actions taken prior to the effective date hereof are hereby ratified to the extent that they would have been authorized under this delegation had this delegation been in effect and continue to be in effect from the effective date hereof.

As amended, Delegation of Authority No. 30, Revision 15, reads as follows:

* * * * *

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

Section A. Certificates of Competency Approval Authority.

* * * * *

Section B. Section 8(a) Contracting Authority (SBAct).

1. To enter into contracts such as, but not limited to, supplies, services, construction, and concessions on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration, and agreeing to the terms and conditions of such contracts up to the following amounts:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Contract Specialist, Region X R/O, $250,000.
d. District Director, Washington, D/O, Unlimited.
e. District Directors, Region VI, $350,000.
f. District Directors, Region IX and Anchorage D/O, $500,000.
g. Assistant District Directors for PA, San Francisco and Los Angeles D/O's, $100,000.
h. Contract Specialist, Anchorage D/O, $250,000.
i. Branch Manager, El Paso, Texas, $350,000.

2. To arrange for the performance of such contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to small business concerns or others. Further, to rrange for such management services as deemed necessary to enable the Small Business Administration to perform such contracts based upon the availability of funds, contracts not to exceed the following amounts:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Contract Specialist, Region X R/O, $250,000.
d. District Director, Washington D/O, Unlimited.
e. District Directors, Region VI, $350,000.
f. District Directors, Region IX and Anchorage D/O, $500,000.
g. Assistant District Director for PA, San Francisco and Los Angeles D/O's, $100,000.
h. Contract Specialist, Anchorage D/O, $250,000.
i. Branch Manager, El Paso, Texas, B/O, $350,000.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer, such contract not to exceed the following amount:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Chief, Business Development, Region III R/O, Unlimited.
d. Contract Specialist, Region X, $250,000.
e. District Director, Washington D/O, Unlimited.
f. District Directors, Region VI, $350,000.
g. District Directors, Region IX and Anchorage D/O, $500,000.
h. Assistant District Director for PA, Region IX, $500,000.
i. Contract Specialist, Anchorage D/O, $250,000.
j. Branch Manager, El Paso, Texas, B/O, $350,000.

* * * * *

Effective Date: May 12, 1975.

DANIEL T. KINGSLEY,
Associate Administrator
for Operations.

[FR Doc.75-12453 Filed 5-9-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 36161]

COLORADO

Intrastate Freight Rates and Charges—1975

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of April, 1975.

By a joint petition authorized under sectioin 13(3) of the Interstate Commerce Act, filed March 31, 1975, petitioners, eleven common carriers by railroad [1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Colorado, request that this Commission institute an investigation of their Colorado intrastate freight rates and charges, under sections 13 and 15a of the Interstate Commerce Act, among others, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 305, Nationwide Increase of Ten Percent in Freight Rates and Charges, 1974, order dated June 3, 1974, less the increase of 4 percent approved by the Public Utilities Commission of the State of Colorado in Recommended Decision No. 85967 (I & S Docket No. 878), December 3, 1974.

Under section 13(4) of the Interstate Commerce Act and judicial authority,[2] this Commission is directed to institute an investigation of the lawfulness of intrastate rail freight rates and charges upon the filing of a petition by the carrier concerned pursuant to section 13(3) of the Interstate Commerce Act, regardless of the prior or pending consideration of such rates and charges by any State agency.

Petitioners contend that the Colorado intrastate freight rates and charges have historically been on the same level as interstate freight rates and charges in Colorado; that present interstate freight rates from, to, and within Colorado are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Colorado are not more favorable than for interstate traffic; that traffic moving under present Colorado intrastate rates and charges fails to provide its fair share of earnings; and, that the present Colorado intrastate rail freight rates and charges create undue and unreasonable advantage, preference and prejudice between persons and localities in intrastate commerce within Colorado and interstate and foreign commerce, and, result in undue, unreasonable and unjust discrimination against and an undue burden on interstate commerce in violation of sections 13(4) and 15a of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte No. 305, supra, less the 4 percent approved by the Public Utilities Commission of the State of Colorado, and subject to the exemptions of coal stated in the next paragraph.

Petitioners desire to exempt from the increases herein sought the following intrastate rates: (1) CUW Tariff 1–B, ICC 54—Item 1678.3—Series—Annual Volume Rates on Coal from Oakridge, Colorado to Portland, Colorado; and, (2) D&RGW 7493–D (not filed with ICC)—Rates on Coal between Stations in Colorado; for the reason that rates of this type have been generally exempted from the interstate increases in Ex Parte No. 305, supra.

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Colorado intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full 10 percent increase authorized for interstate application by this Commission in Ex Parte No. 305, supra; and to determine if any rates or charges, or maximum or minimum charges or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of the law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Colorado, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 27, 1975. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners herein; that the State of Colorado be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Colorado and the Public Utilities Commission of the State of Colorado, Denver, Colorado; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-12446 Filed 5-9-75;8:45 am]

[1] The Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc.; Chicago, Rock Island and Pacific Railroad Company; The Colorado and Southern Railway Company; The Colorado and Wyoming Railway Company; The Denver and Rio Grande Western Railroad Company; The Great Western Railway; Missouri Pacific Railroad Company; San Luis Central Railroad; Southern San Luis Valley Railroad Company; and, Union Pacific Railroad Company.

[2] See Intrastate Freight Rates and Charges, 1969, 339 I.C.C. 670 (1971), affm'd sub nom. State of N. C. ex rel. North Carolina Utilities Com'n v. I.C.C., 347 F. Supp. 103 (E.D.N.C., 1972), affm'd sub nom. North Carolina Utilities Commission et al. v. Interstate Commerce Commission et al., 410 U.S. 919 (1973).

[Notice No. 763]

ASSIGNMENT OF HEARINGS

MAY 7, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–C 8331, A & H Truck Line, Inc., et al. v. J. W. Ward Transfer, Inc., MC 13893 Sub 13, J. W. Ward Transfer, Inc., and MC 13893 Sub 14, J. W. Ward Transfer, Inc., now being assigned July 14, 1975, at Evansville, Indiana, will be held at the Executive Inn, 6th and Walnut Street.

MC 112304 Sub 86, Ace Doran Hauling & Rigging Co., now being assigned July 8, 1975, at St. Louis, Missouri (1 day), in a hearing room to be later designated.

MC 106497 Sub 107, Parkhill Truck Company, now being assigned July 9, 1975 (1 day) at St. Louis, Missouri, in a hearing room to be later designated.

MC 107295 Sub 743, Pre-Fab Transit Co., now being assigned July 10, 1975 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 119977 Sub 304, Ligon Specialized Hauler, Inc., now being assigned July 10, 1975, at St. Louis, Missouri (2 days); in a hearing room to be later designated.

MC 72243 Sub 36, The Aetna Freight Lines, Incorporated; MC 74321 Sub 105, B. F. Walker, Inc.; MC 106497 Sub 93, Parkhill Truck Company; MC 106644 Sub 180, Superior Trucking Company, Inc.; MC 106674 Sub 128, Schilli Motor Lines, Inc.; MC 107295 Sub 697, Pre-Fab Transit Co.; MC 108676 Sub 65, A. J. Metler Hauling and Rigging, Inc.; MC 112304 sub 74, Ace Doran Hauling & Rigging Co.; MC 113495 Sub 59, Gregory Heavy Haulers, Inc.; MC 114211 Sub 220, Warren Transport, Inc.; MC 115311 Sub 160, J & M Transportation Co., Inc.; MC 115840 Sub 96, Colonial Fast Freight Lines, Inc.; MC 116915 Sub 10, Eck Miller Transportation Corporation; MC 118610 Sub 20, L & B Express, Inc.; MC 119777 Sub 289, Ligon Specialized Hauler, Inc.; MC 119908 Sub 22, Western Lines, Inc.; MC 121470 Sub 9, Tanksley Transfer Company; MC 124947 Sub 24, Machinery Transports, Inc.; MC 125708 Sub 132, Thunderbird Motor Freight Lines, Inc. and MC 127834 Sub 97, Cherokee Hauling & Rigging, Inc.; now being assigned hearing June 30, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & SM 28505 Increased Small Shipments Rates & Minimum Charges, SMCRC, now being assigned June 24, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 16513 Sub 6, Reisch Trucking & Transportation Co., Inc., now assigned July 7, 1975, at New York, N.Y. is cancelled and transferred to Modified Procedure.

MC 109802 Subs 33 & 34, Lakeland Bus Lines, Inc., now being assigned June 24, 1975 (3 days) at Governor Morris Inn, 2 Whippany Road, Morristown, New Jersey.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-12448 Filed 5-9-75;8:45 am]

[Notice No. 52]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 2, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1380 (Sub-No. 18TA), filed April 29, 1975. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same address as applicant). 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 points in Allendale, Dorchester, Berkeley, Georgetown, Colleton, Hampton, Jasper, Beaufort and Charleston Counties, S.C. Authority is sought to tack authority with existing authority at points in Allendale, Colleton, Dorchester, Berkeley and Georgetown Counties, S.C. Applicant is presently providing service in the applied for areas under authority to operate Griggs Trucking Co., Inc. (MC-F-11043). If the authority sought here is granted it proposes to terminate the temporary operation of Griggs, for 180 days. Supporting shippers: There are approximately 91 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 52858 (Sub-No. 113TA), filed April 28, 1975. Applicant: CONVOY COMPANY, 3900 Northwest Yeon Avenue, Portland, Oreg. 97210. Applicant's representative: William C. Parks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Automobiles and trucks in truckaway service in secondary movements*, between points in Colorado, on the one hand, and points in Oklahoma on the other, for 180 days. Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 104589 (Sub-No. 30TA) (Amendment), filed April 3, 1975, published in the FEDERAL REGISTER issue of April 16, 1975, and republished as amended this issue. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, Suite 805, 666 Eleventh Street, Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by wholesale floor coverings and appliance distributors* (except commodities in bulk), from points in and East of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas to points in Florida, under a continuing contract with Cain & Bultman, Inc., for 180 days. Supporting shipper: Cain & Bultman, Inc., Dennis St., at Copeland, Jacksonville, Fla. 32203. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202. Thep urpose of this republication is to amend the territorial description.

No. MC 118495 (Sub-No. 3TA), filed April 28, 1975. Applicant: COPPER FREIGHT LINES, INC., 1000 Ermine Street, Anchorage, Alaska 99504. Applicant's reresentative: Richard D. Thaler, 509 W. 3rd Avenue, Anchorage, Alaska 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, livestock and articles of unusual value), between all points in Alaska located on: (1) Alaska Highway 9 between Seward, Alaska and the junction of Alaska Highways 1 and 9; (2) Alaska Highway 1 between the junction of Alaska Highways 9 and 1 and Tok, Alaska; (3) Alaska Highway 2 between the United States-Canada Boundary Line and Livengood, Alaska; (4) the unnumbered highway between Livengood, Alaska and Prudhoe Bay, Alaska; (5) Alaska Highway 4 between Valdez, Alaska and Delta Junction, Alaska; (6) Alaska Highway 3 between the junction of Alaska Highways 1 and 3 and Fairbanks, Alaska; (7) Alaska Highway 5 between Tetlin Junction, Alaska and Eagle, Alaska, including the unnamed highway between Alaska Highway 5 and the United States-Canada Boundary Line at or near Boundary, Alaska; (8) Alaska Highway 10 from between the junction of Alaska Highways 4 and 10 and Chitina, Alaska; including the termini in each instance, for 180 days. Supporting shippers: Meadowmore Alaska Dairy, Inc., P.O. Box 550, Fairbanks, Alaska 99707. Gary D. Bayless, Fluor Alaska, Inc., P.O. Box 3301, Fairbanks, Alaska 99701. W. A. Erickson, Vice President, Coastal Barge Lines, Box 1784, Anchorage, Alaska 99510. Send protests to: Hugh H. Chaffee, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 123778 (Sub-No. 27TA), filed April 28, 1975. Applicant: JALT CORP., doing business as, UNITED NEWSPAPER DELIVERY SERVICE, 75 Butters Lane, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Lancaster, Pa., Newark Airport, at Newark, N.J., and LaGuardia and John F. Kennedy Airports, at New York, N.Y., to points in New Jersey, that part of New York on and

south of New York Highway 5, between Syracuse and Schenectady and New York Highway 7, between Schenectady and the New York-Vermont State line, and on and east of U.S. Highway 11, between Syracuse and the New York-Pennsylvania State line, that part of Pennsylvania on and east of U.S. Highway 15, Wilmington, Del.; Baltimore, Md.; and the District of Columbia; with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity description next above are limited to a transportation service to be performed, under a continuing contract, or contracts with Newsweek, Inc., for 180 days. Supporting shipper: Newsweek, Inc., 350 Dennison Ave., Dayton, Ohio. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 128235 (Sub-No. 14TA), filed April 24, 1975. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from St. Louis, Mo., to points in Hibbing and Duluth, Minn., and from Milwaukee, Wis., to points in Hibbing, Minn.; (2) *Alcoholic beverages* (except in bulk, from Bardstown and Louisville, Ky., to points in Hibbing, Minn., for 180 days. Supporting shippers: Zbacnik Distributing Co., 2231 2nd East, Hibbing, Minn. Saratoga Distributing, Inc., 1002 W. Railroad St., Duluth, Minn. 55802. Sunny Hill Distributors, Inc., 1808 Fifth Ave., East, Hibbing, Minn. 55746. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138375 (Sub-No. 16TA), filed April 28, 1975. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, and printed matter*, from Chicago, Ill., to points in Des Moines, Iowa; Omaha, Nebr.; and Denver, Colo., for 180 days. Supporting shipper: Time, Inc., 330 E. 22nd Street, Chicago, Ill. 60616. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 139824 (Sub-No. 1TA), filed April 25, 1975. Applicant: BITTERSWEET ENTERPRISES, INC., Rural Route 1, Manhattan, Kans. 66502. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses, set up*, from Clay Center, Kans., and Belleville, Kans., to points in Adams, Boone, Buffalo, Butler, Cass, Clay, Colfax, Custer, Dawson, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Lancaster, Lincoln, Logan, McPherson, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Thayer, Valley, Washington, Webster and York Counties, Nber.; also from Harper, Kans., to points in Alfalfa, Beaver, Cimarron, Ellis, Garfield, Grant, Harper, Kay, Major, Noble, Osage, Pawnee, Texas, Tulsa, Washington, Woods and Woodward Counties, Okla., for 180 days. Supporting shippers: Wardcraft Homes, P.O. Box 53, Sixth and Maple, Clay Center, Kans. 67432. Bob Co Homes, Inc., Box 432, Harper, Kans. 67058. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 139906 (Sub-No. 1TA), filed April 24, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. 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: *Intravenous and irrigating solutions, drugs and medicines, surgeons gloves, administration sets and inpatient treatment kits*, from the plantsites and warehouse facilities of Abbott Laboratories at Rocky Mount, N.C., and Abbott Park (N. Chicago), Ill., to points in California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Tennessee, Texas and Washington, for 180 days. Supporting shipper: Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 140855 (Sub-No. 1TA), filed April 23, 1975. Applicant: TAB TRUCKING, INC., East 3628 Syndicate Blvd. Applicant's representative: Charles C. Flower, Suite 2, East D Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical, hospital, clinic, surgical and laboratory supplies, equipment, goods, wares and merchandise* for the account of Physicians and Surgeons Supply Co., Inc., Spokane, Wash.; Portland Medical and Scientific Supply Co., Portland, Oreg., and Sea-Tac Medical and Scientific Supply Co., Tukwila, Wash., from points in Rutherford, N.J., Greenwood, S.C.; Los Angeles and Menlo Park, Calif.; Sheboygan and Two Rivers, Wis., to points in Idaho, Montana, Washington and Oregon, for 180 days. Supporting shippers: Physicians & Surgeons Supply Co., Inc., P.O. Box 3568, Spokane, Wash. 99220. Sea-Tac Medical & Scientific Supply Co., 1145 Andover Park West, Tukwila, Wash. 98188. Portland Medical & Scientific Supply Co., 6735 N.W. 47th St., Portland, Oreg. 97218. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 140883 (Sub-No. 1TA), filed April 23, 1975. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures* (refrigerated and non-refrigerated), from the plantsite and facilities of Warren/Sherer Division of Kysor Industrial Corporation at or near Conyers, Ga., to points in the United States on and west of U.S. Highway 85, for 180 days. Supporting shipper: Warren/Sherer Division of Kysor Industrial, P.O. Box C, Conyers, Ga. 30207. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140893TA, filed April 24, 1975. Applicant: RAY STOLTZ AND ANNIE STOLTZ, doing business as, COUNTRY TRUCKIN', Route 1, Box 186, Hardin, Mont. 59034. Applicant's representative: Ray Stoltz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Purebred and registered large animals, together with the transportation of sick or injured large animals*, between points in the United States (except Hawaii), for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 140894TA, filed April 25, 1975. Applicant: GLASS TRANSPORT, INC., 270 North Avenue, New Rochelle, N.Y. 10801. Applicant's representative: William J. Augello, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* from Port of New York (NYC, Port Newark, Elizabeth Port); Philadelphia, Pa.; Wilmington, N.C.; Kings Bay, Ga.; San Savannah, Ga.; Miami, Fla.; Everglades, Fla.; Charleston, S.C.; Houston, Tex., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey,

New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: General Glass Imports Corp., Att: Philip Edelson, Ass't. Vice President, 270 North Ave., New Rochelle, N.Y. 10801. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-12449 Filed 5-9-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MAY 7, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 22, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2633 (Sub-No. E5), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles (except petrochemicals), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points and places in that part of New York (including those located on the highways described herein) south and west of a line extending in a northerly direction from the New York-Pennsylvania State line along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to junction New York Highway 31B, thence along New York Highway 31B to junction New York Highway 250, and thence along New York Highway 250 to Lake Ontario, and east and south of a line following U.S. Highway 219 north from the New York-Pennsylvania State line to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario to all points in Michigan. The purpose of this filing is to eliminate the gateway of McKean County, Pa.

No. MC 22581 (Sub-No. E1), filed May 8, 1974. Applicant: CLANCY-CULLEN STORAGE CO., INC., Bronx, N.Y. 10462. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authortiy sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Connecticut, Massachusetts, New Hampshire, Maine, Vermont, and Rhode Island, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia; (2) between points in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, and the District of Columbia; (3) between points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Florida, and Ohio; and (4) between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New Jersey and New York (except points in Nassau and Suffolk Counties). The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 30446 (Sub-No. E1), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except coal, ammunition, explosives, and commodities requiring special equipment); (1) from Augusta, Ga., to points in South Carolina within 150 miles of Charleston and on and east of a line beginning at Charleston and extending north along U.S. Highway 17 to Georgetown, thence along U.S. Highway 701 to the South Carolina-North Carolina State line and to points in that part of North Carolina in and east of Columbus, Pender, Onslow, Jones, Craven, Pitt, Martin, Bertie, and Hertford Counties; and (2) from Wilmington, N.C., to points in Georgia and points in South Carolina in, south, and west of Charleston, Dorchester, Orangeburg, Aiken, Saluda, Greenwood, Laurens and Greenville Counties. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 30446 (Sub-No. E5), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Washington, D.C. 20036. 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, coal, and cement, ammunition, explosives, and commodities requiring special equipment, from points in York and Lancaster Counties, S.C., to points in Glynn County, Ga. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 30446 (Sub-No. E7), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building paper, roofing materials, burlap bags, bagging materials, cotton bagging*, and *cotton ties*, from Port Wentworth, Ga., to points in North Carolina on and above a line 75 miles from the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 30446 (Sub-No. E10), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING CO., 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* and *fittings* (except commodities requiring special equipment), from points in York County, S.C., to points in that part of Georgia on, north, and east of a line beginning at Savannah, Ga., and extending along U.S. Highway 80 to Macon, thence along U.S. Highway 129 to Athens, and thence along U.S. Highway 29 to the Georgia-South Carolina State line, including points on the indicated portions of the highways specified (except those in Oconee, Clark, Ogelthorpe, Madison, and Elbert Counties). The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 49052, (Sub-No. E24), filed June 4, 1974. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in North Carolina, to points in Alabama in and south of Chambers, Tallapoosa, Elmore, Autauga, Dallas, Marengo, and Choctaw Counties; and (2) from points in Alabama in and north of Randolph, Clay, Coosa, Chilton, Perry, Hale, Greene, and Sumter Counties, to points in North Carolina in and east of Mecklenburg, Rowan, Davie, Forsyth, and Stokes Counties. The purpose of this filing is to eliminate the gateway of Jasper County, Ga.

No. MC 49052 (Sub-No. E25), filed June 4, 1974. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Kentucky in and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, and Cumberland Counties, on the one hand, and, on the other, points in Mississippi in and south of Pearl River, Stone, and George Counties; and (2) between points in Kentucky in and east of Mason, Fleming, Bath, Montgomery, Clark, Madison, Rockcastle, Pulaski, and Wayne Counties, on the one hand, and, on the other, points in Warren, Hinds, Rankin, Scott, Newton, Lauderdale, Claiborne, Copiah, Simpson, Smith, Jasper, Clarke, Jefferson, Adams, Franklin, Lincoln, Lawrence, Jefferson, Davis, Covington, Jones, Wayne, Wilkinson, Amite, Pike, Walthall, Marion, Lamar, Forrest, Perry, and Greene Counties, Miss. The purpose of this filing is to eliminate the gateway of Columbus, Muscogee County, Ga.

No. MC 49052 (Sub-No. E78), filed June 4, 1974. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Lee, Macon, Montgomery, Lowndes, Dallas, Marengo, and Choctaw Counties, on the one hand, and, on the other, points in Virginia in and west of Henry, Franklin, Roanoke, and Craig Counties. The purpose of this filing is to eliminate the gateways of Columbus and Muscogee County, Ga.

No. MC 52657 (Sub-No. E15), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements, in truckaway service, *parts of trailers and trailer chassis* (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, Ohio (except that portion east of a line beginning at Toledo, Ohio, extending south on U.S. Highway 24 to junction Ohio Highway 66 at Defiance, Ohio, thence along Ohio Highway 66 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Kentucky State line near Cincinnati, Ohio, Kentucky (except that portion east of a line beginning at the Kentucky-Ohio State line near Covington, Ky., extending south on Interstate Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line near Pine Knot, Ky., Tennessee (except that portion east of a line beginning at the Tennessee-Kentucky State line near Oneida, Tenn., extending south on U.S. Highway 27 to the Tennessee-Georgia State line near Chattanooga, Tenn.). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E16), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Trailers, trailer chassis (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service, parts of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in New Jersey and Pennsylvania to points in Iowa, Michigan, Minnesota, Missouri, Wisconsin, Illinois (except that portion of Illinois east of a line beginning at the Illinois-Indiana State line near Danville, Ill., extending west on Interstate Highway 74 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 51, thence south on U.S. Highway 51 to Cairo, Ill., Indiana (except that portion south of a line beginning at the Ohio-Indiana State line near New Haven, Ind., thence west on U.S. Highway 24 to junction Indiana Highway 25 at Logansport, Ind., thence southwest on Indiana Highway 25 to junction U.S. Highway 74 to the Indiana-Illinois State south on U.S. Highway 231 to junction Interstate Highway 74 near Crawfordsville, Ind., thence west on Interstate Highway to the Indiana-Illinois State line near Rileysburg, Ind., Ohio (except that portion south and east of a line beginning at Toledo, Ohio, extending south on U.S. Highway 25 to junction U.S. Highway 6, at Bowling Green, Ohio, thence west on U.S. Highway 6 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Ohio-Indiana State line near Antwerp, Ohio). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E17), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements in truckaway service, *parts of trailers and trailer chassis* (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Delaware, Maryland, and the District of Columbia to points in Illinois, Iowa, Michigan, Minnesota, Missouri, Wisconsin, Indiana (except that part of Indiana lying south and east of a line beginning at the Indiana-Ohio State line and Indiana Highway 32 near Winchester, Ind., thence west on Indiana Highway 32 to junction Indiana Highway 39 near Lebanon, Ind., thence south of Indiana Highway 39 to junction Indiana Highway 37 near Bloomington, Ind., thence south on Indiana Highway 45 to junction Indiana Highway 54 near Cincinnati, Ind., thence west on Indiana Highway 54 to junction U.S. Highway 231 near Bloomfield, Ind., and thence south on U.S. Highway 231 to the Indiana-Kentucky State line near Rockport, Ky., Kentucky (except that part of Kentucky south and east of a line beginning at the Ohio River and U.S. Highway 431 near Owensboro, Ky., thence south on U.S. Highway 431 to junction U.S. Highway 62 near Mortons Gap, Ky., thence west on U.S. Highway 62 to junction U.S. Highway 641 near Eddyville, Ky., thence west on U.S. Highway 641 to junction with the Jackson Purchase Parkway near Gilbertsville, Ky., and thence south on the Jackson Purchase Parkway to the Kentucky-Tennessee State line near Fulton, Ky., Ohio (except that part of Ohio east of a line beginning at Interstate Highway 75 and the Michigan-Ohio State line near Toledo, Ohio, thence south on Interstate Highway 75 to Ohio Highway 47 near Sidney, Ohio, thence west on Ohio Highway 47 to the Ohio-Indiana State line near Union City, Ohio, Tennessee (except that part of Tennessee east of a line beginning at the Tennessee-Kentucky State line and U.S. Highway 45E near So. Fulton, Tenn., thence south on U.S. Highway 45E to junction U.S. Highway 45 near Fairview, Tenn., and thence south on U.S. Highway 45 to the Tennessee-Mississippi State line near Chewalla, Tenn.). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E18), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service), *parts* of trailers and trailer chassis

(except for trailers and trailer chassis designed to be drawn by passenger automobiles), and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in South Carolina to points in Michigan (except the Upper Peninsula and that portion south of a line beginning at St. Joseph, Mich., extending along U.S. Highway 31 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 12, thence along U.S. Highway 12 to Detroit, Mich.), and Ohio (except that portion south of a line beginning at the Ohio-Indiana State line near Edon, Ohio, extending southeast on Ohio Highway 34 to junction Ohio Highway 15 at Defiance, Ohio, thence along Ohio Highway 15 to the junction of U.S. Highway 224 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Ohio-Pennsylvania State line near Unity, Ohio). The purpose of this filing is to eliminate the gateway of Unity, Ohio.

No. MC 52657 (Sub-No. E19), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles), and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Florida and Georgia to points in Indiana (except that portion west and south of a line beginning at the Indiana-Michigan State line near Elkhart, Ind., extending south on Indiana Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 24 at Ft. Wayne, Ind., thence east on U.S. Highway 24 to the Indiana-Ohio State line near New Haven, Ind., Michigan (except the Upper Peninsula, and that portion west of a line beginning at the Michigan-Indiana State line near Sturgis, Mich., extending north on Michigan Highway 66 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 96 at Grand Rapids, Mich., thence east on Interstate Highway 96 at Muskegon, Mich.), and Ohio (except that portion south of a line beginning at the Indiana-Ohio State line near Antwerp, Ohio, extending east on U.S. Highway 24 to junction Ohio Highway 18 at Defiance, Ohio, thence east on Ohio Highway 18 to junction Interstate Highway 75, thence south on Interstate Highway 75 to the junction of U.S. Highway 224 at Findlay, Ohio, thence along U.S. Highway 224 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62 near Canton, Ohio, thence along U.S. Highway 62 to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line near Unity, Ohio). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E21), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements, in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles), and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Alabama and Mississippi to points in Michigan (except the Upper Peninsula and that portion west of a line beginning at the Michigan-Indiana State line near Sturgis, Mich., extending along U.S. Highway 66 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 96 at Grand Rapids, Mich., thence along Interstate Highway 96 to Muskegan, Mich.), and Ohio (except that portion south of a line beginning at the Ohio-Indiana State line near Van Wert, Ohio, extending east on U.S. Highway 30 to junction U.S. Highways 30N and 30S, thence along U.S. Highway 30N to junction U.S. Highway 30 to the Ohio-Pennsylvania State line near East Liverpool, Ohio). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E22), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles), and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Arkansas and Louisiana to points in the Lower Peninsula of Michigan (except that part west of a line beginning at the Michigan-Indiana State line and Michigan Highway 66 near Sturgis, Mich., thence along Michigan Highway 66 to junction Michigan Highway 46 near Edmore, Mich., thence along Michigan Highway 46 to junction Michigan Highway 37 near Newaygo, Mich., thence along Michigan Highway 37 to junction Michigan Highway 55 near Honeyville, Mich., and thence along Michigan Highway 55 to Lake Michigan near Parkdale, Mich.), and Ohio (except that part of Ohio south of a line beginning at the Ohio-Indiana State line and Ohio Highway 29 near Wabash, Ohio, thence along Ohio Highway 29 to junction Ohio Highway 67 near Wapakoneta, Ohio, thence along Ohio Highway 67 to junction U.S. Highway 30S near Kenton, Ohio, thence along U.S. Highway 30S to junction Ohio Highway 37 west of Meeker, Ohio, thence along Ohio Highway 37 to junction U.S. Highway 36 near Delaware, Ohio, thence along U.S. Highway 36 to junction U.S. Highway 250 near Cadiz, Ohio, and thence along U.S. Highway 250 to the Ohio-West Virginia State line near Brookside, Ohio). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E24), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Wisconsin, to points in Alabama, Florida, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateways of Mattoon, Coles County, Ill.

No. MC 52657 (Sub-No. E26), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Alaska to points in Alabama, Arkansas (except that portion west of a line beginning at the Louisiana-Arkansas State line near El Dorado, Ark., extending along U.S. Highway 167 to junction U.S. Highway 67 near Little Rock, Ark., thence along U.S. Highway 67 to junction U.S. Highways 62 & 63 to the Arkansas-Missouri State line near Mammoth Springs, Ark.), Connecticut, Delaware, Florida, Georgia, Louisiana (except that portion south and west of a line beginning near New Orleans, extending along U.S. Highway 61 to junction Interstate Highway 12, thence along Interstate Highway 12 to junction U.S. Highway 190 near Baton Rouge, La., thence along U.S. Highway 190 to junction U.S. Highway 71, thence along U.S. Highway 71 to the junction of U.S. Highway 167 near Alexandria, La., thence along U.S. Highway 167 to the Louisiana-Arkansas State line near Junction City, La.), Maine, Maryland, Massachusetts, that part of Michigan lying on and south of a line beginning

at the Indiana-Michigan State line near Sturgis, Mich., extending along U.S. Highway 12 to Detroit, Mich., Mississippi, Missouri (except that portion west of a line beginning at the Arkansas-Missouri State line near Thayer, Mo., extending along U.S. Highway 63 to junction Interstate Highway 44 near Rolla, Mo., thence along Interstate Highway 44 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Mississippi River at Hannibal, Mo.), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of fuel tanks to points in Arkansas, Louisiana, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateway of Mattoon,. Coles County, Ill.

No. MC 52657 (Sub-No. E27), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Iowa to points in Alabama, Connecticut, Delaware, Florida, Georgia, that portion of Louisiana lying on and east of the Mississippi River beginning at the Louisiana-Mississippi State line near Toras, La., extending south along the Mississippi River to the Gulf of Mexico, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of fuel tanks to points in Louisiana and Tennessee. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 52858 (Sub-No. E1), filed May 15, 1974. Applicant: CONVOY COMPANY, P.O. Box 10185, Portland, Oregon 97210. Applicant's representative: T. R. Swennes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Automobiles* and *trucks*, in truckaway service, in secondary movements, (a) between those points in Nevada on and north of a line beginning at the Nevada-Utah State line and extending along Interstate Highway 80 to junction U.S. Highway 95, to the Nevada-Oregon State line, and those points in California on U.S. Highway 395 beginning at Alturas, Calif. and extending to the California-Oregon State line, and those points in California on and west and south of a line beginning at San Louis Obispo, Calif. and extending along U.S. Highway 101 to junction Interstate Highway 10, then to the California-Arizona State line; and (b) between those points on and north of a line beginning at the Nevada-Utah State line and extending along Interstate Highway 80 to junction U.S. Highway 93, to the Nevada-Idaho State line, and those points in California on and north and west of a line beginning at the California-Oregon State line and extending along California Highway 299 to junction U.S. Highway 101, then to junction California Highway 17, then to junction Interstate Highway 80, then to junction California Highway 4, then to Junction California Highway 99, then to junction California Highway 58, and those points on and south of the line continuing along California Highway 58 to junction Interstate Highway 15, then to junction Interstate Highway 10, then to the California-Arizona State line.

2. Automobiles and trucks, in secondary movements between those points in Utah on and north of a line beginning at the Utah-Wyoming State line and extending along Interstate Highway 80 to the Utah-Nevada State line and points in California. 3. Used automobiles, in truckaway service, (a) between those points in Idaho on and west and north of a line beginning at the International Boundary line between the United States and Canada and extending along United States Highway 95 to junction Interstate Highway 80N then to the Idaho-Oregon State line, and points in Arizona; and (b) between those points in Idaho on and west and north of a line beginning at the International Boundary line between the United States and Canada and extending along U.S. Highway 95 to junction Interstate Highway 80N then to the Idaho-Oregon State line, and points in New Mexico. 4. Used automobiles, in truckaway service, (a) between those points in California on and north of a line beginning at Eureka and extending along U.S. Highway 101 to junction California Highway 36, then to junction U.S. Highway 395, then to the California-Nevada State line, and those points in Arizona on and south of a line beginning at the California-Arizona State line and extending along Interstate Highway 10 to junction U.S. Highway 60, then to junction U.S. Highway 70 to the Arizona-New Mexico State line; and (b) between those points in California north of a line beginning at Noyo and extending along California Highway 20 to junction Interstate Highway 80, then to the California-Nevada State line, and points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Oregon in (1a) above, points in Idaho in (1b) above, points in Idaho and Oregon in (2) above, points in Oregon in (3a) above, points in Oregon in (3b) above, points in Oregon in (4a) above, and points in Oregon in (4b) above.

No. MC 61825 (Sub-No. E21), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, except in bulk, between points within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points within 15 miles of Newark, N.J. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and points in Philadelphia County, Pa.

No. MC 61825 (Sub-No. E28), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* which are iron and steel products (except commodities in bulk, and commodities requiring special equipment), between points within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in New Jersey within 15 miles of Newark. The purpose of this filing is to eliminate the gateways of Coketown, W. Va., and points in Philadelphia County, Pa.

No. MC 73165 (Sub-No. E98), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and supplies 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; (2) *Machinery, materials, supplies*, and *equipment* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of minerals (other than lead, zinc, iron, and coal), when (a) such activities are in connection with the drilling of water wells; the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; the completion of holes or wells drilled; the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; the injection or removal of commodities into or from holes or wells; the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; or (b) commodities consist of earth drilling machinery and equipment or machinery and equipment used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites;

(3) *Commodities,* the transportation of which by reason of their size or weight, require the use of special equipment or special handling, when such commodities consist of (a) *Machinery, equipment, materials,* and *supplies* used in or in connection with, the discovery development, products, restricted to the transportation cessing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof; (b) *Machinery,* and *equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials* and *supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites of storage sites; (c) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the drilling of water wells; (d) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; (e) *Earth drilling machinery and equipment,* and *machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with (1) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (2) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (4) the injection or removal of commodities into or from holes or wells; (1) between points in Jasper, Lawrence, Newton, Barry, and Barton Counties, Mo., on the one hand, and, on the other, all points in Kansas, Oklahoma, Texas, and Louisiana; (2) between points in Missouri south of U.S. Highway 66, on the one hand, and, on the other, all points in Oklahoma, and that part of Texas on and west of U.S. Highway 75;

(3) between points in Missouri on and north of U.S. Highway 66, on the one hand, and, on the other, all points in Oklahoma, Texas, and points in Louisiana on and west of U.S. Highways 71 and 171 extending from the Louisiana-Arkansas State line to Lake Charles, La., and points in Calcasieu and Cameron Parishes, La.; (4) between points in Missouri on and north of U.S. Highway 54, on the one hand, and, on the other, points in Louisiana on, west, or south of a line extending from the Arkansas-Louisiana State line along U.S. Highway 167 to Winnfield, La., thence along U.S. Highway 84 to Vidalia, La., and thence along the Mississippi River to New Orleans, La.; (5) between points in Missouri on and south of U.S. Highway 66 and points in Kansas in and west of the Kansas Counties of Decatur, Sheridan, Gove, Trego, Ness, Rush, Barton, Rice, McPherson, Harvey, Butler, Greenwood, Woodson, Allen, and Bourbon; (6) between points in Kansas, on the one hand, and, on the other, points in Arkansas within 300 miles of Joplin, Mo.; and (7) between points in Oklahoma on and north of U.S. Highway 66, on the one hand, and, on the other, points in Arkansas in and north of the Arkansas Counties of Benton, Madison, Newton, Searcy, Stone, Independence, Jackson, Poinsett, and Mississippi. The purpose of this filing is to eliminate the gateway of Ottawa Co., Okla., or Cherokee, Crawford, Labette, or Montgomery Counties, Kans.

No. MC 73165 (Sub-No. E100), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipelines), which is embraced in the following: (1) Machinery, equipment, materials, and supplies 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; (2) Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of minerals (other than lead, zinc, iron, and coal), when (a) such activities are in connection with the drilling of water wells; the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; the completion of holes or wells drilled; the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; the injection or removal of commodities into or from holes or wells; the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; or (b) commodities consist of earth drilling machinery and equipment, or machinery and equipment used in or in connection with, the discovery, development, production refining, manufacture, processing, storage, transmission, and distribution sulphur and its products, and materials, and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of shipments and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites;

(3) *Commodities,* the transportation of which, by reason of their size or weight, require the use of special equipment or special handling, when such commodities consist of (a) *Machinery, equipment, materials,* and *supplies* 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 *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (b) *Machinery* and *equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials* and *supplies* (not including sulphur) used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites of storage sites; (c) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the drilling of water wells; (d) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; (e) *Earth drilling machinery and equipment,* and *machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with (1) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (2) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (4) the injection or removal of commodities into or from holes or wells.

(1) Between points in Tennessee, on the one hand, and, on the other, all points in Kansas, points in Texas in and

west of Hudspeth, Culberson, Reeves, Ward, Ector, Martin, Dawson, Lynn, Lubbock, Hale, Swisher, Armstrong, Carson, Hutchinson, and Hansford Counties, and points in Oklahoma on and north of U.S. Highway 66; (2) between points in Tennessee on and east of Interstate Highway 65, on the one hand, and, on the other, points in Texas on and west of U.S. Highway 83 and points in Oklahoma on and north of Interstate Highway 40 extending westward to Oklahoma City and on and west of Interstate Highway 35 extending southward from Oklahoma City to the Oklahoma-Texas State line; and (3) between points in Kentucky, on the one hand, and, on the other, all points in Oklahoma, points in Texas on and west of U.S. Highway 75, and points in Kansas on and west of a line extending from the Nebraska-Kansas State line along U.S. Highway 281 to Great Bend, Kans., thence along U.S. Highway 56 to junction U.S. Highway 77 near Marion, Kans., thence along U.S. Highway 77 to El Dorado, Kans., and thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of points in Missouri within 50 miles of Sikeston or Arkansas, and, Ottawa County, Okla., or Cherokee, Crawford, Labette, or Montgomery Counties, Kans.

No. MC 73165 (Sub-No. E101), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), embraced in: (1) Machinery, equipment, materials, and supplies 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; (2) Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of minerals (other than lead, zinc, iron, and coal), when (a) such activities are in connection with the drilling of water wells; the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; the completion of holes or wells drilled; the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; the injection or removal of commodities into or from holes or wells; the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; or (b) commodities consist of earth drilling machinery and equipment or machinery and equipment used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials, and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, between all points in Kansas and points in Oklahoma on and east of U.S. Highway 77 and on and north of U.S. Highway 66, including Oklahoma City, on the one hand, and, on the other, points in Mississippi, Tennessee, Alabama, Georgia, Florida, and South Carolina. The purpose of this filing is to eliminate the gateways of Ottawa County, Okla., or Cherokee, Crawford, Labette or Montgomery Counties, Kans., Mississippi River in Arkansas, and, for South Carolina only, points in Alabama.

No. MC 73165 (Sub-No. E108), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, material*, and *supplies* 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 *machinery, materials, supplies*, and *equipment* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal, and other minerals and *commodities* the transportation of which by reason of their size or weight require the use of special equipment or special handling, when any of the commodities described in this paragraph consist of the following: (a) *Machinery, equipment, materials*, and *supplies* 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 *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (b) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the drilling of water wells; or (c) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; between points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada International Boundary line, points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway at Lehr, N. Dak., and thence along unnumbered Highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of U.S. Highway 14, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 66, and all points in Arkansas within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateway of Ottawa County, Okla.

No. MC 88368 (Sub-No. E48), filed July 22, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in Arkansas in and east of Boone, Newton, Pope, Yell, Garland, Hot Springs, Clark, Ouachita, and Union Counties to points in California in and north of Humboldt, Trinity, Shasta, and Modoc Counties; (2) from points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line near Fort Smith and extending along Interstate Highway 40 to Brinkley, Ark., thence along U.S. Highway 49 to the Arkansas-Mississippi State line to points in Wilmington, Del.; (4) from points in Arkansas in and north of Washington, Madison, Newton, Searcy, Stone, Independence, Jackson, Poinsett, and Mississippi Counties to points in Florida; (5) from points in Arkansas to points in Georgia on and east of a line beginning at the Georgia-Alabama State line near Columbus, Ga., and extending along U.S. Highway 280 to Cordele, Ga., thence along U.S. Highway 41 to the Georgia-Florida State line; (6) from points in Arkansas in and north of Phillips, Arkansas, Jefferson, Grant, Dallas, Clark, Nevada, Hempstead, and Miller Counties to points in Georgia; (7) from points in Arkansas within an area bounded by a line beginning at the Arkansas-Texas State line near Texarkana, Ark., and extending along Interstate Highway 30 to Little Rock, Ark., thence along U.S. Highway 65 to the Arkansas-Louisiana State line, thence west along the Arkansas-Louisiana State line to the Arkansas-Texas

State line, thence north along the Arkansas-Texas State line to Interstate Highway 30, the point of beginning, including points on the indicated portions of highways specified to points in Michigan;

(8) From points in Arkansas in and south of Crawford, Franklin, Johnson, Pope, Conway, Faulkner, White, Woodruff, Cross, and Crittenden Counties to points in New Jersey; (9) from points in Arkansas to points in New Mexico, on, north, and west of a line beginning at the New Mexico-Texas State line near Clovis, N. Mex., and extending along U.S. Highway 70 to Alamogordo, N. Mex., thence along U.S. Highway 54 to the New Mexico-Texas State line; (10) from points in Arkansas in and north of Sevier, Howard, Pike, Clark, Dallas, Grant, Jefferson, Arkansas, and Phillips Counties to points in New Mexico; (11) from points in Arkansas on and south of a line beginning at the Arkansas-Texas State line near De Queen, Ark., and extending along U.S. Highway 70 to Brinkley, Ark., thence along U.S. Highway 49 to the Arkansas-Mississippi State line to points in New York on and east of a line beginning at the New York-New Jersey State line near Suffern, N.Y., and extending along U.S. Highway 17 to Interstate Highway 87 to the United States-Canada International Boundary line; (12) from points in Arkansas in and south of Crawford, Franklin, Johnson, Pope, Conway, Faulkner, White, Woodruff, Cross, and Crittenden Counties to points in New York in and south of Rockland and Westchester Counties; (13) from points in Arkansas on and south of a line beginning at the Arkansas-Texas State line near De Queen, Ark., and extending along U.S. Highway 70 to Brinkley, Ark., thence along U.S. Highway 49 to the Arkansas-Mississippi State line to points in Ohio; (14) from points in Arkansas to points in Pennsylvania on and south of a line beginning at the Arkansas-Texas State line near De Queen, Ark., and continuing along U.S. Highway 70 to Brinkley, Ark., thence along U.S. Highway 49 to the Arkansas-Mississippi State line; (15) from points in Arkansas in and south of Crawford, Franklin, Johnson, Pope, Conway, Faulkner, White, Woodruff, Cross, and Crittenden Counties, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line near Lawrenceville, Pa., and continuing along U.S. Highway 15 to the Pennsylvania-Maryland State line.

(16) From points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line near Fort Smith, Ark., and continuing along Interstate Highway 40 to Brinkley, Ark., thence along U.S. Highway 49 to the Arkansas-Mississippi State line to points in South Dakota to destinations in South Dakota on and west of a line beginning at the South Dakota State line near Olsonville, S. Dak., and continuing along U.S. Highway 83 to the South Dakota-North Dakota State line; (17) from points in Arkansas in and south of Phillips, Monroe, Prairie, White, Faulkner, Van Buren, Searcy, and Boone Counties, Ark., to points in Tennessee on and west of a line beginning at the Tennessee-Alabama State line near Elkmont Springs, Tenn., and continuing along U.S. Highway 31 to Nashville, Tenn., thence along Interstate Highway 65 to the Tennessee-Kentucky State line; (18) from points in Arkansas in and north of Phillips, Monroe, Prairie, Lone Oak, Pulaski, Salina, Garland, Yell, and Scott Counties, Ark., to points in El Paso County, Tex.; (19) Arkansas, points in and south of Phillips, Arkansas, Lone Oak, Pulaski, Saline, Garland, Montgomery, and Polk Counties, to points in Vermont in and north of Crittenden, Washington, and Caledon Counties; (20) from points in Arkansas in and south of Phillips, Arkansas, Lone Oak, Pulaski, Saline, Garland, Montgomery, and Polk Counties to points in West Virginia; (21) from points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line near DeQueen, Ark., and extending along U.S. Highway 70 to the Arkansas-Tennessee State line to points in Wisconsin in Ashland, Iron, Price, Oneida, Vilas, Lincoln, Marathon, Lanclade, Florence, Forrest, Minette, and Oconto Counties; (22) from points in all counties of Arkansas on and north of U.S. Highway 64 to points in and north and west of Gaines, Terry, Lynn, Lubbock, Hale, Swisher, Randall, Potter, Moore, and Sherman Counties, Tex.

(23) From points in Arkansas in and north and east of Boone, Searcy, Van Buren, Cleburne, White, Woodruff, Cross, and Crittenden Counties to points in Texas north and west of Gaines, Terry, Lynn, Crosby, Motley, Cottle, Foard, Wilbarger, and Wichita Counties. The purpose of this filing is to eliminate the gateways of: in (1) above, Newton, Kans., Sterling, Colo., Dallesport, Wash., and Walla Walla, Wash.; in (2) above, Florence, Ala., Bledsoe, Ky., Steubenville, Ohio, and Philadelphia, Pa.; in (3) above, Coster, Mo., Corinth, Miss., Florence, Ala., Albany, Ga., Selma, Ala., and Valdosta, Ga.; in (4) above, Coster, Mo., Corinth, Miss., Florence, Ala., and Seligman, Mo.; in (5) above, Florence, Ala.; in (6) above, Florence, Ala.; in (7) above, Tuscumbia, Ala., Corinth, Miss., Birds Point, Mo., Farmer City, Ill., and Bloomington, Ill.; in (8) above, Florence, Ala., Bledsoe, Ky., Steubenville, Ohio, and Philadelphia, Pa.; in (9) above, El Reno, Okla.; in (10) above, El Reno, Okla.; in (11) above, Florence, Ala., Bledsoe, Ky., Steubenville, Ohio, and Philadelphia, Pa.; in (12) above, Florence, Ala., Bledsoe, Ky., Stubenville, Ohio, and Philadelphia, Pa.; in (13) above, Florabove, Florence, Ala., Bledsoe, Ky., and Steubenville, Ohio; in (15) above, Florence, Ala., Bledsoe, Ky., and Steubenville, Ohio; in (16) above, El Reno, Okla., Newton, Kans., and Yorkshire, Iowa; in (17) above, Florence, Ala.; in (18) above, Arkansas City, Kans.; in (19) above, Florence, Ala., Bledsoe, Ky., Steubenville, Ohio, Philadelphia, Pa., and Clinton, Mass.; in (20) above, Florence, Ala., and Bledsoe, Ky.; in (21) above, Tuscumbia, Ala., Corinth, Miss., Birds Point, Mo., and Bloomington, Ill.; in (22) above, Arkansas City, Kans.; and in (23) above, Arkansas City, Kans.

No. MC 88368 (Sub-No. E52), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in the District of Columbia to points in Oklahoma within an area bounded by a line beginning at the Oklahoma-Texas State line near Goodwin, Okla., and extending along U.S. Highway 60 to Seiling, Okla., thence along U.S. Highway 270 to El Reno, Okla., thence along U.S. Highway 81 to the Oklahoma-Texas State line to junction U.S. Highway 60, the point of beginning, including points on the indicated portions of the highways specified; (2) from points in the District of Columbia to points in Washington; (3) from points in the District of Columbia to points in Kansas; (4) from points in the District of Columbia to points in Texas in and west of all counties on a line beginning at the southernmost point of Texas Highway 163 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line; (5) from points in the District of Columbia to points in and north of Canyon, Ada, Elmore, Custer, and Lemhi Counties, Idaho; and (6) from points in the District of Columbia to points in and west of Klamath, Deschutes, Crook, Wheeler, Grant, Union, and Wallowa Counties, Oreg. The purpose of this filing is to eliminate the gateways of: in (1) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Arkansas City, Kans.; in (2) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., and Sterling, Colo.; in (3) above, Philadelphia, Pa., Steubenville, Ohio, and Clinton, Ill.; in (4) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Arkansas City, Kans.; in (5) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Monida, Mont., and Sterling, Colo.; and in (6) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sterling, Colo., Mary Hill, Wash., Dalesport, Wash., and Walla Walla, Wash.

No. MC 88368 (Sub-No. E54), filed August 9, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in Delaware in and north of Kent County to points in Louisiana on and west and south of a line beginning at the Louisiana-Arkansas State line near Haynesville, La., and extending along U.S. Highway 79 to Minden, La., thence along

Louisiana Highway 7 to Coshatta, La., thence along U.S. Highway 71 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Louisiana-Mississippi State line; (2) from points in Delaware in and north of Kent County to points in and west of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Atoka, and Bryan Counties, Okla.; (3) from points in New Castle County, Del., to points in Oklahoma in and west and south of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Latimer, and Le Flore Counties; (4) from points in Delaware to points in Arkansas located on and south of a line beginning at the Arkansas-Oklahoma State line near Fort Smith, Ark., and extending along Interstate Highway 40 to Brinkley, Ark., thence along U.S. Highway 49 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateways of: in (1), Philadelphia, Pa., Steubenville, Ohio, Bledsoe, Ky., Florence, Ala., Hamilton, Ala., and Birmingham, Ala.; in (2), Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Arkansas City, Kans.; in (3), Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Arkansas City, Kans.; in (4), Philadelphia, Pa., Steubenville, Ohio, Bledsoe, Ky., and Florence, Ala.

No. MC 88368 (Sub-No. E56), filed August 9, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission; (1) from points in and south of Lee, Collier, and Dade Counties, Fla., to points in Maine; (2) from points in Florida located in and south and west of Jefferson, Taylor, Dixie, Levy, Citrus, Sumter, Lake, Seminole, and Orange Counties to points in Maine in and north of Knox, Kennebec, Franklin, and Oxford Counties; (3) from points in and east of Leon and Wakulla Counties, Fla., to points in New Mexico; (4) from points in Florida located in and south and west of Columbia, Alachua, Marion, Lake, and Volusia Counties to points in North Carolina; (5) from points in Florida in and east of Leon and Wakulla Counties to points in Oklahoma; (6) from points in Florida to points in Oklahoma on and west of a line beginning at the Oklahoma-Texas State line and continuing along Oklahoma Highway 136 to the Oklahoma-Kansas State line; (7) from points in Florida located in and west and south of Columbia, Alachua, Marion, Sumter, Polk, Higlands, Okeechobee and Martin Counties to points in South Carolina; (8) from points in Florida in and south and west of Columbia, Alachua, Marion, Lake, Seminole, and Brevard Counties to points in Georgia on and north of a line beginning at the South Carolina-Georgia State line near North Augusta and continuing along U.S. Highway 78 to Charleston, S.C.; (9) from points in and east of Gadsden and Wakulla Counties to points in Tennessee; (10) from points in Florida to points in Tennessee on and west of a line beginning at the Tennessee-Alabama State line near Lincoln, Tenn., and continuing along U.S. Highway 231 to Fayetteville, Tenn., thence along Tennessee Highway 50 to Tullahoma, Tenn., thence along Tennessee Highway 55 to McMinnville, Tenn., thence along U.S. Highway 70S to Sparta, Tenn., thence along U.S. Highway 70 to Crossville, Tenn., thence along U.S. Highway 127 to the Tennessee Kentucky State line; (11) from points in Florida to points in Box Elder, Cache, and Rich Counties, Utah.

(12) From points in Florida in and east of Gadsden and Wakulla Counties to points in Utah located in and north of Tooele, Utah, Wasatch, Duchesne, and Uintah Counties; (13) from points in Florida located in and south of Nassau, Union, Alachua, Marion, and Citrus Counties, to points in California located on and north of a line beginning at San Francisco, Calif., and extending along Interstate Highway 80 to Anaheim, Calif., thence along California Highway 49 to Vinton, Calif., thence along California Highway 70 to the California-Nevada State line; and (14) from points in Florida located in and south of Dixie, Lafayette, Suwannee, Columbia, Union, Bradford, Putnam, and Flagler Counties to points in Georgia located in and north and west of Union, Lumpkin, Hall, Gwinnett, Rockdale, Henry, Spalding, Pike, Upson, Talbot, and Muscogee Counties. The purpose of this filing is to eliminate the gateways of: in (1) above, Folkston, Ga., Lynch, Ky., Steubenville, Ohio, Philadelphia, Pa., and Lawrence, Mass.; in (2) above, Folkston, Ga., Lynch, Ky., Steubenville, Ohio, Philadelphia, Ohio, Lawrence, Mass., Albany, Ga., and Bledsoe, Ky.; in (3) above, Albany, Ga., Florence, Ala., Fort Smith, Ark., El Reno, Okla., Valdosta, Ga., Selma, Ala., Shreveport, La., Jacksonville, Tex., and El Reno, Okla.; in (4) above, Valdosta, Ga.; in (5) above, Valdosta, Ga., Selma, Ala., Jackson, Miss., Magnolia, Ark., and Jacksonville, Tex.; in (6) above, Florence, Ala., Corinth, Miss., Cooter, Mo., and Florence, Ala.; in (7) above, Valdosta, Ga.; in (8) above, Valdosta, Ga.; in (9) above, Florence, Ala., Valdosta, Ga., Gadsden, Ala., and Palestine, Ala.; in (10) above, Florence, Ala., Valdosta, Ga., and Gadsden, Ala.; in (11) above, Florence, Ala., Corinth, Miss., Hays, Kans., Sterling, Colo., and Monida, Mont.; in (12) above, Florence, Ala., Corinth, Miss., Hays, Kans., Sterling, Colo., Monida, Mont., Valdosta, Ga., Birmingham, Ala., and Tupelo, Miss.; in (13) above, Valdosta, Ga., Birmingham, Ala., Tupelo, Miss., Hays, Kans., Sterling, Colo., Mary Hill, Wash., and Walla Walla, Wash.; and in (14) above, Valdosta, Ga., and Lanett, Ala.

No. MC 88368 (Sub-No. E57), filed August 22, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in and north of Idaho County, Idaho, to points in Colorado; (2) from points in and north of Canyon, Ada, Elmore, Camas, Blaine, Butte, and Bonneville Counties, Idaho, to points in and east of Larimer, Boulder, Gilpin, Huerfano, Alamosa, and Costilla Counties, Colo.; (3) from points on, north, and west of a line beginning at the Idaho-Nevada State line near Idavada, Idaho, and extending along U.S. Highway 93 to Shoshone, Idaho, thence along Alternate U.S. Highway 93 to Arco, Idaho, thence along Idaho Highway 22 to Dubois, Idaho, thence along U.S. Highway 91 to the Idaho-Montana State line to points in, south, and east of Baltimore, Anne Arundel, and Prince Georges Counties, Md.; (4) from points in and north of Canyon, Ada, Elmore, Camas, Blain, Butte, and Clark Counties, Idaho, to points in and south of Muskegon, Kent, Ionia, Clinton, Shiawassee, Genesee, Lapeer, and St. Clair Counties, Mich.; (5) from points in, north, and west of Cassia, Power, Bannock, Bingham, and Bonneville Counties, Idaho, to points in Missouri; (6) from points on and north of a line beginning at the Idaho-Montana State line near Lake, Idaho, and extending along U.S. Highway 20 to Carey, Idaho, thence along Idaho Highway 68 to Mountain Home, Idaho, thence along Interstate Highway 80 west of the Idaho-Oregon State line to points in Kimball, Banner, and Cheyenne Counties, Nebr.

(7) From points on and west of a line beginning at the Idaho-Montana State linear near Humphrey, Idaho, and extending along U.S. Highway 91 to Pocatello, Idaho, thence along U.S. Highway 30 west to Twin Falls, Idaho, thence along U.S. Highway 93 to the Idaho-Nevada State line to points in Ohio; (8) from points on, north, and west of a line beginning at the Idaho-Nevada State line near Idavada, Idaho, and extending along U.S. Highway 93 to Twin Falls, Idaho, thence along Interstate Highway 30 west to Pocatello, Idaho, thence along U.S. Highway 191 to the Idaho-Montana State line to points on and east of a line beginning at the Oklahoma-Kansas State line near Renfrow, Okla., and extending along U.S. Highway 81 to Chickasha, Okla., thence along U.S. Highway 277 to the Oklahoma-Texas State line; (9) from points in north, and west of a line beginning at the Idaho-Nevada State line near Idavada, Idaho and extending along U.S. Highway 93 to Twin Falls, Idaho, thence along Interstate Highway 30N to Pocatello, Idaho, thence along U.S. Highway 191 to the Idaho-Montana State line to points on and east of a line beginning at the Texas-Oklahoma State line near Gainsville, Tex., and extending along Interstate Highway 35 to Ft. Worth, Tex., thence along U.S. Highway 81 to Waco, Tex., thence along U.S. Highway 77 to Brownsville, Tex.; (10) from points in and north of Idaho County, Idaho, to points on and east of a line beginning at the Texas-Oklahoma State line near Wichita Falls, Tex., and extending along U.S. Highway 277 to Abilene, Tex.,

thence along U.S. Highway 83 to Laredo, Tex.; (11) from points in and north of Clark, Custer, Boise, Ada, and Canyon Counties, Idaho, to points in the District of Columbia; (12) from points in and north of Idaho County, Idaho, to points in Wyoming.

(13) From points in and north of Ada, Canyon, Boise, Gem, Payette, Washington, and Idaho Counties, Idaho, to points in and east of Park, Hot Springs, Fremont, and Carbon Counties, Wyo. The purpose of this filing is to eliminate the gateways of: in (1) above, Missoula, Mont., and Butte, Mont.; in (2) above, Monida, Mont., and Butte, Mont.; in (3) above, Monida, Mont., Cheyenne, Wyo., Sidney, Nebr., Newton, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., and Sterling, Colo.; in (4) above, Monida, Mont., Sterling, Colo., Newton, Kans., Bloomington, Ill., and Missoula, Mont.; in (5) above, Monida, Mont., and Sterling, Colo.; in (6) above, Monida, Mont., and Cheyenne, Wyo.; in (7) above, Monida, Mont., Sterling, Colo., Newton, Kans., Clinton, Ill., Cheyenne, Wyo., and Sidney, Nebr.; in (8) above, Monida, Mont., Sterling, Colo., Newton, Kans., and Missoula, Mont.; in (9) above, Monida, Mont., Sterling, Colo., and Arkansas City, Kans.; in (10) above, Missoula, Mont., Sterling, Colo., Arkansas City, Kans., Monida, Mont., Newton, Kans., and Ardmore, Okla.; in (11) above, Monida, Mont., Sterling, Colo., Newton, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Butte, Mont., Cheyenne, Wyo., and Sidney, Nebr.; in (12) above, Missoula, Mont.; and in (13) above, Monida, Mont., and Missoula, Mont.

No. MC 88368 (Sub-No. E58), filed August 22, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in California in and north of Sonoma, Napa, Yolo, Sutter, Yuba, Butte, Tehama, and Lassen Counties to points in Alabama in and east of Madison, Marshall, Cullman, Blount, Jefferson, Shelby, Chilton, Autauga, Montgomery, Pike, Dale, and Houston Counties; (2) from points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties to points in Alabama; (3) from points in California in and north of Humboldt, Trinity, Shasta, and Modoc Counties to points in Arkansas in and east of Boone, Newton, Pope, Yell, Garland, Hot Springs, Clark, Ouachita, and Union Counties; (4) from points in California in and north of Mendocino, Lake, Colusa, Yuba, Butte, Tehama, Shasta, and Modoc Counties to points in Connecticut; (5) from points in California on and north of a line beginning at San Francisco, Calif., and extending along Interstate Highway 80 to Auburn, Calif., thence along California Highway 49 to Vinton, Calif., thence along California Highway 70 to the California-Nevada State line, to points in Florida in and south of Nassau, Union, Alachua, Marion, and Citrus Counties; (6) from points in California in and north of Mendocino, Lake, Colusa, Sutter, Yuba, Butte, Tehama, Shasta, and Lassen Counties to points in Florida in and east of Gadsden and Wakulla Counties.

(7) From points in California in and north of Sonoma, Napa, Solano, Sacramento, Sutter, Yuba, Butte, Tehama, and Lassen Counties to points in Georgia on and south of a line beginning at the Georgia-Alabama State line near Bremen, Ga., and extending along U.S. Highway 78 to Atlanta, Ga., thence along Interstate Highway 20 to the Georgia-South Carolina line; (8) from points in California in and north of Humbolt, Trinity, Shasta, and Modoc Counties to points in Illinois within 100 miles of Danville, Ill., including Danville; (9) from points in California in and north of Humboldt, Trinity, Shasta, and Modoc Counties to points in Indiana; (10) from points in California in Del Norte, Siskiyou, Shasta, Trinity, and Humbolt Counties to points in Kansas; (11) from points in California in and north of Humbolt, Trinity, Shasta, and Modoc Counties to points in Kansas in and east of a line beginning at the Kansas-Nebraska State line near Woodruff, Kans., and extending along U.S. Highway 183 to Rush Center, Kans., thence along Kansas Highway 96 to Great Bend, Kans., thence along U.S. Highway 281 to the Kansas-Oklahoma State line; (12) from points in California in and north of Humbolt, Trinity, Shasta, and Modoc Counties to points in Kentucky in and east of Christian, Hopkins, McLean, and Henderson Counties; (13) from points in California in and north of Humbolt, Trinity, Shasta, and Modoc Counties to points in Louisiana in and south of Vernon, Rapides, and Avoyelles Counties; (14) from points in California in Del Norte, Siskiyou, Humbolt, Trinity, and Shasta Counties to points in Maryland in and south and east of Baltimore, Anne Arundel, and Prince Georges Counties; (15) from points in California in Del Norte, Siskiyou, Humbolt, Trinity, and Shasta Counties to points in Michigan in and north and east of Lenawee, Jackson, Ingham, Clinton, Gratiot, Isabella, Osceola, Lake, and Mason Counties; (16) from points in California in and north of Mendocino, Glenn, Butte, Tehama, Shasta, and Modoc Counties to points in New Hampshire.

(17) From points in California in Del Norte, Siskiyou, Humboldt, Trinity, and Shasta Counties to points in New York on and east of a line beginning at the New York-New Jersey State line near Ramapo, N.Y., and extending along Interstate Highway 87 to the United States-Canada International Boundary line; (18) from points in California in and Norte, Siskiyou, Humboldt, Trinity, and Shasta Counties to points in New York and Modoc Counties to points in North Carolina; (19) from points in California in Humboldt, Trinity, Shasta, Siskiyou, and Del Norte Counties to points in South Carolina in and south and east of Aiken, Lexington, Richland, Kershaw, and Chesterfield Counties; (20) from points in California in Humboldt, Del Norte, and Siskiyou Counties to points in South Carolina; (21) from points in California in Del Norte, Siskiyou, Humboldt, Shasta, and Trinity Counties to points in Vermont; (22) from points in California in Del Norte, Siskiyou, and Humboldt Counties to points in Wyoming; and (23) from points in California in Del Norte, Siskiyou, and Humboldt Counties to points in the District of Columbia. The purpose of this filing is to eliminate the gateways of: in (1), Dallesport, Wash., Sterling, Colo., McPherson, Kans., Corinth, Miss., Florence, Ala., Tuscumbia, Ala., and Tupelo, Miss.; in (2), Dallesport, Wash., Sterling, Colo., McPherson, Kans., Corinth, Miss., and Florence, Ala.; in (3), Dallesport, Wash., Sterling, Colo., Newton, Kans., and Walla Walla, Wash.; in (4) Dallesport, Wash., Sterling, Colo., Gossel, Kans., Bloomington, Ill., Steubenville, Ohio, Philadelphia, Pa., Newton, Kans., Clinton, Ill., and Walla Walla, Wash.; in (5), Mary Hill, Wash., Sterling, Colo., Hays, Kans., Tupelo, Miss., Birmingham, Ala., Valdosta, Ga., and Walla Walla, Wash.; in (6), Mary Hill, Wash., Sterling, Colo., Hays, Kans., Tupelo, Miss., Birmingham, Ala., Valdosta, Ga., Newton, Kans., Dyersburg, Tenn., Florence, Ala., Walla Walla, Wash., McPherson, Kans., and Corinth, Miss.

(7), Mary Hill, Wash., Sterling, Colo., Hoxie, Kans., Corinth, Miss., Florence, Ala., Hays, Kans., Tupelo, Miss., and Bessemer, Ala.; in (8), Dallesport, Wash., Casper, Wyo., Sidney, Nebr., Harlen, Iowa, Chenoa, Ill., Walla Walla, Wash., Yorkshire, Iowa, and Bloomington, Ill.; in (9), Walla Walla, Wash., Casper, Wyo., Sidney, Nebr., Yorkshire, Iowa, Chenoa, Ill., Dallesport, Wash., Sterling, Colo., and Newton, Kans.; in (10), Dallesport, Wash., Denver, Colo., Mary Hill, Wash., and Sterling, Colo.; in (11), Walla Walla, Wash., Sterling, Colo., Dallesport, Wash., and Denver, Colo.; in (12), Walla Walla, Wash., Sterling, Colo., Newton, Kans., and Clinton, Ill.; in (13), Dallesport, Wash., Sterling, Colo., Arkansas City, Kans., Jacksonville, Tex., and Walla Walla, Wash.; in (14), Dallesport, Wash., Sterling, Colo., Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (15), Dallesport, Wash., Sterlington, Colo., Newton, Kans., and Bloomington, Ill.; in (16), Dallesport, Wash., Sterling, Colo., Newton, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Boston, Mass., Clinton, Mass., and Groton, Mass.; in (17), Dallesport, Wash., Sterling, Colo., Newton, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (18), Walla Walla, Wash., Sterling, Colo., Hays, Kans., Corinth, Miss., Florence, Ala., and Dallesport, Wash.; in (19), Dallesport, Wash., Sterling, Colo., Hays, Kans., Corinth, Miss., Florence, Ala., Valdosta, Ga., Walla Walla, Wash., and Mary Hill, Wash.; in (20), Dallesport, Wash., Sterling, Colo., Hays, Kans., Corinth, Miss., Florence, Ala., Valdosta, Ga., and Mary Hfll, Wash.; in (21), Dallesport, Wash., Sterling, Colo., Newton,

Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Clinton, Mass., and Mary Hill, Wash.; in (22), Mary Hill, Wash., and Dallesport, Wash.; and in (23), Dallesport, Wash., Sterling, Colo., Newton, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Mary Hill, Wash., and Gossel, Kans.

No. MC 88368 (Sub-No. E60), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line near Northwood, Iowa, and extending along U.S. Highway 65 to Iowa Falls, Iowa, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line to points in Colorado on and south of a line beginning at the Colorado-Kansas State line near Burlington, Colo., and extending along Interstate Highway 70 to Denver, Colo., thence along U.S. Highway 6 to the Colorado-Utah State line; (2) from Harlan, Iowa, and points within 15 miles thereof to points in Colorado; (3) from points in Iowa to points in New Mexico in and south of McKinley, Sandoval, Santa Fe, San Miguel, and Quay Counties; (4) from Harlan, Iowa, and points within 15 miles thereof, to points in Maryland, south and east of Baltimore, Howard, and Prince Georges Counties; (5) from Harlan, Iowa, and points within 15 miles thereof, to points on and east of a line beginning at Marquette, Mich., and extending along U.S. Highway 41 to Escanaba, Mich.; (6) from Harlan, Iowa, and points within 15 miles thereof, to points in New York on and east of a line beginning at the New York-Pennsylvania State line near Endicott, N.Y., and extending along U.S. Highway 26 to Endicott, N.Y., thence along U.S. Highway 17 to Binghamton, N.Y., thence along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Jackson Interstate Highway 87, thence along Jackson Interstate Highway 87 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line; and (7) from Harlan, Iowa, and points within 15 miles thereof, to points in South Carolina in and south of Beaufort, Colleton, Orangeburg, Clarendon, Williamsburg, and Horry Counties. The purpose of this filing is to eliminate the gateways of: in (1) above, Newton, Kans., and Gossel, Kans.; in (2) above, Sidney, Nebr., and Newton, Kans.; in (3) above, Arkansas City, Kans., and Clinton, Okla.; in (4) above, Chenoa, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (5) above, Woodford, Ill., El Paso, Ill., Bloomington, Ill., and Chenoa, Ill.; in (6) above, Chenoa, Ill., Steubenville, Ohio, New Philaedlphia, Ohio, and Bloomington, Ill.; and in (7) above, Columbia, Mo., Corinth, Miss., Florence, Ala., and Valdosta, Ga.

No. MC 88368 (Sub-No. E63), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in and east of Christian, Hopkins, McLean, and Henderson Counties, Ky., to points in California in and north of Humboldt, Trinity, Shasta, and Modoc Counties; (2) from points in and east of Christian, Hopkins, Webster, and Henderson Counties, Ky., to points in Colorado; (3) from points in and east of Christian, Hopkins, Webster, and Henderson Counties, Ky., to points in Idaho on and north and west of a line beginning at the Idaho-Nevada State line near Wade, Idaho, and extending along U.S. Highway 93 to Shoshone, Idaho, thence along Alternate U.S. Highway 93 to Alco, Idaho, thence along U.S. Highway 20 to Idaho Falls, Idaho, thence along U.S. Highway 91 to the Idaho-Montana State line; (4) from points in Harlan County, Ky., to points in Idaho; (5) from points in Harlan County, Ky., to points in Kansas; (6) from points in and east of Jefferson, Spencer, Anderson, Mercer, Garrard, Rock Castle, Laurel, Knox, and Bell Counties, Ky., to points in Kansas; (7) from points in Harlan County, Ky., to points in Oklahoma in and west of Washington, Tulsa, Creek, Okfuskee, Seminole, Pontotoc, Murray, Carter, and Love Counties; (8) from points in Harlan County, Ky., to points in Missouri; (9) from points in and east of Trimble, Henry, Franklin, Woodford, Jessamine, Garrard, Rockcastle, Knox, and Bell Counties, Ky., to points in Missouri in and north of Pike, Audrain, Callaway, Cole, Miller, Camden, Hickory, Polk, Dade, and Jasper Counties.

(10) From points in and east of Henderson, Webster, Hopkins, and Christian Counties, Ky., to points in Nebraska on and east of U.S. Highway 183; (11) from points in Harlan County, Ky., to points in Nebraska; (12) from points in and east of Daviess, Ohio, Butler, Warren, and Simpson Counties, Ky., to New Mexico; (13) from points in Harlan County, Ky., to points in New York on and east of a line beginning at the New York-Pennsylvania State line near Deposit, N.Y., and extending along U.S. Highway 17 to Deposit, N.Y., thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line; (14) from points in and north of Jefferson, Shelby, Franklin, Woodruff, Fayette, Clark, Powell, Wolfe, Magoffin, Floyd, and Pike Counties, Ky., to points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line near Arkansas City, Kans., and extending along U.S. Highway 177 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line; (15) from points in and north of Jefferson, Shelby, Franklin, Woodruff, Fayette, Clark, Powell, Wolfe, Magoffin, Floyd, and Pike Counties, Ky., to all points in Texas on and west of U.S. Highway 277; (16) from points in Harlan County, Ky., to all points in Texas on and west of U.S. Highway 277; (17) from points in Harlan County, Ky., to points in Texas within 200 miles of Detroit (except Bowie and Cass Counties); and (18) from points in and east of Henderson, Webster, Hopkins, and Christian Counties Ky., to points in Wyoming.

The purpose of this filing is to eliminate the gateways of: in (1) above, Clinton, Ill., Newton, Kans., Sterling, Colo., and Walla Walla, Wash.; in (2) above, Clinton, Ill., Newton, Kans., and Vincennes, Ind.; in (3) above, Clinton, Ill., Newton, Kans., Sterling, Colo., Monida, Mont., Sidney, Nebr., and Vincennes, Ind.; in (4) above, Vincennes, Ind., Newton, Kans., Sterling, Colo., and Monida, Mont.; in (5) above, Vincennes, Ind., and Evansville, Ind.; in (6) above, Clinton, Ill., and Evansville, Ind.; in (7) above, Evansville, Ind., Arkansas City, Kans., Florence, Ala., and Little Rock, Ark.; in (8) above, Evansville, Ind.; in (9) above, Clinton, Ill., and Erlansville, Md.; in (10) above, Clinton, Ill., Gossel, Kans., Newton, Kans., and Vincennes, Ind.; in (11) above, Terre Haute, Ind., Bloomington, Ill., Yorkshire, Iowa, Vincennes, Ind., and Newton, Kans.; in (12) above, Clinton, Ill., Arkansas City, Kans., El Reno, Okla., Florence, Ala., Russellville, Ark., and El Reno, Okla.; in (13) above, Steubenville, Ohio, and Philadelphia, Pa.; in (14) above, Clinton, Ill., and Arkansas City, Kans.; in (15) above, Clinton, Ill., and Arkansas City, Kans:; in (16) above, Evansville, Ind., and Arkansas City, Kans.; in (17) above, Florence, Ala., Corinth, Miss., Cooter, Mo., Broken Bow, Okla., and Tom, Okla.; and in (18) above, Clinton, Ill., Newton, Kans., Sidney, Nebr., Vincennes, Ind., Bloomington, Ill., and Shelby, Iowa.

No. MC 88368 (Sub-No. E70), filed November 29, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in Cherokee County, Tex., to points in New York on and east of a line beginning at the New York-Pennsylvania State line near Binghamton, N.Y., and extending along U.S. Highway 167 to Binghamton, N.Y., thence along New

York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line; (2) from points in Texas on and west of a line beginning at Corpus Christi, Tex., and extending along Texas Highway 44 to junction U.S. Highway 77, thence along U.S. Highway 77 to Dallas, Tex., thence along U.S. Highway 75 to the Texas-Oklahoma State line to points in New York on and east of a line beginning at the New York-Pennsylvania State line near Binghamton, N.Y., and extending along New York Highway 167 to Binghamton, N.Y., thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line; (3) from points in and south of Yoakum, Terry, Lubbock, Crosby, Dickens, King, Foard, and Wilbarger Counties, Tex. to points in Kansas; (4) from points in Texas to points in Kansas on and east of U.S. Highway 183.

(5) From points in all counties of Texas on and east of U.S. Highway 281 to and including Bexar County and all counties on and east and south of U.S. Highway 81 from San Antonio to Laredo, Tex., to points in Colorado in and north and west of La Plata, Hinsdale, Saguache, Custer, Pueblo, Otero, Bent, and Prowers Counties; (6) from points in, north, and west of Gaines, Terry, Lynn, Crosby, Motley, Cottle, Ford, Wilbarger, and Wichita Counties, Tex., to points in Arkansas in, north, and east of Boone, Searcy, Van Buren, Cleburne, White, Woodruff, Cross, and Crittenden Counties; (7) from points in El Paso County, Tex., to points in Arkansas in and north of Phillips, Monroe, Prairie, Lonoke, Pulaski, Saline, Garland, Yell, and Scott Counties; (8) from points in, north, and west of Gaines, Terry, Lynn, Lubbock, Hale, Swisher, Randall, Potter, Moore, and Sherman Counties, Tex., to points in Arkansas in all counties on and north of U.S. Highway 64; (9) from points in Texas on and north and west of a line beginning at the Texas-Oklahoma State line near Denison, Tex., and extending along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 80 to the Texas-New Mexico State line to points in Florida on and east and south of Columbia, Alachua, Marion, Lake, Polk, Hillsboro, and Pinellas Counties; (10) from points in Cherokee County, Tex., and points on and north and west of a line beginning at the Texas-Oklahoma State line near Byers, Tex., and extending along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line, to points in Florida in and east of Leon and Wakulla Counties; (11) from all points in Texas on and west of U.S. Highway 277 and points within 200 miles of Detroit, Tex., except Bowie and Cass Counties, to points in Harlan County, Ky.; (12) from all points in Texas on and west of U.S. Highway 277 to points in Kentucky in and north of Jefferson, Shelby, Woodruff, Fayette, Clark, Powell, Wolfe, Magoffin, Floyd, and Pike Counties.

(13) From points in Texas on, north, and west of a line beginning at the Texas-Oklahoma State line near Burkburnett, Tex., and extending along U.S. Highway 277 to junction U.S. Highway 82, thence along U.S. Highway 82 to Dickens, Tex., thence along Texas Highway 208 to Snyder, Tex., thence along Texas Highway 350 to Big Springs, Tex., thence along U.S. Highway 80 to the Texas-New Mexico State line to points in Louisiana; (14) from points in Texas on and west of Texas Highway 277 to points in Maryland in, south, and east of Baltimore, Anne Arundel, and Prince Georges Counties; (15) from points within 200 miles of Detroit, Tex., and that territory on and east of a line beginning at Waco, Tex., and extending in a southerly direction along Interstate Highway 35 to Temple, Tex., thence along U.S. Highway 180 to Cameron, Tex., thence along U.S. Highway 77 to Victoria, Tex., thence along U.S. Highway 87 to its termination of Port Lavaca, Tex., to points in Oregon in and north and west of Klamath, Deschutes, Jefferson, Wheeler, Grant, and Baker Counties; (16) from points in Texas in El Paso County, and in and north of Deaf Smith, Randall, Armstrong, Donley, and Collinswood Counties to points in Tennessee; (17) from points in Texas on and north and west of a line beginning at the Texas-Oklahoma State line near Denison, Tex., and extending along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 80 to the Texas-New Mexico State line to points in Tennessee on and east of Interstate Highway 65; (18) from points in Cherokee County, Tex., to points in Tennessee in and east of McNairy, Chester, Henderson, Carroll, and Henry Counties; (19) from points in Texas on, north, and west of a line beginning at the Texas-Oklahoma State line near Denison, Tex., and extending along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 80 to the Texas-New Mexico State line and points within 200 miles of Detroit, Tex., east of U.S. Highway 277 to points in Virginia in and east of Henry, Franklin, Roanoke, and Craig Counties; and (20) from points in Cherokee County, Tex., to points in Virginia.

The purpose of this filing is to eliminate the gateways of: in (1) above, Shreveport, La., Florence, Ala., Bledsoe, Ky., Steubenville, Ohio, Philadelphia, Pa., Pontiac, Mich., and Harlan, Ky.; in (2) above, Arkansas City, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (3) above, Hollis, Okla., and Arkansas City, Kans.; in (4) above, Arnett, Okla., and Arkansas City, Kans.; in (5) above, Arkansas City, Kans.; in (6) above, Arkansas City, Kans.; in (7) above, Arkansas City, Kans.; in (8) above, Arkansas City, Kans.; in (9) above, Terral, Okla., Magnolia, Ark., Selma, Ala., Valdosta, Ga., Jacksonville, Tex., and Shreveport, La.; in (10) above, Terral, Okla., Jacksonville, Tex., Shreveport, La., Selma, Ala., and Valdosta, Ga.; in (11) above Arkansas City, Kans., Evansville, Ind., Broken Bow, Okla., Cooter, Mo., Corinth, Miss., Florence, Ala., and Tom, Okla.; in (12) above, Arkansas City, Kans., and Clinton, Ill.; in (13) above, Randlett, Okla., Jacksonville, Tex., and Terral, Okla.; in (14) above, Arkansas City, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa.; in (15) above, Lawton, Okla., Newton, Kans., Sterling, Colo., Mary Hill, Wash., Arkansas City, Kans., Ft. Collins, Colo., Ardmore, Okla., and Walla Walla, Wash.; in (16) above, Arkansas City, Kans.; in (17) above, Idabel, Okla., Cooter, Mo., Corinth, Miss., Florence, Ala., and Arkansas City, Kans.; in (18) above, Pontotoc, Miss., Florence, Ala., and Shreveport, La.; in (19) above, Broken Bow, Okla., Holland, Mo., Corinth, Miss., Florence, Ala., Harlan, Ky., and Lawton, Okla.; and in (20) above, Pontotoc, Miss., Florence, Ala., Harlan, Ky., and Shreveport, La.

No. MC 88368 (Sub-No. E71), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in and south of Aiken, Lexington, Richland, Sumter, Lee, Florence, and Dillon Counties in South Carolina to points in Colorado; (2) from South Carolina to points in Florida in, west, and south of Columbia, Alachua, Marion, Sumter, Polk, Highlands, Okeechobee, and Martin Counties; (3) from points in South Carolina on and north of a line beginning at the South Carolina-Georgia State line near North Augusta, and continuing along U.S. Highway 78 to Charleston, S.C., to points in Florida south and west of Columbia, Alachua, Marion, Lake, Seminole, and Brevard Counties; (4) from points in South Carolina in and south of Aiken, Lexington, Richland, Sumter, Lee, Florence, and Dillon Counties to points in Idaho on, north, and west of a line beginning at the Nevada-Idaho State line near Idavada, Idaho, and extending along U.S. Highway 93 to Twin Falls, Idaho, thence along U.S. Highway 30 and 30N to Pocatello, thence along U.S. Highway 191 to the Idaho-Montana State line; (5) from points in South Carolina to points in Idaho in and north of Lemhi and Idaho Counties; (6) from points in South Carolina in and south of Aiken, Lexington, Richland, Sumter, Florence, and Dillon Counties to points in Montana in and west of Toole, Liberty, Chouteau, Fergus, Musselshell, Yellowstone, and Carbon Counties; (7) from points in South Carolina in and south of Aiken, Lexington, Richland, Sumter, Lee, Florence, and Dillon Counties to points in Nebraska in Kimball, Banner, and Cheyenne Counties.

(8) From points in South Carolina in and south of Aiken, Lexington, Richland,

Sumter, Lee, Florence, and Dillon Counties to points in Oklahoma within an area bounded by a line beginning at the Oklahoma-Texas State line near Goodwin, Okla., and extending along U.S. Highway 60 to Seiling, Okla., thence along U.S. Highway 270 to El Reno, Okla., thence along U.S. Highway 81 to the Oklahoma-Texas State line, thence west and north along the Oklahoma-Texas State line to junction U.S. Highway 60, the point of beginning, including points on the indicated portions of the highways specified; (9) from points in South Carolina to points in Oregon in, north, and west of Klamath, Deschutes, Crook, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties; (10) from points in South Carolina in and south of Aiken, Lexington, Richland, Sumter, Lee, Florence, Marion, and Horry Counties to points in South Dakota in and west of Gregory, Lyman, Hughes, Sully, Potter, Walworth, and Campbell Counties; (11) from points in South Carolina in and south of Aiken, Lexington, Richland, Sumter, Lee, Florence, and Dillon Counties to points in Wyoming; (12) from points in South Carolina in Berkeley, Dorchester, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties to points in Arkansas in and west of Fulton, Sharp, Independence, Cleburne, Faulkner, Jackson, Jefferson, Dallas, Nevada, Lafayette, and Miller Counties; (13) from points in South Carolina in Berkeley, Dorchester, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties to points in Iowa in and west of Worth, Cerro Gordo, Franklin, Hardin, Marshall, Jasper, Mahaska, Wapello, and Davis Counties; and (14) from points in South Carolina in Berkeley, Dorchester, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties to points in Missouri in, and west of Clark, Lewis, Marion, Ralls, Audrain, Callaway, Osage, Maries, Phelps, Texas, and Howell Counties.

The purpose of this filing is to eliminate the gateways of: in (1) above, Valdosta, Ga., Birmingham, Ala., Corinth, Miss., Hays, Kans., Florence, Ala., and Dodge City, Kans.; in (2) above, Valdosta, Ga.; in (3) above, Valdosta, Ga.; in (4) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Hays, Kans., Sterling, Colo., and Monida, Mont.; in (5) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Hays, Kans., Sterling, Colo., Monida, Mont., and Butte, Mont.; in (6) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Hays, Kans., and Sterling, Colo.; in (7) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Newton, Kans.; in (8) above, Valdosta, Ga., Tuscumbia, Ala., and Little Rock, Ark.; in (9) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Hays, Kans., Sterling, Colo., and Mary Hill, Wash.; in (10) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Jefferson City, Mo., and Yorkshire, Iowa; in (11) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Newton, Kans., and Sidney, Nebr.; in (12) above, Valdosta, Ga., and Tuscumbia, Ala.; in (13) above, Valdosta, Ga., Florence, Ala., Corinth, Miss., Jefferson City, Mo., St. Louis, Mo., and Kirksville, Mo.; and in (14) above, Valdosta, Ga., Florence, Ala., Jackson, Tenn., and Savannah, Tenn.

No. MC 95540 (Sub-No. E223), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from all points in California beginning at Eureka at the Pacific Ocean and extending along California Highway 299 to junction California Highway 139 and an unnumbered road near Ash Creek, thence along the unnumbered road to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E441), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bananas, coconuts*, and *pineapples* when moving in the same vehicle and at the same time with bananas, from all points in Ohio on and east of a line beginning at the Pennsylvania-Ohio State line and U.S. Highway 20 and proceeding along U.S. Highway 20 to Ashtabula, thence along Ohio Highway 11 to junction Ohio Highway 82, thence along Ohio Highway 82 to Warren, thence along U.S. Highway 422 to Youngstown, thence along Ohio Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to Salem, thence along Ohio Highway 45 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction Ohio Highway 124, thence along Ohio Highway 124 to Minersville at the Ohio-West Virginia State line, to all points in Louisiana on and north of a line beginning at the Mississippi-Louisiana State line and U.S. Highway 26, thence along U.S. Highway 26 to Bogalusa, thence along U.S. Highway 21 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Interstate Highway 10, thence along Interstate Highway 10 through New Orleans to junction U.S. Highway 61, thence along U.S. Highway 61 through Baton Rouge to the northern boundary. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E703), filed May 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles* distributed by meat packinghouses, as described in lists A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except canned goods as set forth in List C of the Appendix), from all points in Ohio on and southeast of a line beginning at the eastern boundary and U.S. Highway 20 to Ohio Highway 21/Interstate Highway 77, to Interstate Highway 70, thence along Interstate Highway 70 to Ohio Highway 13, thence along Ohio Highway 13 to Ohio Highway 79, thence along Ohio Highway 79 to junction Interstate Highway 70, thence along Interstate Highway 70 to Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to the southern boundary, to all points in Mississippi on and south of a line beginning near the Louisiana-Mississippi State line and extending along Mississippi Highway 43 to an unnumbered highway, thence along unnumbered highway to junction Mississippi Highway 53, thence along Mississippi Highway 53 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E827), filed November 29, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Charlotte and Concord, North Carolina, to all points in Connecticut, Delaware, Massachusetts, Manchester, New Hampshire, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway of Cheriton, Va.

No. MC 107403 (Sub-No. E562), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER April 10, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *muriatic acid*, in bulk, in tank vehicles, from Freeport, Tex., to points in Ohio (except those that are west of U.S. Highway 23 and south of U.S. Highway 50) and Michigan (except those that are west of U.S. Highway 27 and south of Interstate Highway 96). The purpose of this filing is to eliminate the gateways of Ashland, Ky., and Baton Rouge, La. The purpose of this correction is to correct the "E" number, previously published as E526.

No. MC 107515 (Sub-No. E607), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Frozen foods*, in vehicles equipped with mechanical refrigeration; (1) from points in Michigan on and south of the line beginning at Ludington, Mich., and extending along Interstate Highway 10 to Bay City, thence along Michigan Highway 35 to Port Hope and Lake Huron to points in Idaho on and west of U.S. Highway 93; and (2) from points in Michigan on, south and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 61, thence along Michigan Highway 61 and unnumbered highways to Lake Huron at or near Pine River, Mich., to points in Idaho. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 108380 (Sub-No. E3), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Wyoming (except points in Sheridan, Big Horn, and Park Counties, Wyo.), to points in North Dakota (except that part south and west of a line beginning at the Montana-North Dakota State line and extending east along U.S. Highway 10 to junction U.S. Highway 83 near Sterling, N. Dak., thence south along U.S. Highway 83 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Newcastle, Wyo., and Butte County, S. Dak.

No. MC 110420 (Sub-No. E27), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles; (a) from points in Missouri on and north of U.S. Highway 36 to Downingtown, Pa. (Milwaukee, Wis.) *; (b) from points in Missouri to Green Bay, Wis. (Milwaukee, Wis.) *; (c) from points in Missouri on and east of U.S. Highway 63 which are on and north of Missouri Highway 6 to points in Michigan on and east of U.S. Highway 75, and to points in Ohio on and east of Ohio Highway 11 which are on and north of Ohio Highway 224 (Milwaukee, Wis.) *; (d) from points in Missouri on and east of Missouri Highway 25 which are on and north of U.S. Highway 60 to points in Michigan on and north of Michigan Highway 68 and points in Minnesota on and north of Minnesota Highway 7 which are on and east of U.S. Highway 35 (Milwaukee, Wis.) *; (e) from points in Missouri on and north of U.S. Highway 36 which are on and west of U.S. Highway 35 to points in the lower peninsula of Michigan and points in Ohio on and east of Ohio Highway 11 which are on and north of Ohio Highway 224 (Milwaukee, Wis.) *; (f) from points in Missouri on and south of U.S. Highway 66 which are on and west of U.S. Highway 65 to points in Michigan on and north of Michigan Highway 20 (Milwaukee, Wis.) *; (g) from points in Jasper, Newton, and McDonald Counties, Mo., to points in Marinette County, Wis. (Milwaukee, Wis., and Chicago, Ill.) *; (h) from points in Missouri on and south of U.S. Highway 60 to points in the Upper Peninsula of Michigan (Milwaukee, Wis., and Chicago, Ill.) *; (i) from points in Missouri in and north of Buchanan, DeKalb, Daviess, Grundy, Sullivan, and Adair Counties to Lititz, Pa. (Milwaukee, Wis., and Chicago, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E98), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (*Corn syrup*, in bulk, in tank vehicles, from Cedar Rapids, Iowa; (a) to points in New York, Pennsylvania, Virginia, and West Virginia (Chicago, Ill.) *; (b) to points in Alabama, Georgia, Mississippi, North Carolina, and South Carolina (Pekin, Ill.) *; (c) to points in Utah (North Kansas City, Mo.) *; and Maryland (Hammond, Ind.) *; and (d) to points in the District of Columbia (Granite City, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E99), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Keokuk; (a) to points in South Dakota (Cedar Rapids, Iowa) *, and Kansas (North Kansas City, Mo.) *; (b) to points in New York and Pennsylvania (Chicago, Ill.) *; (c) to points in Mississippi (St. Louis, Mo.) *, and Oklahoma (Kansas City, Mo.) *; (d) to points in Virginia, West Virginia, North Carolina, and South Carolina (Pekin, Ill.) *; (e) to points in Utah (North Kansas City, Mo.) *, and Maryland (Hammond, Ind.) *; (f) to points in North Dakota (Cedar Rapids, Iowa) *; (g) to points in Georgia, Texas, and the District of Columbia (Granite City, Ill.) *; and (h) to points in Arkansas and Louisiana (Granite City, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E103), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Pekin, Ill.; (a) to points in New York and Pennsylvania (Chicago, Ill.) *; (b) to points in Maryland (Hammond, Ind.) *, and Utah (North Kansas City, Mo.) *; and (c) to points in North Dakota (Cedar Rapids, Iowa) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E105), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Indianapolis, Ind., to Huntington, W. Va. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 110420 (Sub-No. E106), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Minneapolis, Minn.; (a) to points in New York, Pennsylvania, Virginia, and West Virginia (Chicago, Ill.) *; (b) to points in Oklahoma (Kansas City, Mo.) *; (c) to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina (Pekin, Ill.) *; (d) to points in Maryland (Hammond, Ind.) *, and points in Utah in and south of Tooele, Utah, Wasatch, Duchesne, and Uintah Counties (North Kansas City, Mo.) *; (e) to points in Texas (Cedar Rapids, Iowa) *; and (f) to points in Kansas (Lincoln, Nebr.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E172), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry, in bulk, from Indianapolis, Ind.; (a) to points in Minnesota and points in that part of Iowa beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Nebraska State line (Chicago, Ill., except points in the commercial zone thereof which are located in Indiana) *; and (b) to points in Nebraska, points in Oklahoma on and west of U.S. Highway 83, and points in Kansas on and west of U.S. Highway 83 (Pekin and Decatur, Ill.,

and points in Illinois within the Chicago, Ill., commercial zone)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E173), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cereal feed ingredients*, in bulk, from Battle Creek, Mich., to points in Arkansas, Kansas, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E174), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry, in bulk, from Dayton, Ohio, to points in South Dakota, North Dakota, California, Colorado, and points in Texas on and north of U.S. Highway 70. The purpose of this filing is to eliminate the gateways of Chicago, Ill. (except points within the commercial zone thereof which are located in Indiana), and Cedar Rapids, Iowa.

No. MC 110420 (Sub-No. E175), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners*, and *blends thereof*, in bulk, in tank vehicles, restricted to dry corn products, from Indianapolis, Ind., to points in Texas and points in Baldwin and Mobile Counties, Ala. The purpose of this filing is to eliminate the gateway of Granite City, Ill.

No. MC 110420 (Sub-No E176), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry, in bulk, from Indianapolis, Ind., to points in California, Colorado, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateways of Chicago, Ill. (except points in the commercial zone thereof which are located in Indiana), and Cedar Rapids, Iowa.

No. MC 110420 (Sub-No. E177), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry, in bulk, in tank vehicles, from the facilities of Grain Processing Corporation (or its subsidiary Kent Feeds), at Muscatine, Iowa, to points in California, Colorado, Delaware, Florida, Louisiana, Maine, New Hampshire, North Dakota, Texas, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 110420 (Sub-No. E178), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry, in bulk, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone; (a) to points in Rhode Island, Vermont, Maine, New Hampshire, Delaware, points in Dade and Broward Counties, Fla., Divide, Williams, and McKenzie Counties, N. Dak., and points in California on and north of California Highway 299 (Cedar Rapids, Iowa)*; and (b) to points in Wisconsin, Michigan, points in Illinois on and north of U.S. Highway 80, points in Indiana on and north of U.S. Highway 30, and points in Ohio on and north of U.S. Highway 70 (Clinton, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111401 (Sub-No. E38) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER April 15, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Oklahoma located on and west of a line extending from the Oklahoma-Kansas State line along U.S. Highway 283 to junction Oklahoma Highway 51, and on and north of Oklahoma Highway 51 to the Oklahoma-Texas State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Texas City, Tex. The purpose of this correction is to include the destination point.

No. MC 113624 (Sub-No. E10) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81002. Applicant's representative: Marion Jones, Suite 1600, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from McPherson, Russell, Arkansas City, Augusta, El Dorado, Potwin, Wichita, Hutchinson, Great Bend, and Coffeyville, Kans., to points in that part of Utah south of a line beginning at the Colorado-Utah State line and extending in a westerly direction through Dragerton, Nephi, and Trout Creek, Utah, to the Utah-Nevada State line, and north of a line beginning at the Colorado-Utah State line, and extending in a westerly direction through Blanding and Cedar City, Utah, to the Utah-Nevada State line (except Grand and San Juan Counties). The purpose of this filing is to eliminate the gateways of Denver, Colo., and Sinclair, Wyo. The purpose of this correction is to correct the origin points.

No. MC 113624 (Sub-No. E42) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81002. Applicant's representative: Marion Jones, Suite 1600, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, other than crude oil in its natural state, from points in Wyoming (except Crook, Weston, Campbell, Converse, Niobrara, Platte, and Goshen Counties and Laramie County east of Interstate Highway 25), to points in that part of Nebraska on and west of U.S. Highway 183. The purpose of this filing is to eliminate the gateways of Cheyenne and Casper, Wyo. The purpose of this correction is to correct the highway descriptions.

No. MC 113855 (Sub-No. E61), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight, require special equipment; and (2) *Self-propelled* articles, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Kansas, on the one hand, and, on the other, points in Minnesota (except points south of Minnesota Highway 60); and (b) between points in Kansas (except points east of U.S. Highway 59), on the one hand, and, on the other, points in Minnesota south of Minnesota Highway 60. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E63), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: (1) (a) *Agricultural implements* and *adapter kits therefor*, and (b) *tractor canopies and cabs*, and *agricultural implement safety guards;* and (2) *Parts* for the commodities listed in (1) above, from Madras, Oreg., to points in Wisconsin, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, Louisiana, Mississippi, Alabama, Georgia, South Carolina, and Florida. The purpose of this filing is to eliminate the gateway of Gwinner, N. Dak.

No. MC 113855 (Sub-No. E64), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *New construction, road-building earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors* (not including truck-tractors), and *pipelayers* and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, *generators and engines combined* (except aircraft and missile engines), and *attachments, accessories, and parts* of or for the above-specified equipment and machinery, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, from Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazelton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, to points in Arizona, restricted against any service to pipelines, pipeline rights-of-way, pump stations, or pipeline construction projects along such rights-of-way other than in California, and restricted against the transportation of iron and steel articles, and boats; and (2) *New construction, road-building, earth-moving, excavating, loading, maintenance logging, and mining machinery and equipment, tractors* (not including truck-tractors), and *pipelayers* and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, *generators, internal combustion engines, and generators and engines combined* (except aircraft and missile engines), and *attachments, accessories, and parts* of or for the above-specified equipment and machinery, which are self-propelled articles, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, from Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazelton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, to points in Arizona, restricted to commodities which are transported on trailers, and restricted against any service to pipelines, pipeline rights-of-way other than in California. The purpose of this filing is to eliminate the gateway of Elgin, Ill.

No. MC 113855 (Sub-No. E65), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck and farm tractors), and (2) *equipment* designed for use with and when moving in mixed loads with the articles described in (1) above, from Eau Claire, Wis., to points in Oklahoma, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Virginia, Delaware, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, restricted to traffic originating at Eau Claire, Wis., and restricted against 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 gateways of Minneapolis, and St. Paul, Minn., and points within 15 miles of their commercial zone.

No. MC 113855 (Sub-No. E77), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Wyoming, on the one hand, and, on the other, points in Ohio and Pennsylvania, and (B) between points in Wyoming, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of South Dakota east of the Missouri River.

No. MC 113855 (Sub-No. E101), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Heavy machinery* and other contractors' materials, supplies, and equipment, which because of size or weight, require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers), between points in North Dakota (except points in Divide, Williams, and McKenzie Counties), on the one hand, and, on the other, points in Washington (Montana, South Dakota east of South Dakota Highway 73) *; (B) (1) *Commodities* (except boats) the transportation of which, because of size or weight, require the use of special equipment, and *related machinery, parts*, and *related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight, require special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts*, and *supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in North Dakota (except points in Divide, Williams, Dunn, Golden Valley, Billings, Stark, Slope, Hettinger, Bowman, Adams, and McKenzie Counties, on the one hand, and, on the other, points in Washington (Montana, South Dakota east of the Missouri River) *. The purpose of this filing is to

eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E102), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Heavy machinery* and other contractors' materials, supplies, and equipment, which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts,* and *supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in Oregon, on the one hand, and, on the other, points in North Dakota (except points in Divide, Williams, and McKenzie Counties) (Montana, South Dakota east of South Dakota Highway 73)*; (B) (2) *Commodities* (except boats), the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Oregon, on the one hand, and, on the other, points in North Dakota (except points in Adams, Bowman, Slope, Hettinger, Stark, Golden Valley, Billings, Dunn, Divide, Williams, and McKenzie Counties) (Montana, South Dakota east of the Missouri River)*; (b) between points in Oregon in the Klamath, Jackson, Josephine, Curry, and Coos Counties, on the one hand, and, on the other, points in North Dakota (Utah and South Dakota)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E106), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts,* and *related contractors' materials* and *supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in South Dakota, on the one hand, and, on the other, points in Kentucky and West Virginia (Elgin, Ill.)*; (b) between points in South Dakota, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, and the District of Columbia (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.)*; (c) between points in Nebraska, on the one hand, and, on the other, points in New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island, and the District of Columbia [points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway to Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., and points in South Dakota)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-12452 Filed 5-9-75;8:45 am]