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PART I

January 17, 1975—Pages 3210A–3283

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.

reminders

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Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

PART 299—IMMIGRATION FORMS

U.S. Citizen Identification Card

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on March 7, 1974 (39 FR 8924) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments to 8 CFR § 235.10 pertaining to the issuance of United States citizen identification cards.

The representations which were received concerning the proposed rules of March 7, 1974, have been considered. In addition to minor editorial changes, the proposed rules have been amended in the following respects:

1. Proposed § 235.10(a) is amended by adding at the end thereof a new sentence for the purpose of making it clear that "A U.S. citizen identification card is and never ceases to be the property of the United States."

2. Proposed § 235.10(f) is amended to specify the procedure for obtaining a citizen identification card in lieu of one lost, mutilated, or destroyed, or in a changed name; to clarify the conditions under which a card may be replaced without fee, and to provide for its replacement in such circumstances without the submission of an application, as well as without fee.

3. For greater clarity, the material in proposed § 235.10(g) has been divided into four subparagraphs. That portion of proposed § 235.10(g) which concerns the provisional surrender to the Service of a citizen identification card upon notification that the validity of the card is being investigated, has been designated § 235.10 (g) (2), and has been modified to provide for the return of such provisionally-surrendered card if the investigation does not result in an adverse determination. The proposed regulation has been further modified to provide that in the event of a tentative adverse determination, the applicant shall be notified thereof, of the basis therefor, and afforded an opportunity to see and to rebut the reverse evidence, and to present evidence on his own behalf, which shall be considered in determining the validity of the card. That portion of proposed § 235.10(g) concerning the automatic voidance of a citizen identification card issued to a person who admits alienage, has been designated § 235.10(g) (3), and has been modified to include the condition of consent to voidance of the card and to eliminate the provision for automatic voidance of the card if found in the possession of a person other than the one to whom it was issued.

4. Proposed § 235.10 is amended by the addition of a new paragraph (h) to clarify that a valid citizen identification card heretofore issued on Form I–179 shall continue to be valid.

The proposed rules, as modified, are hereby adopted:

Section 235.10 is revised to read as follows:

§ 235.10 U.S. Citizen Identification Card.

(a) *General.* Solely as a convenience to facilitate identification in the United States by immigration officers and entry over land borders from foreign contiguous territory, a citizen who is physically present in the United States may apply for a U.S. Citizen Identification Card, Form I–197, to the Service office having jurisdiction over the place where he is present. Possession of the card shall not be mandatory for any purpose. A U.S. citizen identification card is and never ceases to be the property of the United States.

(b) *Eligibility.* No United States citizen shall be eligible for an identification card unless he is physically present in the United States at the time of application therefor and at the time of issuance of the card and, if other than a native-born citizen, has been issued a certificate of naturalization or citizenship.

(c) *Application.* An application for an identification card shall be made on Form I–196, accompanied by the fee required under § 103.7 of this chapter and one photograph 1½ inches by 1½ inches, and evidence of his brith in the United States or, in the case of a United States citizen who was not born in the United States, a certificate of naturalization or citizenship. The applicant, when notified to do so, and his parent or guardian, if one is acting in his behalf, shall appear in person before an immigration officer in the United States for examination under oath or affirmation upon the application.

(d) *Denial of application.* If the decision of the district director is that the application shall be denied, notification thereof and the reasons therefor shall be furnished the applicant. No appeal shall lie from the denial of an application by the district director.

(e) *Issuance of identification card.* If the applicant establishes his citizenship and eligibility to the satisfaction of the district director, the identification card shall be issued to the applicant. The delivery of such card shall be made only in the United States.

(f) *Replacement.* If a U.S. citizen identification card has been lost, mutilated or destroyed, the person to whom such card was issued may apply for a new card (Form I–197) in accordance with the provisions of this section. If subsequent to issuance of an identification card the holder's name has been changed by marriage or by order of a court of competent jurisdiction, application for a new card may be made in accordance with the provisions of this section. A mutilated card may be replaced only if it is surrendered to the Service. A card in a changed name may be issued only if the previously-issued card is surrendered, unless it was lost or destroyed, and a certified copy of the marriage record or court decree ordering the name change is submitted. The holder of an identification card which is in poor condition because of improper lamination or which contains an error made by the Service may be issued a new one without submitting a fee or application upon surrender of the original card.

(g) *Surrender and voidance*—(1) *Institution of proceeding under section 236, 242 or 342 of the Act.* A U.S. citizen identification card shall be surrendered provisionally to a Service office upon notification by the district director of such office of institution of a proceeding under section 236, 242 or 342 of the Act against the person to whom the card was issued. The card shall be returned to such person if the final order in the proceeding does not result in the voidance of the document pursuant to this paragraph. A U.S. citizen identification card shall be deemed void automatically if the person to whom it was issued is determined to be an alien in a proceeding conducted pursuant to section 236 or 242 of the Act, or if a certificate, document, or record relating to such person is cancelled pursuant to section 342 of the Act.

(2) *Investigation of validity of identification card.* A U.S. citizen identification card shall be surrendered provisionally to a Service office upon notification by the district director of such office that the validity of the card is being investigated. The card shall be returned to the person who surrendered it if the investigation does not result in a determination adverse to his claim to be a United States citizen. When an investigation results in a tentative determination adverse to the applicant's claim to be a United States citizen, the applicant shall be so notified by certified mail directed to his last known address. The notification shall inform the applicant of the basis for such determination and of the intention of the

district director to declare the card void unless within 30 days the applicant objects and demands an opportunity to see and rebut the adverse evidence. Any rebuttal, explanation or evidence presented by the applicant shall be included in the record of proceeding. The determination whether the applicant is a United States citizen shall be based on the entire record and the applicant shall be notified of such determination. If the determination is that the applicant is not a U.S. citizen, he shall be notified of the reasons therefor, and the card shall automatically be deemed void. No appeal shall lie from the district director's decision.

(3) *Admission of alienage.* A U.S. citizen identification card shall be deemed void if the person to whom it was issued admits in a statement signed before an immigration officer that he is an alien and consents therein to the voidance of the card. Upon the signing of such statement the card shall be surrendered to the immigration officer.

(4) *Surrender of void card.* A void U.S. citizen identification card which has not been returned to the Service, shall be surrendered forthwith to an immigration officer or to the issuing office of the Service.

(h) *U.S. citizen identification card previously issued on Form I–179.* A valid U.S. citizen identification card issued on Form I–179 shall continue to be valid, but shall be subject to the provisions of this section.

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by deleting therefrom the reference to "Form I–179 (1–1–73) Identification Card for Resident Citizen in the United States."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to modify the current procedure of issuing two different types of United States citizen identification cards (Form I–179 and Form I–197) to provide for the issuance of a single type of citizen identification card, Form I–197; to specify the eligibility requirements and procedure for applying for a card, or a replacement card, as well as the conditions for surrender and voidance of the card.

In accordance with long-standing practice, and as explicitly set forth in § 235.10(a), the United States citizen identification card will continue to be made available solely for the convenience of those United States citizens who wish to apply for it. Possession of the card is not mandatory for any purpose.

Effective date. This order shall become effective February 19, 1975.

Dated: January 14, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-1697 Filed 1-17-75;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

Notice is hereby given of the amendment of the Atomic Energy Commission's regulation "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures. Under the procedures set out in § 35.14 of 10 CFR Part 35, an application for a specific license for any medical use of byproduct material specified in one or more of the groups in § 35.100 is considered by the Commission as an application for all of the uses within the group or groups that include the use or uses specified in the application.

On July 17, 1974, the Commission published in the FEDERAL REGISTER (39 FR 26143) amendments to 10 CFR Part 35, to become effective on January 13, 1975, which added several new uses to the existing groups I and II of § 35.100 Schedule A and established new groups III, IV, V, and VI of § 35.100. The notice of proposed rulemaking that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) on this amendment of § 35.100 stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices, and uses as they are developed.

The use of (1) iodine 125 and iodine 131 as iodinated human serum albumin (IHSA) for studies of cardiovascular function and protein turnover, (2) chromium 51 as sodium chromate for studies of gastrointestinal blood loss, (3) technetium 99m as labeled sulfur colloid for bone marrow imaging, and (4) technetium 99m as labeled stannous pyrophosphate for bone imaging have become well-established clinical procedures and radiopharmaceuticals for these uses have been approved or licensed by the Food and Drug Administration. Section 35.100(c)(3) authorizes the use of reagent kits for the preparation of, and the clinical use of, certain radiopharmaceuticals. In order that medical institutions and physicians may obtain these radiopharmaceuticals in prepared form from radiopharmacists instead of making their own preparation from reagent kits, the radiopharmaceuticals prepared from reagent kits listed in § 35.100(c)(3) will be added, as prepared radiopharmaceuticals, to § 35.100(c)(2).

An editorial correction is also made in § 35.100(c)(3)(viii) to authorize the use of distannous etidronate complex for bone imaging, instead of disodium etidronate from which the complex is prepared.

Because this amendment relates solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary. Since the amendment relieves from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 35 is published as a document subject to codification.

In § 35.100, paragraphs (a)(3), (4), (13) and (b)(21) are amended; paragraph (b)(23) is renumbered (b)(24); a new paragraph (b)(23) is added; paragraph (c)(3)(viii) is amended and a new paragraph (c)(3)(ix) is added to read as follows:

§ 35.100 Schedule A-Groups of medical uses of byproduct material.

(a) *Group I.* Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include uses involving imaging and tumor localizations.

* * * * *

(3) Iodine 131 as iodinated human serum albumin (IHSA) for determination of blood and blood plasma volume and for studies of cardiovascular function and protein turnover;

(4) Iodine 125 as iodinated human serum albumin (IHSA) for determination of blood and blood plasma volume and for studies of cardiovascular function and protein turnover;

* * * * *

(13) Chromium 51 as sodium chromate for determination of red blood cell volume and studies of red blood cell survival time and gastrointestinal blood loss;

* * * * *

(b) *Group II.* Use of prepared radiopharmaceuticals for diagnostic studies involving imaging and tumor localizations.

* * * * *

(21) Technetium 99m as labeled sulfur colloid for liver, spleen, and bone marrow imaging;

* * * * *

(23) Any byproduct material in a radiopharmaceutical prepared from a reagent kit listed in paragraph (c)(3) of this section for a use listed in that paragraph;

(24) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving imaging for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

* * * * *

(c) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic uses.

* * * * *

(3) Reagent kits for preparation of technetium 99m labeled:

* * * * *

(viii) Distannous etidronate complex for bone imaging;

(ix) Stannous pyrophosphate for bone imaging.

* * * * *

Effective date. This amendment becomes effective on January 20, 1975.

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

Dated at Bethesda, Md., this 15th day of January 1975.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.75-1831 Filed 1-17-75;8:45 am]

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Quality Assurance Criteria—Permissible Organizational Relationships

On April 19, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 13974) for public comment a proposed amendment to 10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." The purpose of the amendment is to clarify the intent of Criterion I, "Organization," with regard to permissible organizational relationships. All interested persons were invited to submit comments or suggestions in connection with the proposed amendment by June 3, 1974.

The proposed amendment was proposed as a result of the questions raised by the decision of the Atomic Safety and Licensing Appeal Board in *Commonwealth Edison Co. (LaSalle County Nuclear Station Units 1 and 2)* ALAB-153, RAI 73-10, 821 (October 19, 1873) and *Consumers Power (Midland)* ALAB-147, RAI 73-9, 636 (September 18, 1973), (reconsideration denied, ALAB-152, RAI 73-10, 816 (October 5, 1973)). These questions concerned the organizational relationships where personnel performing a quality assurance function reported to a field project manager or superintendent who was concerned with only the single project to which he was then assigned and had cost and schedule responsibiilty for that project.

Appendix B establishes quality assurance requirements for the design, construction, and operation of those structures, systems, and components of nuclear power plants and fuel reprocessing plants that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. The pertinent provisions of Appendix B apply to all activities which affect the safety-related functions of such structures, systems, and components.

The intent of the quality assurance criteria provided in Appendix B to 10 CFR Part 50 is to require that all activities affecting the safety-related functions of nuclear facility structures, systems, and components be accomplished in a systematic and controlled manner so that there is a high degree of assurance that these activities are performed correctly. Appendix B, in addition to requiring that these activities be performed in a systematic and controlled manner such as by requiring that the activities be prescribed and accomplished in accordance with written instructions or procedures, also requires additional assurance of quality to be provided by verification of the correct performance of these activities by means such as checking, reviewing, inspecting, testing, and auditing. Execution of a quality assurance program which complies with Appendix B thus involves both the performers; e.g., designer, welder, power plant operator, and those persons and organizations accomplishing quality assurance functions; e.g., design reviewer, inspector, or tester.

One of the matters with which Criterion I deals is the organizational relationship of the persons and organizations which are assigned the quality assurance functions of (1) assuring that the quality assurance program is established and executed and (2) verifying that an activity has been correctly performed. Criterion I now requires that such persons and organizations shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. The intent of these organizational requirements is to assure that those persons and organizations performing quality assurance functions have the required degree of freedom from other organizational responsibilities, such as cost and scheduling, which could conflict with their quality assurance functions.

It was recognized in establishing the organizational requirements in Criterion I that the degree of separation or independence of the persons and organizations performing quality assurance functions can affect their ability to carry out these functions. While it is desirable from one point of view to have persons and organizations performing quality assurance functions completely separated, organizationally, from individuals who have significant responsibility for performance of the work (including but not limited to cost and schedule responsibility), that same separation may in some instances hinder the quality assurance persons and organizations in performing their functions. The greater the independence or separation, for example, the more difficult it may be in some instances to maintain lines of communication in identifying quality problems and initiating corrective action. A number of variables affect the establishment of a quality assurance organization that will be consistent with Criterion I. The variables include, but are not limited to, the size of the organization, its organizational structure, the type of activity being performed, and the location or locations where the work is being performed.

Guidance as to implementation of a quality assurance program that includes the concepts embodied in the amendment set forth below is contained in the following publications: [1]

1. Guidance on Quality Assurance Requirements During Design and Procurement Phase of Nuclear Power Plants, WASH-1283, Revision 1, dated May 24, 1974;

2. Guidance on Quality Assurance Requirements During the Construction Phase of Nuclear Power Plants," WASH-1309, dated May 10, 1974; and

3. Guidance on Quality Assurance Requirements During the Operations Phase of Nuclear Power Plants," WASH-1284, dated October 26, 1973.

The comments on the notice of proposed rule making, in general, supported the concept that the Commission should be flexible in determining acceptability of licensee proposed organizational approaches to quality assurance provided that the licensee explicitly establishes and delineates the functional relationships that are a part of his quality assurance program.

Additionally, comments stated that Criterion I did not clearly state that the execution of the quality assurance program involved both the performers who achieve the quality objectives and the verifiers who assure that the required quality objectives have been attained. As a result of valid criticisms in this regard, Criterion I has been revised to indicate that activities affecting the safety-related functions include both the performing functions and the quality assurance functions. Criterion I has also been revised to include a requirement for establishment and delineation in writing of the authority and duties of those responsible for attaining quality objectives as well as those performing quality assurance functions.

Comments also recommended clarification of the phrases "quality assurance functions" and "directing and managing the quality assurance program." Clarification has been accomplished by defining quality assurance functions as (a) assuring that an appropriate quality assurance program is established and effectively executed, and (b) verifying that activities affecting the safety-related functions have been correctly performed. Since the execution of the quality assurance program involves both the performers and the verifiers, the phrase "directing and managing the quality assurance program," which appears in the last sentence, has been changed to "assuring effective execution of any portion of the quality assurance program."

Comments also recommended clarification of the last sentence of the proposed rule to eliminate the implication that only one individual may be responsible for the quality assurance program at a given location. As a result of this comment, a change has been made to permit the situation where, at a location; e.g., construction site or engineering and procurement building, there may be more than one individual responsible for assuring effective execution of different portions of the program. It should be

[1] These documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and copies may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

recognized, however, that overall control must be provided to assure that these different portions of the program are coordinated and consistent with the overall program requirements.

Comments also requested elimination of the phrase "pressures of production" in describing the authority and organizational freedom required for the verification function. Since it was not intended that this phrase be limited to facets of manufacturing or fabrication; e.g., machining or welding, that phrase has been deleted. The revision now states the broader meaning intended; i.e., sufficient independence from cost and scheduling when opposed to safety considerations. In this broader sense, the thought encompasses such activities as design and procurement.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50, Appendix B, is published as a document subject to codification.

Criterion I of Appendix B is amended to read:

I. ORGANIZATION

The applicant [1] shall be responsible for the establishment and execution of the quality assurance program. The applicant may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part thereof, but shall retain responsibility therefor. The authority and duties of persons and organizations performing activities affecting the safety-related functions of structures, systems, and components shall be clearly established and delineated in writing. These activities include both the performing functions of attaining quality objectives and the quality assurance functions. The quality assurance functions are those of (a) assuring that an appropriate quality assurance program is established and effectively executed and (b) verifying, such as by checking, auditing, and inspection, that activities affecting the safety-related functions have been correctly performed. The persons and organizations performing quality assurance functions shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. Such persons and organizations performing quality assurance functions shall report to a management level such that this required authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations, are provided. Because of the many variables involved, such as the number of personnel, the type of activity being performed, and the location or locations where activities are performed, the organizational structure for executing the quality assurance program may take various forms provided that the persons and organizations assigned the quality assurance functions have this required authority and organizational freedom. Irrespective of the organizational structure, the individual(s) assigned the responsibility for assuring effective execution of any portion of the quality assurance program at any location where activities subject to this Appendix are being performed shall have direct access to such levels of management as may be necessary to perform this function.

Effective date. This amendment becomes effective on February 19, 1975.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 USC 2201))

Dated at Germantown, Md. this 14th day of January 1975.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75-1821 Filed 1-17-75;8:45 am]

[1] While the term "applicant" is used in these criteria, the requirements are, of course, applicable after such a person has received a license to construct and operate a nuclear power plant or a fuel reprocessing plant. These criteria will also be used for guidance in evaluating the adequacy of quality assurance programs in use by holders of construction permits and operating licenses.

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Cancellation of Public Hearing

On December 18, 1974, the Federal Energy Administration issued an emergency amendment to § 205.26 and § 205.36 of Part 205, Chapter II, Title 10, Code of Federal Regulations (39 FR 44030, December 20, 1974). A public hearing on the amendment was scheduled for January 21, 1975.

Only one request to make an oral presentation was received by FEA prior to 4:30 p.m., January 13, 1975, and that request was subsequently withdrawn. Therefore, FEA hereby gives notice that the public hearing is cancelled.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

JANUARY 16, 1975.

[FR Doc.75-1973 Filed 1-17-75;11:15 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 9]

PART 123—DISASTER LOANS

The last revision of SBA rules and regulations, Part 123, was published July 9, 1973, effective July 1, 1973. Since that time Pub. L. 93-237, dated January 2, 1974, and Pub. L. 93-386, dated August 23, 1974, have been enacted. These laws authorized loans to small businesses economically injured as the result of Federal and other regulations, base closings, and the energy shortage. In order to incorporate these loan programs, as well as that relating to economic injury for meeting water pollution control requirements enacted by Pub. L. 92-500, dated October 18, 1972, this revision is necessary. It also adds new sections on Federal Flood insurance, and State grants to disaster victims, and clarifies several minor issues. Since these changes and additions involve matters peculiarly within the responsibility of the Agency in view of the need to coordinate policies affecting all of its programs, and because most changes incorporated herein are the result of statutory enactments, it has been administratively determined that good cause exists not to postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER. However, we invite comment on the rules and regulations published herein. Send all comments to Einar Johnson, Acting Associate Administrator for Finance and Investment, 1441 L Street, NW., Washington, D.C. 20416. This revision is effective January 20, 1975.

Sec.

AUTHORITY: 72 Stat. 385, 387, as amended; 83 Stat. 125, 742; 15 U.S.C. 636.

§ 123.0 Explanation of regulations.

(a) The regulations in this part set forth the information and procedures generally followed in Physical and other types of Disaster loans. However, because of the emergency nature of floods, hurricanes, earthquakes or other similar catastrophes, the regulations cannot anticipate all of the contingencies, problems, and needs which may arise in any given disaster. The SBA therefore advises that the regulations in this part must be, and are subject to change without advance notice and publication in the FEDERAL REGISTER.

(b) SBA will, however, make every effort to publicize changes of substance and procedure by whatever means practicable under the circumstances, including, but not limited to press releases to newspapers, radio and television stations, posting notices in public places, and by direct mailings (when possible) to affected persons. Publication in the FEDERAL REGISTER of appropriate regulatory changes will follow at the earliest practicable time.

§ 123.1 General.

(a) SBA is authorized to make or guarantee loans where necessary or appropriate to victims of floods, riots and civil disorders, and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-Loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans where necessary or appropriate to a small business concern:

(1) Located in an area declared to be a major disaster area by the President

or declared to be a natural disaster area by the Secretary of Agriculture, or physical disaster area declared by SBA after April 1, 1970, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Economic Injury Assistance);

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displaced Business Disaster Assistance);

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes, or because of animal disease (Product Disaster Assistance);

(4) To make additions to or alterations in its plant, facilities, or methods of operations to meet requirements imposed on such concern pursuant to any Federal Law, any State Law enacted in conformity therewith, or any regulation or order of a duly authorized Federal, State, regional, or local agency issued in conformity with such Federal Law, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance (Regulatory Economic Injury Assistance);

(5) Which is directly and seriously affected by the significant reduction of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of such arms or facilities. SBA must determine that a small firm is likely to suffer substantial economic injury without SBA assistance. Refinancing of existing indebtedness is authorized under this program. (Strategic Arms Economic Injury Assistance);

(6) To continue business at its existing location, reestablish its business, or to purchase or establish a new business, if SBA determines that the concern has suffered, or will suffer substantial economic injury as a result of the closing by the Federal Government of a major military installation under the jurisdiction of the Department of Defense, or as a result of a severe reduction in the scope and size of operations at a major military installation (Base Closing Assistance);

(7) Which is seriously and adversely affected by a shortage of fuel, electrical energy, or energy-producing resources, or by a shortage of raw or processed materials resulting from such shortages, if SBA determines that such concern has suffered or is likely to suffer substantial economic injury without SBA assistance (Emergency Energy Shortage Assistance);

(8) To make additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation to meet water pollution control requirements established under the Federal Water Pollution Control Act, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Water Pollution Control Assistance).

(c) (1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(i) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA participation shall not exceed 90 percent of the outstanding amount of the loan.

(ii) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its guaranty agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted. Default as used in this subsection means nonpayment of principal or interest when due, or noncompliance with essential loan conditions.

(iii) SBA has the right at any time to purchase the guaranteed percentage of any guaranteed loan.

(2) "Financial Institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making and servicing of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in Part 120 of SBA's rules and regulations.

§ 123.2 Eligibility.

(a) Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of disease or toxicity through natural or undetermined causes, or animal disease.

(1) *General-scope of assistance.* Financial assistance may be extended to rehabilitate or replace property damaged or lost as a result of a disaster concerning which an appropriate SBA notice is published in the FEDERAL REGISTER. Applicants for physical disaster loans include but are not limited to home or property owners, businesses of any size, and nonprofit institutions. Applicants for economic injury type of assistance must be small business concerns as defined in Part 121 of these regulations. Such assistance will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster, and will be provided as SBA determines it to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters. The age of any adult applicant may not be considered in determining whether a loan should be made or the amount of a loan. In loans made for Physical-Loss Disaster Assistance, Substantial Economic Injury Assistance and Product Disaster Assistance, SBA may authorize loans for the repayment of interim financing used solely to alleviate the disaster-caused injury. Proceeds of these types of disaster loans (physical, economic injury, and product) may also be used for the purpose of providing small business concerns with working capital, the payment of operating expenses, and any purpose for which loans may be made under section 7(a) of the Small Business Act (USC 636(a)), subject to the limitations set forth in this Part 123. Working capital loans are limited to operating expenses and working capital losses resulting from the disaster.

(2) *Limitations on assistance.* (i) Farmers, stockmen, and others primarily engaged in agricultural activities. Farmers, stockmen, and others engaged primarily in agricultural activities are not eligible for SBA disaster loan assistance. No disaster loan funds will be provided to an otherwise eligible applicant which would be used primarily in a farming or other agricultural activity, which is normally eligible for emergency assistance from the Farmers Home Administration of the U.S. Department of Agriculture, except where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance.

(ii) Religious, eleemosynary, nonprofit, and other organizations. Religious, eleemosynary, and nonprofit organizations are eligible for physical disaster loans.

(3) *Evidence of loss.* Assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss (beneficial ownership as well as legal title may be considered in determining who suffered the loss); it will not be extended (i) if the applicant suffers flood loss as a result of action by a Federal agency which causes flooding of an area where the Government has been held harmless under a lease agreement covering a flowage easement, or (ii) where a substantial change of ownership occurred after the disaster. Substantial change of ownership does not include those instances in which a contract of sale had been entered into prior to the disaster and the transaction is completed after the disaster.

(4) *Substantial economic injury assistance*—(i) *Disaster declaration.* An area must be declared to be a major disaster area by the President, a disaster area by the Administrator of SBA, or declared to be a natural disaster area by the Secretary of Agriculture or his designee.

(ii) *Location.* An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration made as provided in paragraph (a) (4) (i) of this section.

(5) *Product disaster assistance*—(i) *Disaster declaration.* The Administrator of SBA makes all product disaster declarations.

(ii) *Scope.* An otherwise eligible small business concern is eligible for product disaster assistance to continue or rees-

tablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes. Such eligibility includes loans to persons who are engaged in the business of raising livestock (including but not limited to cattle, hogs, and poultry), and who suffer substantial economic injury as a result of animal disease.

(b) Displaced business, regulatory, strategic arms, base closing, emergency energy shortage, and water pollution control economic injury loans.

(1) *General—Scope of assistance*—(i) *Limitations on assistance.* Availability of funds from other sources. Personal and/or business assets must be used by the applicant to the greatest extent feasible without causing undue hardship to overcome economic injury. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining economic injury assistance.

(ii) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen and others engaged primarily in agricultural activities are subject to the eligibility criteria set forth in § 120.2(d)(9) of these rules and regulations.

(iii) *Types of small business concerns.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Gambling activities, financing, and those engaged in speculative activities, are not small business concerns for the purpose of economic injury loans. Therefore they are ineligible for disaster assistance except for Physical-Loss Disaster Assistance. Small newspapers, radio and TV stations, and similar enterprises are eligible to apply for economic injury assistance. Pawn shops are eligible to apply if more than 50 percent of income for the previous year resulted from the sale of used merchandise rather than interest on loans. Persons or firms holding realty for lease or rent for the production of income, or all real estate developers, are not small business concerns for economic injury assistance except that such persons or firms are eligible to apply for assistance under the Strategic Arms or Base Closing Economic Injury Assistance Programs. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern. A consumer coopertive will not qualify as a small business concern.

(iv) *Substantial economic injury.* Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster. See paragraph (a)(2) of this section.

(2) *Special Considerations—Displaced business loans.* At the discretion of SBA, an applicant for a displaced business loan may be considered eligible for assistance to purchase or construct other premises whether or not such applicant owned the premises occupied by the business.

(3) *Special Considerations—Regulatory Economic Injury Assistance.* To qualify for a regulatory economic injury assistance loan, an applicant must be a small concern seeking to comply with standards imposed by Federal, State or other regulatory authorities concerned with such matters as consumer protection or occupational safety and health. In addition, the following special considerations apply to various types of regulatory economic injury assistance loans:

(i) *Coal mine health and safety loans.* To qualify for a coal mine health and safety loan, an applicant must be a small coal mine which is required to meet standards imposed by the Coal Mine Health and Safety Act of 1969. Coal mine services are not eligible for a Coal Mine Health and Safety Loan since they do not come under the jurisdiction of the Bureau of Mines. Based upon its inspection, the Bureau of Mines issues a notice of deficiency or similar notice to the coal mine operator. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Coal Mine Health and Safety Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the Bureau of Mines must accompany any formal application for a loan. All applications must be supported by sufficient information so that SBA will be able to determine the economic life of the mine.

(ii) *Consumer protection loans.* To qualify for a Consumer Protection Loan, an applicant must be engaged in meat, poultry, or egg processing, and be seeking to effect additions to or alterations in its equipment, facilities, or methods of operation to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry Products Act, or the Wholesome Meat Act of 1967, or State Laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan. The amount of the loan is limited to such upgrading as is determined by SBA to be necessary and adequate to meet the requirements of the appropriate law.

Plant Inspection. Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Consumer Protection Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for a loan.

(iii) *Occupational Safety and Health Loans.* To qualify for an Occupational Safety and Health Loan, an applicant must be a small concern seeking to comply with standards established under the Occupational Safety and Health Act of 1970. Based upon its inspection the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of an Occupational Safety and Health Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for a loan. Plant operators may, on their own initiative, undertake action to meet OSHA standards. If major construction or remodeling is needed, the report of a licensed professional engineer and/or architect or other qualified professional is required and must be submitted with the loan application.

(iv) *Air Pollution and Other Regulatory Economic Injury Loans.* Compliance with regulations issued pursuant to the Clean Air Act of 1970 creates eligibility for economic injury loans. However, applicants for other types of regulatory economic injury loans will be found eligible only if they seek to comply with laws or regulations made effective after January 2, 1974. Applicants for such loans must furnish a copy of the law or regulation requiring compliance, and such other documentation as SBA may require.

(4) *Special Consideration—Strategic Arms Economic Injury Loans.* An applicant must be a small business concern and may be a small real estate developer, or a person or small firm holding realty for lease or rent for the production of income.

(5) *Special Considerations—Base Closing Loans.* To qualify for a Base Closing Loan, an applicant must be a small business concern or a small real estate developer or person or small firm holding realty for lease or rent for the production of income. In the case of real estate-related activities, such activities must have been the primary source of the owner's income.

(6) *Special Considerations — Emergency Energy Shortage Loans.* To qualify for an Emergency Energy Shortage Loan, an applicant must be a small business concern which (except for Vietnam-Era Veterans) has been operated successfully for 3 years preceding the date of the loan application. Loan funds may be used for working capital, refinancing of debt, or to convert to a different fuel source.

(7) *Special Considerations—Water Pollution Control Loans.* (i) To qualify for a Water Pollution Control Loan, an applicant must be a small concern seeking to comply with standards established under the Federal Water Pollution Control Act. (ii) Statement of Compliance. As a pre-requisite to the filing of a formal loan application, the applicant must provide SBA with a written statement from EPA or, if appropriate, the State, that the additions or alterations involved are necessary and adequate to comply with one or more of such applicable requirements established under the Federal Water Pollution Control Act.

§ 123.3 **Purposes of loans.**

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or homes (including a mobile home used as a residence of the applicant) or business property as nearly as possible to predisaster condition. A loan to an individual may be used to repair or replace damaged or lost furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages, and SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location. SBA shall cancel any loan made in connection with a disaster occurring on or after January 1, 1972, and prior to April 20, 1973, if declared by the President or the SBA Administrator, but in no event shall such cancellation of a loan exceed $5,000 and the cancellation shall not apply to any amount refinanced. Loans made in connection with a disaster occurring on or after April 20, 1973, will not be canceled in any amount.

(2) Refinancing: Only where property suffers damage of 30 percent or more of the market value at the time of the disaster, a part or all of existing liens as they apply to the specific real property lost or damaged may be refinanced by a part of the SBA loan. Such refinancing shall be limited to an amount which is no greater than the disaster-caused damage or loss in business loans, or home loans approved as the result of disaster occurring on and after July 1, 1973. In the case of a home loan, the monthly repayment of principal and interest may not be less than the amount of such payment made prior to the refinancing loan, on any loan approved as the result of a disaster occurring prior to July 1, 1973. Refinancing of personal property is not permitted in disaster home loans. Refinancing is permitted only when the uninsured (or otherwise uncompensated for) damaged property is to be repaired, rehabilitated, or replaced.

(3) Any disaster victim located in a restricted building area (flood-prone, urban renewal, or other area where rebuilding is prevented by action of appropriate authority) that suffers real property damage is presumed to have sustained a total loss and may obtain funds for such purposes as are prescribed in paragraph (a)(1) of this section and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers and encumbrancers of real property located at the disaster site. The recorded notice of disaster disqualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate the injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized net profits or a drop in sales not disaster-related may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any dividends, distributions, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

(c) *Displaced business assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, or in purchasing a business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government.

(2) These loans may be used to provide:

(i) Working capital necessary to carry the concern until resumption of normal operations;

(ii) Replacement costs to owners of realty less net amounts received for indemnification of the realty from which the owners have been displaced;

(iii) Funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available;

(iv) Purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced;

(v) Increases in the cost of fixed charges such as rents, insurance, and utility bills for a reasonable period of time;

(vi) Moving expenses not compensated for from some other source where the distance moved is less than 100 miles;

(vii) Purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: *Provided, however,* That additional space to meet the minimum requirement of a local building code such as for parking space may be approved, or where SBA finds that the type of building being constructed necessitates additional land.

(ii) Building space to more than one-third greater than that owned or occupied prior to displacement.

(d) *Product disaster assistance.* The purpose of these loans is to assist small business concerns to reestablish or to continue their business when they have suffered substantial economic injury as the result of inability of such concerns to market or process a product because of disease or toxicity occurring in such products through natural or undetermined causes, or animal disease. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for the loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption. Unrealized net profits or a drop in sales not disaster-related may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any dividends, distributions, bonuses, or for disbursements to owners, partners, officers, or stockholders, not directly related to the performance of services.

(e) *Coal mine health and safety assistance.* The purpose of these loans is to assist small coal mines to effect additions to or alterations in the equipment, facilities or operating methods in order to meet the requirements of the Federal Coal Mine Health and Safety Act of 1969, if SBA determines that such coal mine is likely to suffer substantial economic injury without SBA assistance. Working capital may be provided to:

(1) Replace working capital expanded incidentally for compliance, such as meeting construction time limits;

(2) Furnish funds, when construction is involved and the operations are thereby curtailed, to meet continuing fixed

costs such as payment on equipment notes or mortgage payments;

(3) Help finance startup costs;

(4) Finance changes in methods of operation required by examining authorities. Approval of these loans is contingent upon receipt by SBA of a notice of deficiency from the Bureau of Mines, and the opinion from the Bureau that upon completion of the additions or alterations proposed in the loan application, the coal mine will be in compliance with the provisions of the Federal Coal Mine Health and Safety Act of 1969.

(f) *Consumer protection assistance.* (1) The purpose of these loans is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or methods of operation of such concern to meet requirements established pursuant to the Egg Products Inspection Act of 1970, the Wholesome Meat Act of 1967, and the Wholesome Poultry Products Act of 1968, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance.

(2) Construction funds may be loaned to:

(i) Construct a new building, even in a new location, to replace an old building where remodeling is not feasible; or to replace rented quarters when needed rental arrangements cannot be obtained. Upgrading may not exceed the corresponding criteria in paragraph (c) (3) of this section;

(ii) Comply with inspection authority requirements issued to a new plant already under construction on January 1, 1971, and owned by a concern not previously involved in the activity in which it intends to engage, but falling within the control of any one of the consumer protection acts. Working capital may be provided for the purposes stated in paragraph (e), (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon receipt by SBA of a letter of survey to the plant operator from the U.S. Department of Agriculture or appropriate State authority, and an acceptance of the operator's proposal for correcting the deficiencies covered by the letter, from the agricultural inspection authority.

(g) *Occupational safety and health assistance.* The purpose is to assist small business concerns to adequately and efficiently effect additions to or alterations in the equipment, facilities, or operating methods of such business, in order to comply with the applicable standards issued pursuant to section 6 of the Occupational Safety and Health Act of 1970, or adopted by a State pursuant to a plan approved under section 18 of that Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Construction funds may be loaned for the purposes stated in paragraph (f) (2) (i) and (ii) of this section. Working capital may be provided for the purposes stated in paragraph (e) (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon the receipt by SBA of an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(h) *Aid to major sources of employment.* The purpose of loans authorized under section 237 of the Disaster Relief Act of 1970 is to enable an industrial or commercial enterprise, which constituted a major source of employment in an area suffering a major disaster declared by the President, and which is no longer in substantial operation as a result of such disaster, to resume operations in order to assist in restoring the economic viability of the disaster area. A major source of employment as used in this part is defined as:

(1) A concern which employed 10 percent or more of the entire work force of a geographically identifiable community, no larger than a county; or

(2) A concern which employed 10 percent or more of the total work force in an industry within the major disaster area; or

(3) Any business firm within the major disaster area which employed 1,000 or more employees.

(i) *Strategic arms economic injury assistance.* The purpose of these loans is to assist or to refinance the existing indebtedness of any small business concern directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Loan proceeds may be used for working capital and to pay financial obligations which the applicant would have been able to meet if he had not lost income because of significant reduction of the scope or amount of Federal support for the strategic arms project.

(j) *Emergency Energy Shortage Loans.* The purpose of these loans is to assist small business concerns which have been or are likely to be seriously and adversely affected by a shortage of fuel, electrical energy, energy producing resources, or raw or processed materials. Proceeds of the loans may be used to: (1) meet business obligations which could otherwise have been met; (2) finance changes in methods of operation to convert to an adequate energy supply source; (3) finance changes in other methods of operation which will allow for continued existence of the business; (4) furnish funds to meet continuing fixed costs; (5) refinance short term debt; (6) furnish funds to bring and keep current payments required on long term debt against fixed assets, for a reasonable period of time; (7) provide for working capital; (8) refund loans from other lenders when the terms are too burdensome for the small concern, or when such loans were for short term to meet the emergency situation.

(k) *Base Closing Assistance.* The purpose of base closing loans is to assist small concerns by providing working capital and to pay financial obligations which the concern would have been able to meet if it had not lost income because of the base closing or reduction at the military installation. Proceeds may also be used for relocating the business, starting a new business, or refinancing existing indebtedness.

(l) *Water Pollution Control Assistance.* The purpose is to assist small business concerns to effect additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation to meet water pollution control requirements established under the Federal Water Pollution Control Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Funds may be loaned for the purposes stated in paragraph (e) (i), (ii), and (iv) of this paragraph. Approval of these loans is contingent upon receipt by SBA of a written statement by EPA or, if appropriate, the State, that the additions or alterations involved are necessary and adequate to comply with one or more of such applicable requirements established under the Federal Water Pollution Control Act.

§ 123.4 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or District Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating two copies of the application should be filed with the bank which will send one copy to SBA.

§ 123.5 Amount of loan and interest rates.

(a) The amount of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3 (a), (2), (3), (c), (e), (f), (g), (h), (i), (j), (k), and (l).

(1) (i) SBA's share of a direct or immediate participation loan to any small business concern and/or any of its affiliates shall not exceed $500,000 in the aggregate for any one disaster, except in those cases where the Administrator finds substantial hardship.

(ii) Such dollar limitation also applies to loans made to any other entity eligible to receive disaster assistance other than homeowners and householders. Provided, however, the foregoing dollar limitations do not apply to economic injury loans as described under § 123.3 (b), (c), (d), (e), (f), (g), (i), (j), (k), or (l), nor to loans made under § 123.3(h).

(2) SBA's share in a direct or in an immediate participation loan to any homeowner, including all members of the household, shall not exceed $50,000 for repair or replacement of the land or building, and shall not exceed $10,000 to repair or replace household goods and personal items: *Provided, however,* That SBA's share of any such loan or loans to repair or replace a home and household goods for any homeowner shall

not exceed $55,000 in the aggregate for any one disaster, excluding eligible refinancing in an amount not to exceed the lesser of the physical damage to the real property or the amount of loan made to repair such property. Persons living in a damaged home who are not dependents of the homeowner may also apply for disaster assistance for personal property loss, up to $10,000. The cancellation feature, up to $5,000, applies to these loans as well as to loans to the homeowner, for disasters occurring between January 1, 1972, and April 20, 1973.

(3) SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans, the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(4) A guranteed loan (wherein the entire loan is disbursed by a private lending institution) may be made, in addition to the direct loan, for the total amount of an applicant's physical loss or the economic injury suffered, only if the applicant has utilized funds available from its own resources and the proceeds of insurance or condemnation awards. Such guaranteed disaster loans in conjunction with or exclusive of a direct loan shall not exceed the full amount of such loss or economic injury, except to the extent of allowable refinancing.

(5) Where an applicant's total physical loss or economic injury exceeds the dollar limitations imposed in this paragraph on SBA's share of direct or immediate participation disaster loans, then the balance of such loss may be assisted by a guaranteed loan. SBA's participation in or guaranty of any disaster loan may not exceed 90 percent of the total amount of the loan.

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing property damaged or destroyed by the disaster, including necessary upgrading in order to comply with codes existing and enforceable at the time of the disaster, or the time of the issuance of the building permit, will be considered by SBA in determining the amount of loan. An SBA disaster loan may not include any amount to cover losses which have been compensated for by insurance or other sources, or other relief sources, such as the American Red Cross. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of his loan.

(c) Interest rates on disaster loans are as follows:

(1) For disaster relief described under § 123.1(a), (b), (1), and (3), the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be 3 percent per annum for disasters occurring between January 1 and December 31, 1971; at 1 percent per annum for disasters occurring between January 1, 1972, and prior to April 20, 1973, except that loans made in connection with natural disasters declared only by the Secretary of Agriculture and which occurred during this period shall bear an interest rate of 3 percent per annum; and at a rate not to exceed 5 percent per annum on loans made in connection with disasters occurring on or after April 20, 1973. In any loan made under this subsection, except for loans approved as the result of disasters occurring prior to July 1, 1973, deferment may be made in payments of principal or interest, or both, for a period not to exceed 3 years. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA at the time of approval.

(2) For Disaster relief as described under § 123.1(b), (2), (4), (5), (6), (7), and (8), interest on SBA's share of financial assistance shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended, except that in no case shall the interest rate charged on loans made under § 123.1(b)(4) be lower than on loans made under § 123.1(a). Interest on the participating institution's share shall be at a rate considered by SBA to be legal and reasonable.

(d) Major sources of employment. In the case of a major disaster declaration by the President, Physical-Loss Disaster Assistance and Substantial Economic Injury Assistance Loans may be made without dollar limitations, to any nonagricultural enterprise which has been a major source of employment and is no longer in substantial operation, to enable such enterprise to resume operations and restore the economy of the area. Loan payments may be deferred for a period of 3 years.

§ 123.6 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any rigid rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.7 Federal flood insurance.

Applicants for SBA loans under this Part 123 must purchase Federal flood insurance prior to disbursement of the loan when the following conditions exist:

(a) the property to be constructed or repaired is located in a floodprone area as identified by the Federal Insurance Administration; (b) the property is within a special hazard area on an FIA map; and (c) Federal flood insurance is available to the borrower. If all of these conditions do not exist at the time of disbursement, the borrower must agree to purchase flood insurance at such time during the life of the loan as the insurance becomes available.

§ 123.8 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. For loans made under sections 7(b) (1), (2), and (4) of the Small Business Act, payments of principal or interest, or both, may be deferred during the first 3 years of the term of the loan. The maturity of the loan will be geared to the borrower's ability to repay. Final maturity of the loan shall not exceed 30 years. During a deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments. In addition, for disasters occurring on or after January 1, 1972, but prior to July 1, 1973, in case of a home loan to an individual who by reason of retirement, disability, or other similar circumstances relies for support on survivor, disability, or retirement benefits under a pension, insurance, or other program, SBA may consent to the suspension of the payments of principal during the lifetime of the individual and his spouse for so long as SBA determines that making such payments would constitute a substantial hardship.

(b) Displaced business loans may have other repayment terms if circumstances indicate the need, including (1) a moratorium on principal payment (not interest) not exceeding the 12 months which immediately follow disbursement; (2) small amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(c) Except as described elsewhere in paragraphs (a) and (b) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.9 Step-by-step procedure for disaster loan applicant.

(a) An applicant for physical-loss disaster assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property, desired to be repaired or replaced recognizing that the burden of proof of loss is on the applicant;

(2) When deemed appropriate by SBA, obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or

damaged beyond repair, for which funds are requested;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, coversion, extension, or repair of buildings, or other improvements to real estate, where the contract exceeds $10,000.

(8) Submit such other information as SBA may require in order to verify or support the information on hand to permit an application to be properly evaluated and acted upon, including the names and addresses of any persons having an interest in the lost or damaged property, and the names and addresses of any persons who sustained a separate loss at the applicant's location and who may file a separate application.

(9) Submit the above information to the nearest SBA disaster or other field office, preferably in person, within the time limit established for the filing of applications. SBA will accept applications after such time limit only when SBA determines that an extreme hardship existed and the late filing was the result of causes substantially beyond the control of the applicant.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12 month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current years to date and for the past 3 fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances for any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expense, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings or other improvements to real property, where the contract exceeds $10,000;

(d) An applicant for Coal Mine Health and Safety Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a notice of deficiency from the Bureau of Mines.

(e) An applicant for Consumer Protection Assistance shall follow the procedures in paragraph (b) of the section, and in addition shall furnish a letter of survey from the U.S. Department of Agriculture or appropriate State authority.

(f) An applicant for Occupational Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(g) An applicant for Strategic Arms Economic Injury Assistance shall follow the procedures in paragraph (b) of this section, and in applicable cases explain fully the need for any refinancing of debt owed by the applicant.

(h) An applicant for Emergency Energy Shortage Assistance shall follow the procedures in paragraph (b) of this section, and in applicable cases explain fully the need for any refinancing of debt owed by the applicant.

(i) An applicant for Base Closing Assistance shall follow the procedures in paragraph (b) of this section.

(j) An applicant for Water Pollution Control Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a written statement issued by the Environmental Protection Agency (or if appropriate the State) certifying that the additions, alterations, or methods of operation are necessary and adequate to comply with pollution control requirements established under the Federal Water Pollution Control Act.

(k) Any entity other than a homeowner applying for SBA disaster assistance must agree not to discriminate on the basis of race, color, sex, or national origin, including but not limited to employment practices. See Parts 112 and 113 of these rules and regulations.

§ 123.10 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly by the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.11 State grants.

Under Pub. L. 93–288 States may authorize grants up to $5,000 to certain disaster victims in Presidentially declared disasters. Disaster victims (a) who sustain only personal property damage and (b) who are unemployed and whose principal source of income (over 50 percent), is derived solely from welfare payments, or social security payments, are presumed to lack ability to repay an SBA loan. Such persons are therefore deemed to be ineligible for SBA loan assistance. Such persons shall be immediately referred to state representatives who are charged with the duty of processing state grants. However, those disaster victims who desire to do so may file a formal application with the SBA in order to obtain a formal decision concerning their eligibility or ineligibility for financial assist-nce from the SBA. Disaster victims who meet the income criteria above and who have real estate damage should apply for SBA disaster assistance. When repayment ability is totally lacking or very marginal, the application must be declined.

§ 123.12 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.13 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.14 Fees and charges.

(a) *Service fees.* No service fees shall be charged by participating institutions for loans described in § 123.1 (a), (b),

(1), and (3). For loans described in § 123.1 (b), (2), (4), (5), (6), (7), and (8), a service fee is permitted for those financial institutions servicing immediate participation loans, or deferred participation loans where SEA has purchased its portion, on loans approved on or after July 1, 1969. The participating institution may deduct, only out of interest collected for the account of SBA, a service fee of three-eighths of 1 percent per annum where the SBA's share is 75 percent or less or of one-fourth of 1 percent where SBA's share is more than 75 percent. Such fees are permitted only so long as the participating institution is servicing the loan. This fee shall not be added to any amount which borrower is obligated to pay under the loan. Participating institution shall not make a service charge to borrower for handling construction loans or accounts receivable and inventory collateral.

(b) *Guaranty charge.* A guaranty fee will be charged to the lender with respect to all guaranteed disaster loans as is set forth for business loans in § 120.3(b), except that no fee will be charged in those cases where the lender elects to charge an interest rate of 5½ percent or less on the loan.

(c) *Closing fee.* No closing fee will be charged with respect to closing of any disaster loan authorized in this part.

§ 123.15 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c)(1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of action will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

§ 123.16 Restriction against loans to certain felons.

No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of 1 year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims.

§ 123.17 Certification of use of loan proceeds.

Recipients of SBA disaster loans described in § 123.1(a), (b), (1), and (3) are required to file a certification, and evidence in support of such certification, that the loan proceeds have been properly used. Any loan recipient who wrongfully misapplies such loan proceeds shall be civilly liable to the SBA Administrator in an amount equal to one and one-half times the original principal amount of the loan.

§ 123.18 Compliance with consumer protection laws.

Any recipient of an approved disaster loan for any noncommercial purpose and for which security is required shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, Public Law 90-321, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, 59.002, 59.008, 59.010, 59.014, 59.017, 59.018, 59.020, 59.022, 59.023, and 59.024)

Dated January 15, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-1834 Filed 1-17-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WE-20]

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

Alteration of Transition Area

On December 6, 1974 a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 42696) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Ynez, California Transition Area.

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

Effective date. This amendment shall be effective 0901 G.m.t., March 27, 1975.

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

Issued in Los Angeles, California, on January 10, 1975.

LYNN L. HINK,
Acting Director,
Western Region.

In § 71.181 (40 FR 441) the description of the Santa Ynez, Calif. Transition area is amended to read as follows:

SANTA YNEZ, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), within 5 miles each side of the Santa Barbara VORTAC 291° radial extending from the 5-mile radius area to 35 miles west of the VORTAC and within 1.5 miles each side of the Gaviota VORTAC 009° and 178° radials from the five mile radius area to 1 mile south of the VORTAC.

[FR Doc.75-1692 Filed 1-17-75;8:45 am]

[Airspace Docket No. 75-SO-1]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anniston, Ala., control zone.

The Anniston control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on the Talladega VOR 085° radial. Since the VOR A Instrument Approach Procedure to Anniston-Calhoun County Airport has been cancelled, this extension is no longer required. It is necessary to amend the description to delete this extension. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Anniston, Ala., control zone is amended as follows: "within 1.5 miles each side of Talladega VOR 085° radial, extending from the 5-mile radius zone to the VOR;" is deleted from the description.

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

Issued in East Point, Ga., on January 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-1691 Filed 1-17-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INTRODUCTION

[Docket No. R-74-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Correction

In FR Doc. 74-23780 appearing at page 36583 in the issue of Friday, October 11, 1974, in the list of attorneys-in-fact in § 300.11(c) the name now reading "Jose Sotor, Jr." should read "Jose Soto, Jr."

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 4a—PROCEDURES GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Emergency Regulations

Section 411(a) of the Employee Retirement Income Security Act of 1974 prohibits any person convicted of any of certain specified crimes from serving or

being permitted to serve as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or as a consultant to any employee benefit plan for a period of five years after his conviction or the end of his imprisonment for such offense, unless he is granted a certificate of exemption by the Board of Parole. Emergency regulations are hereby adopted to establish procedures for processing applications for such certificates of exemption. Because of the need for emergency operating regulations to process cases of persons presently barred from employment by the Act, the Board finds under 5 U.S.C. 553(b)(3)(B) that notice and public procedure are impracticable for these regulations.

This Part 4a shall become effective on January 20, 1975.

Sec.
4a.1 Definitions.
4a.2 Who may apply for Certificate of Exemption.
4a.3 Contents of application.
4a.4 Supporting affidavits; additional information.
4a.5 Character endorsements.
4a.6 Institution of proceedings.
4a.7 Notice of hearing.
4a.8 Hearing.
4a.9 Representation.
4a.10 Waiver of oral hearing.
4a.11 Appearance; testimony; cross-examination.
4a.12 Evidence which may be excluded.
4a.13 Record for decision.
4a.14 Examiner's recommended decision; exceptions thereto; oral argument before Board.
4a.15 Certificate of Exemption.
4a.16 Rejection of application.

AUTHORITY: Sec. 411 of the Employee Retirement Income Act of 1974, Pub. L. 93-406, and the Administrative Procedure Act, 5 U.S.C. 551-559.

CROSS REFERENCE: For Organization Statement, Board of Parole, see Subpart V of Part O of this chapter.

§ 4a.1 Definitions.

As used in this part:

(a) "Act" means the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406).

(b) "Board" means the United States Board of Parole.

(c) "Secretary" means the Secretary of Labor or his designee.

(d) "Employer" means the employee benefit plan with which an applicant under § 4a.2 desires to serve in a capacity for which he is ineligible under section 411(a) of the Act.

(e) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the Employee Retirement Security Act of 1974 (Pub. L. 93-406).

§ 4a.2 Who may apply for certificate of exemption.

Any person who has been convicted of any of the crimes enumerated in section 411(a) of the Act whose service, present or prospective, as described in that section is or would be prohibited by that section because of such a conviction or a prison term resulting therefrom may apply to the Board for a Certificate of Exemption from such a prohibition.

§ 4a.3 Contents of application.

A person applying for a Certificate of Exemption shall file with the Office of General Counsel, U.S. Board of Parole, 320 First Street, NW., Washington, D.C. 20537, a signed application under oath, in 10 copies, which shall set forth clearly and completely the following information:

(a) The name and address of the applicant and any other names used by the applicant and dates of such use.

(b) A statement of all convictions and imprisonments which prohibit the applicant's service under the provisions of section 411(a) of the Act.

(c) Whether any citizenship rights were revoked as a result of conviction or imprisonment and if so the name of the court and date of judgment thereof and the extent to which such rights have been restored.

(d) The name and location of the employer and a description of the office or paid position, including the duties thereof, for which a Certificate of Exemption is sought.

(e) A full explanation of the reasons or grounds relied upon to establish that the applicant's service in the office or employment for which a Certificate of Exemption is sought would not be contrary to the purposes of the Act.

(f) A statement that the applicant does not, for the purpose of the proceeding, contest the validity of any conviction.

§ 4a.4 Supporting affidavit; additional information.

(a) Each application filed with the Board must be accompanied by a signed affidavit, in 10 copies, setting forth the following concerning the personal history of the applicant:

(1) Place and date of birth: If the applicant was not born in the United States, the time of first entry and port of entry, whether he is a citizen of the United States, and if naturalized, when, where and how he became naturalized and the number of his Certificate of Naturalization.

(2) Extent of education, including names of schools attended.

(3) History of marital and family status, including a statement as to whether any relatives by blood or marriage are currently serving in any capacity with any employee benefit plan or with any labor organization, group or association of employers dealing with labor organizations or industrial labor relations group, or currently advising or representing any employer with respect to employee organizing concerted activities, or collective bargaining activities.

(4) Present employment, including office or offices held, with a description of the duties thereof.

(5) History of employment, including military service, in chronological order.

(6) Licenses held, at the present time or at any time in the past five years, to possess or carry firearms.

(7) Veterans' Administration claim number and regional office handling claim, if any.

(8) A listing (not including traffic offenses for which a fine of not more than $25 was imposed or collateral of not more than $25 was forfeited) by date and place of all arrests, convictions for felonies, misdemeanors, or offenses and all imprisonment or jail terms resulting therefrom, together with a statement of the circumstances of each violation which led to arrest or conviction.

(9) Whether applicant was ever on probation or parole, and if so the names of the courts by which convicted and the dates of conviction.

(10) Names and locations of all employee benefit plans and all labor organizations or employer groups with which the applicant has ever been associated or employed and all employers or employee benefit plans which he has advised or represented concerning employee organizing concerted activities, or collective bargaining activities, together with a description of the duties performed in each such employment or association.

(11) A statement of applicant's net worth, including all assets held by him or in the names of others for him, the amount of each liability owed by him or by him together with any other person, and the amount and source of all income during the immediately preceding five years.

(12) Any other information which the applicant feels will assist the Board in making its determination.

(b) The Board may require of the applicant such additional information as it deems appropriate for the proper consideration and disposition of his application.

§ 4a.5 Character endorsements.

Each application filed with the Board must be accompanied by letters or other forms of statement (in three copies) from six persons attesting to the character and reputation of the applicant. Such persons shall not include relatives by blood or marriage, prospective employers, or persons serving in any official capacity with any employee benefit plan, labor organization, group or association of employers dealing with labor organizations or industrial labor relations group.

§ 4a.6 Institution of proceedings.

All applications and supporting documents received by the Board shall be reviewed for completeness by the Office of General Counsel of the Board and if complete and fully in compliance with the regulations of this part the Office of General Counsel shall accept them for filing.

§ 4a.7 Notice of hearing.

Upon the filing of an application, the Board shall:

(a) Set the application for hearing on a date within a reasonable time after its

filing and notify by certified mail the applicant of such date;

(b) Give notice, as required by section 411(a) of the Act, to the appropriate State, County, or Federal prosecuting officials in the jurisdiction or jurisdictions in which the applicant was convicted that an application for a Certificate of Exemption has been filed and the date for hearing thereon; and

(c) Notify the Secretary that an application has been filed and the date for hearing thereon and furnish him a copy of the application and a copy of the supporting affidavit.

§ 4a.8 Hearing.

The hearing on the application shall be held at the offices of the Board in Washington, D.C., or elsewhere as the Board may direct. The hearing shall be held before the Board, before one or more members of the Board, or before one or more examiners appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 3105) as the Board by order shall determine. Hearings shall be conducted in accordance with sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 556, 557).

§ 4a.9 Representation.

The applicant may be represented before the Board by any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State or territory of the United States, or the District of Columbia, and who is not under any order of any court suspending, enjoining, restraining, or disbarring him from, or otherwise restricting him in, the practice of law. Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Board, his personal appearance or signature shall constitute a representation to the Board that under the provisions of this part and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts. Further proof of a person's authority to act in a representative capacity may be required. When any applicant is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such applicant shall be given to or by such attorney. If an applicant is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

§ 4a.10 Waiver of oral hearing.

The Board, upon receipt of a statement from the Secretary that he does not object, and in the absence of any request for oral hearing from the others to whom notice has been sent pursuant to § 4a.7 may grant an application without receiving oral testimony with respect to it.

§ 4a.11 Appearance; testimony; cross-examination.

(a) The applicant shall appear and, except as otherwise provided in § 4a.10 shall testify at the hearing and may cross-examine witnesses.

(b) The Secretary and others to whom notice has been sent pursuant to § 4a.7 shall be afforded an opportunity to appear and present evidence and cross-examine witnesses, at any hearing.

(c) In the discretion of the Board or presiding officer, other witnesses may testify at the hearing.

§ 4a.12 Evidence which may be excluded.

The Board or officer presiding at the hearing may exclude irrelevant, immaterial, or unduly repetitious evidence.

§ 4a.13 Record for decision.

The application, the supporting affidavit and the transcript of the testimony and oral argument at the hearing, together with any exhibits received, shall be made parts of the record for decision.

§ 4a.14 Examiner's recommended decision; exceptions thereto; oral argument before Board.

Whenever the hearing is conducted by an examiner, at the conclusion of the hearing he shall submit a recommended decision to the Board, which shall include a statement of findings and conclusions, as well as the reasons therefor. The applicant and the Secretary may file with the Board, within 10 days after having been furnished a copy of the recommended decision, exceptions thereto and reasons in support thereof. The Board may order the taking of additional evidence and may request the applicant and others to appear before it. The Board may invite oral argument before it on such questions as it desires.

§ 4a.15 Certificate of exemption.

The applicant and the Secretary shall be served a copy of the Board's decision and order with respect to each application. Whenever the Board's decision is that the application be granted, the Board shall issue a Certificate of Exemption to the applicant. The Certificate of Exemption shall extend only to the stated employment with the prospective employer named in the application.

§ 4a.16 Rejection of application.

No application for a Certificate of Exemption shall be accepted from any person whose application for a Certificate of Exemption has been denied by the Board within the preceding twelve months.

Dated: January 15, 1975.

MAURICE H. SIGLER,
Chairman,
U.S. Board of Parole.

[FR Doc.75-1783 Filed 1-17-75;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Deferral of Employment Discrimination Charges

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, Part 1601 of the Code of Federal Regulations.

The amendments set forth changes necessary to implement section 706 of the Act which requires the deferral of charges of alleged unlawful employment practices to appropriate State and local authorities (706(c)) and the according by the Commission of "substantial weight" to final findings and orders made by State and local authorities (706(b)). The amendments necessitated conforming changes in the procedures for withdrawal of designation of "706 Agencies", and provide for withdrawal of designation only upon the motion of the Commission. This does not prevent an individual or an organization from requesting the Commission to initiate withdrawal procedures.

Prior to these revisions, § 1601.12 (c) and (d) provided for three (3) categories of State and local Fair Employment Practice (FEP) Agencies which included "706 Agencies", "provisional 706 Agencies"[1] and "provisional notice agencies". The present revisions provide for two (2) categories of State and local FEP Agencies, "706 Agencies" and "notice agencies"; and also provide that a State or local agency may be granted "706 Agency" status for certain bases of discrimination and not for others.

Before a State and local authority can be designated a "706 Agency," it must comply with the procedures outlined and meet the criteria established by the Commission and enunciated in § 1601.12(f). The Commission defers charges to "706 Agencies" (1601.12(c)) and accords "substantial weight" to their final findings and orders. Those State or local agencies which have not as yet been designated as "706 Agencies" are categorized by the Commission as "Notice Agencies" § 1601.12(e). The Commission, in the case of "Notice Agencies," merely notifies said agencies of the receipt of charges filed within their jurisdiction. Agencies may be added as "Notice Agencies" by public notice issued by the Commission.

[1] However, pursuant to notice published in the FEDERAL REGISTER on December 31, 1974, Vol. 39, No. 252, Page 45235, the Commission extended to March 1, 1975 the "Provisional 706 Agency" status of those State and local agencies which had been previously so designated.

These amendments to the Commission's procedural regulations shall become effective on January 20, 1975.

Section 1601.12 is revised to read as follows:

§ 1601.12 Deferrals to State and local authorities.

(a) In order to give full weight to the policy of section 706(c) of the Act, which affords State and local fair employment practice agencies that come within the provisions of that section an opportunity to remedy alleged discrimination concurrently regulated by Title VII and State or local law, the Commission adopts the following procedures with respect to allegations of discrimination filed with the Commission where there is no evidence that such allegations were earlier presented to an appropriate 706 Agency. It is the intent of the Commission to thereby encourage the maximum degree of effectiveness in the State and local agencies. The Commission shall endeavor to maintain close communication with the State and local agencies with respect to all matters forwarded to such agencies and shall provide such assistance to State and local agencies as is permitted by law and as is practicable. It is the experience of the Commission that because of the present procedures, persons who seek the aid of the Commission are often confused and even risk loss of the protection of the Act. Accordingly, it is the intent of the Commission to simplify filing procedures for parties in deferral States and localities and thereby avoid the accidental forfeiture of important Federal rights.

(b) The following procedures shall be followed with respect to cases arising in the jurisdiction of "706 Agencies" to which the Commission defers as further defined in paragraph (c) of this section.

(1) Any document, whether or not verified, received by the Commission as provided in § 1601.7, which may constitute a charge cognizable under Title VII, shall be deferred to the appropriate 706 Agency, as further defined in paragraph (c) of this section, as provided in the procedures set forth below:

(i) All such documents shall be dated and time stamped upon receipt.

(ii) A copy of the original document shall be transmitted by registered mail, return requested, to the appropriate State or local agency, or, where the State or local agency has consented thereto, by certified mail, by regular mail or by hand delivery.

(iii) The aggrieved party and any person filing a charge on behalf of an aggrieved party shall be notified, in writing, that the document which he or she sent to the Commission has been forwarded to the State or local agency pursuant to the provisions of section 706(c), and that unless the Commission is notified to the contrary, on the termination of State or local proceedings, or after 60 (or, where appropriate, 120) days have passed, whichever occurs first, the Commission will consider the charge to be filed with the Commission and commence processing the case. Where the State or local agency terminates its proceedings within sixty (60) (or, where appropriate, 120) days without notification to the Commission of such action the Commission will consider the charge to be filed with the Commission on the date the person making the charge was notified of the termination.

(iv) The 60-day (or, where appropriate, 120-day) period shall be deemed to have commenced at the time such document is mailed or delivered to the State or local authority. Upon notification of the termination of State or local proceedings or the expiration of 60 (or 120) days, whichever occurs first, the Commission will consider the charge to be filed with the Commission and will commence processing the case.

(v) In cases where the document is submitted to the Commission within 180 days from the date of the alleged violation but beyond the period of limitation of the particular 706 Agency, the Commission shall assume jurisdiction over the charge upon its receipt. In such cases only notice of the filing of the charge shall be given the State or local agency involved.

(A) In cases where the document is submitted to the Commission more than 180 days from the date of the alleged violation but within the period of limitation of the particular 706 Agency, the case shall be deferred pursuant to the procedures set forth above: *Provided, however,* That unless the Commission is earlier notified of the termination of the State or local proceedings, the Commission will consider the charge to be filed with the Commission on the 300th day following the alleged discrimination and will commence processing the case. Where the State or local agency terminates its proceedings prior to the 300th day following the alleged act of discrimination, without notification to the Commission of such termination, the Commission will consider the charge to be filed with the Commission on the date the person making the charge was notified of the termination.

(vi) In any case where the State or local agency has not formally notified the Commission of the termination of the State or local proceedings, the Commission shall serve the notice required by 1601.13 within 10 days from the date it becomes aware of the termination of such proceedings.

(c) 706 Agency Defined: For the purposes of this section and § 1601.10, the term "706 Agency" shall refer to an agency to which a charge is deferred. A State or local agency may be granted 706 Agency status for certain bases of discrimination and not for others. A charge shall be deferred where a State or a political subdivision of a State has a State or local law prohibiting the unlawful employment practice alleged, and said State or local law authorizes a State or local agency to grant or seek relief from the unlawful employment practice alleged or to institute criminal proceedings with respect thereto, and such State or local agency has been established and, at the time the charge is submitted to the Commission, is operational and processing charges filed under the State or local law.

(d) Notwithstanding that a charge is required to be deferred pursuant to this section or that the deferral period has not expired, the Commission may commence judicial action for immediate, temporary or preliminary relief pursuant to section 706(f)(2) of the Act.

(e) Deferral is not required where there is an Agency which does not satisfy the requirements of paragraph (c) of this section. Where the Commission determines that a State or local agency does not come within the definition of a 706 Agency for purposes of a particular basis of discrimination, it shall so notify the State or local agency in writing and give reasons therefore. The Commission shall, however, notify a State or local agency of the filing of charges for which the State or local agency is not a 706 Agency; for such purposes the State or local agency will be deemed a "Notice Agency".

(f) Because of the large number of State and local fair employment practice agencies, only those agencies which notify the Commission of their qualifications under subsection (c) of this section and request designation as "706 Agencies" or "Notice Agencies" or both will be eligible for such designation. Such notification must be submitted by written request to the Commission's Regional Director in whose region the State or local agency is located. The request shall include the following materials and information:

(1) A copy of the agency's fair employment practices law and any rules, regulations and guidelines of general interpretation issued pursuant thereto.

(2) A chart of the organization of the agency responsible for administering and enforcing said law.

(3) The amount of funds made available to or allocated by the agency for fair employment purposes.

(4) The identity and telephone number of the agency attorney whom the Commission may contact in reference to any legal questions that may arise in the process of its review of the agency's application.

(5) A statement certifying the following:

(i) That the State or political subdivision has a fair employment practice law;

(ii) That such law authorizes the applicant agency or authority to grant or seek relief from employment practices found to be illegal under such law or that it authorizes the agency to institute criminal proceedings;

(iii) That such agency or authority has been established and is operational and processing charges filed under such law.

(g) Where both State and local 706 Agencies exist, the Commission reserves the right to defer to the State 706 Agency only. However, if the Commission determines that it would best serve the purposes of the Act, it may defer to

either or both State and local 706 Agencies.

(h) The continued designation of a 706 Agency for certain bases of discrimination will be dependent upon the 706 Agency's continuing operation and ability to grant or seek relief or to institute criminal proceedings with respect to those bases of discrimination.

(i) Commission Determinations: The Commission, after examining the materials and application required in paragraph (f) of this section and after applying criteria outlined in paragraph (c) of this section, shall make a determination.

(1) If the Commission determines that an agency shall be designated as a 706 Agency, it shall notify the agency that it proposes to issue such designation. Such proposed designation shall be published in the FEDERAL REGISTER and shall provide any person or organization not less than 15 days in which to file written comments with the Commission. If after evaluating any comments so received, the Commission is still of the opinion that issuance of the proposed designation as published in the FEDERAL REGISTER is appropriate, it shall effect such designtion by issuance and publication of an amendment to paragraph (m) of this section. Thereafter, the procedure in paragraph (b) of this section and § 1601.10 shall be followed for charges in the jurisdiction of the 706 Agency.

(2) If the Commission determines that any agency shall not be designated as a 706 Agency, it shall notify the applicant agency of its decision and such notice shall provide the reason(s) why it purposes not to designate the agency and shall grant it not less than 15 days to request a conference concerning the matter in accordance with paragraph (1) of this section.

(j) Performance Standards: The continued designation of a 706 Agency will be dependent upon the 706 Agency's willingness and ability to administer its law in such a manner that, in fact, the practices prohibited are comparable in scope to those practices prohibited under Federal law and satisfy the performance standards set forth below:

(1) In all cases where the 706 Agency finds cause to credit the allegations of a charge, it shall effectively eliminate the discrimination and, where State or local law allows, provide for full compensatory and prospective relief consistent with applicable Federal law.

(2) In all cases where the 706 Agency enters into a conciliation agreement, consent order, or order after public hearing, it shall include in any such agreement or order mechanisms for monitoring compliance with the terms thereof and mechanisms for enforcing compliance in the event any terms thereof are not implemented.

(k) The Commission may upon its own motion, or upon the motion of a Regional Director of the Commission, withdraw the designation as a 706 Agency previously issued to any agency based upon: (1) Reconsideration of the request and materials and the information referenced in paragraph (f) of this section; or, (2) consideration of the agency's performance as set forth in paragraph (j) of this section. Whenever the Commission has reason to believe that such designation as a 706 Agency no longer serves the interest of effective enforcement of Title VII, it may, after following the procedures below, including the opportunity for a conference provided for in paragraph (l) of this section, withdraw such designation. Before taking such action it shall notify the 706 Agency of its proposed withdrawal of such designation. Such notification shall set forth the reasons for the proposed withdrawal and provide the agency not less than 15 days to submit data, views, and arguments in opposition and to request a conference in accordance with paragraph (l) of this section. Such proposed withdrawal of designation shall also be published in the FEDERAL REGISTER and shall provide any persons or organizations who take an interest at least 15 days in which to file written comments on the proposal with the Commission and to request a conference. If a request for a conference in accordance with paragraph (1) of this section is not received within the time period provided, the Commission shall evaluate any arguments or comments it has received from the agency and from any persons and organizations who take an interest. If, after such evaluation, the Commission still is of the opinion that designation should be withdrawn because it has determined that such designation no longer serves the interest of effective enforcement of Title VII, the Commission shall so notify the Agency. The withdrawal shall be effected by the issuance and publication of an amendment to Paragraph (m) of this section.

(l) In order to provide a State or local agency full opportunity to present its views whenever, pursuant to paragraph (k) of this section, a conference is requested within the time allowed by said section for making such request, the Commission's Director of State and Community Affairs or his or her designee shall hold such a conference. Said conference official shall issue a pre-conference order. The order shall indicate the issues to be resolved and any intial procedural instructions which might be appropriate for the particular conference. It shall fix the date, time, and place of the conference. The date shall not be less than 20 days after the date of the order. The date and place shall be subject to change for good cause.

(1) A copy of such pre-conference order shall be served on the State or local agency. After service of the order or of a notice designating a conference officer, and until such officer submits his or her recommended determination, all communications relating to the subject matter of the conference shall be addressed to him or her. The conference officer shall have authority to regulate the course and conduct of the conference. A transcript shall be made of the proceedings at the conference. The transcript and all comments and petitions relating to the proceedings shall be made available for inspection by interested persons.

(2) The conference officer shall prepare his or her proposed findings and recommended determination, a copy of which shall be served on the agency. Within 20 days after such service the agency may file written exceptions. After the expiration of the period for filing exceptions, the conference officer shall certify the entire record, including his or her proposed findings, and recommended determination and exceptions thereto to the Commission, which shall review the record and issue a final determination.

(3) Such determination shall become effective by the issuance and publication of an amendment to paragraph (m) of this section.

(m) Designated 706 Agencies: The actions of the Commission in designating 706 Agencies, and in withdrawing such designations, from time to time, will be stated in amendments to this paragraph and published in the FEDERAL REGISTER as and when such actions are taken. The designated 706 Agencies are:

Alaska Commission for Human Rights
Baltimore Community Relations Commission
Bloomington Human Rights Commission
Colorado Civil Rights Commission
Connecticut Commission on Human Rights and Opportunities
Dade County Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago Human Relations Commission
Gary Human Relations Commission
Idaho Commission on Human Rights
Illinois Fair Employment Practices Commission
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Kansas Commission on Civil Rights
Kentucky Commission on Human Rights
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minnesota Department on Human Rights
New Hampshire Commission for Human Rights
New Jersey Division on Civil Rights, Department of Law and Public Safety
New York City Commission on Human Rights
New York State Division of Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Oregon Bureau of Labor
Pennsylvania Human Relations Commission
Philadelphia Commission on Human Relations
Seattle Human Rights Commission
South Dakota Human Relations Commission
Tacoma Human Rights Commission
Utah Industrial Commission
Washington State Human Rights Commission
West Virginia Human Rights Commission
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wyoming Fair Employment Practices Commission

The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
Florida Commission on Human Relations
Georgia Governor's Council on Human Relations
Montana Department of Labor and Industry
North Dakota Commission on Labor
Ohio Director of Industrial Relations
South Carolina Human Affairs Commission.

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. sec. 2000e-12(a)))

This amendment is effective on January 20, 1975.

Signed at Washington, D.C. this 13th day of January 1975.

JOHN J. POWELL, Jr.,
Chairman.

[FR Doc.75-1729 Filed 1-17-75;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1811—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEFENSE CIVIL PREPAREDNESS AGENCY

This revision is undertaken in order to update this implementing regulation as to referenced documents, and to delete unnecessary repetition of provisions promulgated by the Department of Defense under 32 CFR Part 300.

Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by revising Part 1811 to read as follows:

Sec.
1811.1 Purpose.
1811.2 Definitions.
1811.3 Applicability.
1811.4 Assurances required.
1811.5 Compliance information.
1811.6 Conduct of investigations.

AUTHORITY: Department of Defense regulation, 32 CFR 300.14, 29 FR 19294, Dec. 31, 1964.

§ 1811.1 Purpose.

(a) The purpose of the regulation in this part is to implement with respect to Federally assisted programs of the Defense Civil Preparedness Agency (a Department of Defense component) the regulation of the Secretary of Defense entitled "Non-Discrimination in Federally Assisted Programs of the Department of Defense—Effectuation of Title VI of the Civil Rights Act of 1964." (32 CFR Part 300). The purpose of the DoD Regulation is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from any component of the Department of Defense.

(b) Pursuant to the DoD Regulation, the Director, DCPA, has been designated by the Assistant Secretary of Defense (Manpower and Reserve Affairs) as a "responsible Department official" responsible for implementing within the Department of Defense the DoD Regulation in connection with the administration of laws extending financial assistance for civil defense purposes.

(c) The DoD Regulation, as amended, has been approved by the President and contains all basic regulatory material necessary for proper effectuation of Title VI. It governs and is applicable to financial assistance programs of the Defense Civil Preparedness Agency and is not republished herein. The DoD Regulation does, however, require responsible Department officials to take certain implementing actions. The Regulation in this part specifies these actions as applicable to DCPA.

§ 1811.2 Definitions.

The terms used herein shall have the meanings ascribed in § 300.2 of the DoD Regulation. In addition, the following terms have the following meanings:

(a) "CPG 1-9" means *Civil Preparedness Guide* issued by DCPA entitled "Nondiscrimination in the Civil Defense Program."

(b) "DCPA" means the Defense Civil Preparedness Agency.

(c) "Director" means the Director, DCPA.

(d) "DoD Regulation" means Department of Defense regulation, 32 CFR Part 300.

(e) "Regional Director" means a Regional Director of DCPA.

§ 1811.3 Applicability.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Director pursuant to delegation or agreement. These programs are listed in CPG 1-9.

§ 1811.4 Assurances required.

(a) Except as provided in paragraph (d) of this section, every applicant for Federal financial assistance (including, without limitation, assistance in the provision of a civil defense facility) to carry out a civil defense program shall execute an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to the DoD Regulation and this part. Execution of this assurance is a condition to approval of any application for Federal financial assistance and of the extension of any assistance thereunder.

(b) The assurance required by paragraph (a) of this section will be on DCPA Form 856. The assurance covers all DCPA Federal financial assistance afforded a recipient. The text is as follows:

Name of Applicant _____ hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), all requirements imposed by or pursuant to the Regulation of the Department of Defense 32 CFR Part 300 (issued as Department of Defense Directive 5500.11, May 27, 1971) and all requirements of DCPA Regulation 32 CFR Part 1811 issued pursuant to the Department of Defense Regulation to the end that, in accordance with Title VI of that Act, the Department of Defense Regulation and the DCPA Regulation, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Defense Civil Preparedness Agency, (herein called DCPA); and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement. If any personal property or real property, or interest therein, or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by DCPA, or if such assistance is in the form of personal property or real property, or interest therein or structure, thereon, then this assurance shall obligate the Applicant or in the case of any transfer of such property, any transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for the period during which it retains ownership or possession of the property whichever is longer. In all cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by DCPA.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the DCPA, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

(c) Copies of the assurance required by paragraph (a) of this section shall be submitted by an applicant for civil defense Federal financial assistance to DCPA in the manner described in CPG 1-9 and other DCPA guidance material.

(d) Pursuant to the DoD Regulation primary recipients (i.e., States) of assistance under Section 205 of the Federal Civil Defense Act submit Statements of Compliance (including methods of administration) in the manner prescribed in CPG 1-9 and other DCPA guidance material.

(e) The extent to which an assurance will be required of subgrantees, suballocatees, contractors, transferees, successors in interest, and other participants will be specified by the Director in CPG 1-9 and other DCPA guidance material.

(f) Assurances and Statements of Compliance (including methods of administration) submitted to the Office of Civil Defense, Department of the Army (the predecessor to DCPA) in the manner prescribed in regulatory material of that office are considered as submitted to DCPA and need not be resubmitted. An assurance or a Statement of Compliance (including methods of administration), unless withdrawn by the recipient is considered binding for so long as the recipient receives Federal financial assistance from DCPA.

§ 1811.5 Compliance information.

(a) *Compliance reports.* Each recipient shall keep records and submit through the Regional Director, to the Director timely, complete and accurate

compliance reports at such times, and in such form and containing such information, as the Director may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. The times for submission of such reports, which shall be not less often than annually, and the form therefor shall be specified in CPG 1–9 and in other DCPA guidance material. In general, recipients should have available racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federally assisted programs. In any case where a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations imposed pursuant to this part.

(b) *Access to sources of information.* Each recipient shall permit access by the Director, through the Regional Director or his other authorized representatives, during normal business hours to such of his books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other institution or person and this institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(c) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner as is set forth in CPG 1–9 and in other DCPA guidance material in order that such persons may be appraised of the protections against discrimination assured them by the Act, the DoD Regulation, and this part.

§ 1811.6 Conduct of investigations.

(a) *Periodic compliance reviews.* Regional Directors or their authorized representatives shall conduct compliance reviews of the States and other recipients with such frequency and in such depth as may be prescribed by the Director.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself, or by a representative, file with the Director a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Director.

(c) *Investigations.* The authorized representative of the Director will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination of whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Director will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided in the DoD Regulation.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Director will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall not be disclosed except when necessary to carry out the purposes of this part including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

This revision is effective on January 20, 1975.

(Catalog of Federal Domestic Assistance Program Numbers: 12.300, 12.301, 12.302, 12.305, 12.306, 12.308, 12.309, 12.310, 12.312, 12.314, 12.315, 12.316, 12.319, 12.321, 12.322, 12.324, 12.325)

Dated: January 10, 1975.

JOHN E. DAVIS,
Director, Defense Civil Preparedness Agency.

[FR Doc.75-1701 Filed 1-17-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Canal Zone Civilian Personnel Policy Coordinating Board

This revision of the regulations expands the membership of the Canal Zone Civilian Personnel Policy Coordinating Board, provides that its chairman shall be designated by the Secretary of the Army and clarifies the Board's role.

Inasmuch as the material contained in this part is a matter relating to agency management and personnel, the provisions of the Administrative Procedure Act (5 USC 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Effective on January 20, 1975, § 253.4 is revised to read as follows:

§ 253.4 Canal Zone Civilian Personnel Policy Coordinating Board.

(a) *Continuation.* The Canal Zone Civilian Personnel Policy Coordinating Board is continued.

(b) *Composition.* The Board shall be composed of a chairman and two other members. The Secretary of the Army shall appoint one member who shall serve as permanent chairman. The Governor and the Commander in Chief will serve as members. The extent to which any member may serve through a representative designated by him will be determined by the Board.

(c) *Functions.* The Board shall:

(1) Perform the functions and exercise the authorities delegated to it by the regulations in this part.

(2) Provide leadership and advice in all aspects of personnel management that are not covered by paragraph (c)(1) of this section to promote uniformity of policies and practices among the Departments to the extent compatible with their separate missions and governing rules.

(2 C.Z.C. 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated January 10, 1975.

HOWARD H. CALLAWAY,
Secretary of the Army.

[FR Doc.75-1700 Filed 1-17-75;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—Successor Authority to the Office of Economic Opportunity

On January 4, 1975, the President signed into law the "Headstart, Economic Opportunity, and Community Partnership Act of 1974". The following policy statement informs grantees of the Office of Economic Opportunity of two provisions in that Act relating to the Community Services Administration as successor authority to the Office of Economic Opportunity.

A new subpart is added to read as follows:

Sec.
1060.5–1 Applicability.
1060.5–2 Background.
1060.5–3 Policy.

AUTHORITY: Sec. 602, 78 Stat. 528 (42 U.S.C. 2942).

§ 1060.5–1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, III–B and VII of the Economic Opportunity Act, as amended, when such assistance is administered by the Office of Economic Opportunity.

§ 1060.5–2 Background.

(a) On January 4, 1975, the President signed into law the "Headstart, Economic

Opportunity, and Community Partnership Act of 1974" (short title: "Community Services Act of 1974") which established within the executive branch an independent agency known as the "Community Services Administration" which is, in all respects and for all purposes, the successor authority to the Office of Economic Opportunity.

(b) In keeping with its designation as the successor authority the Community Services Act further states that:

All official actions taken by the Director of the Office of Economic Opportunity, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on the date of the enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director. (Section 9(a) of the Community Partnership Act of 1974 amending section 601 of the Economic Opportunity Act of 1964.)

(c) The Community Services Act also states that all references to the Office of Economic Opportunity or to the Director of the Office of Economic Opportunity, in official documents, including regulations, shall be deemed to refer to the Community Services Administration or to its Director. (See legislative reference above.)

§ 1060.5–3 Policy.

(a) All regulations issued by the Office of Economic Opportunity, i.e. OEO Instructions and OEO Notices, listed as current in OEO Instruction 6000–2, Change 2, December 1, 1974, Subj: Applicability of Directives, for which authority exists under the Community Services Act of 1974, remain in force and are deemed to be the policy statements of the Community Services Administration until superseded, rescinded, or changed.

(b) All grant-making documents, including General and Special Conditions, continue to be legal commitments between the grantee and the Office of Economic Opportunity's successor agency, the Community Services Administration.

Effective date: Immediately.

BERT A. GALLEGOS,
Director,
Community Services Administration.

[FR Doc.75–1716 Filed 1–17–75;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 334, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 10–16, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

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

(2) The need for 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 Navel Orange Regulation 334 (40 FR 1704). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel 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 rulemaking 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 Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (iii) of § 907.634 (Navel Orange Regulation 334) (40 FR 1704) are hereby amended to read as follows:

§ 907.634 Navel Orange Regulation 334.

* * * * *

(b) *Order.* (1) * * *.

(i) District 1: 921,000 cartons;

(iii) District 3: 29,000 cartons.

* * * * *

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

Dated: January 15, 1975.

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

[FR Doc.75–1715 Filed 1–17–75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 139; Docket No. AO–374–A3]

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lake Mead marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1975. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing

area. The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued January 10, 1975. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1975, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553 (d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Lake Mead Marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as follows:

Revise § 1139.50(a) to read as follows:

§ 1139.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60.

* * * * *

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

Effective date: February 1, 1975.

Signed at Washington, D.C., on January 15, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–1778 Filed 1–17–75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55 (Sub-No. 11)]

PART 1001—INSPECTION OF RECORDS

Implementation of Recent Amendments to the Freedom of Information Act

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of January, 1975.

It is ordered, That based on the reasons set forth in the attached notice, Part 1001, Subchapter A, Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as set forth in the attached notice.

It is further ordered, That this order shall become effective on February 19, 1975.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

By order and notice dated January 6, 1975, and published in the FEDERAL REGISTER on January 9, 1975, (40 FR 1718), the Interstate Commerce Commission proposed the modification of 49 CFR 1001.4 (as set forth below) in order to properly implement recent amendments to the Freedom of Information Act. The prior notice requested interested persons to file data, views, or arguments with this Commission on or before January 15, 1975. Comments have been jointly filed by Leonard A. Jaskiewicz and Robert L. Cope. These attorneys would have us repeat each relevant phrase in the statute in our regulation. This is an unnecessary task. This Commission must and it will comply with the recent Freedom of Information Act amendments; the regulation modification adopted herein merely implements that statute. Certain of the constructive comments of these attorneys have been incorporated into the modified regulation below.

The existing regulation provides that requests to inspect records other than those now deemed to be of a public nature shall be addressed to the Secretary (49 CFR 1001.4). The adopted modification would require the Secretary to decide within 10 days (except Saturdays, Sundays, and legal public holidays) whether a requested record could be made available and would require the Secretary to inform a requesting party in writing of any refusal to provide information with a detailed explanation of why the requested records cannot be made available. If the Secretary rules that records cannot be made available (see 5 U.S.C. 552(a)(3) which provides for exemptions to the Freedom of Information Act), then the existing regulation provides for an appeal to the Chairman whose decision shall be administratively final. The adopted modification would require the filing of such an appeal within 30 days of the date of the Secretary's denial letter and would also require the Chairman to render a decision within 20 days (except Saturdays, Sundays, and legal public holidays) of receipt of any appeal. The Chairman would issue an order explaining the reasons for his decision.

Because this Commission desires to make information readily available to the public, we have waived our right to charge a fee for requests for information. We will, however, be required to continue our practice of charging 25 cents a page to xerox records (49 CFR 1002.1(e)).

(Secs. 552, 553, 559, Administrative Procedure Act (5 U.S.C. 552, 553, and 59))

Issued in Washington, D.C., January 16, 1975.

Accordingly, this action modifies 49 CFR 1001.4 so that it reads as follows:

§ 1001.4 Requests to inspect other records not considered public under 5 U.S.C. 552.

Requests to inspect records other than those now deemed to be of a public nature shall be in writing and addressed to the Secretary. The Secretary shall determine within 10 days of receipt of a request (excepting Saturdays, Sundays, and legal public holidays) whether a requested record will be made available. If the Secretary determines that a request cannot be honored, he must inform the requesting party in writing of this decision and such letter shall contain a detailed explanation of why the requested material cannot be made available and explain to the requesting party his right of appeal. If the Secretary rules that such records cannot be made available because they are exempt under the provisions of 5 U.S.C. 552(a)(3) (sec. 1, 81 Stat. 54), appeal from such ruling may be addressed to the Chairman whose decision shlal be administratively final stating specifically the exemption(s) contained in 5 U.S.C. 552(b) relied upon for denial. Such an appeal must be filed within 30 days of the date of the Secretary's letter. The Chairman shall formally act on such appeals within 20 days (excepting Saturdays, Sundays, and legal public holidays) of receipt of any appeal. In the unusual circumstances, as set forth in 5 U.S.C. 552(a)(6)(B), the time limit may be extended, by written notice to the person making the particular request setting forth the reasons for such extension, for no more than 10 working days. If the appeal is denied, the Chairman's order shall notify the requesting party of his right to judicial review.

[FR Doc.75–1910 Filed 1–17–75;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 293 (Sub-No. 2)]

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Correction

In FR Doc. 75–170 appearing at page 1624 in the issue for Wednesday, January 8, 1975, make the following corrections:

1. On page 1624, in the second paragraph of column 1, the following should

be inserted to complete the last line: "on the system".

2. On page 1625 in the first paragraph of column 2, the 4th line should be deleted and the following be inserted: "available. The tests revealed that in cer-".

3. On page 1631 in the Authority cite of column 1, "Pub. L. 92–236" should read, "Pub. L. 93–236".

4. On page 1632, in § 1125.3 (c)(4), eleven lines from the end, "accounts 372 and 401" should read "accounts 392 and 401".

5. On page 1632, in § 1125.4 (b), "passenger car-miles" in lines 7 & 8 should read "passenger-miles".

6. On page 1634, the second line of § 1125.5 (j)(1) should be deleted and the following be inserted: "calculated by averaging the railroad's".

7. On page 1635 the first two lines of § 1125.8(d), appearing at the top of column 3, are inverted and should read, "A notice of intent to discontinue service, pursuant to section 304(a)(2)".

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

GRAIN STANDARDS

Miscellaneous Amendments; Extension of Comment Period

On December 4, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 42226) to amend certain sections of the regulations under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*).

On December 27, 1974, a supplemental notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 44763) further amending certain sections of the December 4, 1974, publication and establishing February 3, 1975, as the final date for filing written data, views, or arguments with respect to both the December 4, 1974, and December 27, 1974, publications.

A trade group requested an extension of the time to submit written data, views, or arguments. In view of the request, notice is hereby given that the period for filing written data, views, or arguments with respect to both the December 4, 1974, and December 27, 1974, publications in the FEDERAL REGISTER is extended to March 7, 1975.

Opportunity is hereby afforded all interested parties to submit written data, views, or arguments with respect to the proposals to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 7, 1975. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Consideration will be given to the written data, views, or arguments received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to the proposals.

Done in Washington, D.C., on: January 15, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-1780 Filed 1-17-75;8:45 am]

[7 CFR Part 52]

CANNED GRAPEFRUIT AND ORANGE FOR SALAD

Proposed Grade Standards; Extension of Comment Period

This notice extends the period for comments to the notice, published December 16, 1974 (39 FR 43551), proposing the revision of the United States Standards for Grades of Canned Grapefruit and Orange for Salad.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different marketing levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover cost of such services.

The proposed rulemaking was published at the request of the Florida Canners Association, representing all of the processors of canned grapefruit and orange for salad, to revise the current U.S. Standards for Grades of Canned Grapefruit and Orange for Salad, to conform as nearly as practicable, to the U.S. Standards for Grades of Canned Grapefruit.

The U.S. Standards for Grades of Canned Grapefruit were revised effective October 25, 1973, to overcome problems associated with mechanized segmenting and filling operations. Based upon acceptance of the revised canned grapefruit standards, and the congeneric relationship of canned grapefruit and canned grapefruit and orange for salad, the Florida Canners Association requested the USDA to bring the current U.S. standards in line with present industry operations.

The proposed revision of the U.S. Standards for Grades of Canned Grapefruit and Orange for Salad made the following changes:

(1) Eliminated drained weight as a scoring factor of quality.

(2) Lowered the recommended minimum drained weight from 56.25 percent of the water capacity of the container to 53 percent.

(3) Lowered the minimum percent of practically whole segments in grade A from 75 percent to 65 percent.

(4) Changed the criteria for the factor of character to eliminate the restriction on loose floating cells.

(5) Provided for the addition of orange juice as a liquid packing medium.

Other changes made in the proposed revision and consistent with current practice in the U.S. standards are as follows:

(1) Brix determination may be forced by comminuting as an alternative to waiting 15 days or more after packing the canned fruit.

(2) Score points are realigned to 25 points for each scorable factor.

(3) "Allowances for Defects" are tabulated.

A request for an extension of time was submitted by the Office of the Governor of the State of Illinois. The request indicated that additional time is necessary to enable the consumers in the State of Illinois to submit comments to the Department for consideration in connection with the proposed revision.

It is determined that due to the heavy flow of mail during the month of December, 1974, many consumers may have experienced difficulty in receiving prompt notice of the proposed rulemaking. Too, many consumers were involved in traditional holiday activities and may have missed notification of the proposed rulemaking.

It is determined that a reasonable extension of the comment closing date is consistent with the Department's policy to give adequate time for consumers to comment on each notice of proposed rulemaking to revise the U.S. standards. The comment period is hereby extended to March 1, 1975.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than March 1, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 14, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-1657 Filed 1-17-75;8:45 am]

[7 CFR Part 52]

CANNED GRAPEFRUIT AND ORANGE FOR SALAD

Proposed Grade Standards

Correction

In FR Doc. 74-29068 appearing at page 43551 in the issue of Monday, December 16, 1974, make the following changes:

1. In Table III to § 52.1261 (page 43553) the entires for "Albedo and tough membrane", "1 in^2", "½ in^2", "2 in^2", "1 in^2", "5 in^2" and "4 in^2", should read "1 square inch", "½ square inch", "2 square inches", "1 square inch", "5 square inches" and "4 square inches" respectively.

2. In Table IV to § 52.1261 (page 43554), the entries for "Albedo and tough membrane", now reading "1½ in^2", "¾ in^2", "3 in^2", "2 in^2", "7½ in^2" and "6 in^2" should read "1½ square inches", "¾

square inches", "3 square inches", "2 square inches", "7½ square inches", and "6 square inches" respectively.

[7 CFR Part 1139]

[Docket No. AO-374-A3]

MILK IN THE LAKE MEAD MARKETING AREA

Notice of Extension of Time for Filing Briefs

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held December 10–12, 1974, at Las Vegas, Nevada, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lake Mead marketing area pursuant to notices issued October 9, October 22, and November 15, 1974 (39 FR 36861, 37991, and 40861, respectively) is hereby extended to January 31, 1975, except with respect to briefs, proposed findings and conclusions on proposed Class I pricing after February 1, 1975.

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

Signed at Washington, D.C. on: January 14, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-1777 Filed 1-17-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 50]

PUBLIC HEALTH SERVICE HEALTH SERVICES DELIVERY PROGRAMS

Maximum Allowable Cost for Drugs

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart E, entitled "Maximum Allowable Cost for Drugs", to Part 50 of Title 42, Code of Federal Regulations. In the November 15, 1974, issue of the FEDERAL REGISTER, the Secretary proposes to establish a Pharmaceutical Reimbursement Board, which would be responsible for establishing a list of multiple source drugs and their Maximum Allowable Cost (39 FR 40302). The proposed new Subpart E of Part 50 would provide that the maximum amount of program funds (i.e., Federal funds and non-Federal funds required to be expended as a condition to receiving such Federal funds) which may be expended for the purchase of any drug under any health services delivery program covered by Subpart E shall be the lesser of (1) the Maximum Allowable Cost established by the Secretary for such drug or (2) the actual acquisition cost plus 25 percent of the amount, if any, by which the Maximum Allowable Cost for such drug exceeds the acquisition cost, plus, in certain circumstances, a reasonable dispensing fee. It should be noted that the proposed regulations would not prohibit recipients of Federal funds from purchasing drugs at costs in excess of the maximum as so determined; rather, they would bar the expenditure from program funds of amounts in excess of such cost.

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed regulations to the Hearing Clerk, Food and Drug Administration, Room 4-65, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, on or before March 21, 1975. All comments received in response to this Notice will be available in the above-named office during regular business hours.

It is therefore proposed to amend 42 CFR Part 50 by the addition of a new Subpart E, as set out below.

Dated: January 3, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: January 13, 1975.

CASPAR W. WEINBERGER,
Secretary.

Subpart E—Maximum Allowable Cost for Drugs

Sec.
50.501 Applicability.
50.502 Definitions.
50.503 Policy.
50.504 Limitation to maximum allowable cost of drugs.

AUTHORITY: Secs. 215, 58 Stat. 690, as amended (42 U.S.C. 216).

Subpart E—Maximum Allowable Cost for Drugs

§ 50.501 Applicability.

This subpart is applicable to programs or projects for health services which are supported in whole or in part by Federal financial assistance, whether by grant or contract, administered by the Public Health Service. It applies to Federal funds and to non-Federal funds which are required to be expended as a condition to receiving Federal funds under such programs or projects.

§ 50.502 Definitions.

As used in this subpart:

(a) "Public Health Service" means the Office of the Assistant Secretary for Health, Health Services Administration, Health Resources Administration, National Institutes of Health, Center for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Food and Drug Administration, and all of their constituent agencies.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Program funds" means (1) Federal funds provided through grant or contract to support a program or project covered by § 50.501, and (2) any non-Federal funds that are required as a condition of such grant or contract to be expended to carry out such program or project.

(d) "Actual acquisition cost" when applied to a drug means the cost of the product to the provider less any quantity, trade, and promotional discounts and allowances except cash discounts not in excess of two percent of cost. It may include warehousing and other distributional costs incurred by a provider who maintains a warehouse separate from his retail place of business. In no case shall the claimed acquisition cost be greater than the lowest cost which would have been incurred if the product had been obtained through a wholesaler.

§ 50.503 Policy.

It is the policy of the Secretary that program funds which are utilized for the acquisition of drugs be expended in the most economical manner feasible. In furtherance of this policy, the Secretary has established, in 45 CFR Part 19, a procedure for determining the Maximum Allowable Cost for drugs which are purchased with program funds.

§ 50.504 Allowable cost of drugs.

(a) The maximum amount which may be expended from program funds for the acquisition of any drug shall be the sum of

(1) the cost of such drug as determined pursuant to paragraph (b) of this section, and

(2) a dispensing fee determined by the Secretary to be reasonable, taking into account (i) cost components such as overhead, professional services, and profit, and (ii) payment practices of third-party payment organizations, including other Federal programs such as titles XVIII and XIX of the Social Security Act: *Provided*, That where the charge for drug dispensing is included in other costs allowable under the applicable program statute and regulations, the terms and conditions of the grant or contract, and the applicable cost principles prescribed in 45 CFR Part 74, no separate dispensing fee will be recognized.

(b) For purposes of this section, the cost of any drug shall be determined as follows:

(1) With respect to any drug for which a Maximum Allowable Cost has been established in accordance with 45 CFR Part 19, the cost shall be the lesser of (i) such Maximum Allowable Cost or (ii) the actual acquisition cost plus 25 percent of the amount, if any, by which such Maximum Allowable Cost exceeds such acquisition cost: *Provided*, That, with respect to any drug prescribed for a patient which his physician has certified in writing is the only brand of that drug which the patient can tolerate or which will be effective for him, the allowable cost shall be the actual acquisition cost.

(2) With respect to any drug for which no Maximum Allowable Cost has been established in accordance with 45 CFR Part 19, the cost shall be the actual acquisition cost.

[FR Doc.75-1648 Filed 1-17-75; 8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Allowable Cost for Drugs

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to the regulations set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. This proposed amendment to Subpart D of Regulations No. 5 of the Social Security Administration (20 CFR Part 405) would provide that the allowable cost for any drug that is a multiple-source product, may not exceed the cost that would have been incurred if obtained from the lowest-priced source which is widely and consistently available (whether sold by generic or trade name) or the maximum allowable cost established by the Department, consistent with regualtions on the "Maximum Allowable Cost for Drugs" (45 CFR Part 19), proposed by the Secretary of Health, Education, and Welfare and published in the FEDERAL REGISTER on November 15, 1974 (39 FR 40302).

A list of multiple-source drug products and their maximum allowable costs, and periodic revisions of such list, would be published in the Federal Register. This limitation would not be applied to an individual drug product until that particular drug has appeared on the list.

For purposes of reimbursement to providers under the Medicare program, the allowable cost for a multiple-source drug could not exceed the lesser of (1) the amount which would be paid by a prudent and cost-conscious provider if obtained from the lowest-priced source which is widely and consistently available (whether sold by generic or trade name), or (2) the applicable maximum allowable cost for such drug. The drug-ingredient costs incurred in the purchase of multiple-source drugs which are in excess of such allowable cost that would have been incurred in purchasing multiple-source products would be disallowed. The cost of drugs not appearing on the list would also be evaluated by intermediaries so that the allowable cost of such drugs does not exceed what a prudent and cost-conscious buyer would pay for the given drug products.

It is recognized that providers purchase drugs from manufacturers, wholesalers, or retail pharmacies, or from a combination of these sources. Therefore, in determining what a prudent and cost-conscious provider would pay for the lowest-priced, multiple-source product widely and consistently available, the cost of the drugs specified in the list would be evaluated in terms of the similar quantities and the similar purchasing arrangements at which the drug products were, in fact, purchased. The effectiveness of the purchasing practices of providers would be reviewed periodically to determine compliance with provisions of this regulation. Based on these reviews, the Social Security Administration would continue to evaluate the necessity for establishment of more extensive guidelines, at the same time avoiding burdensome recordkeeping requirements for providers where no significant savings would accrue to the Medicare program.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 21, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is issued under the authority contained in sections 1102, 1861(v)(1)(A), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395x(v)(1)(A) and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 26, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 13, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising § 405.433 to read as follows:

§ 405.433 Determining allowable cost for drugs.

(a) *Principle.* (1) The allowable cost for any multiple-source drug product (as described in paragraph (b)(1) of this section) may not exceed the lesser of:

(i) The actual cost;

(ii) The amount which would be paid by the prudent and cost-conscious provider for such drug if obtained from the lowest-priced source that is widely and consistently available (whether sold by generic or trade name), or

(iii) The "maximum allowable cost."

(2) The allowable cost for any other drug product may not exceed what a prudent and cost-conscious buyer would pay for that particular drug product.

(b) *Application*—(1) *Multiple-source drug products.* (i) The Department of Health, Education, and Welfare will publish in the FEDERAL REGISTER, from time to time, a list of specific multiple-source drug products and their "maximum allowable cost" limitations. (See 45 CFR Part 19.) For these drug products, the allowable cost (see §§ 405.402 and 405.403) may not exceed the drug-ingredient costs incurred in purchasing such drug products that would be paid by a prudent and cost-conscious provider for such drug products if obtained from the lowest-priced source that is widely and consistently available (whether sold by generic or trade name); except that the drug-ingredient cost incurred in purchasing such drug products may, in no case, exceed the maximum allowable cost published in the FEDERAL REGISTER.

(ii) The provisions of this paragraph (b)(1) are applicable to those multiple-source drug products purchased by providers on or after the first day of the second month following the month in which such drug product appears in such list in the FEDERAL REGISTER. Similarly, an amendment to a maximum allowable cost limitation for a drug product is applicable to purchases of such drug product by providers on or after the first day of the second month following the month in which such amendment is published in the FEDERAL REGISTER.

(2) *Other drug products.* For drug products other than those described in paragraph (b)(1) of this section, the allowable cost (see §§ 405.402 and 405.403) may not exceed what a prudent and cost-conscious buyer would pay for that particular drug product.

(3) *Evaluation.* The cost of any drug products will be evaluated in terms of the quantities and purchasing arrangements at which the drug products were, in fact, purchased.

(c) *Exception.* Where a physician certifies that only a specific brand of drug can be tolerated by, or is effective for, a particular patient, the provisions of this section shall not apply. However, the physician must signify in writing the medical justification for the exception and the provider must retain such certification in its records.

(d) *Appeals.* A provider may appeal the amount of reimbursement determined under this section (see Subpart R of this part) except that it may not appeal under Subpart R of this part:

(1) The inclusion of any multiple-source drug products on the published listing, or

(2) The established maximum allowable cost for any drug product.

[FR Doc.75-1645 Filed 1-17-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 73]

[Airspace Docket No. 74-SO-99]

TEMPORARY ALTERATION OF FEDERAL AIRWAY AND DESIGNATION OF TEMPORARY RESTRICTED AREAS

Supplemental Notice of Proposed Rulemaking

Correction

In FR Doc. 75-663 appearing at page 1518 in the issue of Wednesday, January 8, 1975, the Airspace Docket number in brackets should read as set forth above.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

Pursuant to § 1601.12(i), Title 29, Chapter XIV to the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, published at page 3209 in this issue, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as "706 Agencies" (§ 1601.12(c)). There are three (3) purposes for such designation: First, that the agencies receive charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; Second, that the Commission accord "substantial weight" to the final findings and orders of those agencies pursuant to § 1601.19B(e); and, Third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1). At the expiration of the 15-day period, the Commission may effect designation of each of the agencies by publishing the list of them as an amendment to § 1601.12(m). Additions to the list may be made by the Commission by similar notice and publication. The proposed "706 Agencies" are as follows:

Arizona Civil Rights Division
California Fair Employment Practices Commission
Montana Commission for Human Rights
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
Omaha Human Relations Department
Springfield (Ohio) Human Relations Department
Virgin Islands Department of Labor
Wichita Commission on Civil Rights

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. 2000e-12(a)))

Written comments pursuant to this notice must be filed with the Commission on or before February 10, 1975.

Signed at Washington, D.C. this 13th day of January 1975.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.75-1731 Filed 1-17-75;8:45 am]

NATIONAL LABOR RELATIONS BOARD

[29 CFR Part 103]

DOCUMENT SEARCH AND DUPLICATION

Schedule of Fees

Correction

In FR Doc. 75-1184 appearing at page 2591 of the issue for Tuesday, January 14, 1975, in paragraph (a)(3) on page 2592 the dimensions "8½ X 4" should read "8½ X 14".

POSTAL SERVICE

[39 CFR Part 262]

FREEDOM OF INFORMATION

Schedule of Fees

Pursuant to Pub. L. 93-502, enacted November 21, 1974, notice is hereby given of a proposed amendment to the Postal Service regulations which establish the fees to be charged for retrieval and reproduction of records requested by members of the public. The proposed amendment would revise the fees schedule to conform to the criteria set forth in section 552(a)(4) of title 5, United States Code, as amended by Pub. L. 93-502. In addition it would establish more detailed procedures for the payment and waiver of fees, elaborating and in some instances modifying, existing procedures.

The fee per quarter hour for searching for records by clerical personnel is to be increased from $2.00 to $2.25. No charge is to be made for search time, however, if less than one quarter hour is spent in such a search by clerical personnel. Heretofore a minimum fee of $8.00 has been charged for the first hour or any portion thereof. A newly established rate of $2.75 per quarter hour is to be charged for searches performed by managerial or professional personnel. This is intended to apply to searches for documents which are not self-identifying and which must be located by persons with professional training or particular skills or experience not required of clerical personnel.

The fee for computer searches is to consist of a charge for a computer analyst's time at the non-clerical search rate and the costs of the computer functions actually utilized. The hourly rates for the various functions are listed in Appendix A. We have concluded that fairness to persons whose requests require computer searches calls for the development of as refined a standard schedule of charges as is feasible, in view of the widely varying costs involved in performing various computer functions.

Manual search and reproduction fees are specifically made applicable to micographic systems, such as microfilm.

The per-page fee for the reproduction of records and publications is to be reduced from $0.25 to $0.10. Because of the general waiver of fees aggregating less than $3.00, the minimum fee provision for reproduction has been eliminated. In view of the large number and the great differences in size and circumstances among post offices and other postal facilities at which records may be maintained, the proposed amendment would continue to provide possible alternatives to the copying of records by the Postal Service. In addition to authorizing the use of coin-operated copy machines upon which requestors can make copies at their own expense, the proposed amendment would authorize custodians, in appropriate instances, to permit the copying of records at locations other than the office or facility at which they are maintained. It is contemplated that off-site copying would be permitted only in those instances in which the records, if lost, could be replaced without inconvenience to the Postal Service. Provision would also be made, because of such possibilities as the lack of adequate copying capability or the shortage of personnel for extensive copying tasks, for the substitution of the opportunity for the inspection of the records, under reasonable conditions, rather than the furnishing of copies of them, even though copies may be requested.

The proposed amendment would continue special treatment for change of address orders filed by Postal Service customers. This material has been made available to the public on request since 1967, although since section 410(c) of title 39, United States Code, became effective in 1971, disclosure of the addresses of postal customers has not been required by statute. Since the disclosure of these records by the Postal Service is voluntary and for the convenience of the public rather than required by the Freedom of Information Act as amended, it is considered that the uniform fee schedule requirement of Pub. L. 93-502 are not applicable. It has been the experience of the Postal Service that most requests for change of address information have been made by commercial firms, such as credit bureaus, presumably for business purposes, rather than by individuals. It seems appropriate, therefore, not to waive the fees now charged to ensure full recovery of the costs incurred by the Postal Service in providing this service. At the same time the charging of a single flat fee to cover the costs of search and reproduction of this information provides predictability and uniformity for this discrete service. Accordingly, it is proposed to continue the present fee of $1.00 per change of address, pending development of additional data upon which a revision of the fee might be based.

Provisions relating to advance notice, payment and waiver of fees would be

significantly expended. The requestor would be expressly made liable for fees resulting from services performed in responding to his request, whether records are made available to him or not. The potential harshness of this principle would largely be relieved, however, by a general waiver of fees if none of the requested records is located or if all are withheld as exempt, and also by provision for notice to the requestor of fees estimated to exceed $25.00. If, however, after the requestor had been notified that fees in excess of $25.00 might be incurred and also that it could not be determined in advance whether any records would be made available, the fees for search time could be charged even though no records were made available. If it were to be estimated that fees in excess of $100.00 would be incurred, an advance deposit of 50 percent of the estimated fees would be required.

Accommodating the interest of members of the public in not unwittingly incurring substantial fees while meeting the deadlines for response which the 1974 amendments establish has posed a potential problem. We have sought to solve this problem by treating $25.00 as a general upper limit of liability unless the requestor is notified that greater charges are likely to be involved in responding to his request. If higher fees are anticipated, the performance of services which would incur them would not be undertaken without the requestor's approval, and the request would not be deemed received until the approval is given after notice.

The requestor could avoid any risk of delay inherent in this arrangement, however, by stating in his initial request that whatever cost is involved would be acceptable or would be acceptable up to a specified limit. When an advance deposit is required, it is contemplated that determination of the availability of the requested records would not be delayed to await the deposit unless search costs in excess of $25.00 would have to be incurred before the determination could be made.

Fees amounting in the aggregate to less than $3.00 for a single request or series of related requests would be waived and, as noted above, fees would normally be waived when no records were made available. Any custodian would have authority to waive fees of up to $25.00 if he should determine, in accordance with guidelines established by the General Counsel, that the furnishing of records would be primarily for the benefit of the general public, rather than that of the requestor individually, or if charging the fee would impose an undue hardship or inconvenience upon the requestor or an unwaranted further expense for the Postal Service. Fees in excess of $25.00 could be waived by any of the Officers of the Postal Service, e.g., the General Counsel, Assistant Postmasters General, Regional Postmasters General, or their designees.

Interested persons may comment upon the proposed amendment by submitting written data, views and arguments to the General Counsel, United States Postal Service, Washington, D.C. 20260, Attention: Legal Affairs Office. All comments received by Monday, February 3, 1975, will be considered prior to final action by the Postal Service on the proposed amendment. This relatively short period for the receipt of comments is necessitated by the fact that the statutory amendments which the proposed amendment to the regulations is intended to implement are due to become effective on February 19, 1975, and the fact that the regulations as adopted must be distributed to more than 30,000 post offices and other postal facilities. The Postal Service will consider comments received after the February 3, 1975, deadline to the extent practicable before publishing the regulations, prior to February 19, 1975, and in connection with amendments to the regulations in the future.

Accordingly, the Postal Service proposes the following amendment: In 39 CFR Part 262, § 262.7 is revised to read as follows:

§ 262.7 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit the furnishing of records to members of the public in conformity with the Freedom of Information Act, as amended, while covering the direct costs incurred by the Postal Service.

(b) *Record retrieval.* (1) The fee for each quarter hour spent by clerical personnel in searching for records other than by computer is $2.25. If no more than one quarter hour of clerical search time is required in connection with a request or a series of related requests, no charge for search time shall be made.

(2) When a search cannot be performed by clerical personnel and must be performed by professional or managerial personnel, the fee for each quarter hour in searching for records other than by computer is $2.75 for each quarter hour.

(3) The fee for retrieving data by computer is $2.75 for each quarter hour for analyst time, plus the actual computer charges as calculated in accordance with the Information Services Price List. (See appendix A)

(4) Paragraphs (b)(1), (b)(2), and (c) of this section also apply to information stored within micrographic systems.

(c) *Reproduction.* (1) The fee for reproducing any record or publication, other than a change of address order, is $.10 per page. The reproduction fee is in addition to any fee authorized by paragraph (b) of this section for the retrieval of the same records. The per-page fee is charged for each duplicate copy of computer output.

(2) The Postal Service may at its discretion make coin-operated copy machines available at any location or otherwise give the requestor the opportunity to make copies of Postal Service records at his own expense. Unless authorized by the Records Officer, however, no offsite copying shall be permitted of records which, if lost, could not be replaced without inconvenience to the Postal Service.

(3) The Postal Service will not normally furnish more than one copy of any record. If duplicate copies are furnished at the request of the requestor, the per-page fee shall be charged for each copy of each page. At his discretion, when it is reasonably necessary because of a lack of adequate copying facilities or other circumstances, the custodian may make the requested record available to the requestor for inspection under reasonable conditions and need not furnish a copy thereof.

(d) *Other costs*—(1) *Other charges.* When a response to a request requires services or materials other than the common ones listed in paragraphs (b) and (c) of this section, the direct cost of such services or materials to the Postal Service may be charged, but only if the requestor has been notified of the nature and estimated amount of such cost before it is incurred.

(2) *Change of address orders.* Although change of address information is not required by the Freedom of Information Act to be made available to the public, the fee for obtaining this information is included in this section as a matter of convenience to the public. The fee for searching for and reproducing change of address orders is $1.00 per change of address. The fee is not refundable.

(e) *Payment and Waiver of Fees*—(1) *Liability and payment.* The requestor is responsible, subject to limitations on liability provided by this section, for the payment of all fees for services resulting from his request, whether or not any of the requested records are made available to him. Payment shall be made before any record is made available or any copy is furnished unless payment is waived or deferred pursuant to paragraphs (e) (4) and (5) of this section. Checks in payment of fees shall be made payable to "United States Postal Service."

(2) *Advance notice.* To protect members of the public from unwittingly incurring liability for unexpectedly large fees, a request that is expected to result in fees in excess of $25.00 will be deemed not to have been received until the requestor is notified (promptly upon physical receipt of the request) of the estimated cost and agrees to bear it. No such notification is required if the request specifically states that whatever cost is involved is acceptable or is acceptable up to a specified amount that covers estimated costs or if payment of all fees in excess of $25.00 has been waived.

(3) *Advance deposits.* When it is estimated that the fees chargeable under this section will amount to more than $100.00, an advance deposit of not less than 50 percent of estimated fees shall be required, unless the payment of fees in excess of $100.00 has been waived. The deposit should be made within 5 working days of receipt by the requestor of notice of the requirement. The determination of the availability of the records sought

by the requestor shall not be delayed to await this deposit, if such determination will involve search charges of less than $25.00. In other cases, however, the determination of the availability of the records shall be delayed to await the deposit and the request will not be deemed to have been received until the deposit is received.

(4) *Waiver of fees where records are not disclosed.* Ordinarily, fees shall not be charged if the requested records are not found, or if all of the records located are withheld as exempt. However, if the time spent in searching for the requested record would warrant charges in excess of $25.00 and if the requestor has been notified of the estimated cost either pursuant to paragraph (e)(2) of this section or in a separate notification, and has been specifically advised that it cannot be determined in advance whether any records will be made available and that he may be responsible for search fees even though no records are made available, search fees may be charged.

(5) *Fees not charged for certain services.* Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3.00. This general waiver shall not apply to the fee for providing change of address information.

(6) *Waiver of fees by custodian.* The custodian may waive, in whole or in part, a fee not in excess of $25.00 or the requirement for the advance payment of such a fee, when he determines, in accordance with guidelines established by the General Counsel, that the furnishing of the records is primarily for the benefit of the general public, or that charging the fee otherwise required would impose an undue hardship or inconvenience on the person making the request or would cause the Postal Service to incur costs not adequately compensated by the amount of the fees involved. If the custodian determines that waiver is appropriate, but the amount of the fee or the deposit is in excess of his authority to waive, he shall promptly submit a recommendation for such a waiver to the Officer exercising jurisdiction over his post office or facility or to the General Counsel. Until the Officer has acted on the recommendation, the custodian shall require any advance deposit or advance payment otherwise warranted by this section to be made but shall inform the requestor that waiver is under consideration and may defer any action requiring deposit or payment, if desired by the requestor, until waiver has been granted or denied.

(7) *Waiver by officer.* Any Officer of the Postal Service, as defined in § 221.7 of this chapter, or his designee, may waive in whole or in part any fee required by this part or the requirement for advance payment or advance deposit of any fee.

(8) *Waiver of fee for changes of address.* The fee prescribed by paragraph (d) of this section is waived in the following circumstances for providing change of address information for:

(i) Telegraph companies when the sender of the telegram is the U.S. Government.

(ii) Federal, state, and local public health officials when the persons being sought are infected with or exposed to contagious diseases.

(iii) Federal, state, and local government agencies, upon certification that the change of address is required for the performance of their duties, and all other known sources for obtaining the change of address have been exhausted.

(iv) Postage meter manufacturers when they are attempting to locate a missing meter.

(f) *Accounting for fees.* Custodians shall account for fees paid in accordance with this section as follows:

(1) Deposit fees received as postal funds. Record the amounts collected as write-in entries to A/C 49299, Miscellaneous. Other than U.S. Government Agencies, in the cashbook and statement of account. Record the manner paid, the amount received, and the number of hours used to compile lists or prepare copies of other records released on the request for this information. Attach written replies to the customer's request stating the number of hours required to prepare information and the amount to be charged in lieu of the above notation. File materials chronologically.

(2) Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in paragraph (b)(3) of this section, plus the fees covered in paragraphs (b)(1) and (2), (c) and (d) of this section will enter the fees in A/C 40990, Miscellaneous; ADPC complexes will enter in A/C 49299, Miscellaneous, Other than U.S. Government Agencies. Other installations will enter all fees deposited in A/C 40990.

(39 U.S.C. 401; 5 U.S.C. 552(a)(4)(A))

ROGER P. CRAIG,
Deputy General Counsel.

APPENDIX A—INFORMATION SERVICES PRICE LIST

SYSTEM UTILIZATION CHARGES

Processor Utilization S/360 Model 65, $150.00/Process Hour.
Selector Channel Utilization, $52.40/Channel Hour.
Multiplexor Channel Utilization, $18.52/Channel Hour.

SYSTEM OCCUPANCY CHARGES

Processor Storage, $0.53/K/Occupancy Hour.
Extended Core Storage, $0.24/K/Occupancy Hour.
2314 Disk, $22.38/Occupancy Hour.
2400 Tape Drive, $14.50/Occupancy Hour.
1288 Scanner, $48.44/Occupancy Hour.
3330 Disk, $9.12/Occupancy Hour.

SYSTEM SPOOLING CHARGES

Local Card Reading, $0.17/1,000 Cards.
Remote Card Reading, $0.17/1,000 Cards.
Local Printing, $0.20/1,000 Lines.
Remote Printing, $0.20/1,000 Lines.
Local Punching, $0.51/1,000 Cards.
Remote Punching, $0.51/1,000 Cards.

PERIPHERAL CHARGES

AMUS Support, $4,850.00 Per A/P.
H-1200 Processing, $67.25 Hours.
Optical Scanning, $40.00 Hours.
Keypunch, $3.80 100 Cards.
Xerox, $2.63 Per 100 CPY.
Terminal Rental, $150.00 Terminal.
RJE Terminal, $2,300.00 Terminal.
RJE Terminal (Secaucus), $3,120.00 Terminal.
APL Service, $150.00 Terminal.
Programming Support, $19.60 Hours.
Programming Support O/T, $29.40 Hours.
Systems Analysis Support, $22.50 Hours.
Systems Analysis Support O/T, $33.75 Hours.
Education Services, Cost Per Student.
Data Transmission, $46.00 Hours.
Aids Support, $16,250.00 Per A/P.
Special Forms, 1 Part, $0.0100 Per Page.
Special Forms, 2 Part, $0.0200 Per Page.
Special Forms, 3 Part, $0.0300 Per Page.
Special Forms, 4 Part, $0.0400 Per Page.
Special Forms, 6 Part, $0.0500 Per Page.
Special Forms, Multilith, $0.0600 Per Page.

STATISTICAL SERVICES AND SUPPORT

Statstical System Design and Development, $31.00 Hour.
System Maintenance and Operation, $31.00 Hour.
Special Statistical Projects, $31.00 Hour.
Model Development and Analysis, $31.00 Hour.
Management Science or Services, $31.00 Hour.
System Implementation, $31.00 Hour.

[FR Doc.75-1946 Filed 1-17-75;9:54 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 200]

[Release Nos. 33-5556, 34-11184, 35-18772, 39-376, IC-8639, IA-433; File No. S7-546]

SCHEDULE OF FEES FOR DOCUMENT SEARCH AND DUPLICATION SERVICES

Opportunity To Submit Comments

On November 21 1974, the Congress passed over the veto of President Ford a series of amendments to the Freedom of Information Act (the "Act"), 5 U.S.C. Section 552, which go into effect on February 19, 1975, 90 days from the date of enactment. Under the new law, all agencies are required to establish, "pursuant to notice and receipt of public comment," a uniform fee schedule applicable to all requests made pursuant to the Act .

The Commission has previously established a schedule of fees applicable to search and duplication services provided in response to a request under the Act. Duplication services are presently performed by the Commission's contractor and the fees charged the public are the same fees provided in our agreement with the contractor. Fees for search services are related to the cost to the agency of providing the services of a clerical employee. The Commission proposes to continue in effect its existing fee schedule.

The Commission's present rule provides that no fee shall be imposed for search services requiring less than one-half man-hour of work; this provision will be continued in effect. Continuation of this provision is consistent both with the

purposes served by the Act and with the Commission's role, as a depositary of information with respect to securities and issuers, in providing ready access to that information.

Present regulations also provide that no charge will be made for time devoted to an attempt to locate a record which was adequately identified when the attempt is unsuccessful unless, after the requester is notified that the record could not be found, the search is continued at his insistence. This provision will also remain in effect.

The Commission proposes to amend the present provisions of 17 CFR 200.80 (g) to provide:

(g) A current schedule of fees for record services, including locating and making records available, attestations and copying appears in Appendix E to this Subpart D, 17 CFR 200.80e. Copies of the current schedule of fees may also be obtained upon request made in person, by telephone or by mail from the public reference room or at any regional office of the Commission.

The remainder of paragraph (g), 17 CFR 200(g)(1) through 17 CFR 200(g)(5), will remain in effect as it now appears.

Appendix E to Subpart D, 17 CFR 200.80e, will appear as follows:

APPENDIX E—SCHEDULE OF FEES FOR RECORDS SERVICES

Searching and attestation services

Locating and making available records requested for inspection or copying (including overhead costs) [17 CFR 200.80(g)(1)]:

First ½ man-hour (no fee)	
Each additional ½ hour or fraction thereof	$2.50
Attestation with Commission Seal (in addition to other fees, if any) [17 CFR 200.80(g)(3)]	2.00

Payments for the above services must be made by check or money order payable to: "Treasurer of the United States." Address mailed payments to: Comptroller, Securities and Exchange Commission, Washington, D.C. 20549.

Facsimile Copies of Documents [17 CFR 200.80(g)(4)(i)]

Copies of public records filed with or retained by the Commission are provided by a commercial copier at rates established by a contract between the copier and the Commission. All requests for facsimile copies should be directed to the Public Reference Section, Securities and Exchange Commission, Washington, D.C. 20549. Cost estimates with respect to any copying job will be supplied upon request by the Public Reference Section.

Copies, when authorized, will be sent directly to the purchaser by the contract copier unless attestation is requested. The purchaser will be billed by the copier for the cost of the copies plus postage or other delivery charges, if any. Payment of all copying charges must be made to the official copier, not to the SEC, in the manner specified on the company invoice. The purchaser will be billed separately by the Commission for searching and attestation services, if any, at the rates noted above.

All of the following facsimile copying services provide copies 8½" x 14" in size, regardless of the size of the original. Material to be copied which cannot be copied onto one 8½" x 14" page without reducing character images to less than 6-point type size will be copied on two pages which the purchaser may match and join.

The following types of facsimile copying services are available. The stated time for delivery in each case begins to run only after receipt of the material by the contractor; if files cannot immediately be made available by the Commission, the time of shipment will be affected.

Regular service: Photostatic copies of originals or of other hard copies will be shipped within four working days after material is received by the contractor—per page	$0.15
Minimum charge per order for regular service	2.00
Delivery costs are additional.	
Priority service: Photostatic copies of originals or of other hard copies received by the contractor by the close of a business day will be shipped by the close of business of the following day—per page	$0.30
Minimum charge per order for priority service	5.00
Delivery costs are additional.	
Watching services: (1) Photostatic copies of Form N-1Q filings may be ordered in advance on a "when-filed" basis. Subscriber to this service may designate companies the filings of which he wishes to receive. Copies shipped by the close of business of the working day following receipt by contractor—per page	$0.40
Minimum charge per order	5.00
Delivery costs are additional.	
(2) Photostatic copies of a type of filing (e.g., S-1, S-2, S-3, S-16, Proxy, 8K) on a "when-filed" basis. Subscriber to this service may request automatic receipt of a specified type of filing. This service made available only for the complete filing as submitted to the Commission. Copies shipped by the close of business of the working day following receipt of documents by the contractor—per page	$0.40
Minimum charge per order	5.00
Delivery costs are additional.	
(3) Any non-standard demands requested by the customer, such as selection criteria not specified above in connection with watch services, may include a special order handling charge to be negotiated between the contractor and the customer depending on additional order handling requirements. Please address all requests for information to: Disclosure, Inc., 1400 Spring Street, Silver Spring, Md. 20910.	

Self-Service Copying Facilities [17 CFR 200.80(g)(4)(ii)]

In addition to the copying services described above, the contract copier maintains customer operated machines in the public references rooms of the Commission in Washington, D.C., New York, Los Angeles, and Chicago. These machines can be used to make immediate copies of material available for inspection in those offices, at a cost of 12 cents per page (up to 8½" x 14" in size).

Microform Copies of Documents [17 CFR] 200.80(g)(4)(iii)]

The Contractor also offers certain microform copying services pursuant to the contract. Microfiche copies are offered in a variety of subscription and special order services. Arrangements also may be made to subscribe to reports of companies selected by the requester, or to obtain microfiche of individual documents. The cost of microfiche service varies according to the type of service and the volume.

The Contractor supplying these services will supply information and price lists upon request. Please address all requests for information, and all orders for microform copies to: Disclosure, Inc., 1400 Spring Street, Silver Spring, Maryland 20910.

Interested persons are invited to submit their views on whether the proposed fee schedule should be adopted. To be considered, written statements of views and comments should be submitted to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before February 12, 1975. All such communications should refer to File No. S7-546, and will be available for public inspection.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JANUARY 16, 1975.

[FR Doc.75-1886 Filed 1-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20247]

CABLE TELEVISION ANNUAL FINANCIAL REPORT

Extension of Time for Comments

Order extending time (39 FR 42922).

In the matter of Amendment of Part 76, Subpart I of the Commission's rules and regulations with respect to the Cable Television Annual Financial Report (FCC Form 326), Docket No. 20247.

1. The National Cable Television Association, by petition dated December 27, 1974, has requested a three week extension of time for filing comments in Docket 20247. In support, it is alleged that the technical nature of the inquiry requires that the Association receive input from the industry to file informed comments and the holiday vacations have delayed preparation of their comments.

2. It appears that good cause has been shown for a time extension. However, we are hopeful of resolving this proceeding promptly, and believe a two week rather than a three week extension is appropriate. Reply comments will be rescheduled accordingly.

Accordingly, it is ordered, Pursuant authority delegated under § 0.289 of the Commission's rules, that the National Cable Television Association's petition for an extension of time is granted, to the extent indicated above and that the times for filing comments and reply comments in the above-captioned proceeding are extended until January 17, 1975 and January 27, 1975, respectively.

Adopted: January 7, 1975.

Released: January 13, 1975.

DAVID KINLEY,
Chief,
Cable Television Bureau.

[FR Doc.75-1758 Filed 1-17-75;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-5/5]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE

Notice of Study Group Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on February 13, 1975 at 10:30 a.m. in Room 752 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The agenda of the February 13 meeting will include continued consideration and development of positions the U.S. should take at international CCITT meetings on a variety of questions left unresolved following the meeting announced in the FEDERAL REGISTER of November 7, 1974 (39 FR 39479). Included will be a further review of developments which have occurred at international CCITT meetings during 1974 concerning general tariff principles covering the lease of telecommunication circuits.

Members of the general public who desire to attend the meeting on February 13 will be admitted up to the limits of the capacity of the meeting room.

Dated: January 13, 1975.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.75-1768 Filed 1-17-75;8:45 am]

Agency for International Development

[99.1.32]

AID AFFAIRS OFFICER, VENEZUELA

Cancellation of Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836) dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.32 to the AID Affairs Officer, Venezuela (38 FR 29094). This revocation is effective immediately.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

JANUARY 3, 1975.

[FR Doc.75-1705 Filed 1-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AFROTC ADVISORY PANEL

Notice of Meeting

JANUARY 14, 1975.

Members of the Air Force ROTC Advisory Panel will meet on January 27, 1975, commencing at 9 a.m. in room 4E871 of the Pentagon.

During this annual meeting, the participants will review 1974 actions on panel recommendations and discuss scholarships, course credit, status of AFROTC, enrollment/production, recruiting, retention, minority groups, women, technical specialties, flyers, summer encampments, multiple factor system, institutional reimbursement, and accession needs. An executive session and report to the Secretary of the Air Force are scheduled in the afternoon.

For further information on this meeting, contact Colonel Jack Tebo, Executive Secretary, AFROTC Advisory Panel, on 202-695-4477.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-1699 Filed 1-17-75;8:45 am]

F-15 BEDDOWN AT LANGLEY AIR FORCE BASE, VA.

Notice of Public Hearing

JANUARY 13, 1975.

In accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the United States Air Force will conduct an informal public hearing in Hampton, Virginia, on January 29, 1975, concerning the draft environmental statement on a proposal to beddown F-15 fighter jets at Langley Air Force Base, Virginia. The hearing is scheduled to begin at 7:30 p.m. in the C. Alton Lindsay Junior High School, 1636 Briarfield Road, Hampton, Virginia.

The draft environmental statement discusses the proposal to phase in 72 F-15 fighter jets beginning in January, 1976, and ending by January, 1977. Coincident with the phase in of F-15 aircraft will be the phasing out of 47 operational C-130 turboprop transport aircraft. The change in mission is expected to result in a net average daily increase of 20.7 take-offs and landings. An increase in noise from the F-15 operations will impact on an additional 2,230 people in a 46 acre area.

Individuals desiring to participate in the hearing are asked to submit a request in writing to Colonel James E. Mathews, Staff Judge Advocate, 4500th Air Base Wing, Langley Air Force Base, Virginia 23665, or by calling his office on 804-764-3276. Copies of the draft statement may be obtained from Headquarters, Department of the Air Force, Directorate of Civil Engineering, Environmental Planning Division, Washington, D.C. 20330, or Office of Information, 4500th Air Base Wing, Langley Air Force Base, Virginia 23665.

WALTER G. FENERTY,
Acting Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-1698 Filed 1-17-75;8:45 am]

Office of the Secretary

SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92-463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 13 and 14 February 1975 in Room 1E801, the Pentagon, Washington, D.C. Each session will commence at 9 a.m.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use by the Department of Defense of privately developed, commercially available off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several armed services and to recommend policies and procedures which will maximize these benefits.

This will be the first meeting of the Task Force. The planned agenda includes organizational matters and administrative arrangements for conducting the Task Force activities; detailed review and discussion of the charter; discussion of ways and means of achieving the objectives specified therein; translation of objectives into specific tasks; and assignment of work to the members.

Due to the limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address indicated below by February 6, 1975. Notices should include information with respect to interest and degree of participation.

Mr. John A. Mittino
Director, Weapons Support Systems
OASD(I&L) WS Room 2A318, Pentagon
Washington, D.C. 20301

Telephone inquiries may also be made of Mr. Mittino at (202) 695–0121.

Dated: January 15, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75–1707 Filed 1–17–75;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES AND CERTAIN WORKING GROUPS

Meetings

The Department of Defense Advisory Group on Electron Devices and various working groups thereof will meet in closed sessions on dates indicated below at 201 Varick Street, New York, New York:

Working Group A (Mainly Microwave Devices), February 11, 1975.
Working Group B (Mainly Low Power Devices), February 11, 1975.
Working Group C (Mainly Imaging and Display Devices), February 13, 1975.
Advisory Group on Electron Devices, February 25, 1975.

The purpose of the DOD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices: e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Public Law 92–463 are concerned.

Dated: January 15, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75–1708 Filed 1–17–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

1975 Final Aggregate Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On December 13, 1974, a notice of the proposed aggregate production quotas for these substances was published in the FEDERAL REGISTER (39 FR 241). All interested parties were invited to comment on or object to the proposed aggregate production quotas on or before January 13, 1975. Except with reference to Methylphenidate, no requests for hearings have been received by the Administration relative to the proposed quotas. Comments and objections relative to the proposed aggregate production quotas have been received from Western Fher Laboratories relative to Phenmetrazine, from Hoffman-La Roche Inc. relative to Alphaprodine, from Eli Lilly and Company relative to Amobarbital and Secobarbital, and from Richardson-Merrell Inc. relative to that portion of the Desoxyephedrine quota allocated for the production of Levo-Desoxyephedrine for use in the manufacture of a non-controlled substance. Specific details relative to these comments will be outlined in a future FEDERAL REGISTER notice.

Due to the fact that a request for a hearing has been received by the Administration with reference to the proposed aggregate production quota for Methylphenidate, the aggregate production quota for Methylphenidate does not appear in this order.

Based upon consideration of the factors set forth in 39 FR 241, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations orders that the aggregate production quotas for 1975 for controlled substances, expressed in grams in terms of their respective anhydrous bases, be established as follows:

SCHEDULE I

Basic class:	*Granted (1975)*
1-alpha-acetylmethadole	300,000
Tetrahydrocanabinols	500

SCHEDULE II

Alphaprodine	34,500
Amobarbital	12,504,986
Amphetamine	3,291,300
Anileridine	88,133
Apomorphine	2,000
Cocaine	600,000
Codeine (for sale)	46,273,000
Codeine (for conversion)	1,165,000
Desoxyephedrine	[1] 1,215,374
Dihydrocodeine	721,000
Diphenoxylate	1,133,000
Ecognine	200,000
Ethylmorphine	44,680
Fentanyl	2,000
Hydrocodone	800,000
Hydromorphone	70,200
Levorphanol	3,000
Methadone	3,245,000
Methadone Intermediate (4-cyano-2 dimethyl-amino-4, 4-diphenyl butane)	1,350,000
Methaqualone	19,668,335
Mixed Alkaloids of Opium	163,321
Morphine (for sale)	600,000
Morphine (for conversion)	42,182,000
Norpethidine	830,000
Opium (tinctures, extracts, etc. expressed in terms of opium)	1,904,000
Oxycodone (for sale)	1,769,400
Oxycodone (for conversion)	7,000
Oxymorphone	3,000
Pentobarbital	28,119,000
Pethidine	17,057,415
Phenazocine	225
Phenmetrazine	2,741,709
Secobarbital	18,450,000
Thebaine (for sale)	4,250,000
Thebaine (for conversion)	1,750,000

[1] (758,108 grams for the production of Levodesoxyephedrine for use in a non-controlled product, and 457,266 for production of Methamphetamine).

Pursuant to Title 21 Code of Federal Regulations, § 1303.23(c) the Administrator of the Drug Enforcement Administration will in early 1975 adjust individual manufacturing quotas allocated for 1975 based upon 1974 end of year inventory figures submitted by applicants and estimates of medical and scientific requirements to be provided by the Food and Drug Administration.

All persons who submitted an application for either an individual manufacturing quota or procurement quota for 1975 will be notified by mail as to their respective 1975 quota established by the Drug Enforcement Administration.

This order is effective on January 20, 1975.

Dated: January 15, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75–1790 Filed 1–17–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 47857]

KANSAS

Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 74–30099 appearing on page 44669 in the issue for Thursday December 26, 1974, in the second paragraph under the description of the "Sixth Principal Meridian, Kansas Leavenworth County," the fourth line from the bottom, now reading "radius of 1886.67 feet, 38417 feet; N 30°42'13''" should read "radius of 1886.67 feet, 384.17 feet; N 30°42'13''."

Fish and Wildlife Service

NATIONAL ZOOLOGICAL PARK

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:
National Zoological Park
Washington, D.C. 20009
Theodore H. Reed, D.V.M., Director

Miles S. Roberts
Assistant Curator
South Mammal Unit
Office of Animal Management

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Export two male and one female captive born Jaguar (endangered species) to Venezuala to participate in a supervised scientific reintroduction program under the auspices of Dr.Pedro Trebbau, Director, Jardin Zoologico, Caracas, Venezuela. The animals will also be used in natural history studies in semi-natural and natural conditions in Venezuela.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Zoological Park,
Washington, DC 20009
USA

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Exhibition , care and propogation of animals in captivity. The National Zoo also initiates and participates in scientific investigations of animals in captive, semi-natural and natural conditior
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr.Theodore Reed, Director 381-7222
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Export from Washington, DC to Caracas Venezuela direct.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT-5-3-X

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
See attachments. (communication w/ Trebau; grant proposal)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: Dec 15, 1974

11. DURATION NEEDED: 90 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachements.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Miles S. Roberts
DATE: December 5, 1974

3-200 (5/74)

DIRECTOR, FISH AND WILDLIFE SERVICE
U.S. Department of the Interior
Washington, D.C. 20240
(Attention Law Enforcement).

DECEMBER 5, 1974.

DEAR SIR: Below is permit application per paragraph 17.23, USDI Fish & Wildlife Regulations, Vol. 39, Number III for the export of 2.1 Jaguar (*Panthera onca*) from the National Zoological Park, Washington, D.C. to the Jardin Zoologicos Parque, Caracas, Venezuela.

17.23

1. Jaguar (*Panthera onca*)—two males born October 11, 1974 at the National Zoological Park and one female born in May 1974 at the Atlanta Zoo, Atlanta, Georgia.

2. Enclosed is a communique between Smithsonian Institution and Dr. P. Trebbau establishing agreement under which wildlife is to be imported into Venezuela. The three animals will be a gift from the National Zoological Park to the Government of Venezuela.

3. The Smithsonian Institution, National Zoological Park, is undertaking a major ecological investigation program in Venezuela in cooperation with the Organisation for the Conservation of Natural Resources in Venezuela, the Ministry of Rural Affairs, and the Jardin Zoologico, Caracas. Part of the research program involves ecological, behavioral, and reproductive investigations of the Jaguar (*Panthera onca*) to be conducted principally by Dr. G. G. Montgomery, National Zoological Park, and Dr. P. Trebbau, Director of Zoological Parks, National Institute of Parks, Venezuela.

It is proposed (see attachment) that the three animals to be exported will be released into a 100 meter x 50 meter compound enclosing a portion of natural forest. In this compound, basic natural history, growth and development and reproductive data will be recovered from these animals to be correlated with work being conducted simultaneously on a natural, wild population of Jaguars elsewhere in Venezuela. Additionally the feasibility of reintroducing these three animals

into nature will be studied. This aspect of the study is extremely important as it will give valuable information as to the feasibility of reintroducing captive born carnivores back into nature. If reintroduction is deemed unfeasible, the animals will be taken to the Jardin Zoologico in Caracas where they will become part of an ongoing program of reproduction and natural history study under the auspices of Dr. Trebbau.

4. The three Jaguars will be maintained in a 100 meter x 50 meter fenced compound enclosing natural Venezuelan forest in a protected watershed area 15 miles east of Caracas. The animals will be maintained by personnel from the Smithsonian/Venezuelan Research Program and the National Institute of Parks, Venezuela. For technical purposes the address for the base of operations for the Jaguar Program will be:
Dr. Pedro Trebbau
Direccion de Parques Zoologicos
Parqua Caricuao
Apdo. 28058
Caracas 102, Venezuela

5. All three of the animals involved in this permit application were captive born in the United States in approved zoos. (See paragraph 1)

6. As these animals were all captive born no impact will be effected on natural populations of Jaguar except in a positive sense.

7i. The area where the animals will be maintained is a completely enclosed natural forest area 15 miles east of Caracas. The compound is 100 meters x 50 meters and is located in a protected (patrolled by the National Institute of Parks security) watershed area.

7ii. Technical expertise will be supplied by the National Zoological Park, Smithsonian Institution; the National Institute of Parks, Venezuela; and the Organization for the Conservation of Natural Resources in Venezuela. All three of these organizations have the most serious interest in the preservation of wildlife and the National Zoo and the Institute of Parks have had extensive experience in reproducing many diverse species of animals. Both the National Zoo and the Institute of Parks have successfully reproduced the Jaguar in captivity and both organizations intend to continue to do so.

7iii. The National Zoo, the Institute of Parks, and the Organization for the Conservation of Natural Resources will readily participate in cooperative breeding programs and in the maintenance of a studbook on *Panthera onca*.

7iv. The animals will be shipped in wooden, metal reinforced crates approximately 48" long x 24" wide x 36" high. Water pans will be included in the cage but as in-transit time is estimated at less than 12 hours no special accommodations will be made for feeding. The animals will be accompanied, in transit, by either Dr. John Eisenberg of the National Zoo or by Dr. Dale Marcellini also of the National Zoo. Special arrangements, as necessary, will be made by the accompanying official.

The animals will be aided through customs and health inspection by both the accompanying official and Dr. Pedro Trebbau. The animals will then be sent to the Jardin Zoologicos, Caracas, for necessary quarantine under the supervision of a registered veterinarian.

These animals are to be used in a research project which is a part of a broad ecological investigation of the Wildlife of Venezuela. The research project goals are to obtain information on this specific endangered species and to investigate the feasibility of "restocking" wild populations with captive born animals. This end can be seen as an attempt to achieve one logical endpoint of the captive propagation of endangered species. This approach is all the more appropriate and salient at this time in view of the fact that zoos appear close to the saturation point in Jaguars. This contention is supported by the fact that the National Zoo and other zoos, have recently encountered great difficulty in disposing of their Jaguar surpluses. The National Zoo, for example, attempted to dispose of a surplus pair on the zoo market for more than five months during 1973/74.

Your prompt attention to this application is appreciated.

Sincerely yours,

MILES S. ROBERTS,
Assistant Curator, South Mammal Unit, Office of Animal Management, National Zoological Park.

A RESEARCH PROPOSAL FROM THE OFFICE OF ZOOLOGICAL RESEARCH, NATIONAL ZOOLOGICAL PARK, SMITHSONIAN INSTITUTION

VERTEBRATE ECOLOGY IN THE RAINFOREST AND SAVANNA—A COMPARISON

Research Coordinator (US). Dr. John F. Eisenberg.[1]

Research Coordinator (Venezuela). Dr. Edgardo Mondolfi.[2]

Associated Scientists (US). Dr. G. G. Montgomery, Zoologist, NZP, Dr. E. Morton, Zoologist, NZP, Dr. D. Marcellini, NZP.

Collaborators (US). Dr. D. G. Kleiman, NZP, Dr. Y. Lubin, STRI, Dr. N. Smythe, STRI, Dr. R. W. Thorington, USNM.

Associated Scientists (Venezuela). Sr. Tomas Blohm, Dr. V. Canestri, Dr. J. Gomez-Nuñez, Dr. E. Medina, Dr. J. M. Pacheco, Dr. P. Trebbau.

INTRODUCTION

Basic ecological and behavioral studies for many mammalian species in the neotropical region are virtually nonexistent. Adequate information concerning numerical abundance, distribution, feeding patterns, reproductive cycles, and biomass estimates for a wide variety of vertebrate species are indispensable for conservation and management efforts. Conservation efforts directed toward the preservation of neotropical species have lagged behind comparable efforts in other parts of the world. The need for sustained research in neotropical habitats is becoming more critical as habitat destruction and competition for land use are increasing logarithmically through South America.

We propose to offer two programs to the appropriate agencies in Venezuela: (a) an instructional program including some lectures, but mostly practical field work to be implemented through a university chosen by the relevant Venezuelan officials. This instructional program to concern itself with tropical ecology and wildlife management techniques.

(b) We propose to establish, through the medium of the teaching program, surveys in selected Venezuelan habitats to determine numerical abundance, feeding patterns, reproductive cycles, and biomass estimates for selected mammalian and avian species.

The data gathered and the instructional program should find direct applications in the area of wildlife management and in the maintenance of national park systems in Venezuela.

Preliminary efforts concerning censusing, biomass estimation, carrying capacity estimation, and a variety of ecological studies have been carried out on Barro Colorado Island in the Panama Canal Zone by Eisenberg, Thorington, Montgomery, and Sunquist. Radio-tracking techniques developed by Montgomery have been successfully applied to sloth populations (*Bradypus* and *Choloepus*) as well as to anteaters (*Tamandau* and *Cyclopes*) (Montgomery and Sunquist, in press; Sunquist and Montgomery, 1973). The structure of the neotropical mammalian fauna on Barro Colorado Island is analyzed in the publication by Eisenberg and Thorington (1973). The role of the sloth in neotropical ecosystems has been discussed and summarized by Montgomery and Sunquist (in press).

Our studies on Barro Colorado Island point up the important contribution to the ecosystem made by primates, edentates, and caviomorph rodents. The small size of Barro Colorado Island (15 km²) imposes an unnatural restriction on the ecosystem by limiting or excluding populations of large herbivores, such as *Tapirus* and *Odocoileus*, as well as their predator complements, the larger cats. We feel it is imperative that the techniques developed on Barro Colorado Island be applied to a more representative ecosystem in tropical America. The use of techniques developed on Barro Colorado Island and in the tropical forests of Ceylon (Eisenberg and Lockhart, 1972) should prove invaluable in the comprehensive study of mammalian ecology which we propose.

The practical application which might accrue from such studies includes the development of programs for the orderly harvesting of some species on sustained basis (see Ojasti, 1973). Recent demands for laboratory primates makes such programs highly desirable. The basic ecological data on which to base such programs is still unavailable on primate populations and many areas are suffering from a lack of proper management.

The principal investigators have had a great deal of experience studying tropical mammalian ecology; Eisenberg has worked in Panama, Madagascar, and Ceylon and has been responsible for an ecological survey on Ceylon comparable to the one proposed herein (Eisenberg et al, 1972). Dr. Montgomery first successfully applied radiotracking to a neotropical edentate in his classical study of the sloths (*Bradypus* and *Choloepus*) on Barro Colorado Island, Panama (see Montgomery et al, 1973). Dr. Kleiman is one of the foremost authorities on the behavior of neotropical caviomorph rodents (Kleiman, 1970, 1971, 1973, 1974).

The team of senior investigators will provide training for graduate students in the process of studying the two proposed neotropical ecosystems. We anticipate that at least 40 percent of the field effort will be accomplished by a training program involving graduate students drawn from Venezuelan universities.

The following sections outline the specific aims of the research program, procedures to be used, and personnel schedules.

CARNIVORES

In keeping with our attempt to access the role of predators in the communities under study, we wish to enter into a three-year study of the larger cats. Considerable interest in the ocelot, *Felis pardalus*, will necessitate radio-tracking operations in Guatopo National Park and/or other areas to be selected. Montgomery will assume primary responsibility for the development of this project with aid from the World Wildlife Fund. At the conclusion of the first year's study of ocelot behavior, Montgomery should

[1] Resident Scientist, Office of Zoological Research, National Zoological Park, Smithsonian Institution, Washington, DC. 20009. Tel.: Area code 202-381-7249.

[2] Executive Director, Consejo de Bienestar Rural, Apartado de Correos 61.407 Caracas 106, Venezuela.

be in a position to initiate research on the jaguar, *Panthera onca*. The jaguar can be studied in Guatopo National Park, but a second study site may be selected, given appropriate reconnaissance. The presence of the jaguar in Guatopo was confirmed by Koford in 1973. A detailed plan of the operation will be forthcoming from Montgomery pending his return from Venezuela in July of 1974.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 13, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1674 Filed 1-17-75;8:45 am]

NATIONAL ZOOLOGICAL PARK

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
National Zoological Park
Smithsonian Institution
Washington, D.C. 20009
Theodore H. Reed, D.V.M., Director

OMB NO. 42-R1370

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE - ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To import 2.2 white-winged wood duck, Cairina scutulata, on loan for breeding study and zoological display.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Zoological Park
Smithsonian Institution
Washington, D. C. 20009

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Birds Unit, Office of Animal Management
National Zoological Park
Smithsonian Institution
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (202) 381-7221
Theodore H. Reed, D.V.M., Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
NA

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
National Zoological Park
Rock Creek Park
Washington, D. C.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
5-SC-564 Guy A. Greenwell, Curator of Birds
#PRT-5-3-X (Injurious Animals)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
NA

9. CERTIFIED CHECK OR MONEY ORDER (If Applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: January 1, 1975
11. DURATION NEEDED: April 15, 1975, or until arrival

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Letter dated 12/16/74 giving details as required under 17.23.
Letter dated 09/05/74 offering the birds.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) T. H. Reed D.V.M. | DATE 18 Dec 74

9-200
05/240

T. H. Reed, D.V.M.,

DIRECTOR,
Fish & Wildlife Service
Law Enforcement Division
U.S. Department of Interior
Washington, D.C. 20240

DECEMBER 16, 1974.

DEAR SIR: The undersigned hereby applies for an importation permit under Section 10(a) of the Endangered Species Act of 1973. We submit the following information pursuant to Sections 13.12 and 17.23 of Volume 39, No. 3, Part III of the FEDERAL REGISTER.

Section 17.23

(1) Common Name—White-winged wood duck; Scientific Name—*Cairina scutulata;* Number and description—Two males, 1974 hatch, Two females, 1974 hatch.

(2) These birds will be imported under a breeding loan agreement between the National Zoological Park and the consignor, The Wildfowl Trust, Slimbridge, Gloucestershire, Great Britain. (See copy of enclosed letter.)

(3) The birds for which this permit is sought were hatched and reared from eggs laid in captivity at The Wildlife Trust, Slimbridge. Gloucestershire, Great Britain. The parents and/or grandparents were reared from eggs collected in the wild in Assam under World Wildlife Fund Project #406, beginning in 1969.

That project consisted in part of collecting eggs during a deforestation project which was eliminating habitat of this forest dwelling bird. Eggs were hatched cooperatively and the young were reared on his tea plantation by Mr. M. J. S. McKenzie.

Young were distributed as follows, hopefully for propagation. Four went to the Gauhati Zoo, Assam. Four females and two males went to the Wildlife Trust in England. Four were to come to the National Zoological Park in Washington or to the collection of Dr. S. Dillon Ripley at Litchfield, Connecticut.

However, the three young which became available, products of the last rescue effort, were stopped by the U.S.D.A. waterfowl import embargo, aimed at Dutch duck disease. The three birds were sent to the Parc Zoologique de Cleres, at Cleres, France, Captain Jean Delacour's collection, for holding. One of the birds died during the two years they spent there. Then the U.S.D.A. Newcastle disease import embargo on all birds took effect. Finally, on March 14, 1974, one pair was received at the National Zoological Park. And on April 24, 1974, the male succumbed to what proved to be avian tuberculosis of long standing. The one female is being held in a large covered aviary at the National Zoological Park. To our knowledge, she is the only representative of the species in the U.S.A.

We have not heard that the birds at Gauhati Zoo have reproduced. The birds which went to Slimbridge in 1969 or 1970, however, produced gradually increasing numbers of young until about 30 were hatched in 1974. It is four of these birds we are asking for.

We plan to try to establish a compatible breeding situation among some of the two males and three females we hope to have after this importation. We want to study nutritional requirements, food preferences, breeding biology, behavior, nest preferences, artificial and natural egg incubation requirements, growth and maturation rates, fledging patterns and cage space preferences. In addition to these activities, we will try to build up a breeding population in the U.S., where the species has been displayed only rarely and sporadically.

When we have established a breeding nucleus at the National Zoological Park, we will transfer our major breeding effort to our Conservation and Research Center at Front Royal, Virginia. There we are starting sustained breeding programs for endangered and/or threatened species.

Some of the birds would be in display at the National Zoological Park almost continuously. Explanation of the nature of the project would be displayed with the birds. Thus our approximately 5,000,000 annual visitors would have the opportunity to share in it.

Benefits to wild populations can occur in two areas. The first would be the feeding back of basic biological data, now largely questionable, to Indian wildlife conservators and biologists. Parallel intensive study of unknowns, at the National Zoo and at Slimbridge, should result in rapid development of facts. Secondly, we would help to establish a captive population which would be available for reintroduction to the wild, if in the future such action is warranted.

When a captive flock of sufficient size is amassed, further study should be made. Conditions of habitat in the wild should be assessed, possibly by a Smithsonian sponsored reconnaissance, to determine whether we should breed for reintroduction or for maintenance of a captive population. If the latter course were adopted we believe now that we would want to disseminate any surplus to other qualified bird breeders and zoos.

The results, observations and scientific data collected on the birds will be published in various avicultural and ornithological journals as well as the annual report of the National Zoological Park.

(4) The National Zoological Park consists of 160 acres in Rock Creek Park in Washington, D.C. 20009. It is operated by the Smithsonian Institution. It displays 125 species of mammals, 340 species of birds and 130 species of reptiles and amphibians. About 10% of a redesign and modernization program estimated to cost $70,000,000.00 has been started. Therefore, most, if not all, of its facilities are being or will be redone. It is operated by a staff of 300 people. Its animal health staff has eight people and its research staff consists of five scientists. The Birds Unit consists of the Curator, Head Keeper, two Biological Technicians and thirteen keepers.

The Front Royal Conservation and Research Center is 3100 acres located one mile south of Front Royal, Virginia, recently transferred to the National Zoological Park from U.S.D.A. It has been a beef breeding farm so facilities for hoofed stock are being prepared first. Some of those require only high fencing to be complete. Birds facilities are planned under the 1975–1976 budget. Several buildings are available, plus several trickling streams and adequate space.

(5) The four (4) white-winged wood ducks under this application were hatched in captivity at Slimbridge.

(6) Not applicable. No birds will be taken from the wild.

(7) (i) The birds will be housed initially in a wire mesh cage seventy-five feet long, forty feet wide and with an arched top approximately thirty feet high. This cage has an artificial stream running through it. City water supply is piped directly to the cage and forms the stream. This continuously running water is emptied into the District of Columbia sanitary sewer system. Within the cage there are two oval concrete pools about eight feet by ten feet and fourteen inches deep which interrupt the stream. Heated shelters are provided, one at ground level and three at a height of approximately twelve feet. Heat is by electric radiation.

The cage is planted with shrubs and small trees. Bamboo clumps will be added. One very large hollow tree with artificial floors beneath nesting holes at several levels has been added. The National Zoological Park has appropriations for additional plants as required.

The cage is in a sheltered valley, protected from wind. If necessary in wintertime the cage will be covered or partially covered with sheet plastic. In the event of weather which presents a real threat to the birds well-being, they can be moved into one of the large aviaries in the Bird House. Additional nesting sites are planned.

When more than one pair is formed, adequate additional pen space will be made available. The zoo has a total of about 120 cages, pens and aviaries, on and off display.

(7) (ii) Medical care for the birds will be under the direct supervision of the National Zoological Park veterinarians and pathologist. The behavioral aspects of their courtship and breeding patterns will be observed and recorded under the direction of the ornithologist in our Scientific Research Section, Dr. Eugene Morton. Recording by film, tape and slides is anticipated. Vocalization analysis and recordings are planned.

The management and care of the birds will be the direct responsibility of our Curator of Birds, Mr. Guy A. Greenwell, who has had many years experience in keeping and rearing wild waterfowl. Of the closely related waterfowl, Mr. Greenwell has kept and bred the wild muscovy duck, *Cairina moschata*, North American wood duck, *Aix sponsa*, the mandarin duck, *Aix galericulata*, and the lesser Brazilian teal, *Amazonetta b. brasiliensis*, for several many years. He has bred the greater Brazilian teal, *Amazonetta b. ipecutiri*, for fewer years, and he has kept but not bred the Old World comb duck, *Sarkidiornis m. melanotus*, and the black spur-winged goose, *Plectropterus gambensis niger*. Thus, of the whole tribe of the perching ducks, only the present species, the very rare Hartlaub's duck, *Cairina hartlaubi*, and the pygmy geese, *Nettapus* spp., are outside his experience.

Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, well-known ornithologist and aviculturist and one of the instigators and participants of the original World Wildlife Fund project, will participate as advisor on this project. Dr. Ripley is a scientific associate of the National Zoological Park and has worked closely with us in maintaining and breeding birds, particularly waterfowl. Too, he has rendered assistance and advice to the Gauhati Zoo for their birds. His advice to the National Zoo will be based on continuing interest in the welfare of the species.

(7) (iii) As the birds breed, full and complete records will be kept. Genetic bloodline interchanges will be sought. We will actively participate in maintenance of a studbook.

(7) (iv) Not applicable. Details of crating, feed and water containers, etc., should be left to the shippers. The Wildfowl Trust has more expertise in this field than anyone at this zoo or anyone who could possibly review this application. They are the only *concerned and experienced* white-winged wood duck shippers in the world.

Upon arrival at J.F.K. Airport the birds will be met by the U.S. Dispatch Agency of the U.S. Department of State and carried in bond to the U.S.D.A. animal quarantine station at Clifton, New Jersey, as U.S.D.A. requires. We will consult with the quarantine station management regarding diets and care as we do on all delicate imports. When the quarantine is completed, our Curator of Birds will pick up the birds at Clifton and take them to Washington, using the containers in which the birds are imported.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in the application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to criminal penalties of the 18 U.S.C. 1001.

Very truly yours,

THEODORE H. REED, D.V.M.,
Director, National Zoological Park.

SEPTEMBER 5, 1974.

G. A. GREENWELL,
Curator of Birds, National Zoological Park, Smithsonian Institution, Washington, D.C. 20009, U.S.A.

DEAR GUY: Thank you for your letter, sorry I have not answered it sooner but you know how busy a breeding season can be.

We would certainly like to lend you two pairs of White-Winged Wood Duck. They will, of course, be on the same conditions as the Nene's were, that is the birds that are bred are not resaleable and are still Wildfowl Trust property although they can be loaned out to other zoo's with the Trust's approval.

If this is agreeable to you we are ready to ship the birds as soon as you can acquire a permit and a quarantine space.

No doubt you are now in the middle of your trip to Australia and then to Europe, so I will probably be seeing you before you receive this letter. I will in fact be in America on 16th of this month to attend the Federation Convention in New York.

Look forward to hearing from you.

Yours sincerely,

M. R. LUBBOCK,
Curator.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1675 Filed 1-17-75;8:45 am]

SAN DIEGO ZOOLOGICAL GARDEN

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
San Diego Zoological Garden
Post Office Box 551
San Diego, California 92112
Clyde A. Hill, Curator of Mammals

DECEMBER 11, 1974.

DIRECTOR (FWS/LE)
U.S. Fish & Wildlife Service
U.S. Department of the Interior
P.O. Box 19183
Washington, D.C. 20036

DEAR SIR: Title: Application to import one male and one female jaguar *Leo onca onca* from Fundassao Parque Zoologico de Sao Paulo, Brazil.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit. One black male jaguar born at the Sao Paulo Zoo on 16 August 1973. One female spotted jaguar born at the Goiania Zoo on 21 September 1974 now residing at the Sao Paulo Zoo. Both animals are *Leo onca onca* (listed as *Panthera onca* on the USDI endangered wildlife list).

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife. Attached is a photocopy of a letter from the Director of the Sao Paulo Zoo which is an agreement for an exchange of one orangutan for the above described jaguars. Page 2 of Dr. Autuori's letter describes the country of origin, the birthplace of the animals and the birthplace of the animals' parents. The weight is also found on page 2. In addition there is a photocopy of the Brazilian Government's permit allowing the sale of jaguars.

3. A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project. Most jaguars in the United States cannot be traced to the subspecies level, in fact, most are subspecific hybrids because the species breeds rather well in captivity and zoos, generally, have not been particular about subspecies breeding lines. We are interested in establishing a breeding nucleus of a known subspecies. In addition, the black color phase is uncommon in zoological collections. Therefore, the male will be an excellent display animal and a demonstration of the natural phenomenon of melanism in animals.

Thus, San Diego will have a normal colored jaguar and a melanistic jaguar. Not only will the black jaguar be an eye-catching educational exhibit, he will also provide us with cubs carrying this trait. Black jaguars have always been valuable in the zoo market, therefore, cubs from this pair should be sought after by other zoos wishing to set up exhibits similar to ours.

Our present pair of jaguars are very old, in fact no longer productive. Their last cubs were born in 1968. The male will have been in the San Diego Zoo 18 years in May of 1975. The female will have been with us for 15 years next March. Many jaguars have been born at the San Diego Zoo in the present facility and have been shipped to zoos all over the world.

Because we accurately know the ancestry of the Sao Paulo cats they, and their progeny, will be valuable museum specimens upon their death both as scientific study specimens and exhibit specimens. Since museums must also obtain endangered species permits for collecting, zoo animals are more highly sought after by museums than ever before. The San Diego Zoo has always worked closely with various well known museums to provide them with specimens. Our mammal inventories are periodically sent to the American, Smithsonian, Denver and Los Angeles County natural history museums. Order lists from these museums (and others) are sent to us, allowing a minimum of delay passing on specimens.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained. These animals will be held at the San Diego Zoo. This institution is owned by the City of San Diego but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo, Box 551, San Diego, California 92112, telephone: 714-234-5151.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild. As documented in Dr. Mario Paulo Autuori's letter, both animals were captive born.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild. Both animals are zoo born, thus will not be a drain on the natural population of wild jaguars.

7. (i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed. The self-explanatory drawings are enclosed; this facility has proven to be successful in displaying and breeding the species.

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported. See enclosed personnel resumes.

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook. We are most willing to do both.

(iv) A detailed description of the type, size and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements of caring for the wildlife on importation into the United States. As the director of the Sao Paulo Zoo stated in his letter on page 2, the animals will travel by Pan American to Miami. At Miami the animals will be met by our customs house broker, Mr. Jim Hamner, Novo, International Air Freight, P.O. Box 48/1292, Miami, Florida 33148. Mr. Hamner is well experienced with animal needs for not only has he been our broker for many years but has also been the broker for such wild animal firms as Charles Chase Company, 7330 NW. 66th Street, Miami, Florida 33166. Should any extra care be needed, the facilities of the Miami Zoo are nearby, see enclosed letter to director of Miami Zoo. From Miami the animals will travel via Airlift International to Los Angeles. We will meet the jaguars at Los Angeles and transport them to the San Diego Zoo. Although Dr. Autuori did not go into detail concerning the exact construction of the crate, there should be little worry since this is a large, competently staffed and well known zoological garden.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any

false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals,
San Diego Zoological Garden.

Enclosures including $50 permit fee check.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1676 Filed 1-17-75;8:45 am]

JAMES R. SPOTILA

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
James R. Spotila, Ph.D.
Department of Biology
State University College
1300 Elmwood Avenue
Buffalo, New York 14222

DECEMBER 2, 1974.

DIRECTOR
U.S. Fish and Wildlife Service
P.O. Box 19183
Washington, D.C. 20036

DEAR SIR: Enclosed please find my application for an endangered species permit for scientific research on the American alligator. I have followed all instructions on the application and included information required by 50 CFR 13.2 and 50 CFR 17.23. I would appreciate your efforts to expedite processing of my application so that I can begin my research. My Atomic Energy Commission grant is for one year (til June 30, 1975) and is renewable for two more years. Therefore, I am requesting a three year permit.

Attached please find a check for $50.00.

Sincerely yours,

JAMES R. SPOTILA, Ph.D.,
Assistant Professor, Biology Department,
State University at Buffalo.

OMB NO. 42-R1470

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Research project for AEC. Thermoregulation of Alligators & turtles from thermally stressed habitats. Laboratory and field studies of behavioral and physiological thermoregulations of alligators and turtles. Purpose is to develop accurate mathematical model to predict reaction of these animals to thermal effluents from power plants. A three year study is planned. See appendix I for copy of original research proposal

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
James R. Spotila Ph.D.-Dept. of Bio.
State University College
1300 Elmwood Avenue
Buffalo, New York 14222
716-862-6409

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6 ft. | WEIGHT: 180 lb.
DATE OF BIRTH: Dec. 21, 1944 | COLOR HAIR: Brown | COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 716-862-6409 | SOCIAL SECURITY NUMBER: 269-40-8496
OCCUPATION: Physical Ecologist - Assistant Professor of Biology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Department of Biology
State University College
Buffalo, N.Y.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Department of Biology
State University College
Buffalo, New York
New Science Building
Savannah River Ecology Laboratory
Aiken, S. Carolina - Wildlife Refuges in States of Florida, Georgia & Louisiana
Interstate shipment of live animals from field sites to Buffalo and back.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdiction and type of document)
States will not grant permits until a federal permit is obtained.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $50.00

10. DESIRED EFFECTIVE DATE: Jan. 1, 1975

11. DURATION NEEDED: 3 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Additional information attached as per CFR 13.12 and CFR 17.23

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): James R. Spotila — DATE: ~~2/12/74~~ ~~2/6/74~~ 12/2/74

9-205
(6/74)

James R. Spotila, Ph.D. ✓ December 2, 1974

ADDITIONAL INFORMATION

13.12a.

1–4. See application.

5. Endangered Species Permit. Under 13.12h the following information is required. That required by 17.23, see below.

6. Does not apply.

7–11. See application.

17.23a.

1. American Alligator—*Alligator mississippiensis.*

Up to 30 individuals of mixed sexes 1 ft. to 5 ft. in length, age unknown, to be brought to State University College per year for each of three years.

Up to 10 individuals of mixed sexes, lengths up to 15 ft. and ages—0 years to adult to be studied at Savannah River Ecology Laboratory per year for each of three years.

Up to 10 individuals of mixed sexes, lengths up to 15 ft. and ages—0 years to adult to be studied at wildlife refuges in Florida, Georgia, and Louisiana, probably including Okefenokee Swamp in Georgia and Rockefeller Refuge in Louisiana, per year for each of three years.

2. No importation planned.

3. For detailed information see Appendix I. Laboratory experiments entail implanting thermocouples in alligators to monitor internal temperatures of animals exposed to specific temperatures in an environmental chamber. After experiments animals will be returned to the site of their capture. Field experiments entail monitoring body temperatures of free roaming alligators in their natural habitat. Radio transmitters will be force fed to alligators. Past research has demonstrated that this will not harm the animals. All alligators will be returned to the wild after being studied. None of the experiments being planned will be lethal. As in any research effort the death of one or two individuals is a possibility but is not expected. For additional information see appended copies of scientific articles in Appendix II. Professional competence of the applicant is demonstrated by his curriculum vita (Appendix III) and by the fact that the Atomic Energy Commission has approved this research (see Appendix IV for copy of AEC contract).

4. Animals studied in the field will be left in their natural environment. Animals studied in the laboratory will be maintained in the animal room facility of the Biology Department, (see Appendix V for drawing), State University College at Buffalo. This facility is located in the New Science building on the Elmwood Ave. Campus. It features an aquatics room that is well lighted and ventilated, with ceramic tile walls and floors. Seven individual pens with sloping floors and individual water supplies can hold temporarily several alligators up to 5 ft. in total length. Continuously flowing water up to 12 inches in depth is maintained in each pen. A dry basking area is also available with an incandescent lamp in each pen. Alligators will be fed fish, rats, and mice. Animals will be brought to the laboratory, acclimated for up to two weeks in the animal room, tested for one week and then returned to their native habitat.

5. Does not apply.

6. Wild alligators must be used to obtain valid results. Zoo animals lose their natural thermoregulatory behavior and may provide faulty information.

7. Does not apply.

TRANSPORT OF ALLIGATORS

Wild caught animals will be sent to Buffalo in appropriately labeled, sturdy crates made of ¾" plywood supported and strengthened by 2" x 4" boards. Holes will be drilled in the plywood to provide ventilation. A water supply will be provided. Shipment will either be via air express or by State of New York vehicle under the care of Biology Department personnel. Cages will be up to 2 ft. x 3 ft. x 6 ft. in size for the 5 ft. long animals. Animals will not be fed in transit since travel time will be less than 1 day.

Veterinary care is available from the central animal care facility of SUNY—Buffalo, for all animals at the State College facility.

The complete Research Proposal and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1678 Filed 1-17-75;8:45 am]

ROBERT B. BERRY

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Mr. Robert B. Berry, R.D. #1, Chester Springs, Pennsylvania 19425.

DECEMBER 16, 1974.

Mr. LEN A. GREENWALT,
Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

DEAR MR. GREENWALT: In accordance with the provisions of Regulation 50 CFR 17, part 17-23 regulating Endangered Wildlife, I am enclosing complete application for "special use" permit to hold peregrine falcons in captivity for propagation and reintroduction purposes. Specifically, please find original letter of submission to Mr. Leo J. Badger, Application for Migratory Bird Permit (Form 3-200) with attached Schedule I, Project Outline and Application for Migratory Bird Permit for an individual, with attached Project Outline, Personal Resumé, photographs of the Chester Springs breeding facility, and the Peregrine Fund Newsletters No. 1 and 2.

Several months have transpired since my letter of original submission and we are rapidly approaching the spring breeding season. If you anticipate a delay in the approval of this permit, I would appreciate interim approval to receive one yearling male captive bred peregrine falcon (Falco peregrinus tundrius) from Cornell's Peregrine Fund Program.

The young male is to be placed with a currently unmated four-year-old female peregrine falcon in my facility. In order to reduce probable hostility and a real threat to the welfare of the male falcon, the transfer should be undertaken during the period of greatest sexual quiescence. Your immediate consideration to this urgent request is appreciated.

I trust the above information will enable you to issue the desired "special use" permit.

Very truly yours,

ROBERT B. BERRY,
Research Collaborator, The Peregrine Fund.

SCHEDULE I—HAWKS AND FALCONS HELD AT CHESTER SPRINGS BRANCH FACILITY OF THE PEREGRINE FUND, SUBMITTED AUGUST 8, 1974

Species name	Origin	Date captured	Location held
American Goshawk	Pennsylvania	June 1971	Chester Springs.
Do	do	June 1966	Do.
Gyrfalcon [1]	Baffin Island, N.W.T.	October 1967	Do.
Do [2]	Quebec	June 1971	Do.
Do [2]	do	June 1972	Do.
Do	do	June 1971	Do.
Do	do	June 1972	Do.
Peregrine Falcon [2]	Assateague Island, Md.	October 1967	Do.
Do [2]	Texas	June 1969	Do.
Do	Quebec	July 1971	Do.
Do [4]	Viet Nam	November 1969	Do.
Do	Quebec	July 1970	Do.
Do	do	June 1971	Do.
Do	Assateague Island, Md.	October 1966	Do
Do	Quebec	July 1971	Do.
Do	Keewatin, N.W.T.	July 1966	Do.

[1] On loan from Richard A. Graham (returned to Graham September 1974).
[2] Held under Pennsylvania Falconry Permit No. 3329.
[3] On loan from Dr. Granger Hunt.
[4] On loan from Richard A. Graham and James R. Robinson.

ROBERT B. BERRY,
Research Collaborator.

PROJECT OUTLINE

Applicant: Robert B. Berry—Yellow Springs Road, Chester Springs, Pa. 19425.

Detail reasons for need of specimen retention and/or collection. Include study title; project outline, include scheduled date for completion; research objective, if any; and name(s) of faculty advisor(s), sponsorship, etc., where applicable: See Attached Project Outline.

List numbers and species of birds required:

*3 Peregrine Falcons.
*2 Gyrfalcons.
2 American Goshawks.

List membership in ornithological, conservation, or scientific organizations: Research Collaborator, Cornell University Laboratory of Ornithology, Ithaca, New York; Raptor Research Foundation, Inc., Vermillion, South Dakota.

Additional information or remarks. (Show cooperators here.)

*2 Gyrfalcons and 1 Peregrine Falcon held under Pennsylvania Falconry Permit.

See Above and Attached Résumé.

Approved by _____
State Conservation Department

_____
Date

Signature _____
U.S. Fish & Wildlife Service

_____
Date

SUPPLEMENT TO APPLICATION FOR MIGRATORY BIRD PERMIT

Following to be completed if applicant is an individual:

Name: Robert B. Berry.

Mailing Address: R.D. 1, Yellow Springs Road, Chester Springs, Pa. 19425.

Phone No. (215)827-7147.

Date of Birth: 3/3/36, Height: 6'0", Weight: 160 lbs.

Color of Hair: Brown, Color of Eyes: Brown, Sex: Male.

Business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit: Research Collaborator, Cornell University Laboratory of Ornithology.

Following to be completed if applicant is a corporation, firm, partnership, institution, or agency, either private or public:

Name and address of the president or principal officer: N/A.

Certification (To be completed by all applicants).

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated: October 22, 1974.

ROBERT B. BERRY.

Please refer to applicable part of rules and regulations for additional information required on permit applications.

PROJECT OUTLINE—RAPTOR PROPAGATION PROGRAM, CHESTER SPRINGS BRANCH OF CORNELL UNIVERSITY'S PEREGRINE FUND

PURPOSE

The Peregrine Falcon, once the most cosmopolitan bird of prey, is threatened in North America and Europe because of sublethal effects of DDT and related chemical pollutants that alter its reproductive physiology and cause the production of abnormally thin eggshells, which break before hatching. In North America alone, the species has already disappeared as a breeding bird east of the Rocky Mountains and south of the Canadian boreal forests. In the West there are fewer than 25 eyries where Peregrines still breed. Even though the United States government has banned use of DDT, it is too late to be of much value in saving America's Peregrine Falcons. More than two-thirds of the 1½ million tons of DDT man has produced since 1946 is still chemically active, and its use is still increasing in Latin America, the winter home of many Peregrines and their prey. Many ornithologists and conservationists feel that wild Peregrines are doomed in most of North America and that one way to keep the species lies in captive propagation.

SCOPE

The main operational objective of this program is to maintain a research facility that can accommodate an experimental colony of falcons. The short-term practical goal is to develop a self-perpetuating captive falcon population on a scale large enough to provide a continuing supply for scientific, educational, and recreational uses. The long-term goal is the reintroduction of Peregrines in natural areas from which they have been extirpated.

DURATION

We estimate that it will take 3 to 5 years of exeprimental work to achieve the immediate goal of breeding falcons on a consistent and predictable basis. The long-range goal of restocking may require another 10 years and will only be feasible if there has been significant abatement of chemical pollution by that time.

HISTORY

The world of nature has been my world for as long as I can remember. Insects, birds, and animals, followed by fishing, hunting and falconry were the consuming passions of my youth. Only the emphasis has changed, a result of the already staggering effects of environmental degradation upon our wildlife heritage. As a falconer and a conservationist, I saw my first hunting companion, the Cooper's hawk, vanish from eastern Pennsylvania in the early 1950's. The magnificent Peregrine Falcon followed shortly thereafter and is now totally extinct as a breeding bird east of the Mississippi and south of the St. Lawrence River Basin. Remnant stocks exist in the West but are declining rapidly.

More than 20 years of falconry experience with the Peregrine Falcon coupled with extensive field studies of this species both in the arctic and on southern migration routes and established liaison with the scientific and business community places me in a unique position to make a significant contribution to the survival of the Peregrine Falcon and other endangered raptors through captive breeding.

CURRENT STATUS

As Research Collaborator of Cornell University's Laboratory of Ornithology, I operate a branch facility of The Peregrine Fund, located in Chester Springs, Pennsylvania. I am currently studying raptor behavior in falconry and am engaged in several raptor population surveys in the Arctic and along the Atlantic beaches. My captive propagation efforts encompass both the large falcons and the accipiters. Research facilities include a sizable behavioral ecology laboratory, similar in design to the Cornell facility, measuring 50 feet long by 36 feet wide and from 12 to 20 feet in height, suitable for housing up to 10 pairs* of falcons. Additional outbuildings are available for falcons as well as several spacious wire enclosed aviaries for accipiters.

ACCOMPLISHMENTS

My most significant contribution to date lies in the development of a new technique for the artificial insemination of raptors. In 1970, four fertile eggs from American goshawks (Accipiter gentilis) were obtained from what I have termed "cooperative" artificial insemination. In 1971, three young goshawks were successfully fledged, a first for both cooperative insemination and the propagation of the American goshawk in captivity.

I have also pioneered in propagation studies with Peregrine Falcons taken into captivity during their first southward migration. Based upon my observations as supported by other private breeding projects, we are now able to rule out categorically the probability of the "passage" falcons' successful reproduction in captivity.

*See photos attached.

In the 1974 year, 8 Peregrine Falcon eggs were received, all of which were infertile. The goshawks laid 5 eggs, one of which was fertile by cooperative insemination, regretfully dying immediately prior to hatching.

FUTURE PROSPECTS

The probability of successful Peregrine Falcon propagation in 1975 here in Chester Springs is good, with the odds swinging in my favor for the first time. I now have three pairs of eyas falcons and one mixed passage-eyas pair that are sexually mature and socially compatible. As mentioned above, one of these pairs laid eggs in 1974. They are a good bet in 1975. The other pairs will be experiencing their first full season together. One of the major problems to falcon breeding is compatibility, and it takes years to get the right birds together. The young Quebec female gyrfalcon (age 4) may lay in 1975, but the eggs may be infertile because of the younger male (age 3). Prospects for a successful year with the goshawks are excellent with the knowledge gained this season, if a suitable male can be located.

The above programs are admittedly visionary, but I believe they can be accomplished with hard work. They will require money and a great deal of goodwill and understanding from federal authorities, state conservation departments, researchers, falconers, and the concerned public.

RESUME

ROBERT B. BERRY, YELLOW SPRINGS ROAD, CHESTER SPRINGS, PENNSYLVANIA

Education:

The Haverford School, graduated 1954.

The Pennsylvania State University, 1959, B. S., President, Delta Tau Delta Fraternity.

Wharton Graduate Division of the University of Pennsylvania, 1961, M. B. A. (Insurance).

Professional Services and Experience:

Vice President, United States Liability Insurance Group, in charge of nationwide casualty underwriting. January 1963 to present date.

Casualty Reinsurance Underwriter, Stuyvesant Insurance Company. June 1961 to December 1963.

Automobile Underwriter, United States Liability Insurance Group, December 1958 to January 1961.

Practice of Falconry: has used all of the commonly trained diurnal raptors native to North America; extensive local and arctic field study of birds of prey; specialized in peregrine falcon from 1950 to present date with more than 50 individual birds handled in falconry and for scientific studies. 1946 to present date.

Federal Bird Banding (Permit No. 8861) with Pennsylvania, Maryland, and Virginia state permits; specializing in raptors. 1962 to present date.

Captive breeding and behavioral studies of American goshawk, Cooper's hawk, peregrine falcon and gyrfalcon; pioneered in the artificial insemination of raptors. 1965 to present date.

Annual Arctic Census of Peregrine Falcon populations and other raptors, including collection of addled eggs, prey remains and falcon biopsies for pesticide analysis. 1967 to present date.

Annual Autumn Census of Migrating Peregrine Falcons on Assateague Island National Park, Maryland—survey sanctioned by the Department of the Interior and supported by the U.S. Army. 1970 to present.

Panel Chairman, Artificial Insemination in Birds of Prey, Special Conference on Captivity Breeding of Raptors sponsored by Raptor Research Foundation, Inc., Sioux Falls, South Dakota.

Member:

Raptor Research Foundation, Inc., Associate and Contributor. 1964. Research Collaborator, Cornell Laboratory of Ornithology. Elected June 1971.

Publications:

1964. Berry, R. B. He Hunts with the Wild Falcon. *The Saturday Evening Post*, 20 June: 62–65.

1968. Berry, R. B. Captive Breeding Behavior—American Goshawk—Part I, *Raptor Research*, 2(3):58–97.

1970. Berry, R. B. Captive Breeding Behavior——American Goshawk—Part II. *Raptor Research*, 4(1):18–31.

1971. Berry, R. B. Peregrine Falcon Population Survey—Assateague Island, Maryland, fall 1969. *Raptor Research*, 5(1):31–43.

1972. Ward, F. P. and R. B. Berry. Autumn Migration of Peregrine Falcons on Assateague Island in 1970 and 1971. *Journal of Wildlife Management*, 36(2):484–492.

1972. Berry, R. B. Reproduction by Artificial Insemination in Captive American Goshawks. *Journal of Wildlife Management*, 36(4):1283–1288.

1972. Grier, J. W., R. B. Berry and S. A. Temple. Artificial Insemination with Imprinted Raptors. North American Falconers' Assoc. Journal 11:45–55.

1973. Berry, R. B. and F. P. Ward. Autumn Migrations of Peregrine Falcons on Assateague Islands, 1970–1972. Proceedings Conference on Raptor Conservation Techniques, Colorado State University, 22–25 March 1973 (in press).

Honors:

1972. Recipient of African Safari Club Annual Conservation Gold Medal Award and Certificate.

Documents and other information submitted in connnection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1679 Filed 1-17-75;8:45 am]

Geological Survey

GEYSERS-CALISTOGA, CALIFORNIA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 2(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in Departmental Manual 4.1 H, Geological Survey Manual 220.2.35 and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Geysers and Calistoga known geothermal resources areas, effective February 1, 1974:

(5) CALIFORNIA

GEYSERS-CALISTOGA KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, California

T. 9 N., R. 6 W.,
Secs. 1 through 30, 33 through 36.
T. 10 N., R. 6 W.,
Secs. 19, 28 through 34.
T. 9 N., R. 7 W.,
Secs. 1 through 6, 9 through 15, 23, 24.
T. 10 N., R. 7 W.,
Secs. 8, 16 through 36.
T. 9 N., R. 8 W.,
Sec. 1.
T. 10 N., R. 8 W.,
Secs. 13 through 17, 21 through 27, 34 through 36.
Mallacomes or Moristul Grant 60
Mallacomes or Moristul y Plan de Agua Caliente Grant 61
Carne Humana Grant 79

The area described totals 92,509 acres, more or less.

Dated: December 24, 1974.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-1760 Filed 1-17-75;8:45 am]

UTAH

Known Geothermal Resources Areas

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, the Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as known geothermal resources areas:

(44) UTAH

THERMO HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

Salt Lake Meridian

T. 30 S., R. 11 W.,
Secs. 20 to 22, inclusive;
Secs. 25 to 28, inclusive;
Secs. 31 to 35, inclusive.
T. 30 S., R. 12 W.
Secs. 1, 9, 10, 12, 14, and 15;
Secs. 19 to 23, inclusive;
Secs. 25 to 30, inclusive;
Sec. 35.

The area described aggregates 17,922 acres, more or less.

COVE FORT-SULPHURDALE GEOTHERMAL RESOURCES AREA

Salt Lake Meridian

T. 24 S., R. 6 W.,
Secs. 32 and 33.
T. 24 S., R. 7 W.,
Sec. 35.
T. 25 S., R. 6 W.,
Secs. 5, 8, and 17;
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 25 S., R. 7 W.,
Secs. 10, 11, and 14;
Secs. 21 to 24, inclusive;
Secs. 27 and 35.
T. 26 S., R. 6 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive.
T. 26 S., R. 7 W.,
Secs. 1 and 2;
Secs. 9 to 13, inclusive;
Secs. 23 and 24.

The area described aggregates 24,874 acres, more or less.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

GEORGE H. HORN,
Conservation Manager, Central Region.

DECEMBER 23, 1974.

[FR Doc.75-1761 Filed 1-17-75;8:45 am]

National Park Service

[INT FES 75-1]

BIG BEND NATIONAL PARK, TEX.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Wilderness Recommendation for Big Bend National Park, Texas.

The environmental statement considers the designation of 535,900 acres of the Park as wilderness within the National Wilderness Preservation System and an additional 25,700 acres as potential wilderness addition. The statement discusses social, scientific, cultural and economic aspects of the action.

Copies are available from or for inspection at the following locations:-

Southwest Regional Office
National Park Service
Old Santa Fe Trail
Post Office Box 728
Santa Fe, New Mexico 87501

Office of the Superintendent
Big Bend National Park
Texas

Assistant to the Regional Director, Texas
National Park Service
819 Taylor Street
Fort Worth, Texas 76102

Dated: January 8, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1732 Filed 1-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee which was scheduled for January 31, 1975, (40 FR 2243, 1-10-75) is postponed until Monday, February 10, 1975, at 1 p.m., in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602.

The reason for the postponement is that subsequent to the issuance of the notice of the meeting scheduled for January 31, 1975, it became apparent that greater representation by Committee members and supporting staff would be achieved by rescheduling the meeting on February 10, 1975.

The purpose of the meeting is to further review the report of the 5-Man Subcommittee appointed at the October 14, 1974, meeting of the Committee and consider areas of improving the grower designation plan for the 1975 flue-cured marketing 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, S.W., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

JANUARY 15, 1975.

[FR Doc.75-1779 Filed 1-17-75;8:45 am]

Soil Conservation Service

WEST FORK OF BAYOU LACASSINE WATERSHED PROJECT, LA.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the West Fork of Bayou Lacassine Watershed Project, Jefferson Davis Parish, Louisiana, USDA-SCS-EIS-WS-(ADM)-75-4-(D)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The watershed plan was approved for operations on April 1, 1969 and construction began in 1969. Forty-nine miles of the proposed 83 miles of channel work have been constructed. The environmental impact statement is prepared for the 34 miles of channel and land treatment measures remaining to be installed. The channel work will involve clearing and debris removal on 2 miles of existing channel. Thirty-one miles of channel work will involve those with only ephemeral flow. The balance involves existing ponded water.

A limited supply of copies are available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before March 12, 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)

Dated: January 10, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-1759 Filed 1-17-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 10-1, Amdt. 1]

ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

Delegation of Authority

This order, effective December 31, 1974, amends the material appearing at 37 FR 5401 of March 15, 1972.

Department Organization Order 10-1, dated February 1, 1972, is hereby amended as follows: In section 4. *Delegation of authority:*

a. Delete the word "and" at the end of subparagraph 4.01e.

b. Delete period at end of subparagraph 4.01f. and add semicolon and the word "and".

c. Add a new subparagraph 4.01g. to read:

"g. Set policy guidelines on whether and where (1) to procure foreign patent protection for Government-owned inventions and (2) to issue licenses therefor under Executive Order 9865, as amended by Section 5 of Executive Order 10096 and Executive Order 10930."

Effective date: December 31, 1974.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-1718 Filed 1-17-75;8:45 am]

[Dep. Organization order 30-2B, Amend. 2]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This order, effective December 10, 1974, further amends the material appearing at 38 FR 27427 of October 3, 1973; and 39 FR 43565 of December 16, 1974.

Department Organization Order 30-2B dated September 11, 1973, is hereby further amended as follows:

1. In section 11. *Insittute for Materials Research,* Paragraph .04 is renumbered .05. A new paragraph .04 is added to read as follows:

".04 The *Office of Air and Water Measurement* shall provide central management of a Bureau-wide program on the development of new or improved methods of measurement of environmental pollutants and shall evaluate data on the generation of physical and chemical parameters associated with pollutant formation and dissipation."

2. The organization chart attached to this amendment supersedes the organization chart dated November 29, 1974. A copy of the Organization chart is attached to the original of this document on file in the Office of the Federal Register.

Effective date: December 10, 1974.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-1719 Filed 1-17-75;8:45 am]

[Dept. Organization Order 30-7A, Amdt. 1]

NATIONAL TECHNICAL INFORMATION SERVICE

Organization and Functions

This order, effective December 31, 1974, amends the material appearing at 35 FR 14475 of September 15, 1970.

Department Organization Order 30-7A, dated September 2, 1970, is hereby amended as follows:

1. In section 3. *Delegation of Authority.* Amend paragraph 3.01 to read:

".01 Pursuant to the authority vested in the Secretary of Commerce by law and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated the authority of the Secretary under:

"a. Chapter 23 of Title 15, United States Code, which pertains to a clearinghouse for technical information.

"b. Executive Order 9865, as amended by Section 5 of Executive Order 10096 and Executive Order 10930, to the extent that this authority is not reserved to the

Assistant Secretary for Science and Technology in Department Organization Order 10-1.

"c. Other authorities that are applicable for performing the functions assigned in this order."

2. In section 4. *Functions.* Delete the word "and" under subparagraph f. and add new subparagraphs h. and i. to read:

"h. Procure foreign patent protection for Government-owned inventions and issue licenses therefor under Executive Order 9865, as amended.

"i. Provide liaison and coordination with the Committee on Government Patent Policy of the Federal Council for Science and Technology, furnish executive secretariat support to the Committee, advise the Assistant Secretary for Science and Technology on Committee matters, and assist in the development and formulation of a uniform Government-wide patent policy."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-1721 Filed 1-17-75;8:45 am]

[Dept. Organization Order 30-3A, Amdt. 1]

PATENT OFFICE

Organization and Functions

This order, effective December 31, 1974, amends the material appearing at 38 FR 1068 of January 8, 1973.

Department Organization Order 30-3A, dated December 15, 1972, is hereby amended as follows:

1. In section 2. *Status and line of authority.* a. Paragraph .02 is changed to read as follows:

".02 The *Commissioner of Patents* (hereinafter called the Commissioner), who is appointed by the President by and with the advice and consent of the Senate, shall be the head of the Patent Office. He shall be principally assisted by a Deputy Commissioner, three Assistant Commissioners, whose titles and status are specified below, and a Solicitor. The First Assistant Commissioner (Deputy Commissioner) and the first two Assistant Commissioners are provided for by 35 U.S.C. 3 and are appointed by the President by and with the advice and consent of the Senate.

"a. The *Deputy Commissioner* (First Assistant Commissioner under 35 U.S.C. 3).

"b. The *Assistant Commissioner for Patents* (an Assistant Commissioner under 35 U.S.C. 3).

"c. The *Assistant Commissioner for Trademarks* (an Assistant Commissioner under 35 U.S.C. 3).

"d. The *Assistant Commissioner for Administration.*"

b. Paragraph .03 is changed to read:

".03 The Deputy Commissioner or, in the event of a vacancy in that office, the assistant commissioner appointed under 35 U.S.C. 3 who is senior in date of appointment, shall act as Commissioner during a vacancy in that office until a Commissioner is appointed and takes office. In the absence of the Commissioner, the Deputy Commissioner shall act as Commissioner. If the Deputy Commissioner is likewise absent or that office is vacant, one of the assistant commissioners appointed under 35 U.S.C. 3 or the Solicitor of the Patent Office, or the Assistant Commissioner for Administration shall act as Commissioner in an order of precedence prescribed by the Commissioner."

2. In section 3. *Delegation of authority.* Subparagraph 3.02(b) is changed to read as follows:

"b. The functions in Executive Order 10096 (except section 5) and Executive Order 10930, insofar as these functions relate to determining the ownership of patents and rights to inventions made by Government employees."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-1720 Filed 1-17-75;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

Notice of Public Meeting

The Census Advisory Committee on the Black Population for the 1980 Census will convene on February 27, 1975 at 8 p.m. at Stouffer's National Center Inn, 2399 Jefferson Davis Highway, Arlington, Virginia, and on February 28, 1975 at 9:30 a.m. in Room 2113, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

This is the first meeting of the Committee, which consists of 21 members. The Committee was established in October 1974 to advise the Director, Bureau of the Census, on such 1980 Census planning elements as improving the accuracy of the population count, recommending subject content and tabulations of especial use to the black population, and expanding the dissemination of census results among present and potential users of census data in the black population.

The agenda for the February 27 session, which will adjourn at 9:30 p.m., includes a general overview of the Census Bureau's mission, the role of the Committee, introduction of members, and procedural matters. The agenda for the February 28 session, which will adjourn at 4:15 p.m. includes the following items: (a) summary descriptions of several major elements of the Bureau's program, (b) current status of 1980 census planning, (c) 1980 census minority statistics programs, (d) coverage of population in the 1970 census and implications for public programs, (e) participant-observer (ethnographic) techniques for coverage research.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions at the February 28 session. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. J. Jack Ingram, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone: (301) 763-5169.

Dated: January 15, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-1730 Filed 1-17-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COLLEGE LIBRARY RESOURCES PROGRAM; LIBRARY RESEARCH AND DEMONSTRATION PROGRAM; LIBRARY TRAINING PROGRAM

Notice of Change of Closing Date for Receipt of Applications

Pursuant to the authority contained in: sections 201-208 of Title II, Part A of the Higher Education Act of 1965, as amended (20 U.S.C. 1021-1028)—College Library Resources Program; sections 201, 221, and 223 of Title II, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1021, 1031, and 1034), Library Research and Demonstration Program and sections 201, 221, and 222 of Title II, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1021, 1031, and 1033), Library Training Program, notice was published in the FEDERAL REGISTER on December 26, 1974, (39 FR 44672) establishing a closing date. The purpose of this notice is to establish a changed final closing date for receipt of applications.

Pursuant to the Higher Education Act of 1965, as amended, cited above, the final closing date for receipt of such basic grant applications is February 28, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.406, College Library Resources Program; or 13.475 Library Research and Demonstration Program; or 13.468 Library Training Program.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), 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 maintained 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 U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:30 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 the Division of Library Programs, Bureau of Postsecondary Education, Office of Education, Rm. 5909, 7th and D Streets, Washington, D.C. 20202 Attn: College Library Resources Program; or Library Research and Demonstration Program; or Library Training Program.

D. *Applicable regulations.* The regulations applicable to the College Library Resources Program were published in the FEDERAL REGISTER on November 18, 1974, at 39 FR 40494 (45 CFR Part 131). Because of the mandatory nature of the legislation pertaining to the basic grants, there are no applicable criteria for the awarding of these grants.

Regulations applicable to the Library Research and Demonstration Program with funding criteria as Appendix A thereto were published in the FEDERAL REGISTER on May 17, 1974, at 39 FR 17546 (45 CFR Part 133).

Regulations and criteria applicable to the Library Training Program were published on May 17, 1974, at 39 FR 17540 (45 CFR Part 132).

These programs are also subject to the Office of Education General Provisions Regulations (particularly 45 CFR Parts 100 and 100a).

(20 U.S.C. 1021–1028, 1031, 1033, 1034)

(Catalog of Federal Domestic Assistance Number 13.406, College Library Resources; 13.475 Library Research and Demonstration; 13.468 Library Training)

Dated: January 13, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-1892 Filed 1-17-75;8:45 am]

FEDERAL RESERVE SYSTEM

UNITED BANKS OF COLORADO

Acquisition of Bank

United Banks of Colorado, Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of United Bank of Steamboat Springs, Steamboat Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 10, 1975.

Board of Governors of the Federal Reserve System, January 9, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1702 Filed 1-17-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CARMELLA COAL & MINERALS, INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for 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. 4283-000, CARMELLA COAL & MINERALS, INC., (Formerly Sharon Holbrook Coals, Inc.), Mine No. 1, Mine ID No. 15 02592 0,
- ICP Permit No. 4283-002 (Wise 3-Phase 220AC Rubber Tired Carrier I.D. No. C-1),
- ICP Permit No. 4283-003 (Joy 12BU Loader, I.D. No. J-1),
- ICP Permit No. 4283-005 (Kersey BJ744 Battery Mine Tractor, I.D. No. T-1),
- ICP Permit No. 4283-007 (Kersey 744N Mine Tractor, I.D. No. 3),
- ICP Permit No. 4283-008 (Kersey 744 Mine Tractor).

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 February 4, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 14, 1975.

[FR Doc.75-1704 Filed 1-17-75;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. STN 50-456, STN 50-457]

COMMONWEALTH EDISON CO.; BRAIDWOOD STATION, UNITS 1 AND 2

Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Commonwealth Edison Company (CECo) to conduct certain site activities in connection with the Braidwood Station, Units 1 and 2 prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and specifically include the following:

1. Excavations and associated activities such as de-watering for structures and equipment, and placement of mud mats for: (a) two containment buildings; (b) turbine room; (c) service building; (d) auxiliary building; (e) fuel building; (f) solid radwaste storage building; (g) installation of portions of condenser circulating water piping, not including any class I piping; and (h) switchyard and on-site transmission lines.

2. Construction of the following service requirements: (a) rail spur from adjacent Illinois Central Gulf line into site; (b) temporary construction track; (c) fencing; (d) perimeter lighting system; (e) road construction, permanent and temporary; (f) temporary construction power and lighting system; (g) sanitary system in conjunction with sewage treatment plant; (h) wells for potable and construction water requirements; (i) fire protection system; and (j) temporary parking lots.

3. Construction of support facilities with necessary utilities: (a) three metal warehouses (50′ x 200′ each); (b) metal construction office (50′ x 200′); (c) metal contractor's office; (d) metal contractor's shop facilities; (e) main gate guardhouse; (f) temporary construction toilet; (g) temporary fire pump house; and (h) concrete batch plant.

This authorization is subject to the following conditions for the protection of the environment:

1. During the construction, CECo shall take the necessary mitigating actions, including those commitments summarized in section 4.5 of the AEC staff's Final Environmental Statement, to avoid unnecessary adverse environmental impacts from construction activities.

2. CECo shall follow the pre-operational monitoring program, including modifications recommended by the staff, described in section 6.1 of the Final Environmental Statement.

3. Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, CECo shall provide written notification to the Director of Licensing.

4. A control program shall be established by CECo to provide for a periodic review of all construction activities to assure that those activities conform to the environmental conditions set forth herein.

5. If unexpected harmful effects or evidence of irreversible damage are detected during facility construction, CECo shall

provide to the staff an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or damage.

6. CECo shall comply with the applicable portions of the standards published by the United States Environmental Protection Agency on October 8, 1974 (39 FR 36176 et seq.).

7. CECo shall comply with the applicable portions of the Illinois Environmental Protection Act and the Water Pollution Regulations of the Illinois Pollution Control Board.

This authorization is subject to the additional condition that it will terminate upon a denial by the Director of Regulation of a Construction Permit for the Braidwood Station, Units 1 and 2.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Commonwealth Edison Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on January 8, 1975. A copy of (1) the Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report, and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated July 1974; and (5) the Commission's letter of authorization dated January 14, 1975 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois.

Dated at Rockville, Maryland, this 14th day of January, 1975.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.75-1822 Filed 1-17-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Subcommittee Meetings

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the AGS and FNP projects will hold a meeting on February 4, 1975, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to continue the Committee's formal Construction Permit review of AGS and Manufacturing Permit review for FNPs. The AGS facility will be located offshore from the coast of the State of New Jersey near Atlantic City. The FNPs will be manufactured at a facility to be located at Jacksonville, Florida.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, February 4, 1975, 9:00 a.m.–4:30 p.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of Public Service Electric and Gas Co. of New Jersey (PSE&G) and Offshore Power Systems (OPS) and their representatives and hold discussions with these groups pertinent to issuance of a Construction Permit to PSE&G for AGS and a Manufacturing Permit to OPS to fabricate FNPs. The discussions will focus principally upon Degraded Accident Studies but will not necessarily be limited to that topic.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and Applicants to discuss privileged information relating to plant security, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain information relating to site security which is privileged and falls within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than January 28, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commisison, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for AGS and the OPS Plant Design Report for the FNP and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and the following Local Public Document Rooms: Stockton State College Library, Pomona, New Jersey (AGS and FNP), and the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204 (FNP only), and the Business and Science Division, New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana 70140 (FNP only).

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, during the afternoon portion of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 3, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202–634–1414) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available

for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., and within nine days at the following Local Public Document Rooms: Stockton State College Library, Pomona, New Jersey (AGS and FNP), the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204 (FNP only), and the Business and Science Division, New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana 70140 (FNP only). Copies of the transcript may be produced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after May 4, 1975. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.75-1918 Filed 1-17-75;9:29 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 75-1-57]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, January 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The agreement was adopted at the 12th Meeting of the TC3 Specific Commodity Rates Board held in San Diego on October 10, 1974.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rate structure between Guam and other Pacific points. We are approving these revisions, outlined in the attachment hereto,[1] which reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24842 is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24842 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-1770 Filed 1-17-75;8:45 am]

[1] Attachment filed as part of the original document.

[Docket 25280; Order 75-1-56]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, January 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted at the 38th meeting of the TC1 Specific Commodity Rates Board held at San Diego, California on October 11, 1974 and has been assigned C.A.B. agreement number 24825.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rate structure applicable within the Western Hemisphere. We will approve these revisions, outlined in the attachment hereto,[1] which reflect reductions from otherwise applicable general cargo rates.

Pursuant to the authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24825 is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24825 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-1771 Filed 1-17-75;8:45 am]

[1] Attachment filed as part of the original document.

[Docket No. 27037]

OZARK AIR LINES, INC.

Prehearing Conference Regarding Deletion of Clinton, Iowa

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 25, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 6, 1975, and the other parties on or before February 17, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 15, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-1772 Filed 1-17-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Manpower and Reserve Affairs), Immediate Office, Office of the Assistant Secretary of Defense

(Manpower and Reserve Affairs), Office of the Secretary of Defense.

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

[FR Doc.75-1774 Filed 1-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy to the Assistant to the Secretary and Deputy Secretary of Defense, Office of the Assistant to the Secretary and Deputy Secretary of Defense, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.75-1775 Filed 1-17-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66011; FRL 322-7]

KEMIN INDUSTRIES, INC.

Intent To Cancel Registration

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified Kemin Industries, Inc., 2104 Maury St., Des Moines, IA 50301, of its intent to cancel the registration of the pesticide product Grain Treet Liquid (EPA Reg. No. 8596-17).

The registration data is insufficient to support a finding that the composition of Grain Treet is such to warrant the claims for the product. The registrant has not fulfilled the requirements for continued registration and therefore has not fully complied with the provisions of the FIFRA.

Cancellation of this registration shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA, and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M Street, SW, Washington, DC 20460.

Dated: January 14, 1975.

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

[FR Doc.75-1684 Filed 1-17-75;8:45 am]

[FRL 322-1; OPP-32000/171]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before March 21, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 21, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 7405-LU. Chemical Packaging Corp., PO Box 9947, Ft. Lauderdale FL 33310. CHEMI-CAP AIRCRAFT INSECTICIDE BOMB. Active Ingredients: Pyrethrins 0.60%; Piperonyl Butoxide, technical 1.40%; Petroleum distillate 13.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34775-G. Culligan Industrial Water Conditioning Co., Inc., 2199 Frisco, Box 14867, Memphis TN 38114. POOLCIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene-(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11694-LU. Dymon, Inc., PO Box 6175, 3401 Kansas Ave., Kansas City KS 66106. DIS SPRAY DEODORIZER DISINFECTANT AIR FRESHENER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (66% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.1%; Isopropanol 33.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LG. Dymon, Inc., PO Box 6175, 3401 Kansas Ave., Kansas City KS 66106. LEMON DISINFECTANT DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C13, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.1%; Isopropanol 53.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-96. Elanco Products Co., PO Box 1750, A Div. of Eli Lilly and Co., Indianapolis IN 46206. ELANCO SURFLAN 75W. Active Ingredients: oryzalin (3,5-dinitro-N4,N4-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18035-RE. Private Label Chem., Inc., 2280 Terminal Rd., St. Paul MN 55113. BIO-QUAT 2. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035-RR. Private Label Chem. Inc. MARK 25. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035-RN. Private Label Chem., Inc. MARK H-10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035-0. Private Label Chem., Inc. MARK F-25. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035–I. Private Label Chem., Inc., BIO-QUAT N 2. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Tetrasodium ethylenediamine tetraacetate 1.00%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 476–ERAI. Stauffer Chem. Co., 1200 S 47th St., Richmond CA 94804. CLENESCO ARC ACID—ANIONIC SANITIZER. Active Ingredients: Phosphoric acid 57.0%; Dodecylbenzenesulfonic acid 15.5%; Isopropyl alcohol 8.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 476–ERAO. Stauffer Chem. Co., 1200 S 47th St., Richmond CA 94804. CLENESCO X-SEPT SANITIZING LUBRICANT FOR CONVEYOR CHAINS. Active Ingredients: bis(trichloromethyl) sulfone 0.0100%; N-alkyl (40% C12, 50% C14, 10% C10) dimethyl benzyl ammonium chlorides 0.0076%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34810–U. Wexford Labs, Inc., PO Box 9334, St. Louis MO 63117. DAIRYWEX. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ehtylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: January 10, 1975.

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

[FR Doc.75-1549 Filed 1-17-75;8:45 am]

[Opp-32000/172; FRL 322-3]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before March 21, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 21, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 2749–GIT. Aceto Chem. Co., Inc., Agricultural Chem. Div., 126–02 N. Blvd., Flushing NY 11368. MITYMITE. 2 (p-tert-butylphenoxy) cyclohexyl-2-propynyl sulfite 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749–GOR. Aceto Chem. Co., Inc., Agricultural Chem. Div., 126–02 N. Blvd., Flushing NY 11368. PENTHION CONCENTRATE INSECTICIDE. Active Ingredients: O,O-Dimethyl O-[4-(methylthio)-m-toyl] phosphorothioate 93%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1526–485. Arizona Agrochemical Co., P.O. Box 21537, Phoenix AZ 85036. CRYOLITE 50 DUST. Active Ingredients: Sodium Fluoluminate 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1526–450. Arizona Agrochemical Co., P.O. Box 21537, Phoenix AZ 85036. METHYL PARATHION 2 DUST. Active Ingredients: O,O-Dimethyl O-P-Nitrophenyl Thiophosphate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8612–67. B & G Co., PO Box 20372, Dallas TX 75220. B & G DIAZINON-AG500. Active Ingredients: O-O-Diethyl O-(2 - isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 48%; Xylene 38.96%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 662–AN. BASF Wyandotte Corp., 1609 Biddle Ave., Wyandotte MI 48192. WYANDOTTE STERI-CHLOR HIGHLY SOLUBLE CHLORINE SANITIZER. Active Ingredients: Potassium dichloro-s-triazinetrione 6.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35133–E. C & C Chem. Sales Co., Baytown TX 77520. C & C'S PROFESSIONAL MOSQUITO SPRAY. Active Ingredients: Chlorinated Camphene 6%; Malathion 4%; BHC (Benzenhexachloride Gamma Isomers 3%; BHC, Other Isomers 4%; Solvent Emulsifier 83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132–A. Cealin Chem., 6501 Arlington Expwy, Jacksonville FL 32211. TRICHLORIN II. Active Ingredients: Trichlorisocyanuric Acid (TCC) 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132–T. Cealin Chem., 6501 Arlington Expwy, Jacksonville FL 32211. TRICHLORIN D. Active Ingredients: Calcium Hypochlorite 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125–211. Chemagro, PO Box 4913, Kansas City MO 64120. DASANIT 15% GRANULAR ORNAMENTAL AND TURF NEMATICIDE. Active Ingredients: O,O-Diethyl O-[p-(methyl-sulfinyl) phenyl] phosphorothioate 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4704–4. J. C. Ehrlich Chem. Co., Inc., 800 Hiesters Lane, Reading PA 19605. MAGIC CIRCLE INSECT KILLER. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500%; pyrethrins 0.052%; technical piperonyl butoxide (equivalent to 0.209% (butylcarbityl) (6-propylpiperonyl) ether and 0.52% other related compounds) 0.261%; petroleum distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4704–2. J. C. Ehrlich Chem. Co., Co., Inc., 800 Hiesters Lane, Reading PA 19605. MAGIC CIRCLE RABBIT REPELLENT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11497–RR. Enviro Chem, 9840 Monroe St., Dallas TX 75220. NALCIDE 1. Active Ingredients: Naled 26%; Aromatic Petroleum Derivative Solvent 61%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9937–E. Head-to-Toe Products, 1697 Elizabeth Ave., Rahway NJ 07065. SANI-SEAT TOWELETTE CLEANS AND PROTECTS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.0243%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.0243%; Tetrasodium ethylenediamine tetraacetate 0.0141%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5075–EA. Jewel Co., Inc., 5015 NE Riva Rd., Chicago IL 60631. JEWEL INSECT REPELLENT. Active Ingredients: N,N, - Diethyl - Meta - Toluamide 3.78%; Other Isomers 0.42%; N-Octyl bicycloheptene dicarboximide 2,3:4,5-Bis (Δ_2 butylene) tetrahydro-2-furaldehyde 0.30%; Di-n-propyl isocinchomeronate 0.30%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 5075–ET. Jewel Co., Inc. JEWEL PATIO SPRAY OUTDOOR INSECT FOGGER. Active Ingredients: Pyrethrin 0.20%; Piperonyl butoxide, technical 1.00%; Methoxychlor, technical 1.00%; 2-Hydroxy ethyl-n-octyl sulfide 0.95%; Related compounds 0.05%; Petroleum distillate 0.92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5075–EI. Jewel Co., Inc. JEWEL ANT & ROACH SPRAY. Active Ingredients: Pyrethrins 0.050%; Piperonyl butoxide, technical 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate 0.500%; Aromatic petroleum distillate 0.406%; Petroleum distillate 73.603. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 635-522. E-Z Flo Chem. Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48908. E-Z FLO C-O MOUSE BAIT. Active Ingredients: Zinc Phosphide 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 36123-R. Pharmadyne Chem. Corp., 15 Sewaren Ave., Sewaren NJ 07077. WONDER FLUFF KILLS FLEAS, LICE AND TICKS. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.100%; N-Octyl Bicycloheptene Dicarboximide 0.166%; Petroleum Distillate 0.240%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-IA. Roberts Laboratories, Inc., 4995 N Main, Rockford IL 61101. ROBERTS YARD AND PATIO FOGGER WITH REPELLENT. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.950%; Related compounds 0.050%; Aromatic Petroleum Solvent 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-TI. Roberts Laboratories, Inc., 4995 N Main St., Rockford IL 61101. ROBERTS DIMETHOATE 267 E.C. SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate [O,O-dimethyl S-(N-methylcarbamoyl-methyl) phosphorodithioate] 30.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2459-30. Stevens Industries, Inc., PO Box 272, Dawson GA 31742. MASTER BRAND EMULSIFIABLE SPRAY FOR COTTON. Active Ingredients: Toxaphene 58.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2459-220. Stevens Industries, Inc., PO Box 272, Dawson GA 31742. TOX.-M. PARATHION. Active Ingredients: Toxaphene 52.81%; O-O-dimethyl O-p-nitrophenyl thiophosphate 26.41%; Xylene 4.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 861-RNR. Uncle Sam Chem. Co., Inc., 575 W 131st St., New York NY 10027. VAPORIZER NO. 1000 INSECT SPRAY. Active Ingredients: Pyrethrins 1.00%; Technical Piperonyl Butoxide 2.00%; N-Octyl Bicycloheptene Dicarboximide 3.00%; Petroleum Distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 623-GT. United Chem. Co., Inc., 2100 Wyandotte St., Kansas City MO 64108. UNITED VETER-SAN CLEANER-DEODORIZER - DISINFECTANT - FUNGICIDE. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (C12 68%, C14 32%) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32560-R. Will & Baumer Candle Co., Inc., PO Box 711, Syracuse NY 13201. CITRONELLA L1017 PATIO LITE STOCK NO. 780116. Active Ingredients: Oil of Citronella 2%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: January 11, 1975.

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

[FR Doc.75-1872 Filed 1-17-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADMINISTRATOR, ERDA

General Delegation of Authority for Interim Period

Pursuant to section 104 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) certain functions, components, and officers of the Atomic Energy Commission, the Secretary of the Interior, the Department of Interior, the National Science Foundation, and the Environmental Protection Agency are transferred to, or vested in, the Administrator of the Energy Research and Development Administration (ERDA).

Valid delegations of authority heretofore delegated to such officers in accordance with pertinent laws, rules, and regulations of the aforementioned Federal entities from which the function, component, or officer was transferred, shall remain in effect until further notice and are hereby affirmed, including the power or redelegation to the extent so provided in such delegations provided, however that any contractual arrangement, interagency agreement, grant, loan guarantee, property transfer or any other action involving more than ten million dollars shall be subject to the prior approval of the Administrator or such officer of ERDA as the Administrator, in writing, may designate.

The authority affirmed herein shall be exercised in accordance with all applicable laws, rules, and regulations.

Authority vested in the Administrator by applicable laws, not encompassed by the delegations of authority hereinabove affirmed, are reserved to the Administrator or such officer of ERDA as the Administrator, in writing, may designate.

When an officer or employee had been required pursuant to his delegation of authority to refer, or provide information on, a particular matter to a higher level officer or employee, and the position of such higher level officer or employee has been abolished as a result of the enactment of Pub. L. 93-438 or has not yet been established in the Administration, referral of the matter, or provision of information thereon, shall be to the Administrator.

(Section 105(c) of the Energy Reorganization Act of 1974 (Pub. L. 93-438))

Effective Date: January 19, 1975.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.75-1888 Filed 1-17-75;8:45 am]

OFFICIAL SEAL

Notice of Adoption

Pursuant to section 105(f) of the Energy Reorganization Act of 1974, the Administrator has adopted an official seal, the description of which is as follows:

A yellow gold sunburst with 28 pointed metallic silver rays encircled by fifty 5-pointed metallic silver stars all on a dark blue disc within a dark blue band rimmed in yellow on each side and inscribed Energy Research and Development Administration in white and at the base the letters USA, also in white. The sunburst is the symbol of energy. The 50 stars represent the 50 states.

The Official Seal is illustrated as follows:

The Administrator or his designee is responsible for custody of the impression seals and of replica (placque) seals.

(Sec. 105(f), Energy Reorganization Act of 1974, Pub. L. 93-438)

Effective Date: January 9, 1975.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.75-1887 Filed 1-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19744, 19745; Files Nos. BRCT-33, BPCT-4453; FCC 75R-11]

BELO BROADCASTING CORP. AND WADECO INC.

Memorandum Opinion and Order Enlarging Issues

Memorandum opinion and order enlarging issues. In re applications of Belo Broadcasting Corporation (WFAA-TV), Dallas, Texas, Docket No. 19744, File No. BRCT-33, for renewal of broadcast license; WADECO, Inc., Dallas, Texas, Docket No. 19745, File No. BPCT-4453, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of Belo Broadcasting Corporation (Belo) for renewal of its license to operate on Channel 8, Dallas, Texas, and WADECO, Inc. (WADECO) for authorization to construct a new television station on that channel. These applications were designated for consolidated hearing by Commission Order, 40 FCC 2d 1131, 27 RR 2d 889, released May 24, 1973. The Review Board now has before it Belo's sixth motion to enlarge issues,[1] filed October 11,

[1] The Board also has before it the following related pleadings: (a) opposition, filed October 24, 1974, by WADECO; (b) comments, filed October 24, 1974, by the Broadcast Bureau; and (c) reply, filed November 5, 1974, by Belo.

1974,[2] requesting the addition of the following issues:

(1) To determine whether WADECO, Inc. omitted material information in its application regarding James K. Wade's financial condition in violation of § 1.514 and/or failed to amend its application with respect thereto in violation of § 1.65 of the Commission's rules.

(2) To determine whether WADECO, Inc. and/or James K. Wade misrepresented material facts concerning his personal financial condition.

(3) To determine, in the light of the foregoing issues, whether James K. Wade is qualified to be a principal of a Commission licensee.

(4) To determine, in the light of the evidence adduced under the preceding issues, whether WADECO, Inc. possesses the basic or comparative qualifications to be a licensee of the Commission.

2. In support of its petition, Belo alleges that WADECO and/or James K. Wade, president of WADECO, misled the Commission by failing to make timely disclosure of the hypothecation of Wade's life insurance cash surrender value and thus misrepresented the extent of his liquid assets. According to Belo, in an October 12, 1972, amendment to its application, WADECO submitted a balance sheet for Wade, dated October 6, 1972, which listed $47,178 as the cash surrender value of his life insurance.[3] Belo alleges that WADECO continued to rely on Wade's October 6, 1972 balance sheet; thus, in a September 25, 1974, opposition to Belo's fifth motion to enlarge issues, WADECO stated that Wade's liquid assets included the cash surrender value of life insurance in the amount of $47,178. However, petitioner continues, WADECO indicated the following for the first time in an erratum to the September 25 opposition, filed October 3, 1974:

> * * * that a substantial portion of the cash surrender value of Mr. Wade's life insurance has been pledged and is not a liquid asset. The pledged portion of that asset is included in the long-term liabilities recited in Mr. Wade's balance sheet.

Based upon the above, Belo asserts that WADECO's continued representation that the facts reflected in WADECO's October 6, 1972 balance sheet were accurate, represents a "continuing major deception by that applicant and its principal * * *" with respect to the extent of Wade's liquid assets.

3. In opposition, WADECO alleges that the petition lacks specificity, and it is not verified by an affidavit of a person having personal knowledge of the facts alleged.[4] Moreover, WADECO asserts—without further elaboration—that Belo has ignored the statement in the erratum which indicates that the pledged portion of Wade's assets is reflected in the long-term liabilities reported on Wade's balance sheet. The Broadcast Bureau notes in its comments, however, that WADECO's erratum failed to indicate when the cash surrender value of Wade's life insurance was pledged, thereby negating its viability as a source of funds should WADECO be required to rely upon the stock subscriptions of its stockholders.[5]

4. The Review Board will add a Rule 1.65 issue against WADECO. Although Belo's petition is not supported by an affidavit of a person having personal knowledge of the facts alleged, the factual bases for petitioner's allegations appear in WADECO's own submissions to the Commission and, consequently, are matters of which the Board may properly take official notice. See Rule 1.229. Rule 1.65 requires an applicant to amend his application when the information furnished in the application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred. See, e.g., Star Stations of Indiana, Inc., 34 FCC 2d 632, 636, 24 RR 2d 165, 170 (1972). And, significant reductions in the amount of liquid assets shown on the balance sheet of a stock subscriber could constitute material changes affecting financial qualifications. Christian Voice of Central Ohio, 15 FCC 2d 303, 14 RR 2d 785 (1968); Star Stations of Indiana, Inc., supra.[6] WADECO's statement in its erratum of October 3, 1974, that the pledged portion of the cash surrender value of Wade's life insurance is included in the long-term liabilities recited in Wade's balance sheet dated October 6, 1972, raises a question of whether the pledge of that asset may have occurred as much as two years before WADECO indicated to the Commission that the cash surrender value of the life insurance was not fully a liquid asset. Moreover, we note that WADECO has not yet fully apprised the Commission of Wade's financial status, since the applicant has not stated precisely what amount of the surrender value of the policy is actually hypothecated. Thus, the Board concludes that an issue is warranted to determine whether WADECO complied with Rule 1.65.[7] However, a misrepresentation issue will not be added because petitioner's allegations in this respect are insufficient to warrant such an inquiry, and the general question of candor may be examined under the issue specified herein. Horne Industries, Inc., 28 FCC 2d 454, 21 RR 2d 851 (1971); Folkways Broadcasting Co., Inc., 21 RR 2d 211 n. 8 (1971).

5. *Accordingly, it is ordered*, That the motion for enlargement of issues, filed October 11, 1974, by Belo Broadcasting Corporation, is granted to the extent indicated below, and is denied in all other respects; and

6. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue: To determine whether WADECO, Inc., has failed to comply with the provisions of § 1.65 of the Commission's rules by not reporting a substantial change in the liquid assets of James K. Wade, and, if so, to determine the effect of such non-compliance on the applicant's basic or comparative qualifications to be a Commission licensee.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Belo Broadcasting Corporation, and the burden of proof under such issue shall be on WADECO, Inc.

Adopted: January 8, 1975.

Released: January 13, 1975.

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

[FR Doc.75-1753 Filed 1-17-75;8:45 am]

[Docket No. 16070; FCC 75-23]

COMMUNICATIONS SATELLITE CORP.

Order Regarding Investigation

In the matter of Communications Satellite Corporation investigation into charges, practices, classifications, rates and regulations, Docket No. 16070.

1. The Commission has before it a motion filed January 7, 1975, by the separated Trial Staff of the Common Carrier Bureau (Trial Staff) and the

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[2] Although Belo's petition is untimely, the Board agrees with petitioner that WADECO's recent disclosure of information relating to the liquidity of Mr. Wade assets constitutes good cause for filing the motion at this time.

[3] Belo relates that WADECO submitted a 1971 financial statement for Wade with its original application on July 1, 1971, which reflected that Wade's life insurance had a cash surrender value of $5,200. Petitioner further notes that although by letter, dated November 4, 1971, the Commission questioned the sufficiency of Wade's liquid assets to meet his stock subscription commitment, WADECO did not respond to this specific matter until the above-mentioned amendment was submitted.

[4] In its reply, Belo notes that it is unnecessary for it to verify facts contained in WADECO's earlier opposition and erratum and which have thus "already been certified to be true and correct by James K. Wade, a principal of WADECO and its President, and by counsel for WADECO."

[5] The Bureau favors the addition of Rule 1.65 and misrepresentation issues, but states that a Rule 1.514 issue is not warranted in the absence of specific allegations of fact or supporting affidavits pursuant to Rule 1.229 which indicate that WADECO's application was inaccurate or incomplete at the time of filing.

[6] FCC Form 301, section III, 4(b), states in part: "For each person (except financial institutions) who has agreed to furnish funds or purchase stock, but who has not already done so, submit a balance sheet or, in lieu thereof, a financial statement showing all liabilities and containing current and liquid assets sufficient in amount to meet current liabilities . . . and, in addition, to indicate financial ability to comply with the terms of the agreement.

[7] Since there is no indication that the original financial statement was incorrect, there is no basis for the addition of a Rule 1.514 issue. But cf. Horne Industries, Inc., 28 FCC 2d 454, 21 RR 2d 851 (1971).

Communications Satellite Corporation (Comsat) to postpone the last date for filing of Proposed Findings of Fact and Conclusions of Law in the above-captioned proceeding for a period of approximately one month.

2. The parties indicate that prolonged and serious illness of two key members of the Trial Staff has made it impossible to complete analysis of the record and to prepare proposed findings by the present deadline. They further state that Comsat needs a short extension to complete its findings but supports the request of the Trial Staff for a further extension.

3. We believe good cause has been shown for the requested extension. This is the second extension granted for the filing of proposed findings. By Order of the Chief, Common Carrier Bureau released November 27, 1974, the time for filing of proposed findings was extended until January 15, 1975, and that for replies to February 28, 1975.

4. In view of these two extensions, it has become clear that it will not be possible to reach a final decision by April 1, 1975, as we had hoped. We now anticipate that the two month filing extension will cause a comparable extension in the target date for our decision.

5. *Accordingly, it is ordered,* That the Memorandum Opinion and Order in the above-captioned matter, 48 F.C.C. 2d 86 (1974) is amended to allow proposed findings of fact and conclusions of law to be filed no later than February 12, 1975, and reply findings and briefs no later than March 26, 1975.

Adopted: January 13, 1975.

Released: January 14, 1975.

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

[FR Doc.75-1754 Filed 1-17-75;8:45 am]

[Docket Nos. 19882, 19884; FCC 75R-10]

JIMMIE H. HOWELL AND AARON J. WELLS

Memorandum Opinion and Order Enlarging Issues

In re applications of Jimmie H. Howell, Milton, Florida, Docket No. 19882, File No. BP-19402; Aaron J. Wells, Milton, Florida, Docket No. 19884, File No. BP-19430; for construction permits.

1. By Order, 38 FR 34150, published December 11, 1973, the Commission designated the above-captioned applications for hearing. Now before the Review Board is a motion to enlarge issues, filed October 25, 1974, by the Broadcast Bureau, requesting the addition of misrepresentation and Rule 1.65 issues against Jimmie H. Howell (Howell).[1]

2. In support, the Bureau asserts that the financial statement submitted with Howell's original application, filed on March 6, 1973, lists a dress shop owned by Mrs. Howell as an asset. However, the Bureau alleges, on October 7, 1974, the first day of hearing in the instant proceeding, Howell revealed that the shop had been sold approximately one year earlier. Howell's failure to inform the Commission of the sale earlier, the Bureau alleges, is a violation of Rule 1.65. With respect to its request for misrepresentation issue, the Bureau contends that it was also revealed at the hearing that Mrs. Howell's ownership interest in the shop extended only to the inventory, although the asset was listed under the real estate schedule on Howell's balance sheet. Moreover, the Bureau contends, Howell, in submissions to the Commission subsequent to the sale, continued to rely on the shop as real estate and as a source of income during the first year of operation.[2] Specifically, the Bureau submits that in a January 25, 1974, opposition to a petition to enlarge issues, filed by Aaron J. Wells (Wells), Howell placed direct reliance on his wife's income.[3] The Bureau concludes that appropriate issues are warranted. In his comments, Wells supports addition of the requested issues.

3. In opposition, Howell initially states that his wife was never paid for the sale of her interest in the dress shop and that a civil action has been commenced to reacquire it. Howell maintains that the transaction was not reported earlier pursuant to Rule 1.65 because Mrs. Howell is not the applicant and since Howell, in light of his bank loan and other assets, "is not and does not need to rely on this asset to finance the proposed station." Howell also submits that he may work part time at two other stations after his proposed station is constructed, and that he and Mrs. Howell will also live on the income from her job with a stock brokerage agency. Finally, admitting that his current balance sheet places the dress shop under the heading *Real Estate,* Howell notes that the store's assets are described therein as "Store Inventory, etc." Thus, Howell concludes, there was no concealment or misrepresentation of any former interest in real estate, nor any motive for such misrepresentation.

4. The Review Board agrees with the Bureau that a serious question as to Howell's compliance with Rule 1.65 has been raised. Specifically, the sale of Mrs. Howell's dress shop could constitute a significant changed circumstance, bearing directly on Howell's financial qualifications. As the Board's Memorandum Opinion and Order, ____ FCC 2d ____, 30 RR 2d 406 (1974), issued in response to the aforementioned Wells petition, makes clear, both the liquidity of the real estate represented on Howell's balance sheet and Mrs. Howell's income are in question. Howell, having relied on his wife's assets to make his financial showing, may not excuse his failure to amend his application to report their sale by disclaiming any personal interest in the assets. *Cf. Voice of Reason, Inc. (KICM),* 37 FCC 2d 686, 25 RR 2d 645 (1972). For these reasons, inquiry into these matters will be authorized.

5. Addition of a misrepresentation issue is also warranted. In his January 25, 1974 pleading defending his financial showing, Howell affirmatively relied on his June 30, 1973 balance sheet and his wife's property and income, even though the availability of the funds in question may have been terminated through sale several months earlier. Thus, the Board apparently reached its decision without the benefit of all pertinent information. Addition of the requested misrepresentation issue is therefore warranted regardless of the possibility that the Board would have added the financial issue even had it possessed all of the correct information, or whether or not Howell's bank loan and remaining assets would have been sufficient to meet his first year costs without relying on the dress shop. See *FCC* v. *WOKO, Inc.* 329 U.S. 223 (1946); *St. Cross Broadcasting, Inc.,* 39 FCC 2d 514, 26 RR 2d 941 (1973). Nor is the fact that the sale is disputed or in litigation sufficient to eliminate the obligation to truthfully represent information to the Commission. See *Voice of Reason, Inc. (KICM), supra.* Finally, in our opinion, the extent of Mrs. Howell's ownership interest in the dress shop and whether it too was misrepresented may be explored under the issue being added herein.[4]

6. *Accordingly, it is ordered,* That the motion to enlarge issues, filed October 25, 1974, by the Broadcast Bureau, is granted to the extent indicated herein, and IS DENIED in all other respects; and

7. *It is further ordered,* That the Rule 1.65 issue designated by the Commission by Order, 34 FR 34150, published December 11, 1974, is modified to encompass the matters raised herein; and

8. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether Jimmie H. Howell made misrepresentations to the Commission with reference to his financial qualifications.

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[1] Also before the Review Board are: (a) Opposition, filed November 6, 1974, by Howell; (b) comments, filed November 7, 1974, by Aaron J. Wells; and (c) reply, filed November 13, 1974, by the Broadcast Bureau.

[2] The Bureau notes that in a financial statement dated June 30, 1973, submitted in an amendment dated August 7, 1973, Howell represented that he and his wife would "if necessary, sell, transfer, or hypothecate any or all of the above real estate to construct and/or operate the proposed station the first year."

[3] In his opposition, Howell defended his proposal not to draw a salary from the proposed station by declaring that his salary as a county official "* * * in addition to his wife's business, Margot's Dress Shop in Milton, is more than enough to sustain he and Mrs. Howell." In this regard, the Bureau points out that Howell has since lost his county employment.

[4] In this respect we note that although Howell claims innocent intent, his wife's dress shop is included on the balance sheet under the "Real Estate Mortgages" schedule as well.

(b) To determine, in light of the evidence adduced with respect to the foregoing issue, whether Jimmie H. Howell possesses the requisite and/or comparative qualifications to be a Commission licensee.

9. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on the Broadcast Bureau, and the burden of proof shall be on Jimmie H. Howell.

Adopted: January 8, 1975.

Released: January 13, 1975.

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

[FR Doc.75-1755 Filed 1-17-75;8:45 am]

[Docket No. 20271; FCC 75-6]

INTERNATIONAL TELECOMMUNICATION UNION

Notice of Inquiry

In the matter of an inquiry relating to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider revision of the Radio Regulations.

1. By Resolution Number 28, adopted by the 1973 Plenipotentiary Conference of the International Telecommunication Union (ITU), a General World Administrative Radio Conference (WARC) of the ITU for the general Revision of the international Radio Regulations will be convened in 1979. A copy of that Resolution is attached.

2. The last General WARC for such a purpose was held in 1959. Prior to that time the practice had been to revise the international Radio Regulations as a whole whenever necessary. However, the rapid growth of international communications services and the resulting complexities of the revision process has made it desirable to hold specialized WARC's dealing with one particular radio service. Five such specialized conferences have been held since 1959, and additional specialized conferences are scheduled to convene prior to the 1979 General WARC.

3. Although the Administrative Council of the ITU will subsequently determine the specific convening date, the duration and the draft agenda of the 1979 General WARC, and will invite comments from interested member nations, the nature and objectives of this Conference could result in the revision of any aspect of the international Radio Regulations. Because of the far reaching importance of this conference it is necessary that proposals for changes to the international Radio Regulations be received and considered at the earliest practicable date.

4. The purpose of this Inquiry, therefore, is to solicit comments or recommendations concerning changes or revisions to the international Radio Regulations which the public believes should be considered by the Commission in developing pertinent U.S. positions. Recommendations for inclusion of a particular subject or revision of certain regulations should be accompanied by adequate justification and/or supportive rationale. In this connection, the Commission will consider, by incorporation herein, those pertinent Petitions for Rule Making already on file as well as the results of the aforementioned specialized Radio Conferences. Typical of the questions or issues expected to be addressed is the following question:

What effect, if any, will 3 kHz channel spacing in the HF aeronautical mobile (R) bands have upon the need for and timing of an aeronautical satellite program?

5. In developing proposals for consideration by the Commission in preparation for the 1979 WARC, participants should keep in mind the importance of the conference results. Based upon past experience, decisions reached at this conference can be expected to provide the framework for the Table of Frequency Allocations through most of the remainder of this century. It is of the utmost importance to develop a U.S. position which effectively promotes that combination of telecommunications uses which offers the maximum social and economic contribution to the national welfare while at the same time retains the necessary flexibility to accommodate the important new applications of this dynamic technology as well as the unique requirements of our international partners in the ITU.

6. As in the past, the Commission will expect to coordinate its views with those of the Office of Telecommunications Policy and the Department of State in developing national proposals for the 1979 General WARC. Thus, it should be noted that this inquiry, and any of an anticipated number of additional Notices of Inquiry in this proceeding are not rule making actions and will not involve changes in, or additions to, Commission Rules and Regulations. Nonetheless, inputs to this proceeding may eventually lead to proposals for modification of the international Radio Regulations and consequent incorporations of such changes in the Commission's Rules.

7. Accordingly, interested persons desiring to submit comments, proposals, recommendations or changes to the international Radio Regulations for consideration by the 1979 WARC may do so on or before February 14, 1975. Replies to any such comments, proposals, recommendations or changes may be submitted on or before February 28, 1975. All relevant and timely filed comments as well as other pertinent information made available to the Commission will be considered.

8. Pursuant to § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed in response to this Notice are required.

9. Authority for this action is contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i).

Adopted: January 3, 1975.

Released: January 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

RESOLUTION No. 28

WORLD ADMINISTRATIVE RADIO CONFERENCE FOR THE GENERAL REVISION OF THE RADIO REGULATIONS

The Plenipotentiary Conference of the International Telecommunication Union (Mala-Torremolinos, 1973),

considering:

(a) That, since 1959, various world administrative radio conferences have amended the Radio Regulations and Additional Radio Regulations on specific points without having been able to harmonize the decisions taken because of the limited nature of their agenda;

(b) That, as a result of technical advances, some of the provisions in these Regulations should be reconsidered, particularly with regard to certain services which are developing rapidly;

(c) That, for these reasons, a general revision of the Radio Regulations and of the Additional Radio Regulations should be undertaken;

resolves:

That a World Administrative Radio Conference to revise, as necessary, the Radio Regulations and the Additional Radio Regulations shall be convened in 1979;

Instructs the Administrative Council to make preparations for convening that Conference.

[FR Doc.75-1757 Filed 1-17-75;8:45 am]

[Docket Nos. 20320, 20321; File Nos. 4304-C2-P-71, 6261-C2-P-71; FCC 75-21]

VEGAS INSTANT PAGE AND WUI/TAS OF LAS VEGAS, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Vegas Instant Page, Las Vegas, Nevada, Docket No. 20320, File 4304-C2-P-71; WUI/TAS of Las Vegas, Inc., Las Vegas, Nevada, Docket No. 20321, File No. 6261-C2-P-71.

1. The Commission has before it for consideration applications filed by Vegas Instant Page (VIP) on February 8, 1971 and by Vegas Valley Associates, Inc. (now WUI/TAS of Las Vegas, Inc., hereinafter WUI/TAS) on April 19, 1971, for new one-way facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) in the Las Vegas, Nevada area. Both applications are for guardband frequency 158.70 MHz. Also before the Commission are: (a) A petition to return WUI/TAS's application as defective filed by VIP on March 30, 1973, (b) an amendment to the original Vegas Valley Associates application filed June 8, 1973 substituting WUI/TAS as the applicant; (c) a reply

[1] Commissioner Reid absent.

by WUI/TAS to VIP's petition to return as defective filed July 6, 1973; (d) an amendment to its application filed by VIP on October 24, 1973; (e) WUI/TAS's "Petition to Dismiss and Return as Defective" the amended VIP application filed November 21, 1973; (f) an opposition filed by VIP on December 6, 1973; and (g) a reply to the opposition filed by WUI/TAS on January 4, 1974.

2. Both VIP and WUI/TAS presently provide paging services in the Las Vegas, Nevada area. VIP provides "tone-only" paging on a frequency of 35.58 MHz and "tone plus voice" paging on guardband frequency 152.24 MHz. WUI/TAS provides two-way mobile service primarily and one-way paging secondarily on a frequency of 152.03 MHz. According to VIP, their paging service at 35.58 MHz is subject to "skip" and inadequate building penetration in spite of significant attempts to remedy these problems. The quality of service to be afforded subscribers at the higher guardband channel applied for is expected to be technically far superior to that at the lower frequency. WUI/TAS asserts in its application and other documents that their request for the remaining guardband frequency is primarily to allow them to conform with the Commission's intent in granting the use of 152.03 MHz. If its application is approved, WUI/TAS states it will transfer its one way paging customers to the new channel and use 152.03 MHz exclusively for two-way service.

3. In its motion to oppose the grant of the WUI/TAS application, VIP argues first that the application is defective due to a failure to comply with Rule 21.15(c)(4),[1] which requires that a copy of the state authorization to provide service, if one is required, be submitted with the application filed with this Commission. Nevada does require such an authorization. Since the Nevada PSC reassigned the authorization of Vegas Valley to WUI/TAS on April 19, 1973, the argument goes, the application on file with this Commission on that date in the name of Vegas Valley was not in compliance with Rule 21.15(c)(4).

4. Failure to comply with the provisions of Rule 21.15(c)(4) has constituted a defect so serious that the Commission has rejected applications. See *Two Way Radio of Carolina*, 18 F.C.C. 2d 356 (1969); *Canaveral Communications*, 26 F.C.C. 2d 73 (1970). Those cases, however, are easily distinguished from the instant case. In *Two Way Radio*, the North Carolina PUC had refused to issue a certificate. In *Canaveral*, the adequacy of an existing certificate to cover a new service was in doubt. In the instant case, there is no claim that the certificate in the name of WUI/TAS, submitted with the amended application on June 8, 1973, is in any substantive way defective. True, there was a period between April 19 and June 8, 1973 when the certificate with the application on file (that in the name of Vegas Valley Associates) had been superceded. Under the circumstances, however, we will not consider the application defective. Vegas Valley Associates was being sold to WUI/TAS. Authorizations had to be gotten from this Commission and the Nevada PSC. Ideally, all paperwork could have been coordinated to avoid the present situation. The ideal is rarely achieved, and we will not require it here. Returning the application of WUI/TAS is much too drastic under the circumstances. See *Day Nite Radio Message Service*, 26 F.C.C. 2d 911 (1971).

5. VIP also asserts that the change in control (from Vegas Valley Associates to WUI/TAS) is a major amendment. As such, the application is a new application subject to Public Notice as provided for in § 21.27[2] of the Rules and the "cut off" provisions of § 21.30(b)[3] and 1.227(b)(3)[4] of the Rules.

6. On December 28, 1973, the Commission issued a *notice of proposed rulemaking*, Docket No. 19905, 44 F.C.C. 2d 556 (1973), to amend its definition of a major amendment to explicitly include a substantial change in ownership of an applicant. Pending final adoption, the proposed rules were to be effective not only for applications subsequently amended, but also to previously amended pending applications. Special waivers, however, would be granted to preclude unfair results. 46 F.C.C. 2d at 560. Unless a waiver is appropriate, the WUI/TAS application would be dismissed under the terms of the *notice of proposed rulemaking*.

7. We will grant a waiver of the "cut off" rule here. The application was originally filed in April, 1971. It was more than two years later, in June 1973, that the change in ownership was effective. This was also six months before WUI/TAS had notice that such a change would be considered a major amendment. Nor has VIP claimed it has been prejudiced in any way by the change in ownership. While we think our proposed amended rule is a good one, a waiver as provided for in the *notice of proposed rulemaking* is in order here. See *Racom, Inc.*, 48 F.C.C. 2d 217 (1974).

8. On October 24, 1973, VIP amended its application to provide for tone plus voice paging in lieu of tone only paging. WUI/TAS argues in its Petition to Dismiss and Return as Defective that the change is a major amendment, subject to the "cut off" rule. VIP, in its opposition to the petition to dismiss, points out that the emission designators shown in its original application would permit both tone only and tone plus voice paging. According to VIP, the amendment therefore only updates and supplements the information provided earlier and is a minor amendment. We agree, that under the circumstances, the amendment is a minor one. Not only were emission designators necessary for tone plus voice paging shown, but receivers capable of providing tone plus voice service were to be utilized as well. A grant of the application with the tone plus voice emission designator would have permitted VIP to provide that service. For that reason a change in descriptive words to more accurately reflect technical information already provided is a minor amendment.

9. Both applicants presently provide paging services in the Las Vegas area. Neither applicant has adequately shown there is any public need for the grant of its application. Further, there has been no showing that the existing facilities of each applicant are inadequate to serve whatever demand exists. *Empire Communications Company*, 47 F.C.C. 2d 329 (1974). Therefore, the capacity of each applicant's facilities in relation to the demand faced by that applicant will be in issue in the hearing.

10. Insofar as the contents of the two applications are concerned, they propose to use the same frequency in the same city and are thus mutually exclusive. Since both applicants appear to be legally, financially and technically qualified to construct and operate the proposed facilities, a comparative hearing must be held to determine which applicant is the better qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945).

11. Issue 1 calls for a comparative determination of the nature and extent of the services proposed by each applicant. We are currently reexamining the comparative criteria use in the DPLMRS. Until we announce changes in these criteria, however, we will continue to take evidence and arguments addressed to the rates, charges, maintenance, personnel, practices, classifications, regulations and facilities to be offered by the competing carriers, and to use these factors as decisional factors in selecting among applicants.

12. In view of the foregoing, *It is ordered*, That pursuant to sections 309(d) and (e) of the Communications Act of 1934 as amended, (47 U.S.C. sections 309(d) and (e)) that the captioned applications of VEGAS INSTANT PAGE AND WUI/TAS of LAS VEGAS, 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 the services proposed by each applicant.

2. To determine the total area and population to be served by Vegas Instant Page within the 43 dbu contour of its proposed station based upon the standards set forth in § 21.504 of the F.C.C. Rules and Regulations, and to determine the need for its proposed service in that area.

3. To determine the total area and population to be served by WUI/TAS of Las Vegas, Inc. within the 43 dbu contour of its proposed station based upon the standards set forth in § 21.504 of the F.C.C. Rules and Regulations, and to determine the need for its proposed service in that area.

4. To determine the present and prospective channel loading by VIP of its

[1] 47 CFR 21.15(c)(4).

[2] 47 CFR 21.27.

[3] 47 CFR 21.30(b).

[4] 47 CFR 1.227(b)(3).

presently assigned one-way paging frequencies.

5. To determine the present and prospective channel loading by WUI/TAS of its presently assigned two-way paging frequency.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications would best serve the public interest, convenience and necessity.

13. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C. at a time and place and before an Administrative Law Judge, to be specified in a subsequent order.

14. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

15. *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 Rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: January 8, 1975.

Released: January 13, 1975.

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

[FR Doc.75-1756 Filed 1-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA AIR TRAFFIC CONTROL TOWER, SUGAR GROVE, ILL.

Notice of Commissioning

Notice is hereby given that on February 4, 1975, the Airport Traffic Control Tower at Aurora Municipal Airport, Sugar Grove, Illinois will be commissioned as an FAA facility. This information will be reflected in the FAA organization statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration
Airport Traffic Control Tower
Aurora Municipal Airport
Sugar Grove, Illinois 60554

Issued in Des Plaines, Illinois on January 9, 1975.

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

[FR Doc.75-1695 Filed 1-17-75;8:45 am]

TWIN FALLS CITY-COUNTY AIRPORT, JOSLIN FIELD, TWIN FALLS, IDAHO

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about February 10, 1975, the Airport Traffic Control Tower at Twin Falls City-County Airport, Joslin Field, Twin Falls, Idaho, will be commissioned. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Route 2
Twin Falls City-County Airport, Joslin Field
Twin Falls, Idaho 83301

Issued in Seattle, Washington, on January 10, 1975.

C. B. WALK,
Director, Northwest Region.

[FR Doc.75-1693 Filed 1-17-75;8:45 am]

WALLA WALLA CITY-COUNTY AIRPORT WALLA WALLA, WASH.

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about January 20, 1975, the Airport Traffic Control Tower at Walla Walla City-County Airport, Walla Walla, Washington, will be commissioned. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Route 4, Box 174
Walla Walla, Washington 99362

Issued in Seattle, Washington, on January 10, 1975.

C. B. WALK,
Director, Northwest Region.

[FR Doc.75-1694 Filed 1-17-75;8:45 am]

Federal Highway Administration

RHODE ISLAND

Notice of Proposed Action Plan

The Rhode Island Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Rhode Island Department of Transportation
   Planning Division
   State Office Building
   Providence, Rhode Island 02903
2. Rhode Island Division Office—FHWA
   Gardner Building, 3rd Floor
   400 Fountain Street
   Providence, Rhode Island 02903
3. FHWA Regional Office—Region 1
   4 Normanskill Boulevard
   Delmar, New York 12054
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building—Room 3246
   400-7th Street, SW
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before February 21, 1975.

Issued on: January 9, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-1706 Filed 1-17-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-201]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 13, 1975.

Take notice that on January 3, 1975, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP-75-201 an application pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas in interstate commerce by Applicant to Cities Service Gas Company (Cities) so as to modify, as a result of curtailment, existing sales arrangements between the two companies presently taking place near Jane, Missouri, authorizing a related exchange of gas, and authorizing the construction and operation of facilities to implement the exchange, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authorization to deliver to Cities at a point near Jane, Missouri, up to 80,000 Mcf of gas per day, which shall consist of the volumes subject to curtailment Applicant is already authorized to deliver to Cities at Jane plus volumes equivalent to the volumes Cities shall deliver to Applicant at a proposed new exchange point between the two companies at an interconnection of their systems in McClain County, Oklahoma. Applicant proposes to charge 50 cents per Mcf for all volumes delivered at Jane regardless of the source of said volumes, subject to an annual adjustment to reflect purchased gas costs. Applicant further requests authorization to install a pipeline tap on its system in McClain County for the purpose of receiving the gas from Cities.

By order issued August 15, 1967, accompanying Opinion No. 527 (38 FPC 364), Applicant was authorized to sell up to an average daily volume of 100,000 Mcf of natural gas to Cities at a point near Jane. The rate computed by Applicant for the initial sale of the subject gas was 22.5 cents per Mcf. Applicant states that, as a result of curtailment on Applicant's system, Cities is receiving, and will continue to receive into the

foreseeable future, less gas from Applicant at Jane than is certificated. Applicant further states that Cities uses the gas delivered at Jane for service to the Springfield-Joplin, Missouri, area, and needs 80,000 Mcf per day during the winter. Applicant estimates that, as a result of curtailment, Applicant will only be delivering 44,000 Mcf per day to Cities at Jane. Cities, according to Applicant, can deliver to Applicant in McClain County sufficient gas so as to enable Applicant to supplement its deliveries at Jane to provide the 80,000 Mcf per day to Cities at that point. Applicant states that such an exchange would be of no benefit to Applicant from a supply standpoint, but would be highly desirable for Cities because of the unique location of the Jane supply point in relation to where the gas is needed in the Springfield-Joplin area. Applicant further states that Cities' alternative to this exchange agreement is to expand its own system capacity into the Springfield-Joplin area from the west at considerable investment.

Applicant states that the new proposed price of 50 cents per Mcf is calculated on the basis of the volume of gas Cities purchases from Applicant at Jane, with this amount to constitute payment not only for the gas purchased by Cities at Jane but also settlement with respect to the exchange aspect of the transaction. Applicant reserves the right not to accept any certificate issued in the instant docket authorizing the proposed exchange if the new price provided in the agreement is not approved and if Applicant cannot contemporaneously commence charging the new price upon issuance of the certificate.

Applicant states that the estimated cost of the pipeline tap in McClain County is $4,600 to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 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 sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1733 Filed 1-17-75;8:45 am]

[Docket No. CP73-329, PGA 75-5B]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

JANUARY 13, 1975.

Take notice that on January 6, 1975, Chattanooga Gas Company, (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1975, consisting of the following revised tariff sheets: Ninth Revised Sheet No. 6.

Chattanooga states that the sole purpose of these Revised Tariff Sheets is to adjust Chattanooga's LNG rates pursuant to the PGA provision in Section 5 of the General Terms and Conditions of its FPC Tariff to reflect increased purchased gas costs resulting from an additional January 1, 1975 rate increase by one of its suppliers, Southern Natural Gas Company, (Southern) in Docket No. RP73-64 to reflect an additional increase in their purchased gas costs from United Gas Pipeline Company and Sea Robin Pipeline Company.

Chattanooga requests that its Ninth Revised Sheet No. 6 be made effective on January 1, 1975, or on such other date as the underlying filing of Southern Natural of December 19, 1974 becomes effective.

Chattanooga further states that it is relying on its alternative rate increase reflected on Substitute Eighth Revised Sheet No. 6 filed with the Commission on November 27, 1974 to be effective on January 1, 1975, in the event Ninth Revised Sheet No. 6 is not accepted to be effective on January 1, 1975.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 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.75-1734 Filed 1-17-75;8:45 am]

[Dockets Nos. CP75-191, CP75-193, CP75-194]

LONE STAR GAS CO.

Notice of Applications

JANUARY 10, 1975.

Take notice that on December 30, 1974, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket Nos. CP75-191, CP75-193 and CP75-194 applications pursuant to section 7 of the Natural Gas Act, as implemented by paragraphs (c), (g) and (b) of § 157.7 of the regulations thereunder (18 CFR 157.7 (b), (c) and (g)), respectively, for a certificate of public convenience and necessity authorizing the construction during the calendar year 1975 and operation of facilities for rearrangements of minor gas-sales or transportation facilities, for authorization for the construction, relocation, removal, or abandonment, also during the calendar year 1975, and operation of field compression and related metering and appurtenant facilities, and for a certificate of public convenience and necessity authorizing the construction during the calendar year 1975 and operation of gas purchase facilities, respectively, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

The purposes of these budget-type applications are (1) 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 applications, (2) to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system, and (3) to enable Applicant to act with reasonable dispatch in making miscellaneous minor rearrangements on its system without the delay incident to the filing and processing of numerous individual certificate applications.

Applicant states that the total cost for construction of the gas purchase facilities will not exceed $3,000,000, with no single project to exceed $750,000, that the total cost of the miscellaneous rearrangements of gas-sales and transportation facilities will not exceed $300,000 with no single project to exceed $75,000, and that the abandonment, removal and relocation, and construction of field compression facilities will not exceed $800,000, with no single project to exceed $200,000. Such costs will be financed from working capital and cash on hand, according to Applicant.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 3, 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 sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications 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 certificates and permission and approval for the proposed abandonments 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.75-1735 Filed 1-17-75;8:45 am]

[Dockets Nos. G-11817, G-11818, and CI71-549]

MARATHON OIL CO.

Petitions To Amend

JANUARY 14, 1975.

Take notice that on December 18, 1974, Marathon Oil Company (Marathon), 539 South Main Street, Findlay, Ohio 45840, submitted filings in Docket Nos. G-11817, G-11818 and CI71-549 to effect implementation of a proposed settlement in *Hilda B. Weinert and Jane W. Blumberg, et al.*, Docket No. G-2730, *et al.*, all as more fully set forth in said filings, which are on file with the Commission and open to public inspection.

The instant filings state that by order issued December 1, 1958, the Commission granted certificates of public convenience and necessity to Marathon pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas produced from specific properties in the La Gloria Field, Brooks and Jim Wells Counties, Texas, to Natural Gas Pipeline Company of America (Natural) in Docket No. G-11818 and to Transcontinental Gas Pipe Line Corporation (Transco) in Docket No. G-11817. On January 28, 1971, Marathon filed in Docket No. CI71-549 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of the sale to Transco from the La Gloria Field.

In the order accompanying Opinion No. 655, issued on March 21, 1973 (49 FPC 738), the Commission authorized Marathon to increase its deliveries to Natural to the extent of its prior commitments to Transco and granted abandonment authorization for Marathon's sale to Transco, together with similar authorizations to other producers in the La Gloria Field. On November 12, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings.[1]

Marathon states that as a result of settlement negotiations a new and superseding gas purchase contract dated November 7, 1974, with Transco in Docket No. G-11817 and an amendment dated August 31, 1974, to Marathon's gas sales contract with Natural in Docket No. G-11818 were entered into to become effective subject to approval by the Commission of the settlement agreement in Docket No. G-2730, *et al.* Said settlement agreement was certified to the Commission on November 11, 1974. The new agreements with Transco and Natural, according to Marathon, provide for changes in the volumes delivered to Transco and Natural in accordance with the subject settlement agreement.

Marathon, accordingly, requests that upon approval of the subject settlement the orders issuing certificates in Docket Nos. G-11817 and G-11818 be amended in accordance with the terms of the applicable agreement in the respective dockets and that the proceeding on its application to abandon service in Docket No. CI71-549 be terminated.

According to Marathon's summary of the November 7, 1974, contract with Transco, Marathon will sell approximately 726,000 Mcf of gas per month at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, at a price of 54.1583 cents per Mcf, which Marathon maintains is the rate provided by § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said petitions to amend and request for termination of proceeding should on or before January 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1736 Filed 1-17-75;8:45 am]

[1] *Transcontinental Gas Pipe Line Corporation v. FPC*, 488 F. 2d 1325 (D.C. Cir. 1973).

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

JANUARY 13, 1975.

Take notice that Mississippi River Transmission Corporation (MRT) on December 23, 1974, tendered for filing Second Substitute Alternate Twenty-Fifth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective January 1, 1975, and Substitute Twenty-Sixth Revised Sheet No. 3A to be effective February 1, 1975.

MRT states that both sheets are being filed pursuant to the provisions of MRT's Purchased Gas Cost Adjustment (PGA) clause to its tariff to reflect amended rate change filings of United Gas Pipe Line Company (United) and Natural Gas Pipeline Company of America (Natural), both of which were filed to be effective January 1, 1975.

MRT states that United initially filed a PGA rate change on November 14, 1974 to be effective January 1, 1975 and Natural filed a PGA rate change on November 21, 1974 to be effective January 1, 1975, which, among other things, reflected the PGA rate change of United. Such rate changes were reflected by MRT on Substitute Alternate Twenty-Fifth Revised Sheet No. 3A to its tariff. MRT further states that on December 17, 1974, United amended its November 14, 1974 PGA rate change filing to include as a part of its deferred purchased cost recovery an additional amount which reflects all Opinion No. 699 producer increases,* prior to those prescribed in Opinion No. 699-H, up to the proposed January 1, 1975 effective date and Natural subsequently amended its PGA rate change filing to track such change of United. Both United's and Natural's amended PGA rate changes are reflected on Second Substitute Alternate Twenty-Fifth Revised Sheet No. 3A.

Finally, MRT states that it has also included herewith Substitute Twenty-Sixth Revised Sheet No. 3A to its tariff, which sheet is to be substituted for Twenty-Sixth Revised Sheet No. 3A which MRT filed on December 17, 1974, to be effective February 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 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 January 24, 1975. Protests will be

considered by the Commission to determine appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1737 Filed 1-17-75;8:45 am]

NATIONAL POWER SURVEY COORDINATING COMMITTEE

Notice of Renewal

JANUARY 13, 1975.

This order renews the term of the National Power Survey Coordinating Committee, to a date not later than December 31, 1975. The Coordinating Committee was established by Commission order issued November 2, 1972, 37 FR 23868, for a period not to exceed two years.

By Notice of Determination and Certification with Respect to Renewal of National Power Survey Advisory Committees, published in the FEDERAL REGISTER on December 10, 1974, 39 FR 43113, the Chairman of this Commission has determined and certified that the renewal of the aforesaid committee of the National Power Survey for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Advisory Committee Management, has ascertained that renewal of the aforesaid advisory committee of the National Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773-4.

1. *Purpose.* The National Power Survey Coordinating Committee shall perform a liaison function with respect to the National Power Survey as constituted by the Federal Power Commission, together with all advisory committees, including any task forces thereto, which may be established by the Commission from time to time. The Commission contemplates that the National Power Survey Coordinating Committee, in performing this liaison function will assist in the implementation of requests for data, information, studies or other materials requested or recommended by the National Power Survey and its constituent advisory committees, including task forces thereto, as referred to above; will recommend work schedule assignments and work schedule priorities among such National Power Survey advisory committees, including task forces, as the Coordinating Committee considers appropriate to the implementation of requests for data, information, studies or other materials requested or recommended by the National Power Survey; and will assist in other ways as it may be called upon to act in performing its liaison function as requested from time to time by the Commission or its staff.

2. *Membership.* The chairman, coordinating representative, secretary, and members of the National Power Survey Coordinating Committee renewed herein, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of Future Committee Members.* All future National Power Survey Coordinating Committee members and persons designated to act as committee chairmen, coordinating representatives, and secretary, shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission order, dated June 29, 1972, 47 FPC 1740, 1742-3, as amended by Commission order issued December 19, 1972, 48 FPC 1468, 1471-4, and by Commission order issued August 7, 1974, 52 FPC ——, are hereby incorporated by reference:

3. Conduct of Meetings.
4. Minutes and Records.
5. Secretary of the Committee.
6. Location and Time of Meetings.
7. Advice and Recommendations Offered by the Committee.

5. The National Power Survey Coordinating Committee renewed herein shall terminate not later than December 31, 1975. Estimated operating cost for the calendar year 1975 for subject committee is $6,000.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order.

This order is effective January 1, 1975, and the Secretary of the Commission shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

Secretary.
[SEAL] KENNETH F. PLUMB,

NATIONAL POWER SURVEY COORDINATING COMMITTEE MEMBERS

Chairman. Shearon Harris, Chairman, National Power Survey Executive Advisory Committee.

Coordinating Representatives. B. E. Biggerstaff, Bureau of Power, Bernard B. Chew, Bureau of Power, Alexander Gakner, Bureau of Power, Dr. Richard F. Hill, Bureau of Power, Drexel D. Journey, Office of General Counsel, William W. Lindsay, Bureau of Power.

Secretary. Daniel G. Lewis, Director, National Power Survey.

Members. Gordon R. Corey, Chairman, National Power Survey Technical Advisory, Committee on Finance.

M. F. Hebb, Chairman, National Power Survey Technical Advisory Committee on Power Supply.

Paul D. Martinka, Chairman, National Power Survey Technical Advisory Committee on Fuels.

Dr. Bruce Netschert, Chairman, National Power Survey Technical Advisory Committee on Conservation of Energy.

Dr. H. Guyford Stever, Chairman, National Power Survey Technical Advisory Committee on Research and Development.

Dr. Irwin Stelzer, Chairman, National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

[FR Doc.75-1750 Filed 1-17-75;8:45 am]

[Project 2455]

NEW YORK STATE ELECTRIC & GAS CORP.

Application To Withdraw Application for License

JANUARY 13, 1975.

Public notice is hereby given that application was filed on November 8, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by New York State Electric & Gas Corporation, Applicant (correspondence to: L. T. Everett, Senior Vice President, New York State Electric & Gas Corporation, P.O. Box 287, Ithaca, New York 14850; and Frederic H. Lawrence, Esq., Huber Magill Lawrence and Farrell, Attorneys, 99 Park Avenue, New York, New York 10016), requesting approval to withdraw the application filed April 1, 1964, for major license for its constructed Colliers Hydroelectric Project No. 2455. The Colliers project is located on the North Branch of the Susquehanna River, in the Towns of Milford and Middlefield, Otsego County, New York.

Project No. 2455 consists of: a reinforced concrete dam, 200 feet long and 36 feet high; a 520-acre reservoir known as Goodyear Lake (250 acre-feet of usable storage) with normal surface elevation 1150 feet m.s.l.; an intake structure, canal and forebay; a powerhouse containing four generating units having a total installed capacity of 3,810 KW; and appurtenant facilities.

Operation of the plant was discontinued in March 1969, and the generating facilities were removed in August 1970. The plant, constructed in 1908, was retired for economic reasons. The project is no longer useful to Applicant, nor would rehabilitation of the plant be economically feasible. The power plant has been replaced by centralized dispatching in Applicant's facilities at Binghamton, New York.

In the absence of acquisition of the project by the County of Otsego for recreational purposes, Applicant proposes to obtain authorization from the New York Department of Environmental Conservation to lower the level of Goodyear Lake and eventually to complete dewatering of the Lake.

Any person desiring to be heard or to make protest with reference to said application should on or before February 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to

a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1738 Filed 1-17-75;8:45 am]

[Docket No. CP74-145]

NORTHERN NATURAL GAS CO.

Amendment to Application

JANUARY 10, 1975.

Take notice that on December 20, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-145 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by requesting authority to establish an interconnection of Applicant's gathering system with that of Natural Gas Pipeline Company of America (Natural) and to operate same for receipt of exchange gas from Natural in Carson County, Texas, and to operate on a permanent basis certain existing facilities in Wheeler County, Texas, and to exchange gas with Natural in Carson, Hansford and Wheeler Counties, Texas, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

Applicant states that in its original application in the subject docket it requests authority to construct and operate certain facilities to exchange gas with Natural. Northern, according to the original application, has available, pursuant to its rights under an agreement with Kerr-McGee Corporation, gas produced from the Dobbs No. 1 Well located close to Natural's existing facilities in Wheeler County and Natural has gas available from the Lackey No. 1 Well in Hansford County, which well is connected to Applicant's gathering system. The original application, therefore, requests authorization for an exchange of up to 2,000 Mcf of gas per day between the two companies. In order to implement said exchange Applicant requested authorization to construct and operate 1,400 feet of 4-inch pipe and appurtenances in Wheeler County. In the instant amendment Applicant states that it constructed these facilities and commenced the exchange on March 15, 1974, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22).

In the instant amendment Applicant relates that Natural has encountered delay in executing the necessary gas purchase contract for the natural gas volumes produced from the Lackey No. 1 Well, and that in order to provide for a concurrent exchange of gas upon the issuance of certificate authority in the instant docket and to make available to Applicant's system at a suitable date supplies of natural gas from dedicated gas reserves in Wheeler County, Applicant and Natural have entered into an amended agreement providing for an additional point of exchange to be located in Carson County. The instant amendment to the original application further states that Natural has interest in the Lackey No. 2 and 3 Wells in Hansford County, which under the terms of the amended agreement, have been established as additional exchange points of delivery to Applicant.

Accordingly, Applicant requests authority to construct and operate measuring facilities and to establish an interconnection of its gathering facilities in Carson County, to provide an additional exchange point with Natural, and to operate on a permanent basis the existing 1,400 feet of 4-inch pipe previously constructed for delivery of gas to Natural in Wheeler County. Applicant estimates the cost of the facilities proposed in the original application and in the instant amendment to be $10,000. Applicant further requests authority to exchange gas with Natural in Carson, Hansford and Wheeler Counties as more fully set forth in the instant amendment to its application in the subject docket.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1739 Filed 1-17-75;8:45 am]

[Docket No. E-8878]

POTOMAC EDISON CO.

Postponement of Hearing

JANUARY 13, 1975.

On January 8, 1975, The Potomac Edison Company filed a motion to postpone the hearing date fixed by order issued August 26, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until March 12, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1740 Filed 1-17-75;8:45 am]

[Rate Schedule Nos. 72 etc.]

TENNECO OIL CO., ET AL.

Rate Change Filings

JANUARY 13, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 31, 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.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
12-23-74	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	72	Texas Eastern Transmission Corp.	Other southwest area.
12-23-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	278	Phillips Petroleum Co	Hugoton-Anadarko.
12-24-74	Burmah Oil and Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	24	Lone Star Gas Co.	Other southwest area.

[FR Doc.75-1742 Filed 1-17-75;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Rate Change

JANUARY 13, 1975.

Take notice that on December 26, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FPC Gas Tariffs, Third Revised Volume No. 1 and Original Volume No. 2:

Third Revised Volume No. 1 and Effective date

Fourth Substitute Eighth Revised Sheet No. 1, April 1, 1974.

Third Substitute Ninth Revised Sheet No. 7, May 1, 1974.
Fourth Substitute Ninth Revised Sheet No. 7, August 1, 1974.
Second Substitute Tenth Revised Sheet No. 7, August 2, 1974.
First Revised Sheet No. 29, February 1, 1975.
First Revised Sheet No. 30, February 1, 1975.
First Revised Sheet No. 31, February 1, 1975.
First Revised Sheet No. 32, February 1, 1975.
Second Revised Sheet No. 102, February 1, 1975.

Original Volume No. 2

Third Substitute Sixth Revised Sheet No. 333, April 1, 1974.
Third Substitute Sixth Revised Sheet No. 363, April 1, 1974.
Fourth Substitute Sixth Revised Sheet No. 363, February 1, 1975.

Texas Gas states that the revised tariff sheets are being filed pursuant to a Commission order issued December 20, 1974, in Docket No. RP74-25 which approved a Stipulation and Agreement submitted by Texas Gas in Docket No. RP74-25. Texas Gas states that the tariff sheets are to become effective on the dates listed on the respective tariff sheets.

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 January 27, 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.75-1743 Filed 1-17-75;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Notice of Rate Change

JANUARY 13, 1975.

Take notice that on December 26, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Fifth Substitute Tenth Revised Sheet No. 7. The proposed effective date is February 1, 1974.

Texas Gas states that pursuant to a Commission order issued December 20, 1974, in Docket No. RP74-25, it would normally be filing Settlement rates as approved by the Commission to become effective February 1, 1974. However, Texas Gas states that on December 16, 1974, as amended December 23, 1974, Texas Gas filed its semi-annual PGA increase in Docket No. RP72-156, to become effective February 1, 1974. Therefore, Texas Gas states that its instant filing reflects the reductions contemplated by the Settlement, adjusted upward to reflect the PGA increase filed on December 16, 1974, as amended December 23, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 24, 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.75-1744 Filed 1-17-75;8:45 am]

[Docket No. RP72-156, PGA75-2A]

TEXAS GAS TRANSMISSION CORP.

PGA Rate Increase

JANUARY 13, 1975.

Take notice that on December 23, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Fourth Substitute Tenth Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1.

Texas Gas states that on December 16, 1974, it filed a PGA rate increase (Docket No. RP72-156, PGA75-2) to become effective February 1, 1974, and that the December 16, 1974, filing reflected purchased gas costs increases by United Gas Pipeline Company (United) and Texas Eastern Transmission Corporation (TETCO). Texas Gas states that subsequent to its December 16, 1974, filing United and TETCO revised their PGA filings to reflect estimated purchased gas costs pursuant to Opinion No. 699-G. Texas Gas states that its December 23, 1974, filing is necessary to reflect the additional increases to be incurred from United and TETCO. Texas Gas proposes an effective date of February 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 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.75-1745 Filed 1-17-75;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

JANUARY 13, 1975.

On January 6, 1975, Transwestern Pipeline Company filed a motion to extend the procedural dates fixed by order issued November 18, 1974, as most recently modified by notice issued December 10, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, February 14, 1975. Hearing, March 4, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1746 Filed 1-17-75;8:45 am]

[Docket Nos. CP75-196, CP75-197]

UNITED GAS PIPE LINE CO.

Notice of Applications

JANUARY 13, 1975.

Take notice that on December 31, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket Nos. CP75-196 and CP75-197 applications pursuant to section 7(c) of the Natural Gas Act for permission and approval to abandon deliveries of natural gas in interstate commerce on January 1, 1975, to Atlas Processing Company (Atlas) at Shreveport, Caddo Parish, Louisiana, and to Olinkraft, Inc. (Olinkraft) at West Monroe, Ouachita Parish, Louisiana, respectively, and facilities related to such deliveries, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that deliveries of natural gas are currently being made to Atlas at its refinery plant and Olinkraft at its paper mill pursuant to contracts dated November 17, 1969, and November 30, 1962, respectively, both of which expire by their terms on January 1, 1975. Applicant states that extension of the contract with Atlas is at Applicant's option and that extension of the contract with Olinkraft was at Olinkraft's option prior to January 2, 1974, which option Olinkraft did not exercise. Applicant has advised Atlas and Olinkraft that Applicant would not extend their respective contracts beyond January 1, 1975. Accordingly, Applicant herein seeks permission and approval to abandon the deliveries to Atlas and Olinkraft and related facilities authorized by Commission orders issued January 27, 1959 (21 FPC 64), April 28, 1972 in Docket No. G-232, and May 24, 1965 (33 FPC 1058) and the order accompanying Commission Opinion No. 372 issued December 17, 1962 (28 FPC 1035).

Applicant states that the predominate use of the gas in question is as boiler fuel. It is stated that alternate fuels could

effectively supplant 91 percent of Atlas' and 90 percent of Olinkraft's respective gas receipts from Applicant.[1] Applicant states that because it has begun curtailments on its system and in view of the Commission's position that boiler fuel use is relegated to the lowest priority,[2] it is Applicant's policy that contracts with major industrial customers for gas used as boiler fuel will not be extended beyond the period of Applicant's contractual obligation.

Applicant states that it recognizes that Atlas and Olinkraft must bear the cost of conversion to alternate fuel and the difference in cost between natural gas and the higher priced alternate fuels. Applicant points out that Atlas and Olinkraft would incur such costs in the increasingly likely event that Applicant is forced to curtail completely deliveries to them. Applicant asserts its belief that since Applicant commenced curtailments on its system in 1970 Atlas and Olinkraft have been on notice that their contracts for gas as boiler fuel would not be extended, and that they have had adequate time for conversion to alternate fuels. Finally, Applicant maintains that the economic impact of the proposed abandonment of service to Atlas and Olinkraft will not preclude their continued operations.

Applicant also requests permission and approval to abandon, remove and salvage a sales meter, regulator station and 1,240 feet of 8-inch pipeline in Caddo Parish and a sales meter, regulator station and 297 feet of 8-inch, 10-inch and 12-inch pipeline in Ouachita Parish. Applicant states that all of the facilities proposed to be abandoned have been operated exclusively to serve Atlas or Olinkraft.

Applicant explains that because the gas presently committed to Atlas and Olinkraft will remain in Applicant's system, the proposed abandonment of sales will not result in a loss of gas to interstate commerce. Applicant claims that the proposed abandonment of services and facilities will in no way impair service to any of its other existing customers.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 4, 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 sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonments are required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings 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 hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1747 Filed 1-17-75;8:45 am]

[1] The applications state that according to Atlas' and Olinkraft's responses to curtailment end-use data questionnaires in Docket Nos. RP71-29 and RP71-120, 9 percent of Atlas' basic requirements from Applicant are used in process applications and 91 percent are used as boiler fuel or in other industrial applications which can also be converted to use alternate fuels and 90 percent of Olinkraft's basic requirements from Applicant are used as boiler fuel.

[2] Applicant points to Commission Opinion Nos. 647 (49 FPC 179) and 647-A (49 FPC 1211) and Commission Order to Show Cause issued January 17, 1973, in Docket No. CP73-189.

[Docket No. E-9189]

UTAH POWER & LIGHT CO.

Notice of Application

JANUARY 13, 1975.

Take notice that on December 23, 1974, Utah Power & Light Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, a December 3, 1973 Interconnection Agreement and Service Schedules A-1 (Emergency Assistance) and B-1 (Surplus Energy Sales) thereto, with Salt River Project Agricultural Improvement and Power District (Salt River). Applicant also tenders Amendment No. 1 to Service Schedule B-1 dated February 13, 1974, and Service Schedule C-1 (Transfer of Power and Energy) dated October 16, 1974.

The Interconnection Agreement, which became effective as of the December 3, 1973 date of execution and will remain in effect for an initial twenty-year period, to be thereafter terminated by either party upon three year's written notice, establishes terms and conditions for the exchange of generating capacity, and specifies Glen Canyon and the 345 kv Switchyard of the Four Corners Project as points of interconnection. For the twelve-month period from December, 1973, Salt River has received 439,772 mwh for $5,417,806.73 in revenue, while Applicant has received 75 mwh for $1,673.25 in November, 1974.

Amendment No. 1 to Service Schedule B-1, executed by the parties on February 13, 1974, amends the terms for return of surplus energy by the receiving party, when the supplying party's cost therefor is greater than the receiving party's avoided cost, to provide for either (1) the return of 120 percent of the energy received, or (2) payment of 115 percent of the supplier's costs of furnishing such energy. The return option is to be determined by mutual agreement, and Amendment No. 1 is to be effective as of January 1, 1974.

Service Schedule C-1, dated October 16, 1974, provides for Applicant's transfer of up to 100 mw capacity and 35 mw average energy received from Salt River to the Hot Springs point of delivery during the months from November 1974 through February 1975, for further transmission to Puget Sound Power & Light Company. During the months of June, July, August, and September 1977, Applicant will deliver to Salt River 137 mw of capacity plus 35 mw of average energy, for which Salt River will supply Applicant 50 mw of capacity during the months of December 1975, January 1976, December 1976, and January 1977. Salt River will also provide Applicant an additional 50 mw of capacity as compensation, subject to Salt River's having generating resources in operation or available for operation to supply such capacity and such deliveries having priorities over non-firm sales to others, during the months of December 1975, January 1976, December 1977, and January 1978. All energy related thereto will be returned by Applicant to Salt River.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1748 Filed 1-17-75;8:45 am]

[Docket No. CI72-440, et al.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend [1]

JANUARY 10, 1975.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-440 ..... C 12-4-74	Amoco Production Co., Security Life Bldg., Denver, Col. 80202.	Panhandle Eastern Pipe Line Co., Wattenberg and other Fields, Adams, Arapahoe, Douglas, Elbert, and Weld Counties, Colorado, and Laramie County, Wyo.	[1] 50.10	14.73
C174-528 ..... C 12-11-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[2] [4] 60.09	14.65
C175-376 ..... A 10-29-75 [4]	McCulloch Oil Corp., 10880 Wilshire Blvd., Suit 1500, Los Angeles, Calif. 90024.	Transcontinental Gas Pipe Line Corp. North Lake des Allemands Field, St. John the Baptist Parish, La.	[4] 50.0	14.73
C175-365 ..... B 12-3-74	Spartan Gas Co., 518 Kanawha Valley Bldg., Charleston, W. Va. 25301.	Columbia Gas Transmission Corp. Rocky Fork, Poca District, Kanawha County, W. Va.	Acreage sold to gas purchaser.	.....
C175-371 ..... (G-6882) B 12-6-74 [7]	William H. Putnam/Anchorage Oil Co., P.O. Box 647 Marietta, Ohio 45750.	Columbia Gas Transmission Corp. C. E. Humphrey Field, Meigs County, Ohio.	Uneconomical	.....
C175-372 ..... (G-6882) B 12-6-74 [7]	William H. Putnam/Anchorage Oil Co.	Columbia Gas Transmission Corp. J. B. Torrence Field, Meigs County, Ohio.	Uneconomical	.....
C175-373 ..... (G-6882) B 12-6-74 [7]	do	Columbia Gas Transmission Corp. Mays-Torrence Field, Meigs County, Ohio.	Uneconomical	.....
C175-374 ..... (G-6882) B 12-6-74 [7]	do	Columbia Gas Transmission Corp. Webster Reed Field, Meigs County, Ohio.	Uneconomical	.....
C175-375 ..... (G-6882) B 12-6-74 [7]	William H. Putnam/Anchorage Oil Co., P.O. Box 647, Marietta, Ohio 45750.	Columbia Gas Transmisdon Corp., Delilah Mays Field, Meigs County, Ohio.	Uneconomical	.....
C175-376 ..... (G-6882) B 12-6-74 [7]	William H. Putnam/Anchorage Oil Co.	Columbia Gas Transmission Corp., Warren Pickens Field, Meigs County, Ohio.	Uneconomical	.....
C175-377 ..... (G-6882) B 12-6-74 [7]	do	Columbia Gas Transmission Corp., Chloe Mills Field, Meigs County, Ohio.	Uneconomical	.....
C175-378 ..... A 12-11-74	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Mayfield Prospect Area, Beckham County, Okla.	[5] 54.89218	14.73
C175-379 ..... (G-18287) B 12-11-74	Texas International Petroleum Corp., P.O. Box 4520, Shreveport, La. 71104	United Gas Pipe Line Co., Acreage in Terrebonne Parish, La.	Depleted	.....
C175-380 ..... A 12-16-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Columbia Gas Transmission Corp., Pecan Island Field, Vermilion Parish, La.	[4] [6] 62.0	15.025

[1] Includes 4.86¢ per Mcf upward Btu adjustment and 2.24¢ per Mcf tax reimbursement.
[2] Applicant states that the price is to be increased to equal any higher price prescribed by the Federal Power Commission as applicable to gas being sold hereunder.
[3] Includes 1.49¢ per Mcf for substantial gathering and is subject to upward and downward Btu adjustment; estimated upward adjustment is 4.84¢ per Mcf.
[4] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[5] Being renoticed, because by amendment to application filed 12-16-74, Applicant requests a higher price.
[6] Subject to a 0.5¢/Mcf gathering charge.
[7] The application notes that the purchaser has not indicated concurrence in the abandonment.
[8] Subject to upward and downward Btu adjustment.
[9] Subject to upward and downward Btu adjustment; estimated upward adjustment is 0.28¢ per Mcf.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-1593 Filed 1-17-75;8:45 am]

[Docket No. CI75-202, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend [1]

JANUARY 10, 1975.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-202..... C 12-18-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	El Paso Natural Gas Co., J. B. Tubb "C" No. 11 well, Sand Hills Field, Crane County, Tex.	[1] 58.2205	14.65
CI75-202..... C 12-18-74	Sun Oil Co.....	El Paso Natural Gas Co., J. B. Tubb "B" No. 11 well, Sand Hills Field, Crane County, Tex.	[1] 58.2205	14.65
CI75-382..... (CS71-51) F 12-13-74	Sun Calvert Co. (succ. to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[2] 24.5	14.65
CI75-384..... A 12-13-74	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	El Paso Natural Gas Co., Acreage in Crane County, Tex.	[3] 53.75	14.65
CI75-385..... A 12-13-74	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Michigan Wisconsin Pipe Line Co., Bayou Hebert Field, Vermilion Parish, La.	[4] 26.9875	15.025
CI75-386..... A 12-16-74	Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Vermilion Block 321 Field, offshore Louisiana.	[5] 54.0	15.025
CI75-387..... A 12-23-74	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, acreage in Ward County, Tex.	[6] 52.48 [7] 55.11 [8] 52.42 [9] 55.06 [10] 63.88	14.73 14.73 14.73 14.73 14.73
CI75-389..... (G-5318), F 12-16-74	Michael L. Klein, d/b/a MKA Oil Properties (succ. to Skelly Oil Co.), 304 Midland National Bank Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Eumont Gas Field, Lea County, N. Mex.	23.6204	15.025
CI75-390..... (G-7985), B 12-18-74	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	Depleted	.....
CI75-394..... A 12-26-74	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transwestern Pipeline Co., Atoka (Morrow) and S. Carlsbad (Atoka/Morrow) Fields, Eddy County, N. Mex.	[11] 55.6031	14.65
CI75-395..... A 12-26-74	Transcontinental Production Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., South Ewing Field, San Patricio County, Tex.	[12] 60.211740	14.65
CI75-396..... (CS71-51), B 12-13-74	Sun Calvert Co., P.O. Box 2880, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Well plugged and abandoned.	.....
CI75-397..... (CI65-274) B 12-16-74	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Camrick Unit (Upper Morrow Zone), Texas and Beaver Counties, Okla.	Uneconomical	.....
CI75-398..... (G-8087), B 12-20-74	Texaco Inc., P.O. Box 2100, Denver, Colo. 80201.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Greenwood Field, Baca County, Colo.	Contract expiration with no prior gas sales.	.....
CI75-399..... B 12-26-74	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Warren Petroleum Corp., Eumont and other Fields, Lea County, N. Mex.	[13]	.....
CI75-400..... A 12-26-74	Tideway Oil Programs, Inc., P.O. Box 92, Jackson, Miss. 39205.	Northern Natural Gas Co., Hugoton Field, Stanton County, Kans.	[14] 43.0	14.65

[1] Includes 4.0320¢ per Mcf tax reimbursement; 1.50¢ per Mcf gathering allowance and 2.96¢ per Mcf upward Btu adjustment.
[2] Subject to upward Btu adjustment.
[3] Plus upward Btu adjustment.
[4] Subject to downward Btu adjustment and subject to a deduction for compression by buyer.
[5] Includes 3.5¢ per Mcf upward Btu adjustment.
[6] Rate for gas from the University 9-18 No. 1-U Well; including estimated downward Btu adjustment of 2.36¢ per Mcf.
[7] Rate for gas from the University 9-18 No. 1-L Well; including estimated upward Btu adjustment of 0.27¢ per Mcf.
[8] Rate for gas from the University 10-18 No. 1-U Well; including estimated downward Btu adjustment of 2.42¢ per Mcf.
[9] Rate for gas from the University 10-18 No. 1-L Well; including estimated upward Btu adjustment of 0.22¢ per Mcf.
[10] Rate for gas from the University 10-18 No. 2 Well; including estimated upward Btu adjustment of 9.04¢ per Mcf.
[11] Includes 4.8801¢ per Mcf tax adjustment and is subject to upward and downward Btu adjustment; estimated upward adjustment is 3.7254¢ per Mcf.
[12] Includes 6.451258¢ per Mcf upward Btu adjustment.
[13] Applicant states that The Oil Conservation Commission of New Mexico reclassified the Southland Royalty "A" No. 5 oil well to a Blinebry gas well, therefore, the well is no longer subject to the terms of the percentage-of-proceeds contract under which sales are made.
[14] Subject to upward and downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-1606 Filed 1-17-75;8:45 am]

[Docket No. CS75-240, etc.]

"SMALL PRODUCER" CERTIFICATES[1]

Notice of Applications

JANUARY 10, 1975.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS75-240...	11-25-74	Thomas A. Rollow, P.O. Box 51781, Lafayette, La. 70501.
CS75-241...	11-25-74	George E. Coleman, 708 South Tucker, Farmington, N. Mex. 87401.
CS75-242...	11-25-74	Fortune Drilling Corp., Petroleum Bldg., San Angelo, Tex. 76901.
CS75-243...	11-29-74	Keba Oil & Gas Co., 2460 West 26th Ave., Suite 30C, Denver, Colo. 80211.
CS75-244...	12- 2-74	Wishbone Oil and Gas, Inc., P.O. Box 24670, Oklahoma City, Okla. 73105.
CS75-245...	12- 4-74	Colt Oil Inc., 1776 Lincoln St., Suite 504, Denver, Colo. 80203.
CS75-246...	12- 4-74	J. J. Harrington Sons, 1316 Coble Dr., Borger, Tex. 79007.
CS75-247...	12- 4-74	Erlich Foods International, 9229 Sunset Blvd., #418, Los Angeles, Calif. 90069.
CS75-248...	12- 6-74	Victor E. Ratliff, P.O. Box 1186, Edmond, Okla. 73034.
CS75-249...	12- 9-74	J. G. Stone, P.O. Box 178, Lolita, Tex. 77971.
CS75-250...	12- 9-74	George G. Anderman, 506 Denver Center Bldg., 1776 Lincoln St., Denver, Colo. 80203.
CS75-251...	12- 9-74	George W. Arrington, P.O. Box 608, Canadian, Tex. 79014.
CS75-252...	12- 9-74	Marvin Wolf, d/b/a Wolf Energy Co., 4155 East Jewell Ave., Suite 814, Denver, Colo. 80222.
CS75-253...	12-11-74	Harvey J. Wier, Sr. Estate, 50 Rockefeller Plaza, New York, N.Y. 10020.
CS75-254...	12-11-74	Joseph R. Wier.
CS75-255...	12-12-74	James B. Franklin, 309 Bank of the Southwest Bldg., Amarillo, Tex. 79109.
CS75-256...	12-12-74	General Exploration Co., (Texas), 50 Rockefeller Plaza, Suite 911, New York, N.Y. 10020.
CS75-257...	12-12-74	Camflo Mines, Ltd., Suite 1806, P.O. Box 306, Commercial Union Tower, Toronto, Ontario, Canada M5K 1K2.
CS75-258...	12-12-74	Donald J. Zadeck, P.O. Box 3863, Shreveport, La. 71103.
CS75-259...	12-12-74	Frank Katzenstein, P.O. Box 3863, Shreveport, La. 71103.
CS75-260...	12-12-74	Herman Van Os, P.O. Box 3863, Shreveport, La. 71103.
CS75-261...	12-16-74	Morgan Enterprises, Inc., et al. P.O. Box 1166, Corpus Christi, Tex. 78403.
CS75-262...	12-16-74	Roberts, Koch & Cartwright, 205 Building of the Southwest, Midland, Tex. 79701.
CS75-263...	12-17-74	O. H. Shaller, Box 503, Cheyenne, Okla. 73628.
CS75-264...	12-18-74	Partnership 3904, 410 West Ohio Ave., Midland, Tex. 79701.
CS75-265...	12-19-74	Sanford P. Fagadau, 1301 Dallas Federal Savings Bldg., Dallas, Tex. 75201.
CS75-266...	12-19-74	The Termo Co., 3275 Cherry Ave., Long Beach, Calif., 90801.
CS75-267...	12-20-74	Page Petroleum Inc., 901 Bank of the Southwest Bldg., Amarillo, Tex. 79109.
CS75-268...	12-13-74	William B. Yarborough (Operator), et al., 202 Gihls Tower West, Midland, Tex. 79701.
CS75-269...	12-23-74	Seaboard Well Service, Inc. P.O. Box 51286 OCS, Lafayette, La. 70501.
CS75-270...	12-23-74	Paula R. (Hicks) Simon, 516 Mont Rose Ave., Lafayette, La. 70501.
CS75-271...	12-23-74	Enterprise Resources, Inc. 1100 Milam Bldg., Suite 776, Houston, Tex. 77002.
CS75-272...	12-23-74	Helmet Petroleum Corp., Suite 2904, Lincoln Center Bldg., Denver, Colo. 80203.

[FR Doc.75-1605 Filed 1-17-75;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE; EDUCATION PANEL

Notice of Meeting

JANUARY 15, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on February 6, 1975.

The purpose of the meeting is to review Humanities Institutes applications submitted to the National Endowment for the Humanities for grants to educational institutions and nonprofit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-1682 Filed 1-17-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR METABOLIC BIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Metabolic Biology to be held at 9 a.m. on February 6 and 7, 1975, in room 511, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the

proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program, Rm. 323, 1800 G Street, NW., Washington, D.C. 20550, telephone 202/632-4312.

Dated: January 14, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1722 Filed 1-17-75;8:45 am]

ADVISORY PANEL FOR NEUROBIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Neurobiology to be held at 9 a.m. on February 6 and 7, 1975, in room 338, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. James H. Brown, Program Director, Neurobiology Program, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-4264.

Dated: January 14, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1723 Filed 1-17-75;8:45 am]

ADVISORY PANEL FOR REGULATORY BIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Regulatory Biology to be held at 9 a.m. on February 6 and 7, 1975, in room 621 at 1800 G Street, NW., Washington, D.C.

The purpose of the Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Jack W. Hudson, Program Director, Regulatory Biology Program, Rm. 323, 1800 G Street, NW., Washington, D.C. 20550, telephone 202/632-4299.

Dated: January 14, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1724 Filed 1-17-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Instructional Scientific Equipment Program (ISEP) Subpanel to be held from 9 a.m. to 5 p.m. on February 6-8, 1975, in the Sir Francis Drake Hotel, San Francisco, California.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Instructional Scientific Equipment Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about the ISEP Subpanel, please contact Dr. James C. Kellett, Program Manager, Rm. 454, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550, telephone 202/282-7760.

Dated: January 15, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1751 Filed 1-17-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

OWNERS AND TENANTS ADVISORY BOARD

Amendment to Charter

Notice is hereby given that section 8 of the Owners and Tenants Advisory Board Charter published on page 20849 of the FEDERAL REGISTER of June 14, 1974, is hereby amended to read as follows:

"8. *Termination date.* The Advisory Board shall terminate on June 30, 1975".

This action extends the life of the organization, previously scheduled to terminate on December 31, 1974, to the end of the current fiscal year.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-1762 Filed 1-17-75;8:45 am]

COMMUNITY ADVISORY GROUP

Amendment to Charter

Notice is hereby given that section 8 of the Community Advisory Group Charter published on pages 21091 and 21092 of the FEDERAL REGISTER of June 18, 1974, is hereby amended to read as follows:

"8. *Termination date.* The Community Advisory Group shall terminate on June 30, 1975".

This action extends the life of the organization, previously scheduled to terminate on December 31, 1974, to the end of the current fiscal year.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-1763 Filed 1-17-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

JANUARY 13, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (EST) on January 13, 1975 through midnight (EST) on January 22, 1975.

By the Commisison.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1752 Filed 1-17-75;8:45 am]

[File No. 500–1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

JANUARY 10, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 13, 1975 through January 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–1686 Filed 1–17–75;8:45 am]

[34–11144]

AMERICAN STOCK EXCHANGE, INC.

Option Plan Declared Effective

The Securities and Exchange Commission announced today its decision to declare effective the American Stock Exchange, Inc. ("Amex" or "Exchange") plan regulating transactions in options on the Exchange ("plan") filed pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 ("Rule 9b–1"), 17 CFR 240.9b–1.[1]

Under Rule 9b–1 (17 CFR 240.9b–1), it is unlawful for a national securities exchange to effect transactions in an option by the use of its facilities except in accordance with a plan regulating transactions in options on the exchange that is declared effective by the Commission. The plan must contain rules, bylaws, constitutional provisions and other exchange requirements relating solely or significantly to transactions in options on the exchange. If the Commission finds the plan necessary or appropriate in the public interest or for the protection of investors, it shall declare the plan effective, which we have determined to do after a review of the Amex plan in accordance with these standards. We note, however, that the Amex operation will be on a pilot basis, and ongoing surveillance of the Exchange's program may result in significant alterations in its option-related activity.

While it appears to us to be unnecessary to describe fully herein the somewhat voluminous rules and accompanying documentation submitted by the Exchange as a part of its plan, we believe that some discussion of the plan's background and general structure is desirable and that special mention should be made of several of the policy issues considered by us in connection with our review.

BACKGROUND

On November 14, 1973 in response to issues raised by emerging option trading patterns on the Chicago Board Options Exchange, Inc. ("CBOE") and over-the-counter option markets, and due to the interest expressed by other national securities exchanges (including Amex) in listing and trading options, the Commission scheduled a public hearing commencing on January 29, 1974.[2] On January 15, 1974 (39 FR 2774, January 24, 1974) we announced the formal submission by Amex of its plan for listing and trading options pursuant to Rule 9b–1 under the Securities Exchange Act of 1934.[3] We noted on the latter occasion that while the specific provisions of the Amex plan were not a subject of the previously announced hearing, resolution of a number of policy issues to be considered at that hearing would be necessary before the Commission could determine whether the Exchange's plan should be made effective under Rule 9b–1.[4]

In part as a result of the hearing and CBOE experience, it appeared to us that progress should be made in several areas prior to expansion of the existing CBOE program or initiation of multiple exchange option trading by Amex and other exchanges. Among the subjects which the exchanges were advised would have to be addressed in the exchange options market area were: development of programs common clearing; dissemination of last-sale data; standardized option terms; availability of options quotations; and appropriate regulatory controls relating to trading in away-from-the-money options.[5] On August 22, 1974, the Commission noted that substantial progress had been made both by Amex and CBOE in addressing these issues.[6] We further stated that in view of this progress, we expected to declare the Amex plan effective when certain other conditions concerned with requirements set forth in Rule 9b–1 were met.[7]

GENERAL NATURE OF THE PLAN

Under the terms of the plan, which calls for the initiation of a pilot project, Amex intends initially to limit its operations to call options on 20 underlying stocks that are registered and listed on the New York Stock Exchange. The stocks (like those underlying CBOE options) would be those characterized by a substantial number of outstanding shares which are widely held and actively traded;[8] however, Amex does not intend initially to undertake dual trading of options.[9] As experience is gained and the system enlarged the Exchange expects, with Commission authorization, to increase the number of underlying stocks for option trading.[10]

Existing Amex members will, upon the plan's effectiveness, automatically obtain option trading privileges on the Exchange and Amex expects that most of these members will participate in this program.[11] Non-member access will be achieved by permitting qualified non-member brokers to introduce orders for their customers' accounts to members at a commission discount not in excess of 40% on such transactions.[12] In general, Amex intends to apply clearing principles and contract standardization methods and terms substantially identical to those currently used by CBOE—that is, options would be made fungible by limiting the contract variable. Thus, at the outset options would normally expire (expiration date) on the last Monday

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[1] All the materials composing Amex's plan are available for public inspection at the Commission's public reference room at 1100 L Street, NW, Washington, D.C. 20549. File No. S7–505. Public comments on the Amex plan were first requested in Securities Exchange Act Release No. 10602 (January 15, 1974). The plan has since that time been modified. Public comments on any submission under Rule 9b–1 may be made before or after such submission is declared effective. The Option Clearing Corporation described *infra* under the heading Common Clearing has filed a prospectus pursuant to the requirements of the Securities Act of 1933 covering the options to be traded which must be delivered to each customer prior to the time such customer's account is approved for option trading. Amex Rule 926. File No. S7–505.

[2] Commission "Study of Multiple Exchange Option Trading and Option Trading in General," File No. 4–170. Securities Exchange Act Release No. 10490 (November 14, 1973).

[3] Securities Exchange Act Release No. 10602. (January 15, 1974).

[4] *Id.* These issues included the question of whether exchange option trading should be limited to the CBOE pilot project until sufficient information about option trading, including its economic functions, is developed and evaluated and on what conditions multiple pilots might be permitted.

[5] *See* letters to Mr. Joseph W. Sullivan, President, Chicago Board Options Exchange, Inc., and to Mr. Paul Kolton, Chairman of the American Stock Exchange, Inc., from Lee A. Pickard, Director, Division of Market Regulation, dated April 25, 1974. File No. 4–170. *See* generally, *Statement of the Securities and Exchange Commission on the Future Structure of the Securities Markets*, February 2, 1972 and *Policy Statement of the Securities and Exchange Commission on the Structure of a Central Market System*, March 29, 1973.

[6] See letter to Chairman Paul Kolton, American Stock Exchange, from Martin Moskowitz, Assistant Director, Division of Market Regulation, dated August 22, 1974. File No. S7–505.

[7] *Id.*

[8] Amex Rule 915. File No. S7–505.

[9] As used here the term "dual trading" means the trading of options in respect of the same underlying security on more than one national securities exchange.

[10] The special procedures pursuant to Rule 9b–1 under the Securities Exchange Act relating to the adoption and alteration of rules of registered national securities exchanges concerning acts or transactions in options would be applicable to such expansion.

[11] As of December 6, 1974, Amex had 650 regular members and 169 associate members.

[12] Amex Constitution, Article VI, Section 2(n). File No. S7–505.

of the expiration month, and Amex expects to use the same months (*i.e.*, January, April, July and October) as CBOE. The striking prices of Amex options (the price per share at which the underlying stock may be purchased upon exercise of the option) would be fixed at 5-point intervals for stock trading below $50, 10-point intervals for those stocks trading between $50 and $100, and 20-point intervals for stocks trading above $100, and, as in the case of CBOE, new series of Amex options would be introduced for trading as the underlying stock fluctuated in price. The Exchange can impose restrictions on trading in options, and under its present plan opening transactions in certain deep-out-of-the-money options, *i.e.*, those options selling below $0.50 and with their underlying stock more than $5.00 below the exercise price would automatically be restricted.[12]

Options will generally be traded in a manner very similar to that for other securities traded on the Amex, and a major difference between Amex's program and CBOE's is that Amex will, with certain modifications applicable to its floor trading system, utilize its present unitary specialist system instead of segregating the agent and dealer functions between board brokers and competing market makers.

A notable modification in the Amex Floor trading procedure is that its registered floor traders will be expected to trade in a way that assists the specialist in maintaining a fair and orderly market, and in furtherance of this obligation he may be called upon under certain circumstances by either a floor official or floor broker acting in an agency capacity to make quotations in the market.[14] In addition, at least 50 percent of a floor trader's option transactions must be in two or more classes of assigned options. Since the Exchange feels that such trading should be encouraged to help provide liquidity in all open series of options, it will therefore extend the same margin treatment to the floor traders in options that will be afforded to specialists.[15]

Commission Rates

We have also considered Amex's proposed fixed minimum commission rate structure. In essence, the Exchange will prescribe minimum non-member commission rates only on that portion of an order above $2,000 and up to and including $30,000.[16] In addition, it will apply fixed minimum intra-member floor brokerage and specialist commission rates on the part of an order involving $30,000 or less, but its intra-member clearance commissions will be fully negotiated.[17] However, under the option plan fixed minimum commissions on Amex option transactions will terminate on April 30, 1975.[18] If adopted, proposed Rule 19b–3 under the Securities Exchange Act of 1934[19] will prohibit national securities exchanges from adopting or retaining any rule of the exchange that requires, or from otherwise directly or indirectly requiring, members to charge any person any fixed rate of commission for transactions executed on, or effected by use of any facility of, such exchanges, effective May 1, 1975.[20] Pending a determination as to whether to adopt Rule 19b–3, we have decided to permit, in the interim, a fixed minimum commission rate structure for Amex's option pilot.

Throughout its existence, Amex, like other major national securities exchanges, has had fixed minimum commission rates, and the Commission has consistently taken the position that this long history of fixed rates argues against their precipitate elimination. We have instead maintained that the exchanges should be given an opportunity to develop business strategies and adjust their operations to a competitive-rate environment by April 30, 1975.[21]

Therefore, when we declared effective the registration of CBOE as a national securities exchange, we also permitted CBOE, Amex's principal competitor in options at this time, to structure its commission rates for options trading in a manner analogous to those provided by all of the existing exchanges.[22] Similar treatment for the Amex now seems appropriate, particularly since under its option plan fixed minimum commissions will automatically terminate on April 30, 1975.

Common Clearing

The Amex plan provides that the options will be issued, guaranteed and registered pursuant to the Securities Act of 1933 and pursuant to Section 12(b) of the Act by the Options Clearing Corporation (the "OCC").[23] In addition, the OCC will clear and settle all options transactions effected on the Amex, the CBOE and any other options exchange which becomes a participant in OCC. The Commission has reviewed the certificate of incorporation, by-laws and rules of the OCC, a stockholders agreement and a participant exchange agreement to be executed by options exchanges participating in the OCC, and other materials and undertakings pertaining to the formation and operation of the OCC and the conditions for access to OCC by participating exchanges and their members. In declaring the Amex plan effective, the Commission has concluded that the establishment and operation of OCC as a common clearing entity is necessary and appropriate for the trading of exchange-listed options and for the protection of investors involved in the trading of exchange-listed options.[24]

Last-Sale Reporting

The Amex and CBOE have addressed the basic issues of a common option tape and public reporting of last sale information by proposing the establishment of a policy-making body, the Option Price Reporting Authority ("OPRA"), to

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[12] Amex Rule 910. File No. S7–505.

[14] Amex Rule 958. File No. S7–505. This Rule was originally submitted by telephone on December 12, 1974 and was considered by the Commission as a part of the Amex plan declared effective on December 18, 1974.

[15] Amex Rule 940(b). File No. S7–505.

[16] In the case of a purchase or sale of an option, the amount involved in an order is measured by the premium. In the case of an exercise of an option, the amount of money involved in an order is the striking price multiplied by the number of shares.

[17] There are two related differences between the Amex and CBOE non-member commission rate provisions that should be noted. Amex's minimum commission rates on orders to purchase or sell options and for exercise of options include the 10–15 percent increases implemented by exchanges (except for CBOE) in September of 1973. Its commission rates to exercise an option will be the same as that for stocks; thus, the recently added 8 percent increase will also apply to exercise of options. The CBOE does not include these increases. The Amex provides for negotiated rates on orders involving $2,000 or less whereas CBOE's minimum rates on such orders, with certain exceptions for small trades, are fixed. A condition for our not objecting to the retention of the rate increases mentioned above through April 30, 1975 was that the exchanges adopting them assume the initiative for developing a program fostering limited price competition during this period prior to the introduction of unfixed rates. The exchanges, except CBOE which did not elect to institute an increase, therefore adopted competitive commission rates on orders up to $2,000.

[18] Amex Constitution Article VI, section 8(1). File No. S7–505. These rates will expire unless the Commission does not disapprove an extension proposed by Amex pursuant to Rule 9b–1.

[19] *See* Securities Exchange Act Release No. 11073 (October 24, 1974) in which the Commission published proposed Rule 19b–3 (17 CFR 240.19b–3) and 10b–22 (17 CFR 240.10b–22) under the Act and scheduled oral hearings commencing on November 19, 1974. Proposed Rule 10b–22 would, among other things, make it unlawful for any broker, dealer or member of any national securities exchange, directly or indirectly, to participate in any agreement or arrangement with another broker, dealer or member of any exchange with respect to the fixing of any amount to be charged to other persons in respect of transactions in securities executed on, or effected by using any facility of, such exchange.

[20] Securities Exchange Act Release No. 10383 (September 11, 1973) and Securities Exchange Act Release No. 11019 (September 19, 1974). *See* Securities Exchange Act Release No. 11093 (November 8, 1974) which contains a synopsis of actions previously taken by the Commission relating to fixed commission rates on securities transactions.

[21] Securities Exchange Act Release No. 10560 (December 14, 1973).

[22] Securities Exchange Act Release No. 9985 (February 1, 1973).

[23] Initially, the OCC will be jointly owned by Amex and CBOE. Thereafter, exchanges with options trading plans declared effective by the Commission will be eligible for OCC participation and partial ownership.

[24] These submitted materials concerning the operation and capital structure of the OCC have also been filed by the CBOE as an amendment to its Rule 9b–1 option plan. In declaring this part of the plan effective, the Commission has also considered and determined to not disapprove these changes to the CBOE plan.

coordinate the establishment and ongoing administration of a separate common option tape on the floor of both exchanges and the dissemination of option last sale data from these exchanges to vendors of automated interrogation devices. In addition, it has been represented to us that OPRA, after a suitable trial period, will make its common option tape available to interested subscribers for public dissemination in the form of a continuous tape or tapes separate from the existing national tape networks. The present Amex tape will not be utilized for that purpose. We are presently reviewing the OPRA proposals and, while we are thus unable to make a final determination at this time on the proposals,[*] we believe it appropriate to indicate here our concurrence in principle with this overall approach to the issue. Our action in declaring the Amex plan effective under Rule 9b-1 has been predicated on the substantial progress made by the exchanges in this area.

CONCLUSION

Accordingly, we find the Amex plan to be necessary and appropriate in the public interest and for the protection of investors, and therefore declare the plan effective pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (Part 240 of Chapter II of title 17 of the Code of Federal Regulations § 240.9b-1).

All interested persons are invited to submit their views and comments on the Amex plan. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number S7-505. The plan and all amendments to the plan and all such comments will be available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

By the Commission.

Dated: December 19, 1974.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1690 Filed 1-17-75;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

JANUARY 13, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 14, 1975 through January 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1687 Filed 1-17-75;8:45 am]

[File No. 500-1]

BURMAH OIL COMPANY LTD.

Suspension of Trading

JANUARY 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Burmah Oil Company Limited being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 13, 1975 through January 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1688 Filed 1-17-75;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

JANUARY 13, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 14, 1975 through January 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1689 Filed 1-17-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1109]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December, because of the effects of a certain disaster, damage resulted to property located in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Town of Middleboro, Plymouth County, Massachusetts, suffered damage or destruction resulting from a fire which occurred December 13, 1974.

OFFICE

Small Business Administration
District Office
150 Causeway Street
10th Floor
Boston, Massachusetts 02114

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 10, 1975. EIDL applications will not be accepted subsequent to October 10, 1975.

Dated: January 9, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-1764 Filed 1-17-75;8:45 am]

[License No. 02/02-0163]

MID-ATLANTIC FUND, INC.

Notice of Approval of Application for Transfer of Control

Pursuant to the provisions of § 107.701 of the Small Business Administration's (SBA) rules and regulations (13 CFR 107.701 (1974)), a notice of filing of an application for transfer of control of Mid-Atlantic Fund, Inc., License No. 02/02-0163, 645 Madison Avenue—7th Floor, New York, New York 10022, was published in the FEDERAL REGISTER on November 8, 1974 (39 FR 39615).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Mid-Atlantic Fund, Inc.

Dated: January 7, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc. 75-1767 Filed 1-17-75;8:45 am]

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[*] The Amex, of course, is subject to Rule 17a-15 under the Act (17 CFR 240.17a-15) and will be required to comply therewith prior to commencement of its option trading activities.

ORANGECO INVESTMENT CO.

[Application No. 09/09-5178]

Application for License as Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Orangeco Investment Company (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1974).

The officers and directors are as follows:

James H. Jen Kin, President and Director, 16372 Maruffa Circle, Huntington Beach, Calif. 92649.

George Wong, Jr., Vice President, 3281 Pine Avenue, Long Beach, Calif. 90807.

Stanley J. Jay, Secretary-Treasurer, Manager, 195 West 31st St., Apt. 203, Long Beach, Calif. 90806.

Allan J. Blink, Director, 15728 East Dubesor Street, Valinda, Calif. 91744.

Joseph O'Campo, Director, 1149 S. Lowell Street, Santa Ana, Calif. 92707.

The applicant will maintain its principal place of business at 501 Golden Circle Drive, Suite 206, Santa Ana, California 92705.

It will begin operations with $315,000 of paid-in capital and surplus derived from the sale of 31,500 shares of common stock at $10 per share. Fifteen thousand shares will be purchased by Developcorp, Incorporated, a nonprofit corporation funded by the Office of Economic Opportunity, 8,000 shares by the Security Beneficial Investment Corporation, a small business investment company, and 8,500 shares by MESBIC Investment Company, a limited partnership whose members include directors of the applicant.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, not later than February 4, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Santa Ana, California.

Dated: January 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-1766 Filed 1-17-75;8:45 am]

[Notice of Disaster Loan Area 1106; Amdt. 2]

PUERTO RICO

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the Commonwealth of Puerto Rico as a major disaster area resulting from severe storms, landslides and flooding, beginning about October 23, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the additional Municipality of Vieques. (See 39 FR 43427 and 40 FR 1798)

Applications may be filed at the:

Small Business Administration
District Office
255 Ponce De Leon Avenue
Hato Rey, Puerto Rico 00919

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than March 7, 1975. EIDL applications will not be accepted subsequent to October 7, 1975.

Dated: January 9, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-1765 Filed 1-17-75;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplementary industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Shirt Co., Shamokin, PA; 12-1-74 to 11-30-75 (Ladies' blouses, men's and boys' shirts).

Arizona Slack Corp., Yuma, AZ; 11-18-74 to 11-17-75 (Men's pants).

Bob Evans of Kentucky, Inc., Burkesville, KY; 10-23-74 to 10-22-75 (Washable service apparel).

Boonville Mfg. Corp., Boonville, IN; 11-1-74 to 10-31-75 (Men's pajamas).

Carthage Shirt Corp., Carthage, TN; 11-3-74 to 11-2-75 (Men's shirts and ladies' blouses).

Dover Mills, Inc., Pisgah, AL; 12-9-74 to 12-8-75 (Children's shirts and pants).

Eatonton Mfg. Co., Inc., Eatonton, GA; 10-29-74 to 10-28-75 (Men's pants).

Elder Mfg. Co., Webb City, MO; 10-31-74 to 10-30-75 (Men's, boys', and juveniles' shirts).

R. Fox, Ltd., Belleville, IL; 11-28-74 to 11-27-75 (Men's pants).

Franklin Ferguson Co., Inc., Florala, AL; 12-19-74 to 12-18-75 (Men's and boys' shirts).

Freeland Shirt Co., Inc., Freeland, PA; 11-18-74 to 11-17-75 (Men's jackets).

The Herculea Trouser Co., Inc., Hillsboro, OH; 12-1-74 to 11-30-75 (Men's and boys' pants).

The Hercules Trouser Co., Inc., Manchester, OH; 12-1-74 to 11-30-75 (Men's and boys' pants).

Jarratt Sportswear Co., Inc., Jarratt, VA; 11-15-74 to 11-14-75; 10 learners (Children's dresses).

Jonbil Mfg. Co. Of N.C., Inc., Stovall, NC; 12-10-74 to 12-9-75; 5 learners (Men's and boys' pants).

McCreary Mfg. Co., Stearns, KY; 9-23-74 to 9-22-75 (Men's shirts).

Michael Berkowitz Co., Inc., Uniontown, PA; 10-1-74 to 9-30-75 (Men's and women's sleepwear).

Monticello Mfg. Co., Inc., Monticello, KY; 9-23-74 to 9-22-75 (Men's and boys' shirts).

Oshkosh B'Gosh, Inc., Celina, TN; 10-8-74 to 10-7-75 (Men's pants and shirts).

Rector Sportswear Corp., Rector, AR; 10-28-74 to 10-27-75 (Men's pants).

J. H. Rutter Rex Mfg. Co., Inc., New Orleans, LA; 10-12-74 to 10-11-75 (Men's and boys' work pants and shirts).

Salant & Salant, Lexington, TN; 11-8-74 to 11-7-75 (Men's and boys' pants).

Salant & Salant, Paris, TN; 11-26-74 to 11-25-75 (Men's and boys' shirts).

Slidell Ind., Inc., Slidell, LA; 12-9-74 to 12-8-75 (Misses' jeans).

Stapleton Garment Co., Stapleton, GA; 9-23-74 to 9-22-75 (Men's and boys' pants).

Sullcraft Mfg. Co., Inc., Dushore, PA; 10-4-74 to 10-3-75; 10 learners (Men's and boys' pajamas).

Toll-Gate Garment Corp., Hamilton, AL; 10-1-74 to 9-30-75 (Men's shirts).

Vernon Mfg. Co., Inc., Vernon, TX; 12-31-74 to 12-30-75 (Men's and boys' trousers and shirts).

Warsaw Mfg. Co., Kingstree, SC; 11-29-74 to 11-28-75 (Ladies' capris and shorts).

Wyoming Valley Garment Co., Wilkes-Barre, PA; 10-14-74 to 10-13-75; 10 learners (Men's pants).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Jarratt Sportswear Co., Inc., Jarratt, VA; 11-15-74 to 5-14-75; 10 learners (Children's dresses).

The following certificate was issued under the cigar industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.80 to 522.85, as amended).

Budd Tobacco Processing Co., Quincy, FL; 12-4-74 to 6-3-75; 5 learners for plant expansion purposes (Cigars).

The following certificates were issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Burnham-Edina Mfg. Co., Edina, MO; 10-4-74 to 10-3-75; 5 learners for normal labor turnover purposes (Work gloves).

Good Luck Glove Co., Rosiclare, IL; 11-8-74 to 11-7-75; 10 learners for normal labor turnover purposes (Work gloves).

St. Johnsbury Glovers, St. Johnsbury, VT; 10-4-74 to 10-3-75; 10 learners for normal labor turnover purposes (Ladies' knit gloves).

The following certificates were issued under the knitted wear industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended).

Boonville Mfg. Corp., Boonville, IN; 11-1-74 to 10-31-75; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (Men's underwear).

Junior Form Lingerie Corp., Boswell, PA; 9-25-74 to 9-24-75; 5 percent of the total number of factory production workers for normal labor turnover purposes (Ladies' underwear and pajamas).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bayuk Caribe, Inc., Ciales, PR; 10-4-74 to 10-3-75; 16 learners for normal labor turnover purposes in the occupation of cigar making and packing for a learning period of 320 hours at the rates of $1.53 an hour for the first 160 hours and $1.63 an hour for the remaining 160 hours (Tobacco).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before February 4, 1975.

Signed at Washington, D.C., this 13th day of January 1975.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.75-1726 Filed 1-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 676]

ASSIGNMENT OF HEARINGS

JANUARY 15, 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. No amendments will be entertained after the date of this publication.

MC 99581 Sub 3, Horace Simmons, d.b.a. Vaca Valley Bus Lines & MC 139807, Napa Transit Co., now assigned February 18, 1975, at San Francisco, Ca., will be held in Room 2041, Court of Claims, Federal Building & Courthouse, 450 Golden Gate Ave.

MC-F-12194, F-B Truck Line Company—Purchase—Dalzell Corporation & MC 125433 Sub 50, F-B Truck Line Company, now assigned February 24, 1975, at San Francisco, Ca., will be held in Room 2021, Tax Court, Federal Building & Courthouse, 450 Golden Gate Avenue.

MC-C-8413, William H. Ott, d.b.a. Texas Hot Shot Co.—Investigation and Revocation of Certificates, now assigned February 3, 1975, at Dallas, Texas, is postponed indefinitely.

MC 117068 Sub 29, Midwest Harvestore Transport, Inc., now assigned January 17, 1975, at Chicago, Ill., is cancelled and the application is dismissed.

MC 29079 Sub 75, Brada Miller Freight System, Inc., MC 106603 Sub 133, Direct Transit Lines, Inc., MC 107295 Sub 753, Pre-Fab Transit Co., A Corp., MC 119522 Sub 32, McLain Trucking, Inc., MC 128247 Sub 25, Bursal Transport, Inc., MC 138741 Sub 11, E. K. Motor Service, Inc., now assigned February 10, 1975, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 61231 Sub 80, Ace Lines, Inc., now being assigned, February 10, 1975, at Chicago, Ill., in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC-F-12246, Ryder Truck Lines, Inc.—Purchase (Portion)—Alterman Transport Lines, Inc., now assigned February 10, 1975, at Jacksonville, Fla., will be held in Jacksonville Hilton Hotel, 565 South Main St., instead of Room 714 Federal Bldg., 400 W. Bay St.

MC 116763 Sub 285, Carl Subler Trucking, Inc., and MC 138157 Sub 13, Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, now being assigned March 5, 1975 (1 day), at Atlanta, Ga., in a hearing room to be designated later.

MC 139246 Sub 1, Leon Jones Feed & Grain, Inc., now being assigned March 6, 1975 (2 days), at Atlanta, Ga., in a hearing room to be designated later.

I&S No. 9012, Corn & Grain Sorghums, Midwest & Southwest to Pacific Ports, now being assigned March 11, 1975 (4 days), at Dallas, Texas; in a hearing room to be later designated.

NOR No. 36073, Chrysler De Mexico, S. A. V. Penn Central Transportation Company, et al., now being assigned March 17, 1975 (3 days), at Dallas, Texas; in a hearing room to be later designated.

NOM No. 36090, General Environment Corporation—Petition For Declaratory Order—Applicability Of Tariff Provisions, now being assigned March 20, 1975 (2 days), at Dallas, Texas; in a hearing room to be later designated.

I&S M No. 28239, Restructured LTL Rates, January 1975, Central & Southern Territory, now being assigned March 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FSA No. 42925, Minimum Charges on Carload Shipments—Eastern Territory, now being assigned February 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1787 Filed 1-17-75;8:45 am]

[Notice 218]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 20, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 10, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75594. By order of January 9, 1975, the Motor Carrier Board approved the transfer to Petersen Transfer, Inc., Osmond, Nebr., of Certificate No. MC 86194 issued by the Commission August 5, 1969, to Loyal F. Petersen and Gerald F. Petersen, a partnership, doing business as L. F. Petersen & Son, Osmond, Nebr., authorizing the transportation of general commodities, with exceptions, between Osmond, Nebr., and Sioux City, Iowa; livestock and agricultural products from points in Thompson, Plum Grove, Foster, and Logan Townships, Pierce County, Nebr., to Sioux City, Iowa; and feeds, repair parts for farm implements, farm machinery, hardware, building materials, lumber, and coal from Sioux City, Iowa, to points in Thompson, Plum Grove, Foster, and Logan Townships, Pierce County, Nebr.

Patrick E. Quinn, Esq., P.O. Box 82028, Lincoln, Nebr. 68501.

No. MC–FC–75596. By order entered 1–8–75, the Motor Carrier Board approved the transfer to Metro Heavy Hauling, Inc., Kent, Wash., of that portion of the operating rights set forth in Certificate No. MC 9325, issued November 10, 1970, to K Lines, Inc., Lake Oswego, Oreg., authorizing the transportation of machinery, contractors' equipment, construction materials (with exceptions), wood poles, reinforcing and construction steel, and steel piling, between points in Oregon and Washington. George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188, attorney for applicants.

No. MC–FC–75597. By order of January 9, 1975, the Motor Carrier Board approved the transfer to Charles E. Wertz, doing business as Wertz Motor Coaches, Marcus Hook, Pa., of the operating rights in Certificate No. MC 45276 issued April 25, 1942, to Charles E. Wertz and Christian B. Wertz, a partnership, doing business as Wertz Motor Coaches, Marcus Hook, Pa., authorizing the transportation of passengers and their baggage between Chester, Pa., and Claymont, Del.; in charter operations from Marcus Hook, Pa., and points within 15 miles thereof to points in Delaware, Maryland, New Jersey, and the District of Columbia, and specified points in Virginia and Pennsylvania and the New York, N.Y., Commercial Zone; and in special operations from Marcus Hook, Pa., and points within 5 miles thereof, to specified points in New York, New Jersey, Maryland, Virginia, and the District of Columbia. Peter J. Rohana, Jr., 10 East Fifth St., Chester, Pa., 19013, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75–1784 Filed 1–17–75;8:45 am]

[Exemption No. 7 to Rev. Service Order No. 1193]

PENN CENTRAL TRANSPORTATION CO.

Notice of Authorization

JANUARY 7, 1975.

To: Maine Central Railroad Company, Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.

Pursuant to the authority vested in me by Section (a), Paragraph (7) of Revised Service Order No. 1193, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, is hereby authorized to accept from shipper at Trenton, New Jersey, for transport to destination, MEC 9249, regardless of the provisions of Revised Service Order No. 1193.

Effective JANUARY 7, 1975.

Expires JANUARY 10, 1975.

Issued at Washington, D.C., January 7, 1975.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.75–1786 Filed 1–17–75;8:45 am]

TEMPORARY AUTHORITY TERMINATION

[NOTICE #23]

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary Authority Application	Final Action or Certificate or Permit	Date of Action
Les Johnson Cartage Co.: MC-29302 Sub-19, 22	MC-29302 Sub-18	Oct. 24, 1974
L. & M. Express Co., Inc.: MC-44639 Sub-69	MC-44639 Sub-70	Nov. 19, 1974
Refiners Transport & Terminal Corp.: MC-50069 Sub-474	MC-50069 Sub-481	Sept. 13, 1974
The Mason and Dixon Tank Lines, Inc.: MC-61403 Sub-224	MC-61403 Sub-225	Nov. 4, 1974
William Z. Getz, Inc.: MC-107460 Sub-40	MC-107460 Sub-41	Nov. 21, 1974
Neuman Transit Co., Inc.: MC-116045 Sub-42	MC-116045 Sub-43	Sept. 27, 1974
Clark's Frozen Express, Inc.: MC-117589 Sub-12, 16	MC-117589 Sub-15	Do.
Provisioners Frozen Express, Inc.: MC-117589 Sub-13, 20	MC-117589 Sub-17	Do.
Caravan Refrigerated Cargo, Inc.: MC-119789 Sub-166	MC-119789 Sub-170	June 6, 1974
M & M Tan Lines, Inc.: MC-123067 Sub-117	MC-123067 Sub-118	Oct. 29, 1974
Fast Motor Service, Inc.: MC-126276 Sub-60, 61	MC-126276 Sub-85	Sept. 13, 1974
The Stout Trucking Co., Inc.: MC-128030 Sub-40, 41	MC-128030 Sub-48	Sept. 30, 1974
Frost Trucking Co., Inc.: MC-133913 Sub-2	MC-133913 Sub-1	Oct. 3, 1974
Interstate Contract Carrier Corp.: MC-134599 Sub-25	MC-134599 Sub-22	Sept. 13, 1974
Harbor Transfer, Inc.: MC-135387 Sub-1	MC-135387 Sub-2	Nov. 25, 1974
dba, McCorkle Truck Line: MC-136711 Sub-7	MC-136711 Sub-9	Sept. 27, 1974
Intermodal Transport, Inc.: MC-136903 Sub-1	MC-136903 Sub-7	Sept. 18, 1974
Decker Transport Co., Inc.: MC-138235 Sub-2	MC-138235 Sub-1	Nov. 21, 1974
E. K. Motor Service, Inc.: MC-138741 Sub-6	MC-138741 Sub-2	Sept. 30, 1974
Roberts & Oaks, Inc.: MC-139193 Sub-1	MC-139193 Sub-3	Sept. 27, 1974
McLain Trucking, Inc.: MC-119522 Sub-23 [1]	MC-119522 Sub-24	Feb. 25, 1974

[1] This is to show correct name MC-119522 Sub-No. 23 TA as McLain Trucking, Inc. in lieu of Barrettmobile Home Transport, Inc. which was inadvertently shown in Federal Register of Dec. 3, 1974 on page 41921.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–1785 Filed 1–17–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 15, 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(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission January 30, 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 31462 (Sub-No. E213), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on, south and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at Bayfield, Wis., thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 53, thence along U.S. Highway 53 to La Crosse, Wis. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E214), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in that part of Michigan east and south of a line beginning in the Upper Peninsula of Michigan at Hancock, Mich., thence along U.S. Highway 41 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line. The

purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 61592 (Sub-No. E14), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, and wood molding*, from the plant site of Barclay Industries, Ind., at Lodi, N.J., to points in that part of West Virginia on and west of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 21 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of New Lexington, Ohio.

No. MC 61592 (Sub-No. E29), filed May 31, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, and attachments and parts for tractors, and tractors* (except those vehicle beds, bed frames, fifth wheels), from points in Rock Island County, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and Washington. The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

No. MC 61592 (Sub-No. E32), filed May 31, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and attachments and parts for tractors, and tractors* (except those with vehicle beds, bed frames, and fifth wheels), from the plant and warehouse sites and experimental farms of Deere and Company in Wapello County, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line and on and south of U.S. Highway 211. The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

No. MC 61592 (Sub-No. E34), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, and agricultural implements*, from St. Louis, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateways of Moline, Ill., and Ida Grove, Iowa.

No. MC 61592 (Sub-No. E37), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight, require the use of special equipment), from Baltimore, Md., to points in South Dakota, and in that part of Minnesota on and west of a line beginning at the Minnesota-South Dakota State line, thence along Minnesota Highway 19 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of Ida Grove, Iowa, O'Fallon Park, Mo., and Columbus, Ohio.

No. MC 61592 (Sub-No. E39), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because size or weight require the use of special equipment), from New Orleans, La., to points in that part of Nebraska on and north of a line beginning at the Colorado-Nebraska State line, thence along Nebraska Highway 23 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Ida Grove, Iowa.

No. MC 61592 (Sub-No. E40), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel undercarriages and frames, iron and steel trailers, and iron and steel portable buildings*, from New Ulm, Minn., to points in that part of Illinois on and north of U.S. Highway 40 and on and south of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 30 to its junction with U.S. Highway 30 Alt., thence along U.S. Highway 30 Alt. to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 61592 (Sub-No. E42), filed May 31, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 65 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line (except Denmark), to points in Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 61592 (Sub-No. E44), filed June 10, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators*, knocked down (except those which because of size or weight, require the use of special equipment), from the Memphis, Tenn., commercial zone as defined by the Commission, to points in Wisconsin and that part of Iowa on and north of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to its junction with Iowa Highway 60, thence along Iowa Highway 60 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E46), filed June 10, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, from Tarboro, N.C., to points in Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wyoming, and points in that part of California on and north of a line beginning at the Pacific Ocean, thence along U.S. Highway 101 to its junction with California Highway 58, thence along California Highway 58 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

No. MC 61592 (Sub-No. E49), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and tractors which because of their size or weight require the use of special equipment), from ports of entry on the U.S.-Canada International Boundary line in Maine, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, and in that part of Louisiana on and west

of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 27 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to the Louisiana-Arkansas State line. The purpose of this filing is to eliminate the gateway of Port Washington, Wisconsin.

No. MC 61592 (Sub-No. E51), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonsville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements in mixed loads with tractors* (except truck tractors and commodities which because of their size or weight require the use of special equipment), from O'Fallon Industrial Park, St. Charles County, Mo., to points in that part of Florida on and southeast of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 61592 (Sub-No. E54), filed June 25, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Beardstown, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, Vermont, Virginia, Wyoming, and in that part of Missouri on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 61592 (Sub-No. E63), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas meters*, from Cedar Rapids, Iowa, to St. Louis, Mo., and points in that part of Illinois on and north of U.S. Highway 40 and on and south of a line beginning at the Iowa-Illinois State line, thence along Illinois Highway 2 to its junction with U.S. Highway 30 Alt., thence along U.S. Highway 30 Alt. to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E64), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* and *supplies*, used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins, (except commodities in bulk, in tank vehicles), from points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, to Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 61592 (Sub-No. E70), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand (except such machinery and implements which because of size or weight, require the use of special equipment), from Memphis, Tenn., to points in that part of Iowa on and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E74), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment*, and *supplies*, used in the manufacture and operation of (1) agricultural, industrial, and construction machinery and equipment, (2) Lawn, garden, and home maintenance equipment, and (3) recreational vehicles and equipment (except commodities in bulk), from the plant sites and warehouse facilities of Deere and Company in Dodge County, Wis., to St. Louis, Mo., Omaha, Nebr., and points in that part of Illinois on and west of U.S. Highway 67, restricted to the transportation of traffic originating at or destined to the above mentioned facilities of Deere and Company in Dodge County, Wis. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E75), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas meters*, from Ottumwa, Iowa, to points in that part of Wisconsin on and south of U.S. Highway 10 and in that part of Illinois on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E81), filed July 5, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* (except chemicals and liquid wood products), from ports of entry on the U.S.-Canada International Boundary line in Minnesota, to points in that part of Indiana on and south of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 74 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line, and in Kentucky and Tennessee, restricted to the transportation of traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Beardstown, Ill.

No. MC 61592 (Sub-No. E86), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Memphis, Tenn., to points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Iowa Highway 163, thence along Iowa Highway 163 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line, and points in Wisconsin on and south of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E87), filed September 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, and agricultural implements*, from Kewanee, Ill., to points in that part of Iowa on, north, and west of a line beginning at the Iowa-Illinois State line, thence along Iowa Highway 92 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, and to Omaha, Nebr., and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E90), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Warren, Ark., to points in Maine, Michigan, Massachusetts, New Hampshire, Vermont, Wisconsin, and that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 24 to its junction with Illinois Highway 29, thence along Illinois Highway 29 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Indiana State

line. The purpose of this filing is to eliminate the gateways of points in that part of Iowa east of U.S. Highway 65 and south of U.S. Highway 20 (except Denmark, Iowa).

No. MC 61592 (Sub-No. E94), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those because of size or weight require the use of special equipment), from Philadelphia, Pa., to points in South Dakota, and that part of Minnesota on, south, and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to its junction with Minnesota Highway 19, thence along Minnesota Highway 19 to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, O'Fallon Park, Mo., and Ida Grove, Iowa.

No MC 61592 (Sub-No. E97), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), from Glenfield, Pa., to points in Kansas, Missouri, Nebraska, South Dakota, and that part of Illinois on, south, and west of a line beginning at Cairo, thence along U.S. Highway 51 to its junction with Illinois Highway 29, thence along Illinois Highway 29 to its junction with U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, and O'Fallon Park, Mo.

No. MC 61592 (Sub-No. E104), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts*, from points in that part of Illinois on and south of U.S. Highway 6 and on and north of U.S. Highway 40, to points in Arkansas, Connecticut, Delaware, Florida, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Vermont, and Virginia, restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Co., and (b) destined to the destination points specified above, (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E107), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, and agricultural implements in mixed loads with tractors* (except truck tractors and commodities, which, because of their size or weight, require the use of special equipment), from Columbus, Ohio, to points in Missouri, South Dakota, and that part of Illinois on and west of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 127 to its junction with Illinois Highway 16, thence along Illinois Highway 16 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of O'Fallon Park, Mo.

No. MC 61592 (Sub-No. E115), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements* in mixed loads with tractors (except truck tractors and commodities which, because of their size or weight, require the use of special equipment), from Atlanta, Ga., to points in South Dakota and in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line, thence along Minnesota Highway 15 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 371, thence along U.S. Highway 371 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Minnesota Highway 72, thence along Minnesota Highway 72 to the U.S.-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of O'Fallon Park, Mo., and Ida Grove, Iowa.

No. MC 109478 (Sub-No. E5), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and cereal food preparations*, from Geneva, Ohio, to all points in Florida. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC 113459 (Sub-No. E64), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers; (3) *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 rights-of-way; (4) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (5) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments, between points in that part of Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Colorado Highway 101, thence along Colorado Highway 101 to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Oklahoma State line, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 54 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the Colorado-Arizona State line (points in Oklahoma)*; (B)(1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment (except those used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines and except farm machinery); and (2) *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, restricted against the stringing or picking up pipe in connection with main or trunk pipelines, between points in Nebraska, on the one hand, and, on the other, points in Alaska (points in Oklahoma and Wyoming)*, and between points in Nevada, on the one hand, and, on the other, points in Mississippi (points in Oklahoma)*; and (C) *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; (a) between points in Nevada, on the one hand, and, on the other, points in Mississippi (points in Oklahoma)*; and (b) between Bullett, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmondson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Colorado (points in Illinois and Oklahoma)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114211 (Sub-No. E390), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings* for cast iron pipe from points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to the Ohio-West Virginia State line to points in Montana, Wyoming, Colorado, South Dakota, Nebraska, and points in that part of North Dakota on and west of a line beginning at the North Dakota-Canada International Boundary line, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line, and to points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 1, thence along Kansas Highway 1 to the Kansas-Oklahoma State line, and to points in that part of New Mexico on and northwest of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 60 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 62/180, thence along U.S. Highway 62/180 to the New Mexico-Texas State line, and to points in that part of Oklahoma on and northwest of a line beginning at the Kansas-Oklahoma State line, thence along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line, and to points in that part of Texas on and north of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 60 to the Texas-New Mexico State line and to that part of Texas on and north of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 62/180 to the Texas-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the plant site—Griffin Pipe Co.—Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E391), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* and *fittings* for cast iron pipe from points in that part of Michigan on and southeast of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Mich., and from points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 40 to the Ohio-Indiana State line to points in Montana, South Dakota, Wyoming, Nebraska, Colorado, New Mexico, and points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line, and to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 60 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Mexico International Boundary line, and to points of North Dakota on and west of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 281 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to the North Dakota-Canada International Boundary line, and to points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 1, thence along Kansas Highway 1 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the plant site—Griffin Pipe Co.—Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E392), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts, thereof*, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in that part of New York on and east of a line beginning at Oswego, N.Y., thence along New York Highway 57 to Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site—Stinar Corp.—Minneapolis, Minn.

No. MC 114211 (Sub-No. E393), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in the Upper Peninsula of Michigan and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Wisconsin Highway

29, thence along Wisconsin Highway 29 to Kewanee, Wis., and to points in that part of Florida on and south of a line beginning at Daytona Beach, Florida, thence along U.S. Highway 92 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Florida Highway 40, thence along Florida Highway 40 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Florida Highway 345, thence along Florida Highway 345 to junction Florida Highway 24, thence along Florida Highway 24 to Lukens, Fla., with no transportation for compensation on return except as otherwise authorized.

No. MC 114211 (Sub-No. E395), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 13, thence along Kansas Highway 13 to junction Kansas Highway 77, thence along Kansas Highway 77 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Kansas Highway 77, thence along Kansas Highway 77 to the Kansas-Oklahoma State line to points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 502 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 161, thence along Ohio Highway 161 to Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 208, thence along Ohio Highway 208 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 209, thence along Ohio Highway 209 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, with no transportation for compensation of return except as otherwise authorized restricted against movement to oil field locations.

No. MC 114211 (Sub-No. E400), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and northeast of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to points in that part of Texas on and southwest of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 53, thence along Texas Highway 53 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 28, thence along U.S. Highway 28 to the New Mexico-Texas State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E401), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machiney and parts thereof*, from points in that part of Iowa on and northwest of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction Iowa Highway 214, thence along Iowa Highway 214 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line to points in Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E406) filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from that part of Minnesota on and east of a line beginning at the Minnesota-Canada International Boundary line, thence along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line to points in Oregon, California, Nevada, Arizona, Missouri, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, Iowa, Illinois, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Utah, West Virginia, and to points in that part of Washington on and west of a line beginning at the Washington-Idaho State line, thence along Interstate Highway 90 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Canada International Boundary line, and to points in that part of Idaho on and south of a line beginning at the Idaho-Montana state line, thence along Interstate Highway 90 to the Idaho-Washington State line, and to points in that part of Montana on and west of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 287, to junction Interstate Highway 90, thence along Interstate Highway 90 to the Montana-Idaho State line and to points in that part of Wyoming on and southwest of a line beginning at the Wyoming-Montana State line, thence along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line and to points in that part of Wisconsin on and southeast of a line beginning at the Wisconsin-Illinois State line, thence along Wisconsin Highway 15 to Lake Michigan, and to points in that part of Michigan on and south of a line beginning at Lake Michigan, thence along Interstate Highway 96 to the Michigan-Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E407), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories*, and *attachments*, between points in that part of Arizona on and south of a line beginning at the California-Arizona State line, thence along U.S. Highway 66 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Minnesota and points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 45 to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, and to points in that part of Nebraska on and north of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 11 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and to points in that part of Iowa on and north of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 30 to junction Interstate

Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line, and to points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 119988 (Sub-No. E44), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to Washington, D.C. The purpose of this filing is to eliminate the gateway of Montgomery County, Kansas.

No. MC 119988 (Sub-No. E47), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under Section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in California (except San Francisco) on and north of a line beginning at the California-Arizona State line and extending along Interstate Highway 40 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 46, thence along California Highway 46 to Pacific Ocean. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma boundary line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 128273 (Sub-No. E1), filed May 2, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (a) from Savannah, Ga. and the facilities of Union Camp Corp., in Autauga County, Ala., to Chicago, Ill.; (b) from Lock Haven, Pa., to Mobile Ala.; (c) from Franklin, Va., to points in that part of Tennessee on and west of U.S. Highway 45 and 45E; (d) from Memphis, Tenn., to points in Indiana, Illinois, Michigan, Wisconsin, Minnesota, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, and West Virginia, restricted to the transportation of traffic originating at the facilities of Kimberly-Clark Corporation at Memphis, Tenn.; and (e) from Mobile, Ala., and Moss Point, Miss., to points in Michigan, Minnesota, and Wisconsin; and (2) *Paper*, from points in Talladega County, Ala., to points in Michigan, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Wickliffe, Ky.

Interstate Commerce Commission
Office of Proceedings

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Applications

January 15, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 564 (Sub-No. 10G), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, 2120 Adams St., Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley, P.O. Box 82046, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between St. Louis, Mo., and points in Iowa, Nebraska, and Wisconsin, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, and the District of Columbia; (2) between points in Minnesota, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Connecticut, Massachusetts, New Hampshire, Maine, Rhode Island and the District of Columbia; (3) between points in Washington and Oregon; (4) between points in Washington and Oregon, on the one hand, and, on the other, West Virginia, Virginia, North Carolina, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, the District of Columbia, Indiana, Michigan, Wisconsin, Illinois, Iowa, Nebraska, Idaho, Montana, points in Minnesota, on, south, and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line, and points in Missouri south and west of a line beginning at the Kansas-Missouri State line and extending east along U.S. Highway 54 to its intersection with Missouri Highway 5, thence south along Missouri Highway 5 to the Arkansas-Missouri State line; (5) between points in Montana, North Dakota, South Dakota, Texas, Oklahoma and Arkansas, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Delaware, Maryland, Pennsylvania, Virginia, North Carolina, West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Iowa, Nebraska, the District of Columbia, points in Minnesota on, south and east of a line beginning at the Iowa-Minnesota State line and extending north along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line, and St. Louis, Mo.; (6) between points in Colorado, Missouri, Michigan, and Kansas, on the one hand, and, on the other, points in Nebraska, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Virginia, North Carolina, Maryland, New Jersey, Delaware, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire,

Maine, and the District of Columbia. (7) between points in Nebraska, Colorado, Iowa, Wisconsin, Missouri, and points in Minnesota on, south, and east of a line beginning at the Iowa-Minnesota State line and extending north along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line. (8) between points in Nebraska, Wisconsin, Iowa, and points in Minnesota on, south and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23, to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line, on the one hand, and, on the other, points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways at Lincoln, Nebr., points in Illinois, Wenatchee, Wash., Austin, Minn., and points within 150 miles thereof, points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5 including points on the indicated portions of the highways specified and points in Montana.

No. MC 5470 (Sub-No. 92G), filed June 4, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in dump vehicles, from Johnstown, Pa., to Weirton, W. Va. The purpose of this filing is to eliminate the gateway of North Lima, Ohio.

No. MC 29079 (Sub-No. 73G), filed June 4, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel products, die parts, die checking fixtures, die models and jigs, tools, patterns and templates* when moved in connection with dies, (1) from points in Ohio, to points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Business Route U.S. Highway 10, thence along Business Route U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to Saginaw River, thence along the Saginaw River to Saginaw Bay. The purpose of this filing is to eliminate the gateway at Toledo, Ohio. (A) (2) from points in Ohio, to points in Indiana (except Kokomo, Ind., and 50 miles thereof, Portage, Ind., and points in the Chicago, Ill., Commercial Zone). The purpose of this filing is to eliminate the gateway at Detroit, Mich. (A) (3) from points in Ohio on and north of Interstate Highway 70, to Louisville, Ky. The purpose of this filing is to eliminate the gateways at Detroit, Mich., and Kokomo, Ind. (A) (4) from points in Ohio, to points in Illinois and St. Louis, Mo. The purpose of this filing is to eliminate the gateways at Detroit, Mich., Portage-Gary and Kokomo, Ind. (A) (5) from points in Illinois and St. Louis, Mo., to points in Ohio. The purpose of this filing is to eliminate the gateways at Portage-Gary, Ind., and Toledo, Ohio. (A) (6) (a) from Silver Creek, N.Y., to Ann Arbor, Coldwater, Detroit, Jackson, Pontiac, Sturgis, Willow Run, and Ypsilanti, Mich.; (b) from Westfield, N.Y., to Ann Arbor, Battle Creek, Coldwater, Detroit, Flint, Jackson, Lansing, Pontiac, Sturgis, Willow Run, and Ypsilanti, Mich.; and (c) from Erie, Pa., to Ann Arbor, Battle Creek, Coldwater, Detroit, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Pontiac, Port Huron, St. Joseph, Sturgis, Willow Run, and Ypsilanti, Mich. The purpose of this filing in (A) (6) above, is to eliminate the gateways at Toledo and Columbiana, Ohio. (A) (7) between points in New York on and west of U.S. Highway 62, points in West Virginia on and north of U.S. Highway 40, points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Illinois and St. Louis, Mo. The purpose of this filing is to eliminate the gateways at Columbiana, Ohio, Detroit, Mich., Portage-Gary and Kokomo, Ind. (A) (8) from Detroit, Mich., Kelsey Hayes Company, Romulus, Mich., and Gilbraltar, Mich. (no die parts, die checking fixtures, die models and jigs, tools, patterns, and templates from Gilbraltar), to points in Erie County, Pa., and points in Chautauqua and Cattaraugus Counties, N.Y., on and east of U.S. Highway 62. The purpose of this filing is to eliminate the gateway at Columbiana, Ohio. (A) (9) from points in New York on and west of U.S. Highway 62, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and north of U.S. Highway 40, to points in Indiana (except Gary-Portage and Kokomo and within a radius of 50 miles thereof. The purpose of this filing is to eliminate the gateways at Columbiana, Ohio, and Detroit, Mich. (B) *Iron, iron and steel products*, from Ashland, Ky., to points in Illinois and Indiana on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways at Detroit, Mich., Gary-Portage and/or Kokomo, Ind. (C) *General commodities*, between Toledo, Ohio, and points in New York west of U.S. Highway 62 and Erie and Crawford Counties, Pa. The purpose of this filing is to eliminate the gateway at Columbiana, Ohio. (D) *Copper cable* (outbound) and *general commodities* (inbound), between Anaconda Wire and Cable Company plantsite near LaGrange, Ky., on the one hand, and, on the other, points in Washington and Green Counties, Pa., and points in West Virginia north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway at Columbiana, Ohio.

No. MC 35628 (Sub-No. 358G), filed June 4, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat*, from Sioux Falls, S. Dak., to Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Trenton, Mo. (2) *Meat*, (a) from Arkansas City, Kans., to Fremont, Nebr.; (b) between Wichita, Kans. and Fremont, Nebr.; (c) from Fremont, Nebr., to Topeka, Kans.; (d) from Fremont, Nebr., to Hutchinson, Kans.; and (e) from Fremont, Nebr., to Great Bend, Kans. The purpose of this filing in (2) above is to eliminate the gateway of St. Joseph, Mo.

No. MC 52565 (Sub-No. 8G), filed June 4, 1974. Applicant: MYERS TRANSFER & STORAGE CO., a Corporation, 418 Third Avenue, Huntington, W. Va. 25701. Applicant's representative: Bob E. Myers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia, Kentucky, and Ohio, on the one hand, and, on the other, points in Indiana, Illinois, the lower peninsula of Michigan, Maryland, New Jersey, New York, North Carolina, South Carolina, Florida, Georgia, Pennsylvania, Tennessee, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Lawrence County, Ohio, Boyd County, Ky., Cabell and Wayne Counties, W. Va.

No. MC 59393 (Sub-No. 7G), filed June 3, 1974. Applicant: BESTWAY VAN LINES, INC., P.O. Box 1748, Monterey, Calif. 93940. Applicant's representative: Sheldon Silverman, 1819 H St. NW., 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 Oklahoma, Kansas, and Texas. The purpose of this filing is to eliminate the gateways at points in Kiowa County, Okla., and points 50 miles thereof, and Hobart, Okla., and points within 20 miles thereof.

No. MC 70083 (Sub-No. 29G), filed June 4, 1974. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, N.J. 08002. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such items* as are dealt in by retail department stores, between points in that part

of Pennsylvania, east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to Lemoyne, Pa., thence along Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence along unnumbered highway (formerly portion U.S. Highway 111) through Jacobus, Loganville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., and points in Bergen, Hudson, Essex Counties, N.J., points in that part of Passaic County, N.J., east and south of an imaginary straight line running from Riverdale, N.J., to Oakland, N.J., and points in that part of Union County, N.J., east of an imaginary straight line running from the northern border of Union County through Union and Rahway, N.J., to the southern boundary of Union, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y. (3) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts, Connecticut, Rhode Island, and those in New York east of the Hudson River and south of a line beginning at Newburgh, N.Y., to New York, Connecticut State line, including New York, N.Y., and points in Nassau County. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 82063 (Sub-No. 50G), filed June 4, 1974. Applicant: KLIPSCH HAULING CO., a Corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, (a) from Dupo, Ill., and points in its commercial zone, to points in Oklahoma and Texas (except Harris County, Tex.). The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo. (b) from Dupo, Ill., and points in its commercial zone, to points in Alabama, Mississippi, Louisiana, and Harris County, Tex. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark. (c) from Dupo, Ill., and points in its commercial zone, to points in Ohio. The purpose of this filing is to eliminate the gateway of Mt. Carmel, Ill. (d) from Pine Bluff, Ark., to points in Indiana (except the plant site of Commercial Solvents Corp., at Terre Haute), and Ohio. The purpose of this filing is to eliminate the gateway of Mt. Carmel, Ill. (e) from Pine Bluff, Ark., to points in Iowa. The purpose of this filing is to eliminate the gateway of Dupo, Ill. (f) from Springfield and Verona, Mo., to points in Alabama, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark. (g) from Springfield and Verona, Mo., to points in Illinois, Indiana, Iowa, Kentucky, and Tennessee. The purpose of this filing is to eliminate the gateway of Dupo, Ill. (h) from Springfield and Verona, Mo., to points in Ohio. The purpose of this filing is to eliminate the gateways of Dupo, Ill., and Mt. Carmel, Ill. (i) from White Hall, Ill., to points in Arkansas, Kansas, Oklahoma, and Texas (except Harris County). The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo. (j) from White Hall, Ill., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo., and Pine Bluff, Ark. (2) *calcined clay residue*, dry, in bulk, from Owensville, Mo., to points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. The purpose of this filing is to eliminate the gateway of Venice, Ill. (3) *liquid sulfur trioxide*, in bulk, in tank vehicles, (a) from Fairmont City, Ill., to points in Arkansas, Oklahoma, and Texas (except Harris County, Tex.). The purpose of this filing is to eliminate the gateways of Springfield or Verona, Mo. (b) from Fairmont City, Ill., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Springfield or Verona, Mo., and Pine Bluff, Ark. (c) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Alabama, Colorado, Illinois, Indiana, Kansas, Michigan, Mississippi, Missouri, Ohio, South Carolina, and Wisconsin. The purpose of this filing is to eliminate the gateway of Fairmont City, Ill. (d) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Oklahoma, Texas (except Harris County, Tex.), and Arkansas. The purpose of this filing is to eliminate the gateways of Fairmont City, Ill., and Springfield or Verona, Mo. (e) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Fairmont City, Ill., Springfield or Verona, Mo., and Pine Bluff, Ark. (4) *liquid printers ink*, in bulk, in tank vehicles, (a) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, to points in Kansas, Nebraska, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Oklahoma, Louisiana, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of the plant site of General Printing Ink Corp., at or near Overland, Mo. (b) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, to points in Colorado, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateways at the plant site of General Printing Ink Corp., at or near Overland, Mo., and North Kansas City, Mo., and its commercial zone. (c) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission to points in Alabama, Mississippi, and Texas. The purpose of this filing is to eliminate the gateways of the plant site of General Printing Ink Corp., at or near Overland, Mo., and Pine Bluff, Ark.

No. MC 10783 (Sub-No. 6G), filed June 4, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and manufactured products thereof:* (a) from points in Michigan south of a line beginning at Indiana/Michigan state line, thence north on Michigan Highway 66 to the intersection of Michigan Highway 66 and U.S. Highway 12, thence east on U.S. Highway 12 to the intersection of U.S. Highway 12, and U.S. Highway 127, thence north on U.S. Highway 127 to the intersection of U.S. Highway 127 and U.S. Highway 94, thence east on U.S. Highway 94 to the intersection of U.S. Highway 94 and Michigan Highway 14, thence east on Michigan Highway 14 to the city of Detroit, to points in Pennsylvania on and west of U.S. Highway 219; (b) from points in Michigan north and west of a line beginning at Indiana/Michigan state line, thence north on Michigan Highway 66 to the intersection of Michigan Highway 66 to U.S. Highway 12, thence east on U.S. Highway 12 to the intersection of U.S. Highway 12 and U.S. Highway 127, thence north on U.S. Highway 127 to the intersection of U.S. Highway 127 and U.S. Highway 94, thence east on U.S. Highway 94 to the intersection of U.S. Highway 94 and Michigan Highway 14, thence east on Michigan Highway 14 to the city of Detroit, Mich., to points in Pennsylvania bounded and described as follows, on the east by U.S. Highway 219, on the north by New York/Pennsylvania state line, on the west by the Pennsylvania/Ohio state line, then on the south by a line beginning at the Ohio/West Virginia state line, thence east on Pennsylvania Highway 68 to the intersection of Pennsylvania Highway 68 and U.S. Highway 80, thence west on U.S. Highway 80 to the intersection of U.S. Highway 80 and U.S. Highway 219; and (c) from points in Michigan on and south of a line beginning at the shores of Lake Michigan, then east along Michigan Highway 21 to the intersection of Michigan Highway 21, and U.S. Highway 131, thence north along U.S. Highway 131 to the intersection of U.S. Highway 131 and Michigan Highway 20, thence east along Michigan Highway 20 to the intersection of Michigan Highway 20 and U.S. Route 10, thence east along U.S. Route 10 to the intersection of

U.S. Route 10 and Michigan Highway 247, thence north along Michigan Highway 247 to the shores of Lake Huron to points in Ohio on, east, and south of a line beginning at Lake Erie and Interstate Highway 71, thence south on Interstate Highway 71 to the intersection of Interstate Highway 71 and Interstate Highway 70, thence west on Interstate Highway 70 to the Ohio/Indiana state line. The purpose of this filing is to eliminate the gateways at Weirton, W. Va.; Brooke and Ohio Counties, W. Va. (2) *Steel, and machinery, materials, supplies and equipment* incidental to or used in the operation and maintenance of steel mills, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in the state of Michigan, on and south of U.S. Route 12, those in Pennsylvania on and west of a line beginning at the intersection of Pennsylvania state line and Pennsylvania Highway 68, thence north on Pennsylvania Highway 68 to the intersection of Pennsylvania Highway 68 and Pennsylvania Highway 66, thence north on Pennsylvania Highway 66 to the intersection of Pennsylvania Highway 66 and the Pennsylvania Highway 948, thence north on Pennsylvania Highway 948 to the intersection of Pennsylvania Highway 948 and U.S. No. 6, thence north on U.S. Highway No. 6 to the intersection of U.S. Highway No. 6 and U.S. Highway 62, thence north on U.S. Highway 62 to the Pennsylvania/New York state line. The purpose of this filing is to eliminate the gateway at Hancock County, W. Va.

No. MC 100666 (Sub-No. 281G), filed June 4, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, from Oklahoma City, Okla., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways at Waco, Tex., and McPherson, Kans. (2) *prefinished wall panels, composition board, wallboard, plywood, and mouldings, and accessories* incidental to the installation thereof, from Pittsburg, Kans., to points in Missouri. The purpose of this filing is to eliminate the gateway at Miami, Okla. (3) *composition board*, from the plantsite of U.S. Plywood-Champion Papers, Inc., located near Oxford, Miss., to points in Tennessee. The purpose of this filing is to eliminate the gateway at West Memphis, Ark. (4) *asphalt or composition lumber*, from Craig, Okla., to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway at Miami, Okla. (5) *posts, poles, piling, and lumber*, from points in Arkansas, to points in and east of Maryland, New Jersey, and New York. The purpose of this filing is to eliminate the gateways at Texarkana, Tex., and Stone County, Miss. (6) *lumber*, from Memphis and Covington, Tenn., to points in and east of Delaware, Maryland, New Jersey, and New York. The purpose of this filing is to eliminate the gateways at Arkansas, Texarkana, Tex. and Stone County, Miss. (7) (a) *posts, poles, piling, pallets, and lumber*, from points in Texas over 250 miles from Texarkana, Tex., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, and South Dakota. The purpose of this filing is to eliminate the gateways at Arkansas, Louisiana, and Texas. (b) *lumber*, from points in Texas over 250 miles from Texarkana, Tex., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateways at Hamlin, Acme, Rotan, Tex., and points in Oklahoma. (8) (a) *posts, poles, piling, pallets, and lumber*, from Missouri, to points in Georgia, Illinois, Iowa, Kentucky, Mississippi, Nebraska, North Carolina, Pennsylvania, South Dakota, Wisconsin, Tennessee, and points in and east of New York. The purpose of this filing is to eliminate the gateways at Arkansas, Texarkana, Tex., and Stone County, Miss. (b) *lumber*, from Missouri, to points over 250 miles from Texarkana, Tex., and points in Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways at points in Arkansas, Goodman, Tenn., and points in Texas. (9) *posts, poles, piling, and lumber*, from Mississippi, to points in Arkansas, Missouri, and points in and east of Delaware, Maryland, and New York. The purpose of this filing is to eliminate the gateways at Goodman, Tenn., Texarkana, Tex., and points in Louisiana. (10) *lumber*, from points in Mississippi, to points in Florida, Georgia, Illinois, Indiana, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway at Urania, La.

No. MC 115703 (Sub-No. 7G), filed June 5, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., 220 Park Road North, Wyomissing, Pa. 19610. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hotel, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors equipment, heavy and bulky articles, machinery and machine parts, and articles* which require special handling or rigging, between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted against traffic between: (A) Connecticut, on the one hand, and, on the other, points in Massachusetts, and Rhode Island; (B) Massachusetts, on the one hand, and, on the other, points in Rhode Island; and (C) the District of Columbia, on the one hand, and, on the other, points in Delaware, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateways at Berks, Luzerne, and York Counties, Pa.

No. MC 116400 (Sub-No. 4G), filed June 4, 1974. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Hollins Road NE., Roanoke, Va. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., 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 Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia, on the one hand, and, on the other, points in Virginia, Ohio, North Carolina, Maryland, Pennsylvania, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Harrisonburg, Waynesboro or Staunton, Va. (2) between points in Tennessee, on the one hand, and, on the other, points in New York and Delaware. The purpose of this filing is to eliminate the gateway of points in Roanoke County, Va., within 35 miles of Roanoke, Va.

No. MC 17868 (Sub-No. 7G), filed June 4, 1974. Applicant: H. E. BRINKERHOFF AND SONS TRANSPORTATION CO., a Corporation, 1001 South 14th Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, Suite 1030, 1819 H Street NW., 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 Virginia, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Alabama, Michigan, Maryland, Tennessee, Kentucky, West Virginia, Ohio, Missouri, New York, Illinois, Indiana, Iowa, Louisiana, Texas, the District of Columbia, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; (2) between points in New Jersey, on the one hand, and, on the other, points in New York, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Maine, Ohio, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; (3) between points in New York, on the one hand, and, on the other, points in New Jersey, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Ohio, Michigan, Iowa, Tennessee, Kentucky North Carolina, South Carolina, Georgia, Florida, West Virginia, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; (4) between points in Pennsylvania beyond 75 miles of Harrisburg, Pa., on the one hand, and, on the other, points in Maryland, Indiana, Illinois, Iowa, Michigan, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, West Virginia, New Jersey, New York, and the District of Columbia. (5) between points in North Carolina, on the one hand, and, on the other, points in West Virginia, Maryland, and Indiana; (6) between points in the District of Columbia, on the one hand, and, on the other, points in Virginia, West Virginia,

North Carolina, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; and (7) between points in Maryland, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Kentucky, Ohio, West Virginia, Indiana, Illinois, Iowa, Michigan, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Tennessee, Vermont, New Hampshire, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Delaware, within a 75 mile radius of Harrisburg, Pa., and Powellsville, Md.

No. MC 119689 (Sub-No. 12G), filed June 4, 1974. Applicant: PEERLESS TRANSPORT CORP., 2700 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed cheese, raw cheese, pimentos, chemicals, and paper cartons* between West Virginia, Ohio, Kentucky, Illinois, Michigan, Indiana, Wisconsin, and Minnesota, on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Virginia, Maryland, North Carolina, Tennessee, Mississippi, and Missouri. The purpose of this filing is to eliminate the gateway of Curwensville, Pa.

MC 124211 (Sub-No. 246G), filed May 31, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from points in Louisiana, Tennessee, and Texas, Pekin and Peoria, Ill., Frankfort, Ky., Detroit, Mich., Minneapolis, Minn., and St. Louis, Mo., and those points in Iowa, Kansas, Missouri, and Nebraska (except Glenwood, Iowa) along a line beginning at Lincoln, Nebr., thence along U.S. Highway 77 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with U.S. Highway 34, thence along U.S. Highway 34 to Lincoln, Nebr., to points in the United States on and west of U.S. Highway 61. The purpose of this filing is to eliminate the gateways at Omaha, Nebr., and various points in Nebraska. (2) *Unfrozen alcoholic beverages*, from Belleville, Chicago, and Quincy, Ill., Kansas City, Mo., La Crosse, Milwaukee, and Waukesha, Wis., and points in New Jersey, to points in the United States on and west of U.S. Highway 61, restricted against the transportation of commodities in bulk to points in Idaho and New Mexico, and further restricted against the transportation of whiskey, in containers, from Linden, N.J., to Omaha, Nebr. (3) *Alcoholic beverages* (except in bulk), from Lawrenceburg, Ind., Cincinnati, Ohio, and points in Kentucky (except Frankfort), to points in the United States on and west of U.S. Highway 61. The purpose of this filing in (2) and (3) above, is to eliminate the gateway at Omaha, Nebr. (4) *Alcoholic beverages* (except malt beverages and except in bulk), from points in Connecticut, Florida, Maryland, Massachusetts, New York, and Pennsylvania, to points in the United States on and west of U.S. Highway 61. The purpose of this filing is to eliminate the gateway at North Sioux City, S. Dak. (5) *Alcoholic beverages* (other than citrus and other than frozen), from Mobile, Ala., to points in the United States on and west of U.S. Highway 61, restricted against service to points in the Kansas City, Kans.-Mo., Commercial Zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways at points in Nebraska.

No. MC 134029 (Sub-No. 3G), filed June 4, 1974. Applicant: SIGEL'S HAULING, INC., P.O. Box 146, Cadiz, Ohio 43907. Applicant's representative: Paul F. Beery, 8 East Broad St., Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery, equipment, and supplies*, between points in Washington, Allegheny, and Fayette Counties, Pa., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways at points in Wood and Pleasant Counties, W. Va. (2) *Contractor's equipment and construction machinery*, which because of size or weight require special equipment, between points in Calhoun, Wood, Pleasants, Wirt, Gilmer, Braxton, Randolph, Pocahontas, Webster, Mason, Putnam, Kanawha, Roane, Clay, Nicholas, Greenbrier, Monroe, Summers, Fayette, Raleigh, Boone, Lincoln, Wayne, Cabell, Mingo, Logan, Wyoming, McDowell, and Mercer Counties, W. Va., on the one hand, and, on the other, points in West Virginia; and (3) *Contractor's equipment and heavy machinery*, which because of size or weight requires the use of special equipment, between points in Putnam, Lincoln, Boone, Kanawha, Roane, Clay, Nicholas, Fayette, and Raleigh Counties, W. Va., on the one hand, and, on the other, points in West Virginia. The purpose of this filing in (2) and (3) above is to eliminate the gateways at points in Pleasants, Wood, Wirt, and Jackson Counties, W. Va.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

CONSUMER PRODUCT SAFETY COMMISSION

■

CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14

Proposed Labeling and Recordkeeping Requirements, Policy Statement, and Solicitation of Comments

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Ch. II]

CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14 (FF 5–74)

Proposed Amendment and Withdrawal of Finding of Possible Need for Amendment

In the FEDERAL REGISTER of May 1, 1974 (39 FR 15228), the Consumer Product Safety Commission announced that amendments may be needed to the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14 (FF 5–74) (39 FR 15214) and instituted proceedings for the determination of appropriate amendments. The Standard was issued by the Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.). The Standard, which becomes effective on May 1, 1975, requires that all items of children's sleepwear in sizes 7 through 14 manufactured on or after the effective date must comply with the Standard.

The purpose of this notice is to propose an amendment to the Standard to require that items of sleepwear in sizes 7 through 14 which are manufactured on or after the effective date of the Standard must be labeled with an affirmative label stating that the item complies with the Standard. Under the terms of the Standard, all such items must comply with the Standard. This proposed amendment was one of four issues the Commission listed in the May 1, 1974 Notice of Possible Need for Amendment of the Standard.

In addition, in this notice, the Commission withdraws its finding of possible need for amendment to the Standard as to the three other possible amendments mentioned in the FEDERAL REGISTER notice of May 1, 1974 (39 FR 15228). These possible changes for which the Commission is withdrawing its finding of possible need for amendment include:

A. The possible need to define the term "manufacture" as used in the Standard to clarify which items of children's sleepwear in the production/distribution chain on the effective date of the Standard must comply with the Standard.

B. The possible need to clarify for the purpose of the Standard which items are to be considered "in inventory or with the trade" on the effective date of the Standard and therefore are exempt from the Standard.

C. The possible need to allow, in special cases, an exception to testing under oven-dry conditions under the Standard.

The Commission has determined that it is not necessary to amend the Standard to define the term "manufacture" or to clarify which items are to be considered "in inventory or with the trade" on the effective date of the Standard. Instead, the Commission has published elsewhere in the FEDERAL REGISTER today, a policy statement on these two issues and has invited comment on the policy statement. The reasons for this determination are discussed below under headings 2 and 3.

In addition, the Commission has decided to withdraw the finding that there is a possible need to amend the Standard to allow exceptions to testing under oven-dry conditions. The reasons for this decision are discussed under heading 4 below.

Comments. A total of 33 comments were received in response to the May 1, 1974 Notice of Possible Need for Amendment. The major comments and the Commission's responses to the comments are discussed below.

1. *Affirmative labeling.* The Commission stated in the May 1, 1974 Notice that it may be necessary to amend the Standard to require items which comply with the Standard to bear affirmative labeling to enable consumers to distinguish complying from noncomplying items of children's sleepwear in sizes 7 through 14. The Commission suggested that the labeling be required from the effective date of the Standard until stocks of noncomplying items can reasonably be expected to be exhausted. Fifteen commenters specifically mentioned affirmative labeling. Of these, only one was opposed to the concept. The major issues raised by the commenters and the Commission's views on the basis of comments received to date are as follows:

a. *Duration of labeling required.* Commenters suggested various lengths of time during which affirmative labeling should be required. Two commenters stated that affirmative labeling should be required for an indefinite period of time, or permanently. Some commenters stated that such labeling could serve as an educational tool to make consumers more aware of the dangers of flammable fabrics in general. It was also stated that permanent affirmative labeling is necessary to protect consumers from noncomplying children's sleepwear which could be accumulated in large quantities before the effective date of the standard (stockpiled) and which could remain on the marketplace for many years.

Other commenters suggested various time periods over which affirmative labeling should be required. The time periods suggested included: (1) an indefinite period until satisfactory evidence is presented that all noncomplying articles have cleared the marketplace, (2) one year with a provision that the matter be reevaluated toward the end of the period to determine whether noncomplying items have cleared the market, (3) one year, (4) at least one or two years, (5) 18 months, (6) two years, (7) three years, and (8) five years.

Discussion. None of the commenters provided data to support their suggestions regarding the length of time affirmative labeling should be required and none provided data to show how long it will take for noncomplying items of children's sleepwear in sizes 7 through 14 to clear the marketplace after the effective date of the Standard.

The Commission believes affirmative labeling is necessary only until such time as it can reasonably be expected that noncomplying items will be out of the marketplace. At this time, the Commission believes that three years will be sufficient to clear the market of noncomplying goods and has therefore proposed this time limit. However, the Commission seeks comment that would indicate the expected life of these items in the marketplace, including all types of retail and wholesale facilities.

The Commision believes that labeling is necessary in order to enable consumers to distinguish complying from noncomplying items of children's sleepwear, but it does not at this time believe that it is necessary to require such labeling indefinitely. The educational value of the labeling, while important, may be better achieved through providing more detailed information to the public through both governmental and private channels.

b. *Applicability to fabric.* One commenter stated that affirmative labeling should apply to yard goods intended or promoted for use in children's sleepwear in sizes 7 through 14 as well as to garments.

Discussion. The Commission agrees and proposes that both garments and fabric intended or promoted for use in children's sleepwear in sizes 7 through 14 and manufactured after the effective date of the Standard be affirmatively labeled. The Commission believes this requirement is necessary to protect all consumers, including those who purchase fabric to make sleepwear garments in sizes 7 through 14.

c. *Labeling as to noncompliance.* Two commenters suggested that the Commission require noncomplying items of children's sleepwear in sizes 7 through 14 sold after May 1, 1975 to be labeled with negative labels stating that they are not in compliance, or, in the alternative, that retailer segregation of complying and noncomplying garments be required.

Discussion. The Commission believes this requirement is unnecessary because the affirmative labeling requirement would enable consumers to distinguish complying from noncomplying children's sleepwear. In addition, elsewhere in the FEDERAL REGISTER today, the Commission is proposing rules and regulations under the Standard to require that noncomplying and complying items of children's sleepwear be physically separated at the point of sale to consumers and that signs identifying these items be posted.

d. *Language of label.* A retailer suggested that the language of the affirmative label be prescribed to prevent confusion, to have a greater educational impact on consumers, and to avoid any temptation to expand and exaggerate in promotional claims the performance of flame retardancy. This commenter also suggested that the Commission develop wording that could be used uniformly on garments complying with any governmental flammability standard—State or federal.

Other commenters suggested the Commission clearly specify the wording to appear on the label and suggested the wording should be as brief as possible. Some commenters stated that the Commission should allow affirmative labels to reference either FF5–74 or the Standard for Flammability of Children's Sleepwear (for sizes 0–6X) (FF 3–71). Another commenter suggested the use of a symbol to indicate flame retardancy.

Discussion. The Commission agrees that it should specify the wording to be used on affirmative labeling of items of sleepwear subject to the Standard and that the label statement should be concise and understandable. Therefore, the Commission proposes that items be labeled "Flame-resistant. U.S. Standard FF5–74." Items of children's sleepwear in sizes 7 through 14 that comply with the standard for Children's Sleepwear (sizes 0–6X) (FF 3–71) in addition to FF5–74 may be labeled to that effect in addition to the proposed required labeling. However, the Commission believes at this time that it would be unnecessarily confusing to allow items of sleepwear in sizes 7–14 to bear labels stating only that they are in compliance with FF3–71.

e. *Permanency of label.* Several commenters suggested that the affirmative labels need not be permanently affixed because the purpose of the labels is to identify complying goods to consumers at the point of sale. One commenter suggested that if permanent labels were required, that permanent care instructions should be allowed to be placed on the same label. Some commenters suggested that temporary labels be allowed to be stamped on the garment or item, affixed to the garment or item, stamped or affixed on the package, or contained on a hang tag. One commenter suggested the affirmative label be required to be permanently affixed to draw consumers attention to the fact other unlabeled garments are flammable. Another commenter stressed that the labels should be prominent, permanent, conspicuous, and legible.

Discussion. The Commission believes the major purposes of the affirmative labels would be to enable consumers to distinguish complying from noncomplying items of sleepwear at the point of sale. In addition the labeling would assist the Commission in its efforts to enforce compliance with the Standard. Therefore, at this time the Commission does not believe it is necessary to require that labels be permanently affixed. The Commission proposes that label statements may appear on a hang tag, on the item itself, or on the package enclosing the item as long as the statements are prominent, conspicuous, and legible and readily visible at the point of sale to the ultimate consumer. The Commission does not believe that stamping the affirmative label statement on items of sleepwear will meet these requirements. More detailed proposed requirements for the labels are contained elsewhere in the FEDERAL REGISTER today in a notice of a proposed regulation under the Standard.

f. *Preemption.* One commenter asked the Commission to rule in the preamble to the amended Standard that any affirmative labeling required by the Commission under the Standard would preempt any state requirements for different wording on affirmative labels for children's sleepwear in sizes 7 through 14.

The commenter also suggested that the Commission state that even after the labeling requirement expires, any State labeling requirement would be inconsistent with the federal flammability standard.

Discussion. This comment, in effect, seeks a Commission interpretation of the meaning of section 16 of the Flammable Fabrics Act. That section provides: "This Act is intended to supersede any law of any State or political subdivision thereof inconsistent with its provisions."

The comment is premature because in the present document the Commission is proposing an amendment rather than issuing a final amended standard for children's sleepwear in sizes 7 through 14. However, at this time, the Commission believes that if an affirmative labeling requirement is issued, the requirement would supersede any affirmative labeling requirement for children's sleepwear in sizes 7 through 14 issued by a State or political subdivision thereof.

2. *Application of the Standard.* The Standard applies to all items of children's sleepwear manufactured on or after the effective date of the Standard. In the May 1, 1974 Notice of Possible Need for Amendment, the Commission sought views on whether the term "manufacture" should be defined to clarify which items of children's sleepwear in the production/distribution chain on the effective date of the Standard must comply with the Standard. The Commission received a number of comments suggesting different definitions of the term "manufacture" for the purpose of the Standard. No commenters objected to clarifying the term.

3. *Clarification of exemption.* In the Notice of Possible Need for Amendment to the Standard, the Commission sought views on the time at which items, particularly imported items, are to be considered "in inventory or with the trade" for purposes of the Standard. The Commission also sought views on whether, or in what circumstances, the exemption should be limited. Section 4(b) of the Flammable Fabrics Act provides that items in inventory or with the trade on the effective date of the Standard are exempt from the Standard, except that the exemption may be limited or withdrawn if the Commission finds such items are so highly flammable as to be dangerous when used by consumers for the purpose for which they are intended. A number of commenters addressed the issues of clarification of the term "in inventory or with the trade" and withdrawing the exemption. No commenter objected to clarifying the term.

Discussion of 2 and 3. The Commission believes it is necessary to clarify both the definition of the term "manufacture" and the term "in inventory or with the trade" for the purposes of the Standard. However, it is not necessary to amend the Standard for this purpose because such clarification would be an interpretative rule, general statement of policy, or rule of agency procedure or practice and therefore notice of proposed rulemaking is not required under the Administrative Procedure Act (5 U.S.C. 553 (b) (3) (A)).

Therefore, for administrative expediency and to better provide notice to the public of the Commission policy, the Commission withdraws its Notice of Possible Need for Amendment of the Standard as to these two issues, and elsewhere in the FEDERAL REGISTER today the Commission publishes a policy statement clarifying the definitions of the terms "manufacture" and "in inventory or with the trade." The comments on these issues received in response to the May 1, 1974 Notice of Possible Need for Amendment are discussed in the policy statement. Although the Administrative Procedure Act does not require publication of general statements of policy or interpretive rules for comment, the Commission will consider additional comment on the policy statement.

4. *Testing exceptions.* Section .5(b) of the Standard requires that specimens from children's sleepwear items be conditioned before testing by placing them in a drying oven at 105° C. for 30 minutes. In the Notice of Possible Need, the Commission sought comment as to the feasibility and necessity for allowing exceptions to testing under oven-dry conditions, suggestions as to defining in what circumstances exceptions should be allowed, and comment as to the maximum relative humidity which should be allowed for testing under exceptions.

a. *Need for exceptions.* A number of commenters supported the need for exceptions to oven-dry conditioning. A number of commenters contended that oven-dry conditioning is inappropriate in that it does not relate to real-life situations. These arguments generally addressed two questions: (1) Do household conditions exist that would cause fabrics to reach an "oven-dry" state? and (2) What effect does the human body have on the moisture content of a garment fabric? One commenter indicated that "the home is never bone-dry! Under the most adverse outdoor conditions, the inside humidity approaches 50 percent." Another commenter stated that "relative humidities in various parts of the country are rarely below 25 percent." Several others expressed concern that theoretical extrapolations of outdoor conditions to indoor conditions by the National Bureau of Standards (NBS) may be inaccurate in that they do not take into account moisture input from human activity and home furnishings. Two commenters stated or implied that moisture from the body raises the moisture content in garments so that oven-dry conditions would be unlikely to occur. It was suggested that the Commission initiate a study to determine actual humidity conditions in homes and the moisture content of fabrics when being worn.

Discussion. A project was recently completed by NBS to determine the moisture content of garments in actual use in relation to the surrounding environment. The study included (1) determining the relative humidity garments normally encounter in the home, (2) reproducing these conditions and measuring the actual moisture content of the fabric, and (3) measuring the moisture content of

fabrics exposed to space heaters and open fires.

Indoor relative humidity was measured in three Washington area homes during a seven-day period between February and March, 1974. It was found that these actual measurements did not differ significantly from the theoretical values calculated for those outdoor conditions. The NBS study also cited a graphic representation of the frequency of occurrence of the hypothetical minimum indoor relative humidity for 25 major U.S. cities. This chart indicates that approximately 80 percent of the homes exhibit 40 percent RH or less during 7 months of the year and 75 percent of the homes exhibit 30 percent RH or less for 6 months. Actual measurements in homes indicated that relative humidities below 20 percent are not uncommon, especially during the heating season.

The second portion of the NBS study was devoted to measuring the surface moisture content of fabrics while being worn as compared to the relative humidity of the room. For natural fiber garments such as cotton and wool, it appeared from the data that the moisture content of close-fitting portions of a garment differ significantly from equilibrium room conditions. Loose-fitting portions, on the other hand, accurately reflect room conditions during wear. In the case of nylon and polyester garments, loose- and close-fitting configurations exhibit surface humidities close to the room conditions.

Another segment of the NBS study revealed that exposure to a commercial space heater for as little as five minutes can effectively "oven-dry" a garment. This heating can remove more moisture from flame retardant cotton and wool fabrics than the conditioning procedure of the Standard. About one-quarter of the FFACTS (Flammable Fabrics Accident Case and Testing System) apparel cases involve fabric ignitions by space heaters, gas stoves, and open fires. Since these accidents are often preceded by the victim warming himself in front of these heat sources, the conditioning requirements of the Standard do reflect real-life situations.

b. *Reasonableness of conditioning requirements.* Seven commenters supported testing exceptions for 100 percent wool and predominately wool textile products. These commenters indicated that oven-drying is an unreasonable conditioning requirement for wool because: (1) the oven-dry procedure would preclude the use of wool in children's sleepwear (sizes 7–14), (2) oven-drying removes moisture that is normally present in wool fibers, (3) wool has never been involved in a burn injury, and (4) oven-dry conditioning is unrealistic. They indicated conditioning at 65 percent RH and 70°F for 8 hours would be appropriate for wool products for several reasons: (1) the proposed standard required these conditions, (2) 65 percent RH and 70° F are standard for testing of textiles, (3) 65 percent RH, 70° F procedure gives excellent reproducibility, and (4) with today's technology, it is no problem to obtain the equipment for conditioning.

Discussion. The Commission is aware through testing in the Engineering Sciences Laboratory and at NBS that many natural wool fabrics do not meet the requirements of this Standard even if conditioned at 65 percent RH and 75°F. According to reports submitted by a wool industry representative, stabilizing treatments allow some washable wool fabrics to pass the test requirements when conditioned at relative humidities as low as 20 percent. The Commission concludes that wool fabrics are no different from others in that they require a flame retardant treatment in order to pass the vertical flammability test. The FFACTS contains eight cases of burn injuries involving wool and wool blend fabrics which make it clear that such injuries do occur. Just as 65 percent RH, 70°F is standard for some textile testing, so is oven drying a standard and reproducible procedure for determining moisture regain of textile materials.

One commenter representing cotton producers stated that FF 5–74 conditioning requirements are overly severe for cotton; that the oven-drying requirement is not representative of real life situations; and that it increases the cost of cotton products by requiring overtreatment. To take into consideration the high moisture regain of cotton, the cotton producers suggested amendment of FF 5–74 to allow testing of all fibers at 65 percent relative humidity or possibly 50 percent.

As previously stated, the Commission believes that oven-dry conditioning is representative of real-life conditions. In view of this, the Commission believes that testing exceptions for wool, cotton, and other fibers should not be allowed.

Further information regarding the studies mentioned in this Notice is available from the Office of the Secretary of the Commission.

On the basis of the foregoing, the Commission withdraws the Notice of Possible Need for Amendment as to the issue of testing exceptions and does not propose an amendment to the Standard on this issue.

5. *Other Topics.* (a) One commenter expressed concern that the word polymer had been added in paragraph .4(a)(4) of the Proposed and Final Standards. The Commission intended that production units of fabric dependent on chemical reactants to polymer, fiber, yarns, or fabrics should be tested after 50 launderings as required in FF 5–74. The Commission does not have the assurance that chemical reactants to polymers will remain effective through the lifetime of a garment.

(b) Another submission requested exempting close-fitting sleepwear, such as pajamas, from the requirements of FF 5–74. Data from accident cases show that a large number of burn injuries to children are caused by the ignition of pajamas. The data also shows that children encounter the same ignition sources regardless of whether their sleepwear is "close-fitting" like pajamas or "loose-fitting" like nightgowns. In view of the fact that pajamas do burn and are capable of causing burn injuries, the Commission has decided not to accept the exempting of close-fitting sleepwear such as pajamas from the Standard.

(c) One commenter representing Linen supply companies asked whether it may rent its inventories of noncomplying items of children's sleepwear in sizes 7 through 14 after the effective date of the Standard. Although the Commission is concerned that such action could endanger consumers, and urges companies not to rent noncomplying items, such rental of noncomplying items does not appear to violate the Flammable Fabrics Act.

(d) A number of commenters raised issues outside this proceeding. These issues include suggestions for amendment to the Standard for Flammability of Children's Sleepwear for sizes 0–6X (DOC FF 3–71), suggested provisions for rules and regulations under FF 5–74, and a recommendation that the Commission amend the procedure for issuing standards under the Flammable Fabrics Act. One commenter stated that consumers have difficulty in caring for garments that meet the Standard DOC FF 3–71 and suggested the Commission urge industry to develop flame retardant fabric that is safe, practical, and reasonably priced. Two commenters suggested that FF 5–74 apply to all clothing items.

The Commission believes it is inappropriate to address these issues in this proceeding.

Conclussion. The Consumer Product Safety Commission preliminarily finds that the following amendment to the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14 (FF 5–74) is:

1. Needed for children's sleepwear in sizes 7 through 14 to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage; and

2. Reasonable, technologically practicable and appropriate, and stated in objective terms; and

3. Limited to items of children's sleepwear in sizes 7 through 14 which currently present unreasonable risks of the occurrence of fire leading to death, personal injury, or significant property damage.

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 4, 67 Stat. 112, as amended 81 Stat. 569–70, 15 U.S.C. 1193) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the following amendment is proposed to the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74), (39 FR 15214). If finalized, the Commission intends that the amendment would become effective on the effective date of the Standard, May 1, 1975.

The provision of Section .6 of the Standard appearing after the title

thereof, Labeling requirements, is designated as paragraph (a).

A new paragraph is added to section .6, paragraph (b), to read as follows:

(b) All items of children's sleepwear complying with this Standard and manufactured on or after May 1, 1975 through May 1, 1978, shall bear the following label: "Flame-resistant. U.S. Standard FF 5–74." The label must be prominent, conspicuous, and legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently.

Interested persons are invited to submit on or before February 19, 1975, written comments regarding these proposed amendments. Comments received after that date will not be considered. Comments and any accompanying material should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Room 1025, 1750 K Street, NW, Washington, D.C., during working hours, Monday through Friday.

Dated: January 14, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.75–1626 Filed 1–17–75;8:45 am]

[16 CFR Part 302]

CHILDREN'S SLEEPWEAR, SIZES 7 THROUGH 14

Proposed Labeling, Recordkeeping, and Other Requirements Under Standard FF 5–74

In this document, the Consumer Product Safety Commission proposes to issue a regulation (16 CFR 302.21) under the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74) (39 FR 15214). The proposed regulation would set requirements for:

1. Labeling of items subject to the Standard;

2. Displaying of items of children's sleepwear in sizes 7 through 14 when those items are offered for sale to consumers in retail establishments;

3. Recordkeeping by persons who market or handle items of children's sleepwear subject to the Standard; and

4. Testing for guaranty purposes under the Standard.

The proposed regulation and the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 are issued under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.). Functions under that Act were transferred to the Consumer Product Safety Commission effective May 14, 1973 by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)). Section 5 of the Flammable Fabrics Act authorizes this Commission to promulgate regulations for the enforcement and administration of the Flammable Fabrics Act.

The Standard FF 5–74 requires that all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 comply with the Standard. The Commission intends that a final regulation issued under this Standard will become final on May 1, 1975, the effective date of the Standard.

The Commission administers, in addition to FF 5–74, the Standard for the Flammability of Children's Sleepwear for sizes 0–6X (DOC FF 3–71) (37 FR 14625, July 21, 1972), and the regulation issued thereunder (16 CFR 302.19; 39 FR 4852; February 7, 1974). The Commission also proposed an additional regulation under DOC FF 3–71 in the FEDERAL REGISTER of February 7, 1974 (39 FR 4855).

The regulation proposed in this document for children's sleepwear in sizes 7 through 14 is similar to the regulation and proposed amended regulation under the Standard for children's sleepwear in sizes 0 through 6X (DOC FF 3–71).

Paragraph .6 of the Standard for sizes 7 through 14 (FF 5–74) states that the Commission may establish rules and regulations governing the labeling of items subject to the Standard. The provisions of the proposed regulations which establish labeling requirements appear in § 302.21(b).

Elsewhere in the FEDERAL REGISTER today the Commission proposes to amend the Standard for sizes 7 through 14 to require that sleepwear subject to the Standard manufactured on or after May 1, 1975 through May 1, 1978 be affirmatively labeled to indicate compliance with the Standard. The proposed regulation published below at § 302.21(b)(8) would set requirements for items subject to the proposed amendment to the Standard. Neither the Standard for sizes 0 through 6X (DOC FF 3–71) nor the regulations under that Standard contain a provision of this kind.

The Standard applies to all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975. Experience with the flammability standard for children's sleepwear in sizes 0–6X indicates to the Commission that for some period of time after the effective date of FF 5–74 retail stores may continue to sell exempt items of children's sleepwear in sizes 7 through 14 which do not comply with the Standard, and at the same time begin to sell items which do comply with the Standard. Provisions of § 302.21(c) of the proposed regulation are intended to help consumers distinguish those items of children's sleepwear in sizes 7 through 14 which comply with the Standard from those which do not. This paragraph requires dealers who offer noncomplying items of children's sleepwear in sizes 7 through 14 for sale to consumers in retail establishments to segregate those items of children's sleepwear which comply with the Standard from those which do not, and to post clear and conspicuous signs at the location of the merchandise to identify displays of complying and noncomplying items of children's sleepwear in sizes 7 through 14.

Paragraph .4 of the Standard sets sampling and acceptance procedures and paragraph .5 of the Standard sets test procedures to be followed by those subject to the Standard. The purpose of § 302.21(d) of the proposed regulation is to establish recordkeeping requirements for manufacturers, importers, or other persons initially introducing items subject to the Standard into commerce. Generally, the regulation requires that the records establish a line of continuity through the process of manufacture of each production unit of items subject to the Standard to the sale and delivery of the finished items, and from the specific finished items back to the manufacturing records.

Provisions of proposed § 302.21(d)(1) set forth general requirements for records which must be maintained for both fabric production units and garment production units. Provisions of proposed § 302.21(d)(2) contain additional recordkeeping requirements applicable only to fabric production units; and proposed §§ 302.21(d) (3) and (4) contain additional recordkeeping requirements applicable only to garment production units.

The records required for every production unit must relate that unit to a production unit identification number, letter or date, which is required to be placed on a permanent, accessible and legible label on all items in that production unit in accordance with the provisions of § 302.21(b)(7) of the proposed regulation.

Provisions of proposed § 302.21(e) prescribe recordkeeping requirements for persons subject to the Flammable Fabrics Act who market or handle items subject to the Standard but who do not initially introduce those items into commerce. Those persons would be required to maintain records for a period of three years to: (1) identify the items marketed or handled; (2) identify the source of those items; (3) establish the date those items were received; (4) identify the purchaser of those items, except ultimate retail purchaser; and (5) establish the date of sale to purchasers, except the date of sale to ultimate retail purchasers.

Provisions of § 302.21(f) of the proposed regulation prescribe the testing which is required for issuing guaranties for items subject to the Standard under section 8 of the Flammable Fabrics Act.

Proposed § 302.21(g) provides that persons subject to the Standard must comply with the regulation at § 302.21.

Pursuant to provisions of the Flammable Fabrics Act (section 5, 67 Stat. 112–13, as amended 81 Stat. 571; 15 U.S.C. 1194) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (Pub. L. 92–573, section 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the Commission proposes to issue 16 CFR 302.21 as follows:

§ 302.21 Children's sleepwear sizes 7 through 14 labeling, recordkeeping, retail display, and guaranties under FF 5–74.

(a) *Definitions.* For the purpose of this section, the following definitions apply:

(1) "Standard" means the "Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74)," promulgated by the Consumer

Product Safety Commission in the FEDERAL REGISTER of May 1, 1974 (39 FR 15214).

(2) "Children's sleepwear" means "children's sleepwear" as defined in .2(a) of the Standard, that is, "any product of wearing apparel size 7 through 14, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition."

(3) "Item" means "item" as defined in .2(c) of the Standard, that is, "any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear."

(4) "Market or handle" means any one or more of the transactions set forth in Section 3 of the Flammable Fabrics Act (15 U.S.C. 1192).

(5) The definition of terms set forth in .2 of the Standard shall also apply to this section.

(b) *Labeling.* (1) Where any agent or treatment is known to cause deterioration of flame resistance or otherwise causes an item to be less flame resistant, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment.

(2) If the item has been initially tested under .5(c)(4) of the Standard after one washing and drying, it shall be prominently, permanently, conspicuously and legibly labeled with instructions to wash before wearing.

(3) Where any fabric or related material intended or promoted for use in children's sleepwear subject to the Standard is sold or intended for sale to the ultimate consumer for the purpose of conversion into children's sleepwear, each bolt, roll, or other units shall be labeled with the information required by this section. Each item of fabric or related material sold to an ultimate consumer must be accompanied by a label, as prescribed by this section, which can by normal household methods be permanently affixed by the ultimate consumer to any item of children's sleepwear made from such fabric or related material.

(4) Where items required to be labeled or stamped in accordance with the paragraphs (b)(1), (b)(2), (b)(3), and (b)(7), of this section are marketed at retail in packages, and the required label or stamp is not readily visible to prospective purchasers, the packages must also be prominently, conspicuously, and legibly labeled with the required information.

(5) Samples, swatches, or specimens used to promote or effect the sale of items subject to the Standard shall be labeled in accordance with this section with information required by this section: except that such information may appear on accompanying promotional materials attached to fabric samples, swatches, or specimens used to promote the sale of fabrics to garment manufacturers. This requirement shall not apply, however, to samples, swatches, or specimens prominently, permanently, conspicuously, truthfully and legibly labeled: "Flammable. Sample only. Not for use or resale. Does not meet Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF5–74)."

(6) The information required on labels by this section shall be set forth separately from any other information appearing on the same label. Other information, representations, or disclosures not required by this section but placed on the same label with information required by this section, or placed on other labels elsewhere on the item, shall not interfere with the information required by this section. No person, other than the ultimate consumer, shall remove, mutilate, or cause or participate in the removal or mutilation of any label required by this section to be affixed to any item.

(7) Every manufacturer, importer, or other person (such as converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter or date, or combination thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification, respectively, at the option of the labeler.

(i) Each garment subject to the Standard shall bear a label with minimum dimensions of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters at least 0.4 centimeter (one-sixth of an inch) in height and in a color which contrasts with the background of the label, or shall have such information clearly, conspicuously, and legibly stamped on the garment itself in letters at least 0.4 centimeters (one-sixth of an inch) in height, in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner, as to remain on or attached to the garment and legible and visible at the point of sale and throughout its intended period of use.

(ii) The fabric production unit identification shall appear in letters at least 0.4 centimeters (one-sixth of an inch) in height against a contrasting background on each label that relates to such fabric and is required by the Textile Fiber Products Identification Act (15 U.S.C. 70–70k) and the regulations thereunder (16 CFR 303.1 through 303.45) or by the Wool Products Labeling Act of 1939 (15 U.S.C. 68–68j) and the regulations thereunder (16 CFR 300.1 through 300.36). When the information required by the Textile Fiber Products Identification Act or by the Wool Products Labeling Act of 1939 appears on an invoice used in lieu of labeling, the fabric production unit identification required by this section may be placed clearly, conspicuously, and legibly on the same invoice in lieu of labeling.

(8) All items complying with Standard and manufactured on or after May 1, 1975, through May 1, 1978, shall bear the following label: "Flame-resistant. U.S. Standard FF 5–74." The label must be prominent, conspicuous, and legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently. The letters of the label must be at least 0.4 centimeters (one-sixth of an inch) in height and in a color which contrasts with the background of the label.

(c) *Segregation of complying and noncomplying items by retailer.* Every person who sells non-complying items (as defined in paragraph .2(c) of the Standard and § 302.21(a)(3) of this section) at retail stores or other establishments open to the general public where goods are offered for sale shall:

(1) Display the items which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that no other merchandise is intermingled with those items; and identify such complying items with at least one sign, with black letters at least 2.5 centimeters (one inch) in height against a solid white background, bearing the statement "Flame resistant. Complies with the Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(2) Display all other items of children's sleepwear, sizes 7 through 14, at a separate location within the store and identify those items with at least one sign, with black letters at least 2.5 centimeters (1 inch) in height against a solid white background, bearing the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(3) Segregate these items of children's sleepwear, sizes 7 through 14, which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that they shall not be located within 91 centimeters (36 inches) of any other items of children's sleepwear, sizes 7 through 14, when displayed for sale to consumers.

(d) *Records—manufacturers, importers, or other persons initially introducing items into commerce.*—(1) *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective of whether guaranties are issued under paragraph (f) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the

finished items and from the specific finished item to the manufacturing records. Such records shall show with respect to such items:

(i) Details, description and identification of any and all sampling plans engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan(s) and must relate the sampling plan(s) to the actual items produced, marketed, or handled. This requirement is not limited by other provisions of this paragraph (d).

(ii) Garment production units or fabric production units of all garments or fabrics marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the item itself in accordance with paragraph (b)(7) of this section, and the production unit identification must relate to the garment production unit or fabric production unit.

(iii) Test results and details of all tests performed both prototype and production, including char lengths of the samples required to be tested, details of the sampling procedure employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the Standard or authorized alternate sampling plan.

(iv) Disposition of all failing or rejected items. Such records must demonstrate that the items were retested or reworked and retested in accordance with the Standard prior to sale or distribution and that such retested or reworked and retested items comply with the Standard, or otherwise show the disposition of such items.

(v) Fiber content and manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Data and test results relied on as a basis for inclusion of different colors or different print patterns of the same fabric as a single fabric or garment production unit under .4(a)(2) of the Standard.

(vii) Data and test results relied on as a basis for reduced laundering of fabric or garments during test procedures under .5(c)(4) of the Standard and any guarantees issued or received relating to laundering as well as details of the laudering procedure utilized.

(viii) Identification, composition, and details of application of any flame retardant treatments employed. All prototype and production records shall relate to such information.

(ix) Date and quantity of each sale or delivery of items subject to the Standard and the name and address of the purchaser or recipient relating such sale to the production unit or other unit identification.

(2) *Fabrics.* In addition to the information specified in paragraph (d)(1) of this section, the written and physical records maintained with respect to each fabric production unit shall include (i) finished fabric samples sufficient to repeat the fabric sampling procedure required by .4 of the Standard for each production unit marketed or handled; and (ii) records to relate the samples to the actual fabric production unit. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the sampling and testing of any production unit in accordance with the Standard shall be furnished from these records within the time specified in the written request.

(3) *Garments—prototype testing.* In addition to the records specified in paragraph (d)(1) of this section, the following written and physical records shall be maintained with respect to the garment prototype testing required by the Standard:

(i) Specification; fiber content, and details of construction on all seams, fabrics, threads, stitches, and trims used in each garment style or type upon which prototype testing was performed, relating the same to such garment style or type and to all production units to which such prototype testing is applicable.

(ii) Samples sufficient to repeat the prototype tests required by .4 of the Standard for all fabrics, seams, threads, stitches, and trims used in such prototype testing, relating such samples to the records required by this paragraph (d), including the information required by paragraph (d)(3)(i) of this section. Upon the written request of any duly authorized employee or agent of the Commission, samples sufficient for the testing of any prototype specimens identical to those specimens that were actually tested pursuant to the Standard shall be furnished from these records within the time specified in the written request.

(iii) A complete untested garment from each style or type of garment marketed or handled.

(iv) Remains of all physical specimens tested in accordance with the prototype testing required by .4 of the Standard, relating such samples to the records required by this paragraph (d), including information required by paragraph (d)(3)(i) of this section.

(4) *Garments—production testing.* In addition to the records required by paragraph (d)(1) of this section, written and physical records shall be maintained and shall show with respect to each garment production unit:

(i) Source and fabric production unit identification of all fabrics subject to testing used in each garment production unit.

(ii) Identification and appropriate reference to all prototype records and prototype tests applicable to each production unit.

(iii) Any guaranty relied upon to demonstrate that the fabric utilized in such garments meets the laundering requirements of the Standard.

(iv) Data sufficient to show that tested samples were selected from the production unit at random from regular production.

(v) Written data that will enable the Commission to obtain and test garments under any applicable compliance market sampling plan.

(5) *Record retention requirements.* The records required by this paragraph (d) shall be maintained for 3 years, except that records relating to prototype testing shall be maintained for so long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(e) *Records—persons not subject to paragraph (d) of this section.* Any person not subject to paragraph (d) of this section who markets or handles items subject to the Standard shall keep and maintain for 3 years records to show the source, date of receipt, and identity of items marketed or handled; the identity of purchasers (other than ultimate retail purchasers); and the date of sale (other than the date of sale to ultimate retail purchasers).

(f) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(g) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any item subject to the Standard, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section 302.21.

(section 5, 67 Stat. 11-13, as amended 81 Stat. 571; 15 U.S.C. 1194)

Interested persons are invited to submit on or before February 19, 1975, written comments regarding the matters proposed herein. Comment received after this date will not be considered. Comments and any accompanying material should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Room 1025, 1750 K Street, NW, Washington, D.C., during working hours, Monday through Friday.

Dated: January 14, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

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CONSUMER PRODUCT SAFETY COMMISSION

CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14 (FF 5–74)

Policy Statement and Solicitation of Comments

The purpose of this notice is to announce and invite comment on a two part policy statement, regarding the applicability of the Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74). The Standard was issued by the Consumer Product Safety Commission on May 1, 1974 (39 FR 15210) under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.). on May 1, 1975 and applies to children's sleepwear. It becomes effective garments in sizes 7 through 14 and to fabric or related material intended or promoted for use in such children's sleepwear.

In the FEDERAL REGISTER of May 1, 1974, the Commission issued a Notice of Finding of Possible Need for Amendment to the Standard in four different respects (39 FR 15228). Elsewhere in the FEDERAL REGISTER today, the Commission proposes an amendment to the Standard, and withdraws the Notice of Possible Need for Amendment as to three of the items mentioned in the Notice.

The Commission has determined that two of the possible amendments mentioned in the May 1, 1974 Notice should be treated as policy statements rather than as amendments to the Standard. In this Notice, the Commission discusses the comments on these two possible amendments received in response to the May 1, 1974 Notice of Possible Need for Amendment, states the Commission policy on these issues, and invites further comment on the policy.

1. *Application of the Standard.* The Standard applies to all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975, the effective date of the Standard. In the May 1, 1974 Notice, the Commission stated it believed that the term "manufacture" should be defined to clarify which items of children's sleepwear in the production/distribution chain on the effective date of the Standard must comply with the Standard, so that all affected parties will know which items are subject to the Standard. Comment was invited on the necessity for clarification and suggested definitions were sought.

Comments. Eight commenters presented views on this issue. No commenter objected to clarifying the term "manufacture." One commenter stated that retailers consider manufacture to end with the completion of the last productive act on the article and that therefore storing, packing, and preparing goods for distribution and sale are not part of the manufacturing process.

Other commenters suggested the Commission focus on the beginning rather than the end of the manufacturing process because when fabric is cut, materials have been committed to the manufacture of children's sleepwear. Therefore, these commenters suggested that the Standard should be applicable to all items of sleepwear for which the manufacturing process begins after the Standard's effective date and manufacture should be defined as beginning when the fabric is cut to make garments. Another commenter agreed that the manufacturing process begins with cutting fabric and stated the process ends with placing garments in a warehouse for shipping.

One commenter assumed definition of the term "manufacture" would apply only to garments and not to fabric intended or promoted for use in children's sleepwear.

One commenter stated the term "manufacture" should be defined to include as many garments as possible within the protective framework of the Standard and that therefore the end of the manufacturing process should be defined at as late a time as is reasonably supportable. Another commenter suggested that a garment must be constructed, labeled, and packaged in a form suitable for immediate delivery to the seller of the goods before May 1, 1975 in order to be outside the scope of the Standard. This commenter stated that this definition would not preclude a retailer from being able to affix promotion and price labeling or to repackage individual items of sleepwear after the effective date of the Standard. However, the commenter stated that the addition of buttons or other functional materials, the assembly of cut pieces of sleepwear, or the packaging for commercial shipping should be considered part of the manufacturing process.

Discussion. The Commission believes the term "manufacture" must be defined as to both garments and fabric intended or promoted for use in children's sleepwear in sizes 7 through 14 to avoid any questions as to which items must comply with the Standard. The term "manufacture" must be defined in a manner consistent with the generally understood meaning of the term and in a manner that allows the Standard to be effectively enforced.

The term manufacture is generally understood to encompass the process of producing a final object or assembling materials into a final form. Therefore, the Commission believes that for the purposes of the Standard the manufacturing process ends when an item has been completely assembled, when all permanently affixed labels have been attached, and when all functional materials have been affixed. Until these actions have been completed, an item of children's sleepwear will not be deemed to have been "manufactured."

The Commission believes the operative time in the manufacturing process for the purposes of determining which items are covered by the Standard is the end of the manufacturing process.

The Standard was issued on May 1, 1974 but it will not go into effect until May 1, 1975. Therefore, there is a one year period for manufacturers and others subject to the Standard to come into compliance. The Commission believes that this time period will be sufficient for planning purposes and that it would not serve the public interest to allow manufactures to complete the manufacturing process for noncomplying sleepwear in sizes 7 through 14 after the effective date of the Standard. Therefore, the Commission will define the term as of the end of the manufacturing process of both garments and fabric.

The Commission does not believe that the packaging of items or their labeling with temporary hang tags or other sales or promotional materials come within the definition of the term "manufacture," because these actions are not an integral part of the manufacturing process.

Policy. It is the policy of the Commission that all items of children's sleepwear in sizes 7 through 14 (including garments and fabric intended or promoted for use in such children's sleepwear) are subject to the Standard FF 5–74 unless the manufacturing process has ended before May 1, 1975. The manufacturing process is deemed to end, for the purposes of the Standard, at the time the item is completely assembled, all functional materials have been affixed, and labeling of a permanent nature has been stamped, sewn, or otherwise permanently affixed to the item. Affixing of temporary price or promotional information or the packaging of items of sleepwear (including garments and fabrics intended or promoted for use in such sleepwear) does not affect the date on which the manufacturing process is deemed to end.

2. *Clarification of Exemption.* Section 4(b) of the Flammable Fabrics Act provides that products, fabrics, or related materials subject to a Standard, which are "in inventory or with the trade" on the effective date of the Standard, are exempt from the Standard, except that the exemption may be limited or withdrawn if the Commission finds that any such items are so highly flammable as to be dangerous when used by consumers for the purpose for which they are intended. In the May 1, 1974 Notice of Possible Need for Amendment to the Standard, the Commission sought views as to the time items, particularly imported items, are to be considered "in inventory or with the trade." The Commission also sought views as to whether or in what circumstances, the exemption should be limited.

Comments. Nine commenters addressed this issue. One commenter stated that goods are "in inventory or with the trade" when the manufacturer has completed the final production process. Thus, goods being stored, packaged, or prepared for shipment or distribution by a manufacturer, importer, or someone else would be "in inventory or with the trade." Other commenters stated that goods manufactured outside the United States are "in inventory or with the trade" when they have cleared customs, or when they have entered this country for consumption under the customs regulations. Others said that goods should be considered in inventory when they are delivered to the ship or other carrier by the foreign manufacturer, since that is

the time when the American company gains possession of the goods, and this time is easily documented.

One commenter stated imported items should be considered in inventory when they are shipped from the original FOB point. Another commenter stated the time should be when the garments are manufactured or ordered, whichever is earlier since at each of these times the manufacturer cannot reasonably change the flame retardant characteristics of the items.

Two commenters suggested withdrawing the exemption for items "in inventory or with the trade," on the ground that the Commission's findings in issuing the Standard on May 1, 1974 provide a basis for withdrawing the exemption. These commenters state that most manufacturers are now able to comply with the Standard and that no producer would be caught by surprise with noncomplying goods if such action were taken because there has been a one year lead time before the effective date of the Standard.

One commenter believes the exemption should apply only to items in the inventory of retailers or wholesalers, to protect wholesalers and retailers from hardship over which they may have little control. The commenter stated that manufacturers do not fall within the exemption because they are protected by provisions of the Flammable Fabrics Act which provide a one year hiatus before the effective date of a Standard and because a manufacturer has more control over its inventory than a retailer or distributor. This commenter also stated that section 9 of the Flammable Fabrics Act precludes importation of goods that do not comply with a standard in effect on the date of entry of the merchandise and therefore suggests that imported goods with an entry date on or after May 1, 1975 be excluded from the United States if they do not comply with the Standard FF 5–74.

One commenter suggested that the Commission take action under section 30(d) of the Consumer Product Safety Act to apply the provisions of section 9(d)(2) of that Act to items subject to FF 5–74. Section 9(d)(2) of that Act allows the Commission by rule to "prohibit a manufacturer of a consumer product from stockpiling any product to which a consumer product safety rule applies, so as to prevent such manufacturer from circumventing the purpose of such consumer product safety rule."

Discussion. The Commission has decided not to withdraw the exemption for items "in inventory or with the trade" on the effective date of the Standard because the Commission believes it may be unfair to manufacturers, distributors, retailers, and others who are marketing or handling noncomplying items manufactured in good faith prior to the effective date of the Standard. Moreover, the Commission does not believe it is necessary for the protection of consumers to withdraw the exemption for items subject to the Standard that are "in inventory or with the trade" on the effective date of the Standard. If the Commission amends the Standard to require affirmative labeling of complying items for three years after the Standard's effective date, consumers will be able to distinguish complying from noncomplying items of children's sleepwear. Proposed regulations under the Standard published elsewhere in the FEDERAL REGISTER today would require segregation of complying and noncomplying items at the point of sale to consumers.

In addition, for the foregoing reasons and because it is not clear that those subject to the Standard will be engaged in stockpiling children's sleepwear in sizes 7 through 14, the Commission declines to reach the issue of whether it can or should take action under section 30(d) of the Consumer Product Safety Act to apply the anti-stockpiling provisions of section 9(d)(2) of that Act to items subject to the Standard.

The Commission believes, as to domestically manufactured items, that they are "in inventory or with the trade" on the effective date of the Standard and thus subject to the exemption if they have been manufactured before May 1, 1975.

The definition of the term "manufacture" and the reasoning behind the definition are set forth in the previous section of this policy statement. The Commission has found no support in section 4(b) of the Flammable Fabrics Act or the legislative history of the Act for the contention that the exemption for items "in inventory or with the trade" is unavailable to manufacturers, and the Commission believes it may be unfair to prevent manufacturers from selling noncomplying items manufactured in good faith before the effective date of the Standard.

As to imported items, the Commission believes that section 9 of the Flammable Fabrics Act clearly requires that an imported item that fails to meet a Standard in effect on the date of entry of the item should not be allowed admission into the United States. The Commission recognizes that its policy as to imported goods must be somewhat different than the policy for domestically manufactured goods because the Commission's compliance staff is less able to verify the date manufacture of foreign-made goods has been completed. It is the Commission's policy that domestic manufacturers and importers must be subject to the same or similar requirements wherever possible under the laws the Commission administers. Thus, both foreign and domestically made goods must have been "manufactured" prior to May 1, 1975 to be considered "in inventory or with the trade" on the effective date of the Standard.

The Commission believes the exemption in section 4 of the Flammable Fabrics Act for items "in inventory or with the trade" on the effective date of the Standard was intended to apply to items in the United States, because the purpose of the Act is to protect consumers in the United States. This interpretation is consistent with section 9 of the Act. In addition, the Commission believes that there will have been sufficient lead time for compliance with the Standard when the Standard becomes effective on May 1, 1975. Therefore, the Commission believes that imported items should be considered "in inventory or with the trade" on the date the goods have been entered into the United States.

Policy. All items of children's sleepwear in sizes 7 through 14 (including garments and fabric intended or promoted for use in such children's sleepwear) which are in inventory or with the trade on the effective date of Standard FF 5–74 are exempt from the requirements of the Standard. For domestically made items of children sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended prior to May 1, 1975. For foreign-made items of children's sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended and the goods must have been entered into the United States before May 1, 1975.

Solicitation of Comments. This policy statement reflects the Commission's views as to two aspects of enforcement of the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14. This matter is considered a general statement of policy, interpretative rule, or rule of agency procedure or practice and therefore exempt from the notice and public procedure provisions of 5 U.S.C. 553 (Administrative Procedure Act). However, the Commission has decided to allow public comment on the policy.

Therefore interested persons are invited to submit, on or before, February 19, 1975, written comments regarding the proposal. Comments received after that date will not be considered. Comments and any accompanying material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Room 1025, 1750 K Street, NW, Washington, D.C. during normal working hours.

Dated: January 14, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

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