federal register

TUESDAY, MARCH 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 58

Pages 13195–13292

PART I

March 25, 1975—Pages 13195–13292

HIGHLIGHTS OF THIS ISSUE

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

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reminders

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

S.J. Res. 48..... Pub. Law 94–9
Defense Production Act of 1950, amendment

(March 21, 1975; 89 Stat. 15)

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federal register
Area Code 202 Phone 523–5240

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rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Principal Assistant to the Assistant Secretary of Defense (Legislative Affairs) for House Affairs is excepted under Schedule C.

Effective March 25, 1975, § 213.3306(a) (20) is added as set out below.

§ 213.3306 Department of Defense.

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

(20) One Principal Assistant to the Assistant Secretary of Defense (Legislative Affairs) for House Affairs.

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

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

[FR Doc.75-7670 Filed 3-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one additional position of Special Assistant to the Administrator, Law Enforcement Assistance Administration, is excepted under Schedule C.

Effective March 25, 1975, § 213.3310(s) (3) is amended as set out below.

§ 213.3310 Department of Justice.

* * * * *

(s) *Law Enforcement Assistance Administration.* * * *

(3) Two Special Assistants to the Administrator.

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

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

[FR Doc.75-7671 Filed 3-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Administrative Assistant to a Member of the National Transportation Safety Board is excepted under Schedule C.

Effective March 25, 1975, § 213.3394(b) (1) is amended as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(b) *National Transportation Safety Board.*

(1) One Administrative Assistant to each of three Board Members.

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

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

[FR Doc.75-7669 Filed 3-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary (Steno) to the Federal Highway Administrator is excepted under Schedule C.

Effective March 25, 1975, § 213.3394(d) (2) is added as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(d) *Federal Highway Administration.* * * *

(2) One position of Secretary (Steno) to the Administrator.

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

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

[FR Doc.75-7672 Filed 3-24-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE STANDARDS INSPECTIONS, MARKETING PRACTICES

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Concentrated Apple Juice

A notice of proposed rulemaking to issue new United States Standards for Grades of Frozen Concentrated Apple Juice (7 CFR 52.6321–52.6332) was published in the FEDERAL REGISTER of August 20, 1973 (38 FR 22406); a second notice of proposed rulemaking was published in the FEDERAL REGISTER of January 16, 1974 (39 FR 2006); a third notice of proposed rulemaking was published in the FEDERAL REGISTER of May 14, 1974 (39 FR 17234). Interested persons were allowed until June 15, 1974, to submit written comments in connection with the third proposal.

This new grade standard is issued under 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 levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the proposed standards. There is, at present, no United States Standards for Grades of Frozen Concentrated Apple Juice.

The American Frozen Food Institute, representing a large portion of the frozen concentrated apple juice industry, requested that the Department establish U.S. Standards for Grades of Frozen Concentrated Apple Juice.

During 1972, a team established by the Department of Agriculture investigated problems association with the marketing of apples. The report of the study group indicated that there is a potential for new product development, such as apple concentrate, and a need to improve the quality standards for apple juice.

In response to the industry request and in recognition of the report of the apple marketing team, the Department proposed, on August 20, 1973, to establish United States Standards for Grades of Frozen Concentrated Apple Juice, to facilitate the marketing of this product.

A number of comments were filed on this proposal dealing mainly with the relationship between Brix (apple sugar) and the acidity of the apples. Also, a request was made to clarify the product description. Changes were made as a result of these comments and a second notice of proposed rulemaking was published on January 16, 1974.

One comment was received on the second notice of proposed rulemaking. This comment requested that the product description (§ 52.6321) be modified to allow apple parts (derived from the preparation of apple products other than apple juice) to be used in the preparation of apple juice excluding liquid obtained by leaching of residual apple material (pomace) with water.

Changes were made as a result of this comment and a third notice of proposed

rulemaking was published on May 14, 1974.

Seven comments were received on the third notice of proposed rulemaking. Four of these comments were from consumers, three of which supported the use of apple parts in the manufacture of frozen concentrated apple juice. The fourth was opposed on the grounds that the apple parts may contain insecticide residues. While the adulteration of any food product with insecticides falls under the purview of the Food and Drug Administration of the Department of Health, Education, and Welfare, sufficient protection against this eventuality is provided by the wording of the product description which requires the raw materials to be clean and by the fact that good commercial practice dictates the washing of apples prior to juicing. In addition the Environmental Protection Agency and the Occupational Safety and Health Administration have regulations governing the use of insecticides which strongly aid in preventing such a possibility.

One comment was received from a broker who was concerned about rotten fruit being incorporated in the product. The product description requiring the apples used to be sound and fresh and the juice from those apples to be unfermented provides sufficient safeguards to cover this situation without further definition.

Two comments were received from food processors. One had the following objections:

1. That the term "fresh apples" in the product description would not permit the use of apples which had been properly stored in cold rooms or controlled atmosphere storages.

The Department prior to this time has construed the term "fresh apples" when used in this context as including apples which have been stored under proper conditions.

2. That the product description does not appear to permit the restoration of apple essence to the concentrate.

Restoring apple essence, lost during the concentration process, to concentrated apple juice would be considered part of a good commercial process and thus allowable under the product description.

3. That the product description's exclusion of liquid obtained by leaching apple pomace with water might also be interpreted to exclude long established fully commercial processes employing rotary vacuum filters with leach sprays.

Since it was not the intent of the Department to exclude any good commercial processes or to dictate processing procedures, this portion of the product description has been changed for purposes of clarification only.

4. That the standard discriminates against unclarified frozen concentrated apple juice by imposing a clarity requirement.

Unclarified frozen concentrated apple juice would not meet the product description for Frozen Concentrated Apple Juice and would thus become a "no applicable grade" product, not Substandard Frozen Concentrated Apple Juice. The Department has no objection to including an unclarified style in this standard. However, we are not aware that such a product is on the market in sufficient quantities to justify developing a standard for it at this time.

Another processor endorsed the standard as published in the third notice of proposed rulemaking with the exception of the product description which he felt should exclude the use of apple parts in the preparation of frozen concentrated apple juice. The following justification for this proposal was given:

1. "During 1972, a team established by the Department of Agriculture investigated problems associated with the marketing of apples. The report of the study group indicated that there is a potential for new product development such as apple concentrate and a need to improve the quality standards of apple juice. The addition of other residual apple material and/or parts of apples is not congruent with improving the quality standards of apple juice, whether frozen or single strength."

The Department contends that it was the intent of the apple marketing team that the quality standards themselves should be improved in the areas of applicability, workability, acceptability and usefulness to producers, buyers and consumers, not that the quality levels on the market be raised, but that they be more accurately reflected by the U.S. Standards for Grades.

2. "Quality apple juice obtained from 100% whole, washed, sorted apples is distinguishable from apple juice made from a blend with apple parts. This is not an arbitrary distinction. When the fresh apple skin is broken, chemical changes, both oxidative and enzymatic begin which reduce the color and flavor quality of the resultant juice. The juice must be expressed from the apple mash as rapidly (within minutes) as possible."

Comments from another processor on previous notices of proposed rulemaking had maintained that the products were indistinguishable and in some cases the juice from apple parts was better. Neither respondent supplied data supporting their claims. The relevance of both of these comments is questionable. Regardless of which comment is correct, if the color or flavor is affected, the quality levels in the standard will properly classify the juice.

3. "The quality of apples used for *quality* apple juice must be no less than the quality of apples used for preparing applesauce or apple slices. If inferior apples are used, then inferior apple juice will result."

The Department is aware that not all frozen concentrated apple juice on the market is of top quality. However, it is the purpose of the U.S. Standards for Grades to classify all frozen concentrated apple juice on the market by quality level and thus facilitate marketing by allowing producers, buyers and consumers to make an informed choice.

4. "The proposed terminology is in line with the definition stated in the Standards for Grades of Canned Apple Juice and the Standard of Identity for Canned Applesauce. During the revision of the canned apple juice standards, the Department of Agriculture stated an aim to "attempt to make grade nomenclature as uniform as possible" (FEDERAL REGISTER volume 36, number 29, Thursday, February 11, 1971—pp. 2859)." The "proposed terminology" referred to in the first sentence of this paragraph is terminology proposed by the respondent which would exclude the use of peels, cores and trimmings in making frozen concentrated apple juice.

The quoted statement refers to the fact that Grades of Canned Apple Juice were changed, in 1971, from A, C, and Substandard to A, B, and Substandard and should not be construed to mean that the text of the product description paragraph of standards must necessarily be uniform particularly when the processing procedures differ. It should be noted that the "grade nomenclature" is uniform between Canned Apple Juice and Frozen Concentrated Apple Juice.

The Department after consideration of the above comments and the comments submitted on the first and second notices of proposed rulemaking and all other relevant material hereby adopts the U.S. Standards for Grades of Frozen Concentrated Apple Juice as proposed with minor editorial changes for purposes of clarification. The standards shall become effective May 15, 1975.

PRODUCT DESCRIPTION AND GRADES

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52.6321 Product description.
52.6322 Brix requirement.
52.6323 Grades.

FILL OF CONTAINER

52.6324 Recommended fill of container.

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52.6330 Explanation of terms.

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52.6331 Ascertaining the grade of a lot.

SCORE SHEET

52.6332 Score sheet.

PRODUCT DESCRIPTION AND GRADES

AUTHORITY: Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

Frozen concentrated apple juice is prepared from the unfermented, unsweetened, unacidified liquid obtained from the first pressing of properly prepared, sound, clean, mature, fresh apples, and/or parts thereof by good commercial processes. The juice is clarified and concentrated to at least 22.9 degrees Brix. The apple juice concentrate so prepared, with or without the addition of ingredients permissible under the Federal Food, Drug, and Cosmetic Act, is packed and

frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.6322 Brix requirements.

Brix value of the finished concentrate shall not be less than the following for the respective dilution factor of frozen concentrated apple juice:

Dilution factor:	*Minimum Brix value of concentrate (degrees)*
1 plus 1	22.9
2 plus 1	33.0
3 plus 1	42.2
4 plus 1	50.8
5 plus 1	58.8
6 plus 1	66.3
7 plus 1	73.3

§ 52.6323 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325(b), has the following attributes:

(1) Good color and clarity;

(2) Is practically free from defects;

(3) Very good flavor and aroma; and

(4) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325(b), has at least the following attributes:

(1) Reasonably good color and clarity;

(2) Is reasonably free from defects;

(3) Good flavor and aroma; and

(4) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.6324 Recommended fill of container.

Recommended fill of container is not incorporated in the grades of the finished product since the fill of the container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled with frozen concentrated apple juice to not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.6325 Ascertaining the grade.

(a) The grade of frozen concentrated apple juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors which are scored. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points which may be given such factors are:

Factors	*Points*
Color and clarity	20
Defects	20
Flavor and aroma	60
Total score	100

(b) The scores for the factors of color and clarity, defects, and flavor and aroma are determined immediately after reconstituting according to label directions or other appropriate directions.

§ 52.6326 Ascertaining the rating for the factors which are scored.

The essential variations, within each scoreable factor, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example: "18 to 20 points" means 18, 19, or 20 points).

§ 52.6327 Color and clarity.

(a) *(A) classification.* Frozen concentrated apple juice which has a good color and clarity may be given a score of 18 to 20 points. "Good color and clarity" means that the color, of the frozen concentrated apple juice after reconstitution, is bright and transparent and of a light golden appearance, but not darker than USDA Honey Color Standards "White" designation.

(b) *(B) classification.* Frozen concentrated apple juice which has a reasonably good color and clarity may be given a score of 16 or 17 points. "Reasonably good color and clarity" means the color, of the frozen concentrated apple juice after reconstitution, is slightly dull or slightly turbid; may be light golden to light amber in appearance but not darker than USDA Honey Color Standards "Light Amber" designation. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(c) *(SStd) classification.* Frozen concentrated apple juice that is dull, turbid or otherwise fails the requirements of U.S. Grade B may be given a score 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6328 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from sediment or other residues, dark specks, or any other defects which affect the appearance or palatability of the product.

(b) *(A) classification.* Frozen concentrated apple juice which is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous nature; may have not more than a trace of dark specks or of sediment or residue of a non-amorphous nature, or any other defects: *Provided*, That all defects present do not more than slightly affect the appearance or palatability of the product.

(c) *(B) classification.* Frozen concentrated apple juice which is reasonably free from defects may be given a score of 16 to 17 points. "Reasonably free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous or non-amorphous nature, of dark specks, or of any other defects: *Provided*, That all defects present do not materially affect the appearance or palatability of the product. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) *(SStd) classification.* Frozen concentrated apple juice which fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6329 Flavor and aroma.

(a) *General.* The factor of flavor and aroma refers to the degree of excellence and palatability of a distinct apple juice flavor and aroma typical of apple juice that has been properly processed.

(b) *(A) classification.* Frozen concentrated apple juice which has a very good flavor and aroma may be given a score of 54 to 60 points. "Very good flavor and aroma" means that the frozen concentrated apple juice after reconstitution has a fine, distinct fruity flavor and bouquet, that is free from astringent flavors, flavors due to overripe apples, oxidation, caramelization, or ground or musty flavors, and is free from objectionable flavors or objectionable aromas of any kind; and in addition, meets the following requirement:

Brix-Acid Ratio—Minimum–21:1
Maximum–53:1

(c) *(B) classification.* Frozen concentrated apple juice which has a good flavor and aroma may be given a score of 48 to 53 points. "Good flavor and aroma" means that the frozen concentrated apple juice after reconstitution has a normal flavor and bouquet, may be slightly astringent; or may be slightly affected by overripe apples, oxidation, caramelization, or ground or musty flavors, but is free from objectionable flavors or objectionable aromas of any kind; and, in addition, meets the following requirement:

Brix-Acid Ratio—Minimum–18:1
Maximum–60:1

Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) *(SStd) classification.* Frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B may be given a score of 0 to 47 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.6330 Explanation of terms.

(a) "Brix" means soluble solids of the concentrated apple juice as measured on the Refractometer, expressed as percent by weight sucrose (degrees Brix) with

correction for temperature to the equivalent at 20° C (68° F), but without correction for invert sugar or other substances. The Brix of frozen concentrated apple juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as malic acid) per 100 grams of concentrated juice determined by titration with a standard sodium hydroxide solution, using phenolphthalein as an indicator or any other satisfactory indicator and using an acid factor of 0.067.

(c) "Brix-Acid ratio" means the ratio of the Brix of the concentrated juice in degrees Brix to the grams of acid (calculated as malic acid) per 100 grams of concentrated juice.

(d) The USDA Honey Color Standards, referenced in § 52.6327, and information concerning procurement and use is available from:

Chief, Processed Products Standards and Inspection Branch, Fruit & Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250.

LOT COMPLIANCE

§ 52.6331 Ascertaining the grade of a lot.

The grade of a lot of frozen concentrated apple juice covered by these standards is determined by the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (§§ 52.1 to 52.83).

SCORE SHEET

§ 52.6332 Score sheet.

Size and kind of container	
Container mark or identification	
Label	
Net contents (fluid ounces)	
Brix (degrees)	
Acid (malic grams/100 grams)	
Brix-Acid Ratio	

Factors			Score points
Color and clarity	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Defects	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Flavor and aroma	60	(A)	54–60
		(B)	[1] 48–53
		(SStd)	[1] 0–47
Total score	100		

Grade	

[1] Indicates limiting rule.

Effective date. These grade standards, which are the first issue by the Department for frozen concentrated apple juice, shall become effective May 15, 1975.

Dated: March 19, 1975.

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

[FR Doc.75-7721 Filed 3-24-75;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1250—EGG RESEARCH AND CONSUMER INFORMATION ORDER

Rules of Practice and Procedure

The following new subpart establishes rules of practice and procedure governing proceedings to formulate an order under the Egg Research and Consumer Information Act (Pub. L. 93-428, 93rd Cong., approved October 1, 1974, 88 Stat. 1171).

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate an Order Under the Egg Research and Consumer Information Act

Sec.

AUTHORITY: Pub. L. 93-428, 93rd Cong., approved October 1, 1974, 88 Stat. 1171.

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate an Order Under the Egg Research and Consumer Information Act

§ 1250.1 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1250.2 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means the Egg Research and Consumer Information Act, Public Law 93-428, 93rd Congress, approved October 1, 1974 (88 Stat. 1171).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "Administrative Law Judge" or "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to conduct the hearing.

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(f) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "order" means any order or any amendment thereto which may be issued pursuant to the act.

(i) The term "proceeding" means a proceeding upon the basis of which an order may be issued.

(j) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.

§ 1250.3 Proposals.

(a) An order may be proposed by egg producers or by any other interested person or persons, including the Secretary. If any person other than the Secretary proposes an order, he shall file with the Administrator a written application, together with a copy of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Administrator to conclude that the proposed order will not tend to effectuate the declared policy of the Act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Administrator to conclude that the proposed order will tend to effectuate the declared policy of the act, or if the Secretary desires to propose an order, he shall sign and cause to be served a notice of hearing, as provided herein.

§ 1250.4 Institution of proceeding.

(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed order or a description of the subjects and issues involved; and shall state the time and

place of such hearing, and the place where copies of such proposed order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as provided herein, unless the Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Administrator may determine to be reasonable in the circumstances: *Provided*, That, in the case of hearings on amendments to an order, the time of the hearing may be less than 15 days but shall not be less than three days after the date of publication of the notice in the FEDERAL REGISTER.

(b) *Giving notice of hearing and supplemental publicity.* (1) The Administrator shall give or cause to be given notice of hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a copy of the notice of hearing to each egg association known to the Administrator to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers as, in his discretion, are best calculated to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of the 48 contiguous States of the United States and the mayor of the District of Columbia.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subparagraph (1) (ii), (iii), and (iv) of this paragraph shall not affect the legality of the notice.

(c) *Record of notice and supplemental publicity.* There shall be filed with the hearing clerk or submitted to the administrative law judge at the hearing an affidavit or certificate of the person giving the notice provided in paragraph (b) (1) (iii) and (iv) of this section. In regard to the provisions relating to mailing in paragraph (b) (1) (ii) of this section, a determination by the Administrator that such provisions have been complied with shall be filed with the hearing clerk or submitted to the administrative law judge at the hearing. In the alternative, if notice is not given in the manner provided in paragraph (b) (1) (ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the administrative law judge at the hearing a determination by the Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. Determinations by the Administrator as herein provided shall be final.

§ 1250.5 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 1250.6 Judges.

(a) *Assignment.* No judge who has any pecuniary interest in the outcome of a proceeding shall serve as judge in such proceeding.

(b) *Powers of judges.* Subject to review by the Secretary, as provided elsewhere in this subpart, the judge, in any proceeding, shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or laws; and

(7) Do all acts and take all measures necessary for the maintenance of order at the hearings and the efficient conduct of the proceeding.

(c) *Who may act in absence of judge.* In case of the absence of the judge or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other judge.

(d) *Disqualification of judge.* The judge may at any time withdraw as judge in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a judge, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 1250.7 Motions and requests.

(a) *General.* (1) All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the judge or may be stated orally and made a part of the transcript.

(2) Except as provided in § 1250.16 (b) such motions and requests shall be addressed to, and ruled on by, the judge if made prior to his certification of the transcript pursuant to § 1250.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The judge may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the judge.

§ 1250.3 Conduct of the hearing.

(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the judge shall have changed the time or place, in which event the judge shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as provided in § 1250.4 (relating to the giving of notice of the hearing: *Provided*, That, if the change in time or place of hearing is made less than five days prior to the date previously fixed for the hearing, the judge, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the judge may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the judge finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct, the judge may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided*, That the judge may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

(ii) In case the judge has ordered that a person be precluded from further action as counsel or representative in the proceeding, the judge, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* (1) The judge shall, at the opening of the hearing prior

to the taking of testimony, have noted as part of the record the notice of hearing as filed with the Office of the Federal Register, and the affidavit or certificate of the giving of notice or the determination provided for in § 1250.4(c).

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the judge shall announce.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

(i) Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

(ii) When necessary, in order to prevent undue prolongation of the hearing, the judge may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

(iii) The judge shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to reply.

(2) *Objectives.* If a party objects to the admission or rejection of any evidence or to any other ruling of the judge during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the judge. The transcript shall not include argument or debate thereon except as ordered by the judge. The ruling of the judge on any objection shall be a part of the transcript.

Only objections made before the judge may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the judge, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quintuplicate and in documentary form. In case the required number of copies is not made available, the judge shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the judge. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing) the judge, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the judge.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided*, That, interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the judge's ruling in excluding the evidence was erroneous. The judge shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the judge erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 1250.9 Oral and written arguments.

(a) *Oral argument before judge.* Oral argument before the judge shall be in the discretion of the judge. Such argument, when permitted, may be limited by the judge to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs, proposed findings and conclusions.* The judge shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the judge, as provided in § 1250.8(d), he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript.

§ 1250.10 Certification of the transcript.

The judge shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the judge shall transmit to the hearing clerk an original and four copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon the official record copy, and cause to be noted on other copies of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the judge. The hearing clerk shall obtain and file certifications to the effect that such corrections have been effected in copies other than the official record copy.

§ 1250.11 Copies of the transcript.

(a) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(b) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at a rate that may be agreed upon with the reporter.

§ 1250.12 Administrator's recommended decision.

(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision the Administrator shall give notice thereof, and opportunity to file exceptions thereto by publication in the FEDERAL REGISTER. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the Administrator's proposed order, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 1250.13 Submission to Secretary.

Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed, the Administrator's recommended decision, if any, and such exceptions as may have been filed.

§ 1250.14 Decision by the Secretary.

After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include (a) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (c) a ruling upon each exception filed by interested persons and (d) either (1) a denial of the proposal to issue an order or (2) if the findings upon the record so warrant, an order, the provisions of which shall be set forth and such order shall be complete except for its effective date and any determinations to be made under § 1250.15: *Provided,* That such order shall not be executed, issued or made effective until and unless the Secretary determines that the requirements of § 1250.15 have been met.

§ 1250.15 Execution of the order.

(a) *Issuance of the order.* The Secretary shall, if he finds that it will tend to effectuate the purpose of the act, issue and make effective the order, if any, which was filed as a part of his decision pursuant to § 1250.14: *Provided,* That the issuance of such order shall have been approved or favored by producers as required by section 9 of the act.

(b) *Effective date of order.* No order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date therefor.

(c) *Notice of issuance.* After issuance of the order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given by publication in the FEDERAL REGISTER.

§ 1250.16 Filing; extensions of time; effective date of filing, and computation of time.

(a) *Filing, number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by the foregoing provisions hereof to be filed with the hearing clerk, shall be filed in quintuplicate. Any document, or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the judge.

(b) *Extensions of time.* The time for filing of any document or paper required or authorized by the foregoing provisions to be filed may be extended by the judge (before the record is certified by the judge) or by the Administrator (after the record is so certified by the judge but before it is transmitted to the Secretary) upon request filed, and if, in the judgment of the judge, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 1250.17 Discussion of issues, etc., of proceeding prohibited.

Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in an order proceeding and prior to the issuance of an order, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however,* That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussion with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U.S. Department of Agriculture," the provisions of this section shall prevail.

§ 1250.18 Additional documents to be filed with hearing clerk.

In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any order and which the Secretary is required to issue or to approve.

§ 1250.19 Hearing before Secretary.

The Secretary may act in the place and stead of a judge in any proceeding herein. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided,* That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

Effective date. This subpart shall become effective on March 25, 1975.

Dated: March 20, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-7720 Filed 3-24-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1, 449.2]

PART 1842—BUSINESS AND INDUSTRIAL LOANS

Taxable Bond Issues

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment to § 1842.61 of Part 1842, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 34267), and the addition of § 1842.62. Section 1842.61 is amended to provide for the guarantee of taxable bonds issued by public bodies, paragraph (a) of this section is restructured and paragraph (b) added for clarity; § 1842.62 is added to provide procedures for guaranteed loans to be made to public bodies in connection with the issuance of any class or series of taxable industrial bonds.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D. C. 20250, on or before April 24, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.). As amended and added, §§ 1842.61 and 1842.62 read as follows:

§ 1842.61 Insured loans.

Applications from private parties for whom FmHA and such applicants agree that a guaranteed lender is not available, and from public bodies, shall be processed as insured loans in accordance with the applicable provisions of this Chapter and Subpart A of Part 1823 of this Chapter, including the credit elsewhere requirement, except as provided in § 1842.62, which provides for the guarantee of taxable bond issues of public bodies.

(a) *Public bodies.* Except as provided in § 1842.62, loans to public bodies may be used only to finance community facilities for the purpose of developing private business enterprises and when the requested loan is not available under Subpart A of Part 1823 of this Chapter.

(b) *Community facilities.* Community facilities include industrial parks, consisting of land, the necessary access ways to the sites, and utilities, but not improvements erected on such site.

§ 1842.62 Guaranteed industrial development bond issues.

(a) *Guaranteed loans to public bodies.* Loans to public bodies may be made for the purpose of constructing and equipping industrial plants for lease to private businesses (not including loans for operating such businesses). Applications for such loans shall first be considered on a loan guarantee basis.

(1) Loans made to public bodies may be guaranteed only in connection with the issuance of any class or series of industrial development bonds (as defined in section 103(c)(2) of the Internal Revenue Code of 1954, as amended (IRC)), the interest on which is includable in gross income under the IRC. No part of the loan guaranteed by FmHA may extend to any class or series of industrial development bonds the interest on which is excludable from gross income under section 103(a)(1) of such Code. Prior to the execution of any Contracts of Guarantee, lender shall furnish FmHA evidence regarding interest on the bonds being taxable for Federal income tax purposes. Such evidence may be in the form of an unqualified opinion of a recognized bond counsel or a ruling from the Internal Revenue Service.

(2) If FmHA and the applicant agree that a guaranteed lender is not available, the application may be considered for an insured loan under the provisions of § 1842.61.

§§ 1842.63–1842.70 [Reserved]

((7 U.S.C. 1989); delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: March 20, 1975.

F. W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-7680 Filed 3-24-75;8:45 am]

SUBCHAPTER E—ACCOUNT SERVICING

[FmHA Instruction 451.5]

PART 1861—ROUTINE

Servicing of Community Program Loans and Grants

Various sections of Subpart F of Part 1861, Title 7, Code of Federal Regulations (37 FR 15502; 38 FR 29061) are amended to clarify the Farmers Home Administration's procedure regarding the servicing of loans to economic opportunity cooperatives and to make other minor editorial changes. Inasmuch as the changes are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. The following procedural changes are being made:

1. Section 1861.82 is amended to make editorial changes and to add paragraphs (f)(4)(i), (ii), and (iii).

2. Section 1861.85 is ammended to add new paragraphs (c)(1), (2), and (3) to give the State Director authority to approve all transfers of incorporated Economic Opportunity Cooperative loans to ineligible applicants. Former paragraphs (c)(1) through (c)(5) are hereby redesignated as paragraphs (c)(3)(i), (ii), (iii), (iv), and (v).

3. Section 1861.86(a)(1) is amended to give the State Director authority to approve a voluntary conveyance of Economic Opportunity Cooperative loans regardless of the amount involved.

4. Section 1861.87 is amended to add a new paragraph (a) which gives the State Director authority to approve foreclosure of Economic Opportunity Cooperative loans regardless of the amount involved. Former paragraphs (a) and (b) of this section are hereby redesignated (b) and (c) respectively. The redesignated paragraph (b) is amended to reflect prior approval by the National Office on foreclosure actions for all community program-type loans, except Economic Opportunity Cooperative loans.

5. Section 1861.93(a)(2) and (3) are amended to make minor editorial changes.

As revised, §§ 1861.82(f)(4), 1861.85(c), 1861.86(a)(1), 1861.87, and 1861.93(a)(2) and (3) read as follows:

§ 1861.82 Loan servicing.

* * * * *

(f) *Loan amortization.* * * *

(4) The properly executed new instrument(s) or endorsement, as appropriate, will be handled as follows:

(i) *Notes.* The original new note should be attached to the existing note(s) and filed in the County Office and retained by FmHA until the respective account is paid in full or otherwise satisfied. A copy of the new note should be forwarded to the Finance Office.

(ii) *Endorsement.* Any endorsement which is required by the Office of the General Counsel in order to accomplish reamortization will be attached to the existing note and retained by FmHA until the respective account is paid in full or otherwise satisfied. A copy of the new note should be forwarded to the Finance Office.

(iii) *Bonds.* State statutes regarding the reamortization of bonds may vary. Therefore, each State Office will work closely with OGC in the handling of bonds. If the State statutes do not require the release of the existing bonds, these will be held in the Finance Office and the new bond instruments will be forwarded to the Finance Office and attached to the original bonds and retained by FmHA until the respective account is paid in full or otherwise satisfied. If State statutes require the release of the existing bonds, the exchange will be accomplished by the County Supervisor, and the new bonds will be forwarded to the Finance Office in the usual manner.

* * * * *

§ 1861.85 Transfer of security and assumption of loans.

* * * * *

(c) *Transfers to ineligible applicants.* Such transfers will be considered only when needed as a method for servicing problem cases when an eligible transferee is not available. Transfers should not be considered as a means by which members can obtain any equity or as a method of providing a source of easy credit for purchasers.

(1) State Directors are authorized to approve all transfers of incorporated Economic Opportunity Cooperative loans to ineligible applicants.

(2) For all other community program-type loans, the State Director is authorized to approve a transfer of indebtedness to, and assumption of loan by, a transferee who does not meet the eligibility requirements for the kind of loan being assumed when the ineligible applicant will:

(i) Make a significant downpayment.

(ii) Agree to pay the remaining balance within not more than 10 years. Annual installments will be at least equal to the amount amortized over a period not greater than the remaining life of the debt being transferred. The remaining balance will be due at the end of the tenth year.

(3) Interest rates to ineligible transferees will be the current rate offered for investments in Certificates of Beneficial Ownership with maturities of 5 to 9 years plus .125 percent as of the date the transfer is approved, and in accordance with the following:

* * * * *

§ 1861.86 Voluntary conveyance of security to FmHA.

(a) * * *

(1) State Directors are authorized to approve voluntary conveyance for Economic Opportunity Cooperative loans regardless of the amount involved. For all other community program-type loans, State Directors are authorized to approve voluntary conveyance with or without a release of liability when the present market value of the property to be conveyed to the Government does not exceed $250,000.

* * * * *

§ 1861.87 Foreclosure.

* * * * *

(a) *State Director authority.* State Directors are authorized to approve the foreclosure of Economic Opportunity Cooperative-type loans regardless of the amount involved.

(b) *National Office authority.* For all community program-type loans except Economic Opportunity Cooperative loans, foreclosure will not be initiated without prior approval of the National Office. State Directors will forward the docket, a report completed in accordance with the forms, "Report on Association Problem Case (Association-Type Project," and "Report on Association Loan Problem Case (Additional Information for Recreation Loans)," if appropriate, a statement of essential facts, and his recommendation to the National Office requesting authority to proceed with foreclosure.

* * * * *

§ 1861.93 Determining present market value.

(a) * * *

(2) Where real estate or chattels are being disposed of represent a relatively large portion of the total value of the security property, the sale price will be at least the present market value, as determined by an appropriate appraisal report.

(3) If required, a current appraisal report will be completed in accordance with Subpart A of Part 1809 and other applicable FmHA requirements.

(7 U.S.C. 1989; 42 U.S.C. 2942; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Effective date: This revision shall become effective March 25, 1975.

Dated: March 4, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-7725 Filed 3-24-75;8:45 am]

[FmHA Instruction 452.1]

PART 1867—REAMORTIZING AND RENEWING OPERATING LOANS

Revision

On pages 5538 and 5539 of the FEDERAL REGISTER of February 6, 1975, there was published a notice of proposed rulemaking to revise Part 1867, Title 7, Code of Federal Regulations (36 FR 17843; 37 FR 23628). This revision provides changes in the reamortization and renewal period of delinquent Operating loan notes; retention of reamortized or renewed notes in the borrower's case file; and a stipulation that the interest rate will be the current rate in effect at the time of reamortization and renewal.

Interested persons were given 30 days to submit comments, suggestions, or objections regarding this proposed revised Part 1867. No comments, suggestions, or objections have been received, and the proposed regulation is hereby adopted without change and is set forth below.

Effective date: This revision is effective March 25, 1975.

Dated: March 11, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Part 1867 as revised, reads as follows:

Sec.
1867.1 Introduction.
1867.2 Definitions.
1967.3 Eligibility requirements.
1867.4 Reamortization and renewal prohibitions.
1867.5 Rates and terms.
1867.6 Security.
1867.7 County Committee considerations.
1867.8 Processing the renewal promissory note.
1867.9 Approval authority.
1867.10 Disposition of promissory notes.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

§ 1867.1 Introduction.

All borrowers are expected to repay their Operating loans in accordance with the planned repayment schedules. However, circumstances may occur which will not permit them to pay as scheduled or to refinance their loans with credit from other sources. This regulation prescribes the policy and procedure for reamortizing or renewing Operating loans made under the Consolidated Farm and Rural Development Act.

§ 1867.2 Definitions.

(a) *"Reamortize."* Reschedule the payments of an original note within seven years from the date of its execution.

(b) *"Renew."* Reschedule the payments of an original note after the end of the seventh year from the date of its execution.

§ 1867.3 Eligibility requirements.

(a) *Delinquent Operating loans.* A delinquent Operating loan note may be reamortized or renewed, as appropriate, when:

(1) The borrower is unable to refinance his Operating loan indebtedness;

(2) The borrower is making satisfactory progress under prevailing conditions in establishing his enterprise(s);

(3) The inability of the borrower to pay his Operating loan note(s) on schedule was due to circumstances beyond his control, such as depressed prices; adverse weather conditions which materially reduced income; accident or serious illness; substantial loss of livestock or crops due to disease, pestilence, or catastrophe; major tenure adjustments, etc.;

(4) The borrower's plan for the next operating year (or typical year if the next year will not be typical) shows that he can realistically meet the terms of the proposed payment schedule on the reamortized or renewed note(s) under the conditions which will likely prevail; and

(5) The reasons for the delinquency and the justification for the reamortization or renewal are fully documented in the running case record.

(b) *Other Operating loans.* An Operating loan note, regardless of whether it is delinquent, may be reamortized or renewed, as appropriate, when:

(1) The borrower has made extra payments or refunds, both totaling 10 percent or more of the principal balance of the note being reamortized or renewed;

(2) The refund or extra payment will result in a significantly reduced income for the remaining period of the loan;

(3) The borrower is unable to refinance his Operating loan indebtedness;

(4) The borrower is making satisfactory progress under prevailing conditions in establishing his enterprise(s);

(5) The borrower's plan for the next operating year (or typical year if the next year will not be typical) shows that he can realistically meet the terms of the proposed payment schedule on the reamortized or renewed note under the conditions which will likely prevail;

(6) The approving official determines that the borrower cannot reasonably be expected to meet the repayment schedule in the original note(s); and

(7) The justification for the reamortization or renewal is fully documented in the running case record.

§ 1867.4 Reamortization and renewal prohibitions.

An Operating loan note will not be reamortized or renewed when:

(1) The account is being serviced or may be serviced in the near future by the State Office, or has been referred to the Office of the General Counsel or the U.S. Attorney; or

(2) The rescheduling is solely for the purpose of improving the Farmers Home Administration's (FmHA) record with respect to delinquencies.

§ 1867.5 Rates and terms.

(a) The interest rate will be the current rate in effect at the time Form FmHA 452-1, "Renewal Promissory Note," is signed by the borrower. The unpaid accrued interest will be scheduled in the first installment. In some cases this will affect the scheduling of the unpaid principal.

(b) The repayment terms may include installments which are either unequal or equal, depending on the circumstances,

and may also include a balloon installment when such arrangement is appropriate to the borrower's financial situation.

(c) The repayment period on a reamortized note will not extend beyond 7 years from the date of the original promissory note.

(d) The repayment period on a renewed note will not commence until after the end of the seventh year or extend beyond 12 years from the date of the original promissory note.

(e) The repayment period on a reamortized or renewed note will not exceed the useful life of the security.

§ 1867.6 Security.

A new security instrument will not be obtained as a prerequisite to reamortization or renewal, unless required for other reasons.

§ 1867.7 County committee considerations.

Before the reamortization or renewal of an Operating loan note is processed, the County Supervisor will take into consideration recommendations of the County Committee as a result of:

(a) The graduation review;

(b) The annual review of delinquent and other problem cases; and

(c) Consideration and certification of eligibility for any FmHA loan.

§ 1867.8 Processing the renewal promissory note.

A separate Form FmHA 452-1 will be prepared for each Operating loan note being reamortized or renewed. All parties who executed the note being reamortized or renewed will be required to execute Form FmHA 452-1, unless otherwise authorized by the State Director.

(a) If the County Office is in possession of the original note being reamortized or renewed, Form FmHA 452-1 will be processed in accordance with the provisions of the guidelines for completing this form available in any FmHA office and this regulation.

(b) If the County Office is not in possession of the original note being reamortized or renewed, the County Supervisor will request the Finance Office to have the note assigned to the insurance fund and returned to the County Office before processing Form FmHA 452-1.

§ 1867.9 Approval Authority.

Loan approval officials are hereby authorized to approve the reamortization or renewal of Operating loans subject to the policies within this regulation, and provided the principal amount owed on the Operating loan note being reamortized or renewed plus the outstanding total principal balance owed by the borrower on other Operating and Emergency loans does not exceed the loan approval official's authority shown in Subpart B of Part 1810 of this Chapter.

§ 1867.10 Disposition of promissory notes.

The original and County Office copy of all notes that are reamortized or renewed will be stamped "RENEWED, NOT PAID" or "REAMORTIZED, NOT PAID," as appropriate, by the County Office and retained in the borrower's case file. When a renewed or reamortized note has been paid in full or otherwise satisfied, it will be handled in accordance with the provisions of Subpart A of Part 1861 or Part 1864 of this Chapter.

[FR Doc.75-7726 Filed 3-24-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Domestic Policy Directive; Reduction of Lag in Deferred Availabilty and Correction of Title

Section 271.5(a) of the Committee's rules regarding availability of information has been amended to indicate that the domestic policy directive adopted at each meeting of the Committee will be published in the FEDERAL REGISTER approximately 45 days after the date of its adoption, rather than approximately 90 days as previously provided in that subsection. This amendment reflects a judgment by the Committee that a lag of 45 days is adequate to avoid an unacceptable degree of risk that speculators would be able to take unfair advantage of information regarding the directive adopted or that market reactions would impair the effectiveness of the Committee's functions. Also, the title of this directive has been corrected from "current economic policy directive"—the title that had been employed when § 271.5(a) was last amended—to "domestic policy directive"—the title presently employed. This is a technical revision of title only.

In order to accomplish these changes, § 271.5(a) is amended, effective March 24.1975, to read as follows:

§ 271.5 Deferment of availability of certain information.

(a) *Deferred availability of information.* In some instances, certain types of information of the Committee are not published in the FEDERAL REGISTER or made available for public inspection or copying until after such period of time as the Committee may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section or as may otherwise be necessary to prevent impairment of the effective discharge of the Committee's statutory responsibilities. For example, the Committee's domestic policy directive adopted at each meeting of the Committee is published in the FEDERAL REGISTER approximately 45 days after the date of its adoption; and no information in the records of the Committee relating to the adoption of any such directive is made available for public inspection or copying before it is published in the FEDERAL REGISTER or is otherwise released to the public by the Committee.

The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, March 21, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-7807 Filed 3-24-75;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 309—PUBLISHED AND UNPUBLISHED RECORDS AND INFORMATION

Freedom of Information; Correction

In FR Doc. 75-6482 appearing at page 11547 in the issue of Wednesday, March 12, 1975, make the following change on page 11548: In the second line of the paragraph headed "§ 309.1 [Further amended]" insert the paragraph designation "(c)" in lieu of the paragraph designation "(e)".

Dated: March 18, 1975.

WILLIAM E. HIRSCHBERG,
Attorney.

[FR Doc.75-7614 Filed 3-24-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

PART 311—NONDISCRIMINATION

Grant and Loan Program

Parts 309 and 311 of Chapter III of Title 13 of the Code of Federal Regulations are hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

1. Section 309.9 is amended by revising paragraph (a) to read as follows:

§ 309.9 Records and audit.

(a) Each recipient of assistance under the Act shall keep such records as EDA shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. Records shall be kept for a period of three (3) years after the

date of the final expenditure report or, for projects which are renewed annually, after the date of the submission of the annual expenditure report except that:

(1) If audit findings have not been resolved, these records are to be retained beyond the three (3) year period;

(2) Records for nonexpendable property shall be retained for three (3) years after its final disposition;

(3) When grant records are transferred to or maintained by EDA, the three (3) year retention requirement is not applicable.

* * * * *

2. Section 311.47 is amended by adding a new sentence at the end of paragraph (b) to read as follows:

§ 311.47 Cooperation, compliance reports and reviews and access to records.

* * * * *

(b) * * * Records shall be retained for a period of at least 3 years except for applications for employment which shall be retained for at least 12 months.

* * * * *

(Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5970))

Effective date: This amendment becomes effective on March 24, 1975.

Dated: March 18, 1975.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.75-7694 Filed 3-24-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-GL-7; Amdt. 39-2141]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Model 501-D22A Engines

Failures of second stage turbine blades in Detroit Diesel Allison Model 501-D22A engines have resulted in penetration of the engine case and damage to the surrounding structure. Investigation has shown that the failures resulted from improper application of an Alpak protective coating on the blades at overhaul. Since the condition described herein may exist or develop in other engines of the same type design which were subjected to the same overhaul conditions, an Airworthiness Directive is being issued requiring replacement of second stage turbine blades in those turbines in which improperly processed blades may have been installed.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

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

Applies to Detroit Diesel Allison Model 501-D22A engines with turbine assemblies having the following serial numbers:

750137, 750138, 750139, 750140, 750142, 750143, 750145, 750146A, 750147A, 750149, 750150, 750151, 750154, 750158, 750160, 750166, 750176, 750177, 750179, 750181, 750182A, 750184, 750194, 750195, 750201A, 750204, 750205, 750208, 750212, 750213, 750214, 750229, 750230, 750231, 750235, 750241A, 750263A, 750266, 750272, 750301, 750305, 750309, 750312.

Within the next 300 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished, remove the part number 6852228 second stage turbine blades and replace with part number 6890508 second stage turbine blades. Detroit Diesel Allison Commercial Overhaul Information Letter Number COIL-1019 pertains to this subject.

This amendment is effective April 7, 1975.

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

Issued in Des Plaines, Illinois, on March 17, 1975.

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

[FR Doc.75-7711 Filed 3-24-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-82, Amdt. 10]

PART 372a—TRAVEL GROUP CHARTERS

Deletion of Termination Date

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. March 20, 1975.

By notice of proposed rule making, SPDR-40,[1] the Board invited comment on a proposal to amend Part 372a of the Special Regulations (14 CFR Part 372a) which sets forth the Travel Group Charter (TGC) rule, by deleting and reserving § 372a.5, which presently provides for the termination of the TGC rule on December 31, 1975.

The Board explained that when we established this novel type of charter,[2] we had thought it necessary to prescribe a fixed and relatively brief duration, in order to emphasize its experimental nature. However, subsequent events had led us to tentatively conclude that there was no longer any reason to provide for the automatic expiration of TGC authority on any specified future date. Among the developments which had occurred in the two years since the TGC rule was originally issued were our institution of proceedings looking toward the establishment of additional new types of charters and, of course, our actual experience with TGC operations. In light of those intervening events, we were inclined to believe that it was no longer realistic to fear that TGCs alone might have so great a diversionary impact on scheduled service as had seemed theoretically possible at the time this rule was adopted.[3] We emphasized in SPDR-40 that deletion of the present TGC expiration date would, of course, in no way preclude us from making such future adjustments to the TGC rule as might prove to be needed.

Pursuant to the Notice, comments were filed by the National Air Carrier Association (NACA), on behalf of certain supplemental carrier members;[4] United Air Lines, Inc.; Dan-Air Services, Ltd.; Johnson Flying Service, Inc.; the American Society of Travel Agents, Inc.; Trans World Airlines, Inc. (TWA); "VARIG," S.A. (Varig); and Scandinavian Airlines System (SAS). Only TWA, Varig and SAS oppose adoption of the proposed rule, suggesting instead that the Board should merely extend the TGC's expiration date from December 31, 1975, until June 30, 1976. These carriers argue that it would be premature to alter the experimental nature of the TGC rule until the Board has been able to evaluate the actual effects of its recent liberalization of this rule.[5]

Upon consideration, the Board has determined to adopt the proposed rule, without modification, and the tentative findings and conclusions set forth in SPDR-40 are incorporated herein and made final.

We are not persuaded by the above-described opposing comments that our action herein is premature, or that it would be desirable to adopt their suggestion to merely extend for six months the expiration date of the TGC rule. Indeed, if anything, it is even more clear today than it was when we issued SPDR-40, just a few months ago, that, however justified may have been our initial fears in 1972 as to the possible consequences of authorizing this type of "non-affinity" charter, they are no longer realistic. It is thus not reasonable to single out this particular type of charter for continuing designation as an "experiment" which is subject to automatic termination at a fixed date.

Of course, our action is not to be interpreted as evidencing an irrevocable commitment to perpetuating this particular type of charter. We are simply removing a provision of the rule which would result in automatic termination. As with all other types of charter, we shall instead rely on our broad authority to control availability of this type of charter by appropriate regulatory action, from time to time, as warranted.

We have determined to make this rule effective immediately, since it imposes no

[1] Docket 27208, November 27, 1974, 39 FR 41995, December 4, 1974.

[2] SPR-61, September 27, 1972.

[3] Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[4] SPR-78, August 12, 1974.

burden on anyone but serves, rather, to relieve a restriction. In consideration of the foregoing, the Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a) effective March 20, 1975 as follows:

1. Amend the table of contents, the table as amended to read in part as follows:

Sec.

* * * * *

372a.5 [Reserved]

* * * * *

§ 372a.5 [Reserved]

2. Delete and reserve § 372a.5, the caption thereof to read as follows:

(Secs. 101, 204, 401, 402 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, and 771, as amended; 49 U.S.C. 1301, 1324, 1371, 1372, and 1386.)

Effective: March 20, 1975.

Adopted: March 20, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-7718 Filed 3-24-75;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
* *	* *	* *	*
Beckman Instruments, Inc. (diagnostic operations).	Human thyroid stimulating hormone kit, single label:	Kit, containing:	Nov. 26, 1974
	No. 566185	10 tests	
	No. 566186	25 tests	
	No. 566187	50 tests	
	No. 566188	100 tests	
Do	Human thyroid stimulating hormone kit, double label:	Kit, containing:	Do.
	No. 566173	10 tests	
	No. 566174	25 tests	
	No. 566175	50 tests	
	No. 566176	100 tests	
Do	Triiodothyronine kit, single label:	Kit, containing:	Do.
	No. 566177	10 tests	
	No. 566178	25 tests	
	No. 566179	50 tests	
Do	Triiodothyronine kit, double label:	Kit, containing:	Do.
	No. 566181	10 tests	
	No. 566182	25 tests	
	No. 566183	50 tests	
Do	Thyroxine kit, single label:	Kit, containing:	Do.
	No. 566165	10 tests	
	No. 566166	25 tests	
	No. 566167	50 tests	
Do	Thyroxine kit, double label:	Kit, containing:	Do.
	No. 566169	10 tests	
	No. 566170	25 tests	
	No. 566171	50 tests	
Do	Digoxin kit, single label:	Kit, containing:	Do.
	No. 566157	10 tests	
	No. 566158	25 tests	
Do	Digoxin kit, double label:	Kit, containing:	Do.
	No. 566161	10 tests	
	No. 566162	25 tests	
* *	* *	* *	*
California Bionuclear Corp.	Amobarbital-2-C-14, catalog No. 72077.	Screw cap vial: 50 μCi, 0.1, 0.5, and 1 mCi.	Jan. 8, 1975
Do	D-Amphetamine (propyl-1-C-14) sulfate, catalog No. 72078.	do	Do.
Do	DL-Amphetamine (propyl-1-C-14) sulfate, catalog No. 72079.	do	Do.
Do	Cocaine (methoxy-C-14) catalog No. 72182.	do	Do.
Do	Meperidine (N-methyl-C-14) hydrochloride, catalog No. 72508.	do	Do.
Do	Mescaline (andnomethylene-C-14) hydrochloride, catalog No. 72512.	do	Do.
Do	Methadone (heptanone-2-C-14) hydrochloride, catalog No. 72516.	do	Do.
Do	Methamphetamine (propyl-1-C-14) sulfate, catalog No. 72517.	do	Do.
Do	Methyl phenidate (carbonyl-C-14) hydrochloride, catalog No. 72550.	do	Do.
Do	Morphine (n-methyl-C-14) hydrochloride, catalog No. 72560.	do	Do.
Do	Pentobarbital-2-C-14, catalog No. 72618.	do	Do.
Do	Secobarbital-2-C-14, catalog No. 72675.	Ampoule: 50 μCi, 0.1, 0.5, and 1 mCi.	Do.
* *	* *	* *	*
Hoffman-La Roche Inc. Hyland Division, Travenol Laboratories, Inc.	Latex tube test kit for morphine:	Kit: 30 to 200 tests	Dec. 6, 1974
	T-1	Vial: 20 ml	Jan. 20, 1975
Do	T-2	do	Do.
Do	T-3	Vial: 50 ml	Do.
Do	T-4	do	Do.
Do	T-5	do	Do.
Do	T-6	Vial: 20 ml	Do.
Do	T-7	do	Do.
Do	T-8	Vial: 50 ml	Do.
Do	T-9	do	Do.
Do	T-10	do	Do.
Do	T-11	Vial: 20 ml	Do.
Do	T-12	do	Do.
Do	T-13	Vial: 50 ml	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 20 ml	Do.
Do	T-17	do	Do.
Do	T-18	Vial: 50 ml	Do.
Do	T 19	do	Do.
Do	T-20	do	Do.
* *	* *	* *	*
Miles Laboratories, Inc.	Thyrolute I 125, reagent kit, No. 5250.	Kit: 20 columns	Dec. 2, 1974
Do	Thyrolute I 125, reagent kit, No. 5252.	Kit: 100 columns	Do.
Millipore Corp.	Panagel slide, catalog No. ESPG 008 10.	Plate: 6 by 5 9/16 by 1/16 in.	Dec. 26, 1974
Do	Panagel slide catalog No. ESPG 016 10.	Plate: 6 by 9¾ by 1/16 in.	Do.
Do	Panagel buffer, catalog No. XE22 004 01.	Foil pouch: 18.25 gm.	Do.
* *	* *	* *	*

b. By amending § 1308.24(1) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Hyland Division, Travenol Laboratories, Inc.	T-1	vial: 20 ml	Aug. 17, 1973
Do	T-2	do	Do.
Do	T-3	Vial: 50 ml	Do.
Do	T-4	do	Do.
Do	T-5	do	Do.
Do	T-6	Vial: 20 ml	Oct. 23, 1973
Do	T-7	do	Do.
Do	T-8	Vial: 50 ml	Do.
Do	T-9	do	Do.
Do	T-10	do	Do.
Do	T-11	Vial: 20 ml	Feb. 8, 1974
Do	T-12	do	Do.
Do	T-13	Vial: 50 ml	Do.
Do	T-14	do	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 20 ml	Apr. 19, 1974
Do	T-17	do	Do.
Do	T-18	Vial: 50 ml	Do.
Do	T-19	do	Do.
Do	T-20	do	Do.

* * * * * * *

Effective date: This order is effective March 25, 1975. Any person interested may file written comments on or objections to the order on or before May 27, 1975. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: March 18, 1975.

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

[FR Doc.75-7540 Filed 3-24-75;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.712]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Revision of Lateral Entry Regulations

In order to provide and encourage certain eligible Departmental personnel to apply for lateral entry into the Foreign Service, who are unable to do so under the present regulations because of age, class, or service requirements, certain portions of the lateral entry regulations are amended and revised to liberalize the requirements. Accordingly, Part 11, Chapter I, of Title 22 of the Code of Federal Regulations are changed as set forth below.

In § 11.11, paragraphs (a)(1), (b)(1), (d)(2)(i) and (3)(ii), and (h)(1), (4), (6)(iii) and (7) are revised to read as follows:

§ 11.11 Lateral entry appointments of Foreign Service officers to classes 1 through 7.

* * * * *

(a) *Purpose of lateral entry appointment.* (1) The lateral entry program is a means by which the intake of Foreign Service officers through the junior Foreign Service officer examination can be supplemented to meet total requirements for Foreign Service officers. Lateral entry appointments are made ordinarily only to classes 1 through 6, insuring retention of the career principle of entry primarily at classes 7 and 8 through competitive examination. Additional appointments may be made to class 7 from a career Foreign Service Staff or Foreign Service Reserve officer category of the Department of State who are receiving a base salary equivalent to that of an FSO–7 and who are currently serving in the Foreign Service under the Mustang Program or the Minority FSR Junior Officer Program.

* * * * *

(b) *Magnitude.* (1) The Department places no numerical limitation on the lateral appointment of Foreign Service Reserve, Foreign Service Reserve Unlimited, Foreign Service Staff, and Civil Service officers on its rolls who apply and are certified on the basis of need by personnel management authorities for examination, except as provided in paragraph (d)(4)(ii) of this section, and are found qualified by the Board of Examiners.

* * * * *

(d) *Eligibility requirements.* * * *

(2) *Service.* (i) On the date of application, the applicant must have completed at least 3 years of service (4 years if under age 31) in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as service as a Foreign Service Reserve or Foreign Service Reserve Unlimited officer, at class 7, as Foreign Service Staff officer at class 6, in the Civil Service at GS–9, and in the Armed Forces of the United States at the grade of first lieutenant or lieutenant junior grade, or higher or, if the provisions of paragraph (d)(4)(ii) of this section are applicable to the applicant, in any officer designated position in the Department or Foreign Service. The duties and responsibilities of the position occupied by the applicant must have been similar or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and overseas work experience. To be eligible, an applicant must have been in or currently be in a grade or class comparable to FSO–6 (FSO–7 if the applicant is a career Foreign Service Staff or Foreign Service Reserve officer of the Department of State currently serving in the Foreign Service under the Mustang Program or the Minority FSR Junior Officer Program), or be receiving a base salary at least equal to the first salary step of that class.

* * * * *

(3) *Age.* * * *

(ii) The foregoing limitation regarding minimum age is not applicable to applicants of the Department of State currently serving in the Foreign Service under the Mustang Program or the Minority FSR Junior Officer Program, for whom the minimum age is 21.

* * * * *

(h) *Nature of examination*—(1) *Medical.* A medical examination is required for the applicant and any dependents who will reside with the applicant on tours abroad. Applicants and their dependents shall meet the physical requirements for full Foreign Service duty. Normally, failure to meet the medical requirements will preclude appointment as a Foreign Service officer. In exceptional cases, the Deputy Director General and Director of Personnel may grant a waiver of the physical requirements in the interest of the Service.

* * * * *

(4) *Written examination.* A written examination will not normally be required of applicants for lateral entry appointments. However, if the volume of applications for a given class or classes, or a particular functional specialty within a class or classes from applicants applying under the provisions of paragraph (b)(2) of this section is such as to make it infeasible to examine applicants orally within a reasonable time, such applicants may be required to take the Professional and Administrative Career Examination (PACE) or other appropriate examination. Only those who score a grade on such an examination above a point determined by the Executive Director of the Board of Examiners will be eligible to take an oral examination.

* * * * *

(6) *Oral examination.* * * *

(iii) With these considerations in mind the panel will normally question applicants regarding their functional preference or specialty; their knowledge of American history, government and other important features of the American heritage; familiarity with current events and international affairs; and other matters relevant to their qualifications for appointment.

* * * * *

(7) *Language aptitude or proficiency.* All applicants who pass the oral exami-

nation are required to take a test, whenever feasible, to gauge either their fluency in foreign languages or aptitude in learning foreign languages. The tests will be given either by the Foreign Service Institute or in accordance with other standards approved by the Foreign Service Institute. While present knowledge of foreign languages is not required, an apparent aptitude for learning a foreign language is a factor that will be considered in determining whether an applicant should be recommended for appointment. The Board of Examiners shall inform all applicants that a promotion limitation exists until such officers have achieved a specified language proficiency.

* * * * *

(74 Stat. 832 (22 U.S.C. 912; 22 U.S.C. 2658))

Compliance with the provisions of 5 U.S.C. 553 (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment and revisions to Part 11 is beneficial to Departmental personnel applying for lateral entry into the Foreign Service.

Effective date: These revisions shall become effective March 3, 1975.

For the Secretary of State.

Dated: March 3, 1975.

LAWRENCE S. EAGLEBURGER,
Acting Deputy Under Secretary for Management.

[FR Doc.75-7620 Filed 3-24-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

[Docket No. R-75-313]

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Changes in Interest Rates

The following miscellaneous amendments have been made to this chapter to reduce from 8½ percent to 8 percent the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8 percent, except that where an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

3. Section 205.50 is amended to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 1011, formerly Sec. 1010, 79 Stat. 464, 12 U.S.C. 1749jj; renumbered P.L. 89-754, Sec. 401(a), 80 Stat. 1271)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

4. In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage shall bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

5. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

6. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

7. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

8. In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

9. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

10. In § 232.560 paragraph (a) is amended to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8¼ percent per annum, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

11. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

12. Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

13. Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1)

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

14. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 241, 82 Stat. 508, 12 U.S.C. 1715z-b)

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

15. Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z-7)

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

16. In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before March 3, 1975, or an application for commitment was received by the Secretary before March 3, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa-3)

Effective date. These amendments shall be effective on March 3, 1975.

SANFORD A. WITKOWSKI,
Acting Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.75-7686 Filed 3-24-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7349]

PART 10—TEMPORARY INCOME TAX REGULATIONS UNDER PUBLIC LAW 93-625

Election With Respect to Foreclosure Property by a Real Estate Investment Trust

The following temporary regulations relate to the amendments made to the Internal Revenue Code of 1954 by section 6 of Pub. L. 93-625, relating to real estate investment trusts. Section 6 of Pub. L. 93-625 amended section 856 of the Code to provide that a real estate investment trust may elect to treat as "foreclosure property" certain property that it acquires after December 31, 1973, as the result of having bid in such property at foreclosure, or having otherwise reduced such property to ownership or possession by agreement or process of law, after there was a default (or default was imminent) on a lease of such property or on an indebtedness which such property secured. The election may affect the determination of whether the trust meets

certain requirements which respect to the source of its income and the holding of property primarily for sale to customers in the ordinary course of a trade or business, and may also result in an additional income tax liability.

The regulations provide that the election (which is irrevocable) is to be made on a property-by-property basis and prescribe the time and manner of making the election. The regulations also describe certain personal property acquired after foreclosure and certain real property acquired upon the termination of a lease which is eligible for the election. Special rules are prescribed with respect to the termination of foreclosure property status as a result of a subsequent lease of the property which provides for certain nonqualified rent, as a result of certain construction on the property, or as a result of the use of the property in a trade or business. These rules describe certain circumstances in which the continuation of a preexisting lease which may be terminated as a result of the foreclosure will not be treated as a new lease and in which the lease of certain personal property will not terminate the foreclosure property status. The rule regarding the completion of construction on foreclosure property relates to the determination of whether default was imminent before a required amount of construction had been completed. The rule regarding the use of property in a trade or business relates to property held by the REIT for sale to customers in the ordinary course of a trade or business and provides that sales of such property more than 90 days after acquisition of the real property by the REIT must be through an indepedent contractor.

The regulations also provide rules with respect to the computation of "net income from foreclosure property" (which is subject to a tax at corporate rates, without regard to the surtax exemption).

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, relating to the manner of making an election with respect to foreclosure property under section 856(e) of the Internal Revenue Code of 1954, the following regulations are hereby adopted:

Part 10 is amended by adding § 10.1 to read as follows:

§ 10.1 Election by real estate investment trust to treat certain property as foreclosure property.

(a) *In general.* Under section 856(e) of the Code a real estate investment trust ("REIT") may elect to treat as foreclosure property any real property (including interests in real property), and any personal property incident to such real property, that the REIT acquires after December 31, 1973, as the result of having bid in such property at foreclosure, or having otherwise reduced such property to ownership or possession by agreement or process of law, after there was default (or default was imminent) on a lease of such property (where the REIT was the lessor) or on an indebtedness owed to the REIT which such property secured. Personal property acquired on foreclosure (including personal property not subject to a mortgage or lease of the real property) will be considered incident to a particular item of real property if the use of such personal property is an ordinary and necessary corollary of the use to which the real property is put. For example, in the case of a hotel, such items as furniture, appliances, linens, china, food, etc. would be examples of incidental personal property. Personal property eligible for the election includes personal property acquired after the acquisition of the real property, if such personal property is incident to the real property and either replaces or supplements personal property of the same or a similar nature acquired upon foreclosure. Personal property used in the continuation of a trade or business conducted on the property prior to foreclosure will be considered property eligible for the election. Also, if the REIT, through an independent contractor, completes construction of a building or other improvement on foreclosure property which was more than 10 percent complete when default was imminent, personal property (such as a refrigerator or stove) which is incident to such real property and which is placed in the building or other improvement in the course of the completion of the construction is eligible for the election to be treated as foreclosure property. Real property eligible for the election includes a building or other improvement which has been constructed on land owned and leased by the REIT and which is acquired by the REIT upon default of the lease of the land.

(b) *Special rules regarding termination of foreclosure property status*—(1) *Subsequent leases of foreclosure property.* Under section 856(e)(4)(A), foreclosure property will cease to be foreclosure property on the first day (occurring on or after the day on which the REIT acquired the property) on which the REIT enters into a lease with respect to such property which, by its terms, will give rise to income which is not described in section 856(c)(3) (other than subparagraph (F) of section 856(c)(3)) or any amount is received or accrued, directly or indirectly, pursuant to a lease entered into on or after such day which is not described in such section. If, by operation of law or by contract, the acquisition of the foreclosure property by the REIT terminates a preexisting lease of such property, or gives the REIT a right to terminate such lease, then for the purposes of section 856(e)(4)(A), a REIT, in such circumstances, will not be considered to have entered into a lease with respect to such property solely because the terms of such preexisting lease are continued in effect after foreclosure without substantial modification. Also, solely for the purposes of section 856(e)(4)(A), if a REIT enters into a lease with respect to real property on or after the day upon which the REIT acquires such real property by foreclosure, and a portion of the rent from such lease is attributable to personal property which is foreclosure property incident to such real property, such rent attributable to the incidental personal property will not be considered to terminate the status of such real property (or such incidental personal property) as foreclosure property.

(2) *Completion of construction after default is imminent.* Under section 856(e)(4)(B), property ceases to be foreclosure property if on or after the day on which the REIT acquires such property any construction takes place on such property, other than completion of a building, or completion of any other improvement, where more than 10 percent of the construction of such building or other improvement was completed before default became imminent. For purposes of section 856(e)(4)(B), if more than one default occurred with respect to an indebtedness or lease in respect of which there is an acquisition, the more-than-10-percent test will not be applied at the time a particular default became imminent if it is clear that the acquisition did not occur as the result of such default. Construction by the REIT as mortgagee in possession may not be added to the construction previously completed to satisfy the more-than-10-percent test.

(3) *Use of the property in a trade or business.* Under section 856(e)(4)(C), property ceases to be foreclosure property if, more than 90 days after the property was acquired by the REIT, the REIT uses the property in the conduct of a trade or business, other than through an independent contractor from whom the REIT does not derive or receive any income. Thus, sale of property held primarily for sale to customers in the ordinary course of a trade or business more than 90 days after the real property was acquired, other than through an independent contractor, will not be a sale of foreclosure property.

(c) *Taxable income*—(1) *Net income from foreclosure property.* Section 857(b)(4), as added by section 6(c) of Pub. L. 93-625, imposes a tax on the net income from foreclosure property (as defined in section 857(b)(4)(B)). For purposes of section 857(b)(4)(B), net income from foreclosure property means the aggregate of—

(i) All gains and losses from sales or other dispositions of foreclosure property described in section 1221(1), and

(ii) The difference (hereinafter called "net gain or loss from operations") between (A) the gross income derived from foreclosure property (as defined in section 856(e)) to the extent such gross income is not described in subparagraph (A), (B), (C), (D), or (E) of section 856(c)(3), and (B) the deductions allowed by chapter 1 of the Code which are directly connected with the production of such gross income.

Thus, the sum of the gains and losses from sales or other dispositions of foreclosure property described in section 1221(1) is aggregated with the net gain or loss from operations in arriving at net income from foreclosure property.

Since income from the rental of personal property is not described in section 856 (c)(3) (A), (B), (C), (D), or (E), such income is subject to tax under section 857(b)(4). A deduction is "directly connected" with gross income if it has a proximate and primary relationship to the earning of such income. Thus, in the case of gross income from real property, "directly connected" deductions would include depreciation on the property, interest on any obligations attributable to the carrying of the property, real estate taxes, and fees paid to an independent contractor hired to manage the property. On the other hand, general overhead and administrative expenses are not "directly connected" deductions.

(2) *Real estate investment trust taxable income.* The tax imposed by section 857(b)(4) applies only if there is net income from foreclosure property. If there is a net loss from foreclosure property (that is, if the aggregate computed under subparagraph (1) of this paragraph results in a negative amount) such loss is taken into account in computing real estate investment trust taxable income under section 857(b)(2).

(d) *Election on a property-by-property basis.* An election under section 856 (e) to treat property as foreclosure property shall be made on a property-by-property basis. Thus, if the REIT acquires property eligible for the election in each of two separate foreclosures with respect to two separate obligations, the REIT may make an election with respect to the property acquired upon either, or both, of the foreclosures.

(e) *Time for making election.* The election by a REIT to treat property as foreclosure property must be made on or before either the due date (including extensions of time) for filing the REIT's income tax return for the taxable year in which the REIT acquires the property with respect to which the election is being made, or April 3, 1975, whichever is later. Thus a REIT which acquires property eligible for the election after December 31, 1973, may make an election with respect to such property on or before April 3, 1975, even though the time prescribed by law (including extensions of time) for filing the income tax return for the taxable year in which the REIT acquires such property has expired (or will expire) before April 4, 1975.

(f) *Manner of making the election.* The election shall be made by a statement attached to the REIT's income tax return for the taxable year in which the REIT acquired the property with respect to which the election is being made. If, however, the income tax return for such year has been filed before the time expires for making the election, the election may be made either by filing an amended return for such year with the statement attached, or by filing the statement with the district director, or director of the internal revenue service center, with whom the return for such year was filed. The statement shall indicate that the election is made under under section 856(e) and shall identify the property to which the election applies. The statement shall also set forth—

(1) The name, address, and taxpayer identification number of the REIT,

(2) The taxable year in which the property with respect to which the election is being made was acquired, if the statement is not attached to a return or amended return,

(3) The date the property was acquired by the REIT, and

(4) A brief description of how the real property was acquired, including the name of the person or persons from whom such real property was acquired and a description of the lease or indebtedness with respect to which default occurred or was imminent.

(g) *Election is irrevocable.* An election made in accordance with paragraph (f) of this section shall be irrevocable.

Because of the need for immediate guidance with respect to the manner of making the election provided by section 6 of Pub. L. 93-625, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

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

Approved: March 20, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.75-7745 Filed 3-24-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Standard for Exposure to Vinyl Chloride; Effective Date

Pursuant to sections 6(b) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593), 1600; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR Part 1911, § 1910.93q of Part 1910 of Title 29, Code of Federal Regulations, is hereby amended in the manner set forth below. This amendment is made in order to conform the dates in paragraphs (g)(1), (o)(1) and (o)(2) of § 1910.93q to the order of the United States Court of Appeals for the Second Circuit in "The Society of the Plastics Industry, Inc., v. Occupational Safety and Health Administration," (Docket Nos. 74-2284, 74-2286, 74-2308, 74-2345, 74-2449, 74-2450, 74-2491, 74-2585, 74-2609, January 31, 1975).

A final standard for occupational exposure to vinyl chloride was published in the FEDERAL REGISTER on October 4, 1974 (39 FR 35890). The standard provided comprehensive requirements to protect employees, which requirements were to become effective on January 1, 1975. The standard also provided for a continuation of the provisions of the emergency temporary standard (39 FR 12341) until the new standard became effective. In addition, some of the respiratory protection requirements in the new standard were not to become mandatory until after December 31, 1975.

Upon the publication of the final standard, manufacturers of vinyl chloride and vinyl chloride products filed petitions challenging the validity of the standard in several U.S. Courts of Appeals. The petitions were consolidated in the U.S. Court of Appeals for the Second Circuit where oral arguments were heard on December 13, 1974. The Court of Appeals decided, on January 31, 1975, to deny the petitions for review and to affirm the standard. Because of the passage of time, however, the court ordered that the January 1, 1975, effective date be delayed for 60 days after the date of its decision, and that the special time requirement for mandatory respiratory protection contained in 29 CFR 1910.93q (g)(1) be rescheduled accordingly. Therefore, to conform the standard to the court's order and thereby avoid any confusion as to effective date, §1910.93q of Part 1910 of Title 29, Code of Federal Regulations, is hereby amended as set forth below.

§ 1910.93q [Amended]

1. Paragraph (g)(1) of § 1910.93q is amended by changing the date "December 31, 1975" in each of the first two sentences to "April 1, 1976."

2. Paragraphs (o)(1) and (o)(2) of effective date "January 1, 1975" in both § 1910.93q are amended by changing the paragraphs to "April 1, 1975."

(Secs. 6 and 8, Pub. Law 91-596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12-71, (36 FR 8754))

Signed at Washington, D.C. this 18th day of March, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-7727 Filed 3-24-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Minnesota State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On June 8, 1973, a notice was published in the FEDERAL REGISTER (38 FR 15076) of the approval of the Minnesota plan and of the adoption of Subpart N of Part 1952 containing the decision of approval. On January 27, 1975, the State of Minnesota submitted a

supplement to the plan involving a State-initiated change (see Subpart E of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns the Minnesota State poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their obligations and protections under the Minnesota Act, their right to request workplace inspections and their right to remain anonymous as a result, their right to participate in inspections without loss of any privilege or payment as a result of such participation, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street, NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 3259, 230 South Dearborn Street, Chicago, Illinois 60604; State Capitol Building, Legislative Reference Library, St. Paul, Minnesota 55155.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Minnesota poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39306, Nov. 5, 1974). Accordingly, it is believed that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Minnesota plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart N of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State poster. Accordingly, Subpart N of Part 1952 is amended by adding a new section as follows:

§ 1952.204 Completed developmental steps.

In accordance with the requirements of § 1952.10, the Minnesota State poster was approved by the Assistant Secretary on March 7, 1975.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

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

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-7606 Filed 3-24-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Changes in the Mobile Home Loan Program; Prohibition Against Sex Discrimination

Section 5 of the Veterans Housing Act of 1974, Pub. L. 93-569, (88 Stat. 1863) amends 38 U.S.C. 1819 by: (1) increasing the maximum permissible loan amount for a single-wide mobile home unit; (2) establishing separate maximum loan amounts and terms for double-wide units; (3) providing authority to guarantee a loan to purchase a lot upon which to place a mobile home unit owned by the veteran; and (4) authorizing loans to purchase used mobile home units.

The Veterans Administration is amending the appropriate §§ 36.4201 through 36.4255, Title 38 of the Code of Federal Regulations to implement the statutory changes.

Section 36.4202 (m), (o), and (s) is amended to include a definition of a "double-wide" mobile home unit and to redefine "new" and "used" mobile homes. The existing material in § 36.4204(a), relating to maximum loan amounts and terms is redesignated as subparagraph (1) and limited to single-wide units. A new subparagraph (2) is added setting forth maximum loans and terms for double-wide units.

Additional new subparagraphs (3) and (4) are added setting forth maximums applicable to loans for used mobile home units and lot acquisition purposes. Section 36.4204(b), which relates to maximum loan amounts in individual cases has been amended by the addition of subparagraphs (5) and (6), which establish loan maximums for lot acquisition and used mobile homes.

Section 36.4207, Mobile Home Standards, is amended to establish separate minimum standards applicable to the sizes of single-wide and double-wide units. Provision for processing mobile home loans on a nonprior approval basis for supervised lenders has been set forth by the inclusion of a new paragraph (g) in § 36.4209.

A new paragraph (c) is added to § 36.4231 to provide for the requirements of a warranty from a mobile home dealer in the sale of a used mobile home unit to a veteran-borrower.

The allowable costs and charges for transportation, freight, and setup in § 36.4232(d) are limited to new units only as these costs are usually included in the sales price on used units and will be reflected in the appraisal.

The § 36.4250 series of the mobile home loan regulations is amended to provide for the guaranty of loans for the purpose of acquiring a lot upon which to place a unit already owned by the veteran. Specifically, the centerhead of this series is changed to include mobile home lot loans and a new § 36.4255 is issued setting forth the requirements for such a loan as to title, security, acceptability of the individual lot and reasonable value requirements. Sections 36.4253(f) and 36.4254(a) are amended to reflect that title and lien requirements and regulations relating to fees and charges apply to loans for lot acquisition purposes.

Section 3 of the Veterans Housing Act of 1974, Pub. L. 93-569 (88 Stat. 1863), increased the maximum home loan guaranty entitlement. Section 36.4203 is amended to reflect this increase.

Section 808(b) of the Housing and Community Development Act of 1974 amends various sections of Title VIII of the 1968 Civil Rights Act by inserting "sex" as a prohibited basis for discrimination. Title VIII prohibits certain acts of discrimination with respect to the sale, rental, or financing of "a dwelling". The term "dwelling" is defined as "any building, structure * * * which is occupied as, or designed or intended for occupancy as, a residence * * * and any * * * land * * * offered for sale or lease for the * * * location thereon of any such * * * structure * * *". Thus, section 808(b) of the Housing and Community Development Act of 1974, is applicable to the VA mobile home loan program. Section 36.4206(c) is amended to provide that the non-discrimination certification now required will include the prohibition against discrimination based on sex. Section 36.4216, which provides for the disqualification of lenders for various acts, is also amended to include sex discrimination as grounds for suspension.

In addition, minor editorial changes have been made to reflect agency policy of using precise terms denoting gender and to reflect changes in the titles of certain positions.

Compliance with the requirements of § 1.12 of this chapter is waived in this instance. The substantive changes to the VA mobile home loan program and the inclusion of sex as prohibited basis for discrimination are both as a result of statutory mandate. Compliance with § 1.12 of this chapter, as to publication for notice of proposed regulatory amendment, would serve little purpose and would not be in the public interest.

1. In § 36.4202, paragraphs (a), (l), (m), (o), and (s) are revised to read as follows:

§ 36.4202 Definitions.

* * * * *

(a) *Administrator.* The Administrator of Veterans Affairs, or any employee of the Veterans Administration authorized to act in the Administrator's stead.

* * * * *

(l) *Maximum home loan guaranty entitlement.* For the purposes of 38 U.S.C. 1819, evidence of the fact that a

veteran has "maximum home loan guaranty entitlement" available for use shall be a Certificate of Eligibility showing that maximum entitlement is available for real estate purposes in the column headed "1810".

(m) *Mobile home.* A movable dwelling unit designed and constructed for year-round occupancy on land by a single family, which dwelling unit contains permanent eating, cooking, sleeping and sanitary facilities. A double-wide mobile home is a movable dwelling designed for occupancy by one family consisting of two or more units intended to be joined together horizontally when located on a site, but capable of independent movement.

* * * * *

(o) *New mobile home.* A mobile home which, at the time of purchase by the veteran-borrower, has not been previously occupied and was manufactured less than 1 year prior to the date of application to the Veterans Administration for loan guaranty.

* * * * *

(s) *Used mobile home.* A mobile home which has been previously occupied or manufactured more than 1 year prior to date of loan application.

2. In § 36.4203, paragraph (a) is revised to read as follows:

§ 36.4203 Eligibility of the veteran for the mobile home loan benefit under 38 U.S.C. 1819.

(a) To be eligible for the mobile home loan benefit a veteran must have maximum home loan guaranty entitlement available for use. Such maximum home loan guaranty entitlement may consist, in whole or in part, of restored entitlement. Entitlement used to obtain a mobile home loan may be restored a single time provided the first loan has been repaid in full.

* * * * *

3. In § 36.4204, paragraphs (a) and (c) are revised and paragraph (b)(5) and (6) are added so that the added and revised material reads as follows:

§ 36.4204 Maximum loan amounts and term.

(a) Maximum permissible loan amounts and terms shall not exceed for:

(1) Single-wide mobile homes:

(i) $12,500 for 12 years and 32 days in the case of a loan covering the purchase of a mobile home only.

(ii) $12,500 for 12 years and 32 days in the case of a loan covering the purchase of a mobile home plus such additional amount as determined by the Administrator to be appropriate to cover the cost necessary for site preparation where the veteran owns the lot.

(iii) $20,000 (but not to exceed $12,500 for the mobile home and not to exceed $7,500 for an undeveloped lot) for 15 years and 32 days in the case of a loan covering the purchase of a mobile home and an undeveloped lot on which to place such home which includes such amount as determined by the Administrator to be appropriate to cover the cost of necessary site preparation.

(iv) $20,000 (but not to exceed $12,500 for the mobile home and not to exceed $7,500 for a suitably developed lot) for 15 years and 32 days in the case of a loan covering the purchase of a mobile home and a suitably developed lot on which to place such home.

(2) Double-wide mobile homes:

(i) $20,000 for 20 years and 32 days in the case of a loan covering the purchase of a mobile home only.

(ii) $20,000 for 20 years and 32 days in the case of a loan covering the purchase of a double-wide mobile home only plus such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot.

(iii) $27,500 (but not to exceed $20,000 for the mobile home) for 20 years and 32 days in the case of a loan covering the purchase of a double-wide mobile home and an undeveloped lot on which to place such home, which includes such amount as determined by the Administrator to be appropriate to cover the cost of necessary site preparation.

(iv) $27,500 (but not to exceed $20,000 for the mobile home) for 20 years and 32 days in case of a loan covering the purchase of a double-wide mobile home and a suitably developed lot on which to place such home.

(3) In the case of a used mobile home the maximum term is limited to the term set forth in paragraph (a) (1) and (2) of this section or the remaining physical life expectancy of the unit as established by the Administrator, whichever is less.

(4) For lot acquisition:

(i) $7,500 for 12 years and 32 days in the case of a loan covering the purchase of an undeveloped lot on which to place a mobile home owned by the veteran, which includes such amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation.

(ii) $7,500 for 12 years and 32 days in the case of a loan covering the purchase of a suitably developed lot on which to place a mobile home owned by the veteran.

(b) Subject to the maximum loan amounts in paragraph (a) of this section the loan amount in an individual case shall not exceed the following:

* * * * *

(5) In the case of a loan to purchase a lot upon which will be placed a mobile home owned by the veteran the loan is limited to the reasonable value of a developed lot or the reasonable value plus such amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation for an undeveloped lot but in no event may the loan exceed $7,500.

(6) In the case of a used mobile home the maximum loan, subject to the limitations in paragraph (a) (1) and (2) of this section, may not exceed the reasonable value as established by the Administrator, plus:

(i) Actual fees or charges for required recordation of documents;

(ii) The amount of any documentary stamp taxes levied on the transaction;

(iii) The amount of State and local taxes levied on the transaction; and

(iv) The premium for customary physical damage insurance and vendor's single interest coverage on the mobile home for an initial policy term of not to exceed 5 years.

(c) The cost of the transaction which will not be paid from the proceeds of the loan must be paid by the veteran in cash from the veteran's own resources. Closing costs and prepaid items incident to the real estate portion of any mobile home loan must be paid in cash and may not be included in the loan amount.

* * * * *

4. In § 36.4206, paragraphs (b) and (c) are revised to read as follows:

§ 36.4206 Income, credit, occupancy, and nondiscrimination requirements.

No loan shall be guaranteed under 38 U.S.C. 1819 unless:

* * * * *

(b) The veteran certifies, in such form as the Administrator shall prescribe, that he or she will personally occupy the property as his or her home. For the purposes of this section, the words "personally occupy the property as his or her home" mean that the veteran as of the date of his or her certification actually lives in the property personally as his or her residence or actually intends upon completion of the loan and acquisition of the mobile home to move into the home personally within a reasonable time and to utilize the home as his or her residence.

(c) The veteran certifies, in such form as the Administrator shall prescribe that:

(1) Neither the veteran, nor anyone authorized to act for the veteran, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by this loan to any person because of race, color, religion, sex or national origin;

(2) The veteran recognizes that any restrictive covenant on the property relating to race, color, sex, religion, or national origin is illegal and void and any such covenant is specifically disclaimed; and

(3) The veteran understands that civil action for preventive relief may be brought by the Attorney General of the United States in any appropriate U.S. District Court against any person responsible for a violation of the applicable law.

5. In § 36.4207, paragraph (a) is revised to read as follows:

§ 36.4207 Mobile home standards.

To qualify for purchase with a guaranteed loan a mobile home must:

(a) Meet the following dimensional requirements.

(1) A single-wide unit must be a minimum of ten (10) feet wide and have a minimum floor area of four hundred (400) feet square feet.

(2) A double-wide unit, when assembled, must be a minimum of twenty (20) feet wide and have a minimum floor area of seven hundred (700) square feet.

* * * * *

6. In § 36.4209, paragraph (g) is added to read as follows:

§ 36.4209 Reporting requirements.

* * * * *

(g) With respect to loans automatically guaranteed under 38 U.S.C. 1803 (a)(1) evidence of the guaranty will be issuable to a lender of a class described under 38 U.S.C. 1802(d) if the loan is reported to the Administrator within 30 days following full disbursement, and upon certification of the lender that no default exists thereunder which has continued for more than 30 days and that the loan complies with paragraphs (b)(2), (3), (4), and (5), (e) and (f) of this section. Upon the failure of the lender to report in accordance with this paragraph the loan will not be eligible for guaranty unless the lender submits with the report a certification that the loan is not in default and an explanation as to why the loan was not timely reported.

7. In § 36.4215, paragraph (a) is revised to read as follows:

§ 36.4215 Accounting records.

(a) The holder shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto and the dates thereof. This record shall be maintained until the Administrator ceases to be liable as guarantor of the loan. For the purpose of any accounting with the Administrator or computation of claim against the Administrator, any holder who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such holder.

* * * * *

8. In § 36.4216, paragraphs (a), (c), (e) and (g) are revised to read as follows:

§ 36.4216 Disqualification of lenders.

(a) A lender or holder may be suspended from obtaining guaranty of loans or from the right to the guaranty in respect to any loan made or purchased after the date of its suspension, except as provided in paragraph (h) of this section, whenever any of the employees designated in § 36.4221(b) find that the lender or holder (hereinafter referred to as lender) has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or has declined to make a guaranteed mobile home loan to an eligible veteran because of the applicant's race, color, religion, sex, or national origin, or has wilfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the Government, or has been refused the benefits of participation under the National Housing Act pursuant to a determination of the Secretary of Housing and Urban Development. Suspension of a lender shall be effected only when specifically authorized by the Administrator, the Deputy Administrator, or by the Chief Benefits Director, Department of Veterans Benefits. In any case in which suspension has been so authorized and (1) an indictment has been secured or a criminal information has been filed against the lender in connection with a transaction involving 38 U.S.C. 1819, or (2) is based upon action taken by the Secretary of Housing and Urban Development, an immediate suspension may be effected. In any other case in which the Director of a regional office has obtained Central Office authorization to initiate suspension proceedings, prior written notice of intention to apply the suspension sanction shall be furnished to the lender concerned.

* * * * *

(c) If an appearance before the Veterans Administration is requested by the lender the Director will arrange for and notify the lender of the time and place thereof and will appoint a committee of three Veterans Administration employees to hear the lender's statement. The District Counsel or designee will represent the Veterans Administration at such appearance. The proceedings of the committee will be informal. The lender will be informed of the charges and specifications which constitute the basis of the contemplated suspension and will be afforded an opportunity to state either orally or in writing why suspension should not be effected. Written or oral statements of the lender, or its officers, agents, or representatives other than counsel may be required by the District Counsel or designee to be made under oath if in the discretion of the District Counsel or designee the nature of the statement is such as to make that procedure advisable. In the event an oral statement is made under oath, a verbatim transcript of such statement will be made. Authority is hereby delegated to the District Counsel or designee to administer oaths to each party making the statement under oath.

* * * * *

(e) Where suspension is effected, the lender will be advised in writing of the effective date of the suspension and, unless such was previously furnished, will be given written notice of the charges against the lender and the specifications on which such charges are based. Any lender who is suspended shall have the right to apply to the Chief Benefits Director for termination or modification of the suspension and, except when the suspension is based upon action taken by the Secretary of Housing and Urban Development, shall also have the right to apply to the Chief Benefits Director, for a formal hearing at which opportunity shall be afforded to show why suspension should be modified or terminated. The Chief Benefits Director may postpone the holding of a hearing for a reasonable period in any case in which the Department of Justice or U.S. Attorney advises or requests postponement pending the trial of a criminal or civil case or the institution of criminal or civil proceedings against the lender. In the absence of such request, the Chief Benefits Director, as soon as it is feasible to do so, shall designate such time and place as may be appropriate for such hearing, shall notify the lender thereof, and shall appoint not less than three persons, who shall constitute the board, to conduct the hearing. The District Counsel or designee shall represent the Veterans Administration. Authority is hereby delegated to the chairman of the board designated to conduct such hearing to administer oaths to witnesses. The Director may issue subpoenas for witnesses or records as provided in 38 U.S.C. 3311. The lender shall have the right to appear at such hearing in person or by attorney, or both, and to introduce evidence showing why such suspension should be modified or terminated. If the Veterans Administration has knowledge of a pending or contemplated civil or criminal action by the United States against the lender, arising from the facts on which the suspension of the lender was based, the District Counsel of the regional office concerned will inform the responsible U.S. Attorney of the date and place of hearing and keep said U.S. Attorney advised of all developments.

* * * * *

(g) Upon receipt of the transcript of the hearing, the findings and recommendations of the board, and the brief of the lender, if one is filed, the Chief Benefits Director shall make a determination in the case, basing the decision on such record. Written notice of such determination shall be given to the lender. The lender shall have the right to appeal such decision to the Administrator by giving notice in writing to the Chief Benefits Director within 10 days after the receipt of notice of such determination. In the event of such appeal, the Administrator will decide the matter finally on the record and will notify the lender of the decision in writing. If the lender does not appeal to the Administrator within the period specified, the determination by the Chief Benefits Director shall be final.

* * * * *

9. In § 36.4221, paragraph (c) is revised to read as follows:

§ 36.4221 Delegation of authority.

* * * * *

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under 38 U.S.C. 210(c) or 1815(b) or to sue, or enter appearance for and on behalf of the

Administrator, or confess judgment against the Administrator in any court without prior authorization; or (2) to include the authority to exercise those powers delegated to the Chief Benefits Director, or the Director, Loan Guaranty Service, under § 36.4220: *Provided*, That anything in the regulations concerning guaranty of loans to veterans to the contrary notwithstanding, any evidence of guaranty issued on or after January 27, 1971 by any of the employees designated in paragraph (b) of this section or by any employee designated an authorized agent or a loan guaranty agent shall be deemed to have been issued by the Administrator, subject to the defenses reserved in 38 U.S.C. 1821.

10. In § 36.4231, the heading is amended and paragraph (c) is added to read as follows:

§ 36.4231 Warranty requirements.

* * * * *

(c) When a used mobile home is purchased from a mobile home dealer with financing guaranteed under 38 U.S.C. 1819 the veteran-borrower must be supplied with a written warranty by the mobile home dealer in the form and content prescribed by the Administrator. Such warranty shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument, and the warranty instrument will so provide. No evidence of guaranty shall be issued by the Administrator unless a copy of such warranty duly receipted by the purchaser is submitted with the loan papers.

11. In § 36.4232, the introductory portion of paragraph (d) preceding subparagraph (1) is revised to read as follows:

§ 36.4232 Allowable fees and charges; mobile home unit.

* * * * *

(d) Subject to the limitations set forth in this section, the following may be included in the loan made for the purchase of a new (not used) mobile home unit and paid out of the proceeds of the loan, provided such inclusion does not increase the amount of the loan to more than the maximum amount allowable under § 36.4204:

§ 36.4251 [Amended]

12. The centerhead immediately preceding § 36.4251 is changed to read "Combination and Mobile Home Lot Loans".

13. In § 36.4251, paragraphs (b) and (c) are revised to read as follows:

§ 36.4251 Loans to finance the purchase of mobile homes and the cost of necessary site preparation.

* * * * *

(b) Notwithstanding that the veteran-borrower's obligation for such site preparation be evidenced and secured separately from the obligation for purchase of the mobile home, the obligations together shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

(c) The cost of site preparation which will not be paid from the proceeds of the loan must be paid by the veteran in cash from the veteran's own resources.

14. In § 36.4252, paragraphs (b) and (c) are revised to read as follows:

§ 36.4252 Loans for purchase of mobile home and for the acquisition of a lot.

* * * * *

(b) Notwithstanding that the veteran-borrower's obligation for acquisition of the lot be evidenced and secured separately from the obligation for purchase of the mobile home, the obligations together (including, where appropriate, that for site preparation) shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

(c) The cost of lot acquisition which will not be paid from the proceeds of the loan must be paid by the veteran in cash from the veteran's own resources.

* * * * *

15. In § 36.4253, paragraphs (e) and (f) are revised to read as follows:

§ 36.4253 Title and lien requirements.

* * * * *

(e) Tax liens, special assessment liens, and ground rents shall be disregarded with respect to any requirement that loans shall be secured by a lien of specified dignity. With the prior approval of the Administrator, Chief Benefits Director, or Director, Loan Guaranty Service, liens retained by nongovernmental entities to secure assessments or charges for municipal type services and facilities clearly within the public purpose doctrine may be disregarded. In determining whether a loan for the purchase or improvement of a mobile home lot is secured by a first lien the Administrator may also disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if the Administrator determines that the interests of the veteran-borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien created after June 6, 1969, the Administrator's determination must have been made prior to the recordation of the covenant.

(f) In the case of a combination loan or a loan to purchase a lot upon which a mobile home owned by the veteran will be placed it shall be the responsibility of the lender that the veteran initially obtains or has an estate in the land constituting the mobile home lot meeting the requirements of paragraph (a) of this section and to obtain and retain a security interest thereon meeting the requirements of paragraph (d) of this section.

16. In § 36.4254, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 36.4254 Fees and charges.

(a) Except as provided in § 36.4232 fees and charges incident to origination of a combination loan or a loan to purchase a lot upon which a mobile home owned by the veteran will be placed which may be paid by the veteran shall be limited, with respect to the real estate portion of the loan, to reasonable and customary amounts for any of the following:

* * * * *

17. Section 36.4255 is added to read as follows:

§ 36.4255 Loans for the acquisition of a lot.

(a) A loan to finance all or part of the cost of acquisition by the veteran of a lot on which to place a mobile home owned by the veteran shall be eligible for guaranty, *Provided*, That:

(1) The veteran will acquire title to such lot that conforms to the requirements of § 36.4253(a),

(2) The loan is secured as required by § 36.4253(d),

(3) The lot is determined by the Administrator to be an acceptable mobile homesite pursuant to § 36.4208,

(4) The portion of the loan allocated to acquisition of the lot does not exceed the reasonable value of the lot as determined by the Administrator,

(5) The loan conforms otherwise to the requirements of the § 36.4200 series.

(b) The cost of lot acquisition which will not be paid from the proceeds of the loan must be paid by the veteran in cash from his or her own resources.

(c) For the purpose of this section, acquisition of a mobile home lot includes:

(1) The refinancing of the balance owed by the veteran as purchaser under an existing real estate installment contract, and

(2) The refinancing of existing mortgage loans or other liens which are secured of record on a mobile home lot owned by the veteran.

Effective dates: Secs. 36.4202 (l), (m), (o) and (s), 36.4203, 36.4204 (a) and (b), 36.4206(c), 36.4207(a), 36.4209(g), 36.4216 (a), (c) and (e), 36.4231(c), 36.4232(d), 36.4253(f), 36.4254(a), and 36.4255 are effective March 19, 1975.

By direction of the Administrator.

Approved: March 19, 1975.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc. 75-7732 Filed 3-24-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 341-8]

PART 76—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

Revocation of Part

Part 76 of Title 40, Code of Federal Regulations, is hereby revoked for the reasons set forth below.

40 CFR Part 76 prescribes performance standards and techniques of measurement for the control of air pollutants from Federal facilities. It was originally promulgated as 42 CFR Part 76 on June 6, 1966, by the then Secretary of Health, Education and Welfare (HEW), under section 5 of Executive Order 11282 (May 26, 1966). It was redesignated as 40 CFR Part 76 on November 25, 1971 (36 FR 22369).

In 1966, the national air pollution control program was less comprehensive and far-reaching than it is today, and State and local control efforts ranged from relatively sophisticated programs to some that were rudimentary at best. In recognition of these circumstances, E.O. 11282 established as national policy a leadership role for Federal agencies in the nationwide effort to prevent and abate air pollution. Among other things, the Order provided that:

> Except for discharges of radioactive emissions which are regulated by the Atomic Energy Commission, Federal facilities and buildings shall conform to the air pollution standards prescribed by the State or community in which they are located. *If State or local standards are not prescribed for a particular location, or if State and local standards are less stringent than the standards established pursuant to this Order, [the latter standards] shall be followed.* (Emphasis added.)

The Order directed the Secretary of HEW to prescribe the standards referred to in the above excerpt, and the regulations later redesignated as 40 CFR Part 76 were promulgated for that purpose.

The regulations remained basically unchanged until redesignated on November 25, 1971, at which time they were modified to reflect a new Executive Order (E.O. 11507) and Reorganization Plan No. 3 of 1970 (establishing the Environmental Protection Agency). The only substantive changes made in the regulation to date have been (1) the establishment of specific sulfur oxide emission limitations for Federal facility fuel combustion units located within three air quality control regions encompassing the New York City, Chicago, and Philadelphia metropolitan areas and (2) the elimination of a size limitation on particulates from fuel combustion sources. Otherwise, Part 76 has remained essentially unchanged since its promulgation in 1966. For reasons discussed more fully below, the Administrator has concluded that Part 76 is substantially inconsistent with the regulatory scheme mandated by the Clean Air Amendments of 1970 and should be revoked as confusing and unnecessary.

As indicated in 40 CFR Part 76.2, the intent of the standards prescribed in Part 76 was to preclude emissions that "endanger health or welfare" from Federal facilities and to minimize emissions "likely to be injurious or hazardous to people, animals, vegetation, or property" from such facilities. Sections 110, 111, 112, and 303 of the Clean Air Act, among other provisions, now provide a comprehensive scheme for State and Federal regulation of such emissions, and it is clear that substantive standards adopted or otherwise effective under that scheme are applicable to Federal facilities.

Thus, section 118 of the Clean Air Act (42 U.S.C. 1857f), as amended in 1970, requires Federal departments, agencies, and instrumentalities to comply

> with Federal, State, interstate, and local requirements respecting control and abatement of air pollution to the same extent that any person is subject to such requirements.

similarly, Executive Order 11752, issued in 1973 (38 FR 34793, Dec. 19, 1973), directs the heads of Federal agencies to ensure that all facilities under their jurisdiction conform to

> Federal, State, interstate, and local air quality standards and emission limitations adopted in accordance with or effective under the provisions of the Clean Air Act, as amended.

Finally, the courts have recently confirmed that substantive emission standards and limitations in State implementation plans are applicable to Federal facilities and enforceable against them. Kentucky v. Ruckelshaus, 497 F. 2d 1172 (6th Cir. 1974). See also Alabama v. Seeber, 502 F. 2d 1238 (5th Cir. 1974).

As a result of the foregoing developments, the standards prescribed in Part 76 have become largely obsolete, as well as inconsistent with other standards adopted or otherwise effective under the Clean Air Act as amended in 1970. Under section 110 of the Act, the Administrator must assure that State implementation plans are adequate to attain and maintain national ambient air quality standards that protect public health and welfare and, as indicated above, substantive requirements in such plans are applicable to Federal facilities and enforceable against them. Thus, the standards prescribed in Part 76, which were intended to fill gaps in State and local regulation of such facilities and to apply where corresponding State and local standards were less stringent, are essentially superfluous under the current scheme of regulation.

In addition, the standards prescribed in Part 76 are often inconsistent with the requirements of State implementation plans, which vary from State to State and often within States. Where such differences exist, Federal facilities may be unable to comply with both sets of standards. In any event, the Part 76 standards are a source of potential confusion, inefficiency, and error.

Part 76 also contains a provision for the disposal of solid waste at Federal facilities. On August 14, 1974, guidelines for thermal processing and land disposal of solid waste were published and the Solid Waste Disposal Act, as amended (39 FR 29328). Section 211 of that Act makes compliance with these guidelines mandatory for Federal agencies. The solid waste—disposal provision in Part 76 is no longer necessary.

Part 76 also provides for technical assistance and guidance to Federal agencies in the control of emissions. Executive Order 11752 directs the Administrator to provide technical advice and assistance to the heads of Federal agencies in connection with their duties and responsibilities to prevent, control and abate environmental pollution. Providing such assistance is an ongoing activity, and revocation of Part 76 will not diminish in any way the extent of such assistance.

For the reasons discussed above, the Administrator of the Environmental Protection Agency has determined that the provisions of 40 CFR Part 76 are essentially obsolete and should be revoked. For essentially the same reasons, the Administrator has found that notice and public procedure for the revocation of Part 76 are unnecessary and not in the public interest, and that good cause exists for making the revocation effective immediately. The revocation is accordingly effective March 25, 1975.

Dated: March 19, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-7714 Filed 3-24-75;8:45 am]

[FRL 339-6]

PART 120—WATER QUALITY STANDARDS

Navigable Waters of the State of New York

The purpose of this notice is to amend 40 CFR Part 120 announcing the adoption by the State of New York and approval by the Environmental Protection Agency (EPA) of water quality standards for the State of New York pursuant to section 303(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313(a); 86 Stat. 816 et seq.; Pub. L. 92-500; the "Act").

Under section 303(a) of the Act, the Administrator of the Environmental Protection Agency is responsible for reviewing State water quality standards applicable to waters of the United States for consistency with the requirements of the Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Under these requirements, State water quality standards shall consist of (A) water quality criteria applicable to the waters of the State and (B) a plan for implementation and enforcement of the water quality criteria.

On January 17, 1973, the EPA advised New York State that portions of its water quality standards, including its thermal

criteria, were inconsistent with the requirements of the Act and that such standards should be revised by the State and submitted to the EPA for approval. On February 21, 1974, New York State adopted and on March 8, 1974, submitted to the EPA new and revised water quality standards in accordance with section 303 of the Act. On May 8, 1974, the EPA approved the New York State standards (title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) parts 700, 701 and 702, and parts 800 through 941), except for criteria governing thermal discharges (6 NYCRR part 704).

On September 20, 1974, New York State adopted and on November 18, 1974, submitted to the EPA revised water quality standards (6 NYCRR parts 701 and 702) and new and revised thermal water quality standards (6 NYCRR part 704) in accordance with section 303 of the Act. Following review of these standards, the EPA determined that the amendments to sections 701 and 702 and §§ 704.1 and 704.2 and 704.3 exclusive of references to the remainder of part 704 are approvable water quality standards under section 303 of the Act. The EPA approved these portions of part 704 on February 23, 1975.

In carrying out its responsibilities under the Act, the EPA carefully reviewed the New York State records of public hearings held in connection with its adoption of thermal standards and carefully reviewed the legal questions involved. The EPA also reviewed pertinent correspondence from New York State, dated October 23, 1974, and from the New York Power Pool, dated February 4, 1975. The EPA concluded that § 704.4 (Additional limitations and modifications), § 704.5 (Intake structures), and § 704.6 (Applicability of criteria) should be exempted from consideration because these sections are not water quality standards under section 303(a) of the Act. The EPA sent New York State notification of this determination on February 23, 1975.

The basis for the EPA decision to exempt §§ 704.4, 704.5 and 704.6 from consideration as water quality standards is as follows.

Section 704.5 cannot be considered a water quality standard under section 303(a) of the Act since it concerns requirements for design, location, etc., of a portion of a point source of discharge rather than standards for ambient water quality. Moreover, the provisions of § 704.5 will be implemented by the permitting Agency in accordance with section 316(b) of the Act and associated federal regulations promulgated pursuant to that, and other, sections of the Act. Since § 704.5 is superfluous, it has been exempted from consideration under this 303(a) approval.

Sections 704.4 and 704.6, in essence, authorize exemption of certain dischargers from application of the criteria contained in §§ 704.2 and 704.3 on the grounds of age, unless the permitting agency has available to it evidence that particular discharges are responsible for environmental harm such that the protection and propagation of a balanced indigenous aquatic population is no longer assured. Section 316(a) of the Act requires the discharger to sustain the burden of proof that his thermal discharge does not harm a balanced, indigenous aquatic population, in order to obtain a variance. The effect of §§ 704.4 and 704.6 is to reverse this burden of proof. Such restrictions on the application of water quality criteria are not consistent with the provisions of sections 301, 303 and 316(a) of the Act and do not, taken together with § 704.1, constitute water quality standards for the dischargers thus entitled to such specialized treatment.

Approval of those portions of part 704 which do constitute water quality standards will ensure the consistent application of criteria to point sources whose discharge contains a thermal component, will eliminate elements which are redundant or which address aspects not regulated by water quality standards, and will provide for consistency with all Federal statutory provisions. Furthermore, the water quality criteria which the EPA has approved are judged to be reasonably supportive of the associated water uses to which they are assigned. This position in no way infringes upon the right of a thermal discharger to seek and be permitted, where justified pursuant to section 316(a) of the Act and 40 CFR Part 122 (39 FR 36175–36184, October 8, 1974), effluent limitations less stringent than would be required to meet the numerical or other criteria of part 704, nor does it preclude the possibility of an existing discharger being permitted, again where justified, to continue operating with no additional limitations where such is consistent with national water quality goals. The EPA believes that the existing Federal statutory and regulatory provisions are adequate for the equitable allocation of thermal effluent limitations to individual dischargers on a case-by-case basis.

The EPA is not disapproving any of the water quality criteria or uses adopted by New York State. Thus, it is not necessary for EPA to promulgate water quality standards as a result of its exempting from consideration portions of part 704. Accordingly, it has been determined that public notice and comment are not necessary.

The complete standards document setting forth the New York State standards, as approved by EPA on February 23, 1975, is available for inspection and copying at the U.S. Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007 and through the New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233. U.S. EPA regulation 40 CFR Part 2, provides that a fee may be charged for making copies.

In consideration of the foregoing, § 120.10 of 40 CFR Part 120 is amended by revision the paragraph entitled "New York" to read as follows:

§ 120.10 Standards adopted.

* * * * *

NEW YORK

Water quality standards established by New York for waters subject to its jurisdiction and which are contained in the following documents:

1. Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation Plan for the Delaware River Drainage Basin, Volume I, November 1966;

2. Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Susquehanna River Drainage Basin, Volume III, May 1967;

3. Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the St. Lawrence River Basin, Volume III, May 1967;

4. Interstate Waters, Classification, Water Quality Standards and Criteria and Implementation Plan for the Lake Ontario Basin, Volume IV, June 1967;

5. Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Hudson River Basin, Volume V, June 1967;

6. Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Lake Erie-Niagara River Basin, Volume VI, June 1967;

7. Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Allegheny River Basin, Volume VII, June 1967;

8. Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Coastal Waters of New York State, Volume VIII, June 1967;

together with all appendices and attachments thereto, all of which as amended, and including the antidegradation statement adopted on May 7, 1970, and including the document entitled "Classifications and Standards of Quality and Purity", title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6NYCRR), parts 700, 701 and 702 as amended, adopted on February 25, 1974, and parts 800 through 941, all of which as approved by the Environmental Protection Agency on May 8, 1974, and including amendments to parts 701 and 702 and part 704 of 6NYCRR as amended, adopted on September 20, 1974, except that the EPA exempts from consideration sections 704.4, 704.5 and 704.6 and those provisions of sections 704.1, 704.2 and 704.3 permitting exceptions to criteria pursuant to section 704.6, as approved by the Environmental Protection Agency on February 23, 1975.

* * * * *

(Sec. 303 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313 (a)); 86 Stat. 816 et seq.; Pub. L. 92–500)

Dated: March 19, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75–7605 Filed 3–24–75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

PART 60–50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

Exemption for Certain Educational Institutions

On March 29, 1974 (39 FR 11555), in accordance with Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor announced its intention to amend Title 41, Chapter 60, § 60–1.5 and Part 60–50 of the Code of Federal Regulations (39 FR 11555), in order to clarify the employment obligations of religious corporations, associations, educational institutions, and societies under the Executive Order and to establish consistency between the religious exemption provisions of section 702 of the Civil Rights Act of 1964, as amended, and the rules and regulations of the Office of Federal Contract Compliance (OFCC).

A majority of the comments were submitted by educational institutions or associations representing such institutions. In general, they endorsed the concept contained in section 702 of Title VII of the Civil Rights Act of 1964, as amended (42 U.S. 2000e–1), but requested special language which they believed would avoid Federal funding problems related to the church-state issue. Other comments suggested that the provision be restricted to a bona fide occupation qualification. One organization requested that the language in section 703(e) (42 U.S.C. 2000e–2(e)) rather than section 702 be used.

After full consideration of the comments and section 715 of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e–14), which expresses a policy favoring uniform Federal EEO standards, the Department of Labor believes that the best approach is to adopt language similar to that used in section 703(e)(2) of the Civil Rights Act of 1964, as amended.

The provisions set forth below shall become effective April 24, 1975.

1. Section 60–1.5 is amended as follows:

§ 60–1.5 Exemptions.

(a) * * *

(5) *Contracts with certain educational institutions.* It shall not be a violation of the equal opportunity clause for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion. The primary thrust of this provision is directed at religiously oriented church-related colleges and universities and should be so interpreted.

* * * * *

2. Section 60–50.1 is amended as follows:

§ 60–50.1 Purpose and scope.

* * * * *

(e) Nothing contained in this Part 60–50 is intended to supersede or otherwise limit the exemption set forth in § 60–1.5(a)(5) of this chapter for contracts with certain educational institutions.

Signed at Washington, D.C., this 14th day of March, 1975.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75–7728 Filed 3–24–75;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–28—STORAGE AND DISTRIBUTION

Subpart 114–28.50—Cross-Servicing Arrangements for Motor Vehicle Fuel and Oil

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Part 114–28 consisting of Subpart 114–28.50 is added to 41 CFR Chapter 114 as set forth below.

Since this new subpart relates to matters of internal policy only it is determined that the proposed rule making procedure is unnecessary and these regulations shall become effective March 25, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

MARCH 17, 1975.

Sec.
114–28.5000 Scope of subpart.
114–28.5001 Departmental policy.
114–28.5002 Semi-annual report.

Appendix A GSA Bulletin FPMR G–36.

AUTHORITY: (5 U.S.C. 301), sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Subpart 114–28.50—Cross-Servicing Arrangements for Motor Vehicle Fuel and Oil

§ 114–28.5000 Scope of subpart.

This subpart implements GSA Bulletin FPMR G–36 which provides guidelines for use in making cross-servicing arrangements for motor vehicle fuel and oil. GSA Bulletin FPMR G–36 is incorporated herein as Appendix A.

§ 114–28.5001 Departmental policy.

It is the Department's policy to encourage the Bureaus and Offices to utilize the fuel dispensing facilities operated by other agencies under cross-servicing arrangements whenever program activities and the geographical locations thereof make such arrangements practicable. Similarly, Bureaus and Offices operating bulk dispensing facilities are encouraged to make such facilities and services available to other Federal agencies: *Provided that,* Such cross-servicing can be provided without additional staff or an expansion of existing facilities, and within the normal working hours of the installation involved.

§ 114–28.5002 Semi-annual report.

Each Bureau and Office dispensing automotive fuel and oil to other agencies under cross-servicing arrangements shall submit a semi-annual report on such activities to reach the Director of Management Services by the 20th of the month following the six-month period ending June 30 and December 31 of each year. The report should be submitted as an attachment to a transmittal memorandum and contain the data specified in paragraph 5 of Appendix A of this subpart.

APPENDIX A—GSA BULLETIN FPMR G–36

TRANSPORTATION AND MOTOR VEHICLES

To: Heads of Federal Agencies.

Subject: Cost reduction obtainable through cross-servicing arrangements for motor vehicle fuel and oil.

1. *Purpose.* This bulletin suggests guidelines for use in making cross-servicing arrangements for automotive fuels.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* GSA Bulletin FPMR No. G–23 suggested guidelines for Federal agencies to follow in obtaining cost savings through cross-servicing arrangements for motor vehicle fuel and oil. The use of Government automotive fuel dispensing facilities, to the maximum extent possible, implements the Presidential directive that the concept of cross-servicing be expanded. This bulletin continues in effect the guidelines established by GSA Bulletin FPMR No. G–23.

4. *Cross-servicing arrangements.* Agencies operating automotive fuel dispensing facilities are urged to make available such facilities for the use of other agencies, and for the use of vehicles operated by agency contractors in connection with Government contracts. Agencies not having such facilities should make arrangements for cross-servicing as promptly as possible. Only instances of operational or geographical impracticality should mitigate against the adoption of such cross-servicing arrangements.

a. Cross-servicing arrangements should include (1) provisions for forecasting requirements at appropriate intervals, and (2) provisions for reimbursement, including overhead and labor, to the servicing agency.

b. Where automated accounting techniques are not immediately adaptable to reimbursable arrangements, manual procedures should be used to take immediate advantage of this cost reduction potential.

c. Servicing agencies and agencies furnishing motor vehicles should post a list of Government fuel dispensing facilities located in the area customarily traveled by Government vehicles.

d. All agencies should prepare and issue to each operator using Government-owned vehicles, or contractor vehicles used exclusively in connection with Government contracts, a list of Government fuel dispensing facilities located in the area customarily traveled and a statement that automotive fuels should be procured at other outlets only in emergency situations or in areas where Government dispensing facilities are not practically available.

5. *Agreements established.* All servicing agencies are requested to advise the General Services Administration on the 25th day following the close of each semi-annual period, of the cross-servicing arrangements established, the city of the servicing agency, the agencies serviced, total gallonage dispensed by such servicing facility, the bulk price per gallon, and the prevailing price per gallon at commercial outlets at the time of the report.

6. *Information.* Reports should be addressed to, and information concerning this bulletin may be obtained from, the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C. 20405, Telephone 202-343-4761 or IDS Code 183-4761.

7. *Cancellation.* GSA Bulletin FPMR No. G-23 is canceled.

D. E. WILLIAMS,
Commissioner, Transportation and Communications Service.

[FR Doc.75-7619 Filed 3-24-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1221]

PART 15—RADIO FREQUENCY DEVICES

Reorganization of Rules

Correction

In FR Doc. 75-5675, appearing at page 10673, in the issue for Friday, March 7, 1975, make the following changes:

1. On page 10678, in the first column, in § 15.111, the two lines in the right-hand column of the table should be changed to read:

$$300\ \frac{2{,}400}{F}\ \text{(kHz)}.$$

$$300\ \frac{24{,}000}{F}\ \text{(kHz)}.$$

2. On page 10678, in the third column, the first line of § 15.131 should be changed to read "(a) A low power communication device".

3. On page 10681, in the first column, in § 15.178 the second line of paragraph (b) should read "operating under § 15.172 or § 15.176 shall".

4. On page 10681, in the third column, in § 15.184 paragraph (c), the first two entries in the table should be transposed to read:

170 to 130------ 125
130 to 174------ 125 to 375 (linear interpolation).

Title 49—Transportation

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

[Docket No. 71-13; Notice 8]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

This notice partially responds to petitions for reconsideration of amendments to 49 CFR 571.116 Motor Vehicle Safety Standard No. 116, *Motor Vehicle Brake Fluids*, that were published in the FEDERAL REGISTER on August 22, 1974 (39 FR 30353, as corrected at 32759). The standard is further amended to delete the requirements that were to have become effective May 1, 1975 for brake fluid color and for a color border around safety warnings on brake fluid container labels.

Standard No. 116 requires effective May 1, 1975, that DOT 3 and DOT 4 fluids be clear to amber in color, DOT 5 be blue, and hydraulic system mineral oil be red. Ford Motor Company petitioned for a reconsideration of the color requirements, asking that DOT 5 be clear or silver. Officine Alfieri Maserati, S.A. Automobiles Citroen, and U.S. Technical Research Corporation have asked that the color of hydraulic system mineral oil be changed from red to green. Other petitioners requested a delay in the effective date for color coding. Obviously a change in the color of the fluid would require a corresponding change in the color of the borders on container labels.

Consideration of these and other arguments by petitioners have delayed a formal response to the amendments of August 22, 1974. If the NHTSA determines that a petition for change of fluid color has merit, it will propose the change, in order to have the benefit of public comment, rather than amending the standard without notice. In the meantime, to alleviate the problems of manufacturers faced with the immediate need to order container labels, the NHTSA is amending the standard to delete the color requirements for fluid and container labeling. The deletion is only intended to be a temporary one, until the response to the petitions for reconsideration of the amendments of August 22, 1974 is published. A new effective date creating a leadtime of not less than 180 days will then be proposed.

In consideration of the foregoing 49 CFR 571.116 Motor Vehicle Safety Standard No. 116 is amended as follows:

§ 571.116 [Amended]

1. Paragraph S5.1.14 is deleted.

2. In paragraph S5.2.2.2(g) the words "(which on and after May 1, 1975 shall be bordered by a line not less than ⅛ inch in width in yellow if the fluid in the container is DOT 3 or 4, or in blue if the fluid is DOT 5)" are deleted.

3. In paragraph S5.2.2.3(e) the words "(which on and after May 1, 1975 shall be bordered by a red line not less than ⅛ inch in width)" are deleted.

Effective date. March 25, 1975. Because the amendment relieves a restriction and creates no additional burden, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1427); delegation of authority at 49 CFR 1.51)

Issued on March 19, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-7706 Filed 3-20-75;3:32 pm]

[Docket No. 74-25; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars and Vehicles Other Than Passenger Cars; Definition of Test Rim; Correction

In FR Doc. 75-3409, appearing on page 5529 in the issue of February 6, 1975, the effective date statement should begin as follows:

Effective date: August 5, 1975, for Standards Nos. 109 and 110; March 1, 1975 for Standard No. 119. . .

(Secs. 103, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1407, 1421, 1422; delegation of authority at 49 CFR 1.51.)

Issued on March 19, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-7709 Filed 3-24-75;8:45 am]

SUBTITLE B—OTHER REGULATIONS RELATING TO TRANSPORTATION

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Amdt., Special Permission No. M-83800]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS OF MOTOR CARRIERS

Postponement of Suspended Matter and Establishment of Justified Matter

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 19th day of March, 1975.

It is ordered, That § 1307.90(f) of 49 CFR Chapter X be, and the same is hereby revised, the purpose of which is to change the expiration date and is to read as follows:

§ 1307.90 **Suspension supplements and postponement notices.**

* * * * *

(f) Publications issued hereunder to make specific reference hereto as authority for short notice or for tariff circular departure by using the following notation wholly or in part:

Issued on (show number of days) notice; Tariff Circular departure authorized; ICC Permission No. M-83800.

This authority does not, except as expressly indicated, waive or modify any outstanding formal order of the Commission, any of the requirements of its published rules relative to the construction and filing of tariffs or schedules, nor any of the provisions of the Interstate Commerce Act. This permission shall continue in force and effect until July 1, 1980.

(Secs. 204, 217, as amended, 218, as amended, 49 Stat. 546, as amended, 560, as amended, 561, as amended (49 U.S.C. 304, 317, 318))

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

The rule relief requested herein will, if granted and used, not result in an effect on the quality of the human environment.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-7733 Filed 3-24-75;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1099]

[Docket No. AO-183-A32]

MILK IN THE PADUCAH MARKETING AREA

Emergency Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn, 727 Joe Clifton Drive, Paducah, Kentucky, beginning at 9:30 a.m. on April 3, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Paducah marketing area.

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

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

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to Proposals Nos. 1 and 2.

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

Proposed by Dairymen, Inc.

Proposal no. 1.

A. Revise paragraph § 1099.13(c)(4) to read as follows:

§ 1099.13 Producer milk.

* * * * *

(c) * * *

(4) Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted.

§ 1099.75 [Amended]

B. Amend paragraph § 1099.75(a) by replacing the words "pool plant from which it is diverted" with the words "nonpool plant to which it is diverted".

Proposal no. 2.

A. Delete paragraphs § 1099.61 (i) and (j) and revise paragraphs (g) and (h) as follows:

§ 1099.61 Computation of uniform price (including weighted average price).

* * * * *

(g) For each of the months of April, May, June, and July:

(1) Subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement fund and distributed according to the provisions of paragraph (h) of this section;

(2) Divide the resulting sum by the total hundredweight of producer milk included in the computations; and

(3) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers;

(h) For each of the months of October, November, December, and January:

(1) Subtract from the total hundredweight of producer milk the volume of milk received from producers whose milk was physically received at a pool plant under this order for less than 20 days' production during each of the immediately preceding months of April, May, June, and July, and which was producer milk under another order during such months;

(2) From the amount resulting from the computations pursuant to paragraph (f) of this section, subtract an amount computed by multiplying the hundredweight of milk subtracted pursuant to paragraph (h)(1) of this section by the "weighted average price";

(3) Add one-fourth of the total amount subtracted pursuant to paragraph (g)(1) of this section;

(4) Divide the resulting sum by the hundredweight of producer milk resulting pursuant to paragraph (h)(1) of this section; and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1099.73 [Amended]

B. Amend paragraph § 1099.73(a)(2) by inserting the following words after the words "uniform price":

(*Provided*, That for the months of October, November, December, and January, milk of those producers which was deducted pursuant to paragraph § 1099.61(h)(1) shall be paid at an amount equal to not less than the "weighted average price").

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3:

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

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 1485, 2550 Schuetz Road, Maryland Heights, Missouri, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: March 21, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-7870 Filed 3-24-75;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Proposed New REA Specification for Filled Splice Cases

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue Bulletin 345-72 to announce a new REA Specification PE-74 for filled splice cases. On issuance of REA Bulletin 345-72, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the new specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 24, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the new REA Specification PE-74 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345-72 announcing issuance of the new specification is as follows:

REA BULLETIN 345-72

SUBJECT: REA SPECIFICATION FOR FILLED SPLICE CASES

I. *Purpose:* To announce the issuance of a new REA Specification PE-74 for Filled Splice Cases.

II. *General:* REA Specification PE-74 provides performance criteria necessary to the design and evaluation of filled splice cases applicable to filled cables. This specification becomes effective January 1, 1976. All filled splice cases furnished for REA projects bid or on orders placed after that date shall comply with this specification. This does not

preclude the adoption of the new specification by manufacturers prior to the effective date. Filled splice cases on the list of Materials as of the date of this bulletin shall be requalified as complying with this specification prior to its effective date.

III. *Availability of Specification:* Copies of the new PE–74 will be furnished by REA upon request. Questions concerning this new specification may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3827.

Dated: March 19, 1975.

C. R. BALLARD,
Assistant Administrator,
Telephone.

[FR Doc.75–7679 Filed 3–24–75;8:45 am]

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Proposed Revision in REA Specification for Trunk Carrier Multiplex Equipment

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue Bulletin 345–50 to announce a revision in REA Specification PE–60 for trunk carrier multiplex equipment. On issuance of REA Bulletin 345–50, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 24, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Specification PE–60 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–50 announcing the revision of the specification is as follows:

REA BULLETIN 345–50

SUBJECT: REA SPECIFICATION FOR TRUNK CARRIER MULTIPLEX EQUIPMENT

I. *Purpose:* To announce a revision in REA Specification PE–60 for Trunk Carrier Multiplex Equipment.

II. *General:* REA Specification PE–60 has recently been revised to include:

1. Specific requirements for evidence of compliance to the specification.

2. Performance requirements to correct some serious problems such as "PCM drop-outs" and span line repeater failures.

3. Separate performance requirements for PCM span line equipment so that it can be listed apart from terminal equipment.

4. Quality control and reliability requirements added for the first time for trunk carrier equipment.

The revised specification becomes effective November 1, 1975. All trunk carrier multiplex equipment provided to REA projects bid or on orders placed by REA borrowers after that date shall comply with the revised REA Specification PE–60 dated April 1975. This does not preclude the adoption of the revised specification by manufacturers prior to the effective date. Equipment on the List of Materials as of the date of this bulletin shall be requalified prior to November 1, 1975.

III. *Availability of Specification:* Copies of the revised PE–60 will be furnished by REA upon request. Questions concerning this revised specification may be referred to the Chief, Transmission Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3917.

Dated: March 19, 1975.

C. R. BALLARD,
Assistant Administrator,
Telephone.

[FR Doc.75–7678 Filed 3–24–75;8:45 am]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Part 1]

LATE PAYMENT OF ISSUE FEE

Proposed Guidelines and Procedures

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 USC 6) as amended on October 5, 1971 (Pub. L. 92–132, 85 Stat. 364), and on January 2, 1975 (Pub. L. 93–596, 88 Stat. 1949), the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by amending § 1.316 and by revising § 1.317.

All persons are invited to present their views, objections, recommendations, or suggestions relating to the proposed rule changes to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on or before June 4, 1975. All comments received will be available for public inspection in Room 11C17A of Building 3, at 2021 Jefferson Davis Highway, Arlington, Virginia. No oral hearing will be held.

This proposal has been reviewed and determined to have no major inflationary impact.

The purpose of the proposed rule change is to provide guidelines and procedures for the implementation of Public Law 93–601 of January 2, 1975. Section 3 of this Act amended the last sentence of section 151 of Title 35 of the United States Code to read as follows:

If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and the delay in payment is shown to have been unavoidable, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred.

Section 4(a) of Public Law 93–601 relates to applications abandoned or patents lapsed prior to January 2, 1975 due to failure to pay the issue fees specified in notices mailed on or after October 25, 1965, within the time provisions of 35 U.S.C. 151, then in effect. This section states that:

The Commissioner of Patents may, in accordance with Section 3 of this Act, accept late payment of issue fees, the payment of which was governed by the provisions of Public Law 89–83: *Provided,* The term of the patent for which late payment of such an issue fee is accepted shall expire earlier than the time specified in Section 154 of Title 35, United States Code, by a period equal to the delay between the time the application became abandoned or the patent lapsed for failure to pay the issue fee and the time the late payment is accepted after enactment of this Act: *Further Provided,* No patent with respect to which the payment of the issue fee was governed by the provisions of PL 89–83 and for which a late payment of the issue fee is accepted under the authority created by Section 3 of this Act, shall abridge or affect the right of any person or his successors in business who made, purchased or used anything covered by the patent, after the date of (sic) the application became abandoned or patent lapsed for failure to pay the issue fee but prior to the grant or restoration of the patent, to continue the use of or to sell to others to be used or sold, the specific thing so made, purchased, or used. A court before which such matter is in question may provide for the continued manufacture, use or sale of the thing made, purchased or used as specified, or for the manufacture, use or sale of which substantial preparation was made after the date the application became abandoned or patent lapsed for failure to pay the fee but prior to the grant or restoration of the patent, and it may also provide for the continued practice of any process covered by the patent, practiced, or for the practice of which substantial preparation was made, after the date the application became abandoned or patent lapsed for failure to pay the issue fee but prior to the grant or restoration of the patent, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant or restoration of the patent.

1. Section 1.316 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.316 Application abandoned for failure to pay issue fee.

* * * * *

(b) The Commissioner may accept the late payment of the fee specified in the notice of allowance later than three months after the mailing of the notice as though no abandonment had ever occurred if upon petition the delay in payment is shown to have been unavoidable. The petition to accept the delayed payment must be accompanied by the issue fee or portion thereof specified in the notice of allowance, unless it has been previously submitted, the fee for delayed payment, and a showing in the form of an oath or declaration as to the causes of the delay.

2. Section 1.317 is proposed to be revised to read as follows:

§ 1.317 Lapsed patents; delayed payment of balance of issue fee.

(a) Any remaining balance of the issue fee is to be paid within three months from the date of notice thereof and, if not paid, the patent will lapse at the termination of the three month period.

(b) The Commissioner may accept the late payment of the balance of the issue fee after the three month period as though no lapse had ever occurred if upon petition the delay in payment is shown to have been unavoidable. The petition to accept the delayed payment must be accompanied by the remaining balance of the issue fee specified in the notice, unless it has been previously submitted, the fee for delayed payment, and a showing in the form of an oath or declaration as to the causes of the delay.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: March 17, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-7695 Filed 3-24-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 26]

[CGD 74-304]

VESSELS ON THE GREAT LAKES

Proposed Exemption From Specific Vessel Bridge-to-Bridge Radiotelephone Regulations

The Coast Guard is considering amending the Vessel Bridge-to-Bridge Radiotelephone regulations to exempt Great Lakes vessels from the specific requirements of the bridge-to-bridge radiotelephone regulations that conflict with "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973" (new Agreement).

Interested persons may participate in this rule making procedure by submitting written data, views, or arguments on the proposal contained in this document to the Coast Guard (G-CMC/82), Washington, D.C. 20590. Each person submitting comments should identify the notice number (CGD 74-304), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if appropriate, of the commenter.

All comments received by April 24, 1975, will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communication received will be available for examination by the public in room 8234, 400 Seventh Street, SW, Washington, D.C. This proposal may be changed in the light of the comments received.

The Coast Guard will hold a public hearing on this proposal on 9 April 1975 at 0930. The public hearing will be held in the 31st Floor Auditorium, New Federal Building, 1240 East 9th Street, Cleveland, Ohio. Interested persons are invited to attend the hearing and present oral or written statements on the proposal.

The Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) requires vessels to carry radiotelephones on U.S. waters. The Coast Guard exempted all vessels on the Great Lakes from the Act until January 1, 1975 (37 FR 28632) and extended this exemption until May 6, 1975 (39 FR 44980). Vessels on the Great Lakes have operated under an agreement between the United States and Canada since 1952. These governments have entered into a new Agreement which goes into effect May 6, 1975. This new Agreement, which includes Technical Regulations, contains equipping and operating requirements for radio communications systems on vessels on the Great Lakes.

Proposed 33 CFR 26.09(b) grants an exemption from certain sections of the Act and regulations, effective May 6, 1975, to any vessel on the Great Lakes to which the Act applies. Proposed § 26.09 (b) incorporates by reference certain Articles and the Technical Regulations of the Agreement. These Articles and Technical Regulations contain exemption provisions and operating and equipment requirements. Any vessel not exempted under the Agreement that violates these Articles and Technical Regulations is subject to the penalties in § 1208 of the Act. Proposed § 26.09(b) continues the uniform requirements under the United States and Canadian Agreement for radio communications on the Great Lakes, while also providing enforcement over vessels to which the Vessel Bridge-to-Bridge Radiotelephone Act applies.

In consideration of the foregoing it is proposed to amend 33 CFR Part 26 by adding a new paragraph (b) to § 26.09 to read:

§ 26.09 List of exemptions.

(a) * * *

(b) Each vessel navigating on the waters under the navigation rules for the Great Lakes and their connecting and tributary waters (33 U.S.C. 241 *et seq.*) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§ 26.03, 26.04, 26.05, 26.06, and 26.07 of this Part. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-7 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

(85 Stat. 164 (33 U.S.C. 1201-1208); 49 CFR 1.46(o)(2))

Dated: March 20, 1975.

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

[FR Doc.75-7687 Filed 3-24-75;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 THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 75-1]

TECHNICAL SUBCOMMITTEE OF THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Technical Subcommittee of the Advisory Committee on Explosives Tagging will be held on April 14-17, 1975, at the Sheraton Boston Hotel, Boston, Massachusetts, beginning at 8:30 a.m. (e.d.t.).

The Technical Subcommittee will discuss detailed proprietary scientific and technical data concerning various candidate explosive tagging systems that can be used in the detection and identification of explosives. The information which will be presented and discussed during the meeting will constitute trade secrets and commercial or financial information from a person privileged or confidential within the ambit of title 5, United States Code, section 522(b)(4). Accordingly, the meeting of the Technical Subcommittee will, under authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), not be open to the public.

All communications regarding this Advisory Committee meeting should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Mr. Robert F. Dexter, Committees Manager, Technical Services Division, Explosive Technology Branch, Room 8233.

Dated: March 19, 1975,

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

[FR Doc.75-7609 Filed 3-24-75;8:45 am]

Customs Service

[T.D. 75-67]

BEVON INTERNATIONAL, INC., S.C. AND N.C.

Cancellation With Prejudice of Customhouse Broker's Licenses

Notice is hereby given that the Commissioner of Customs on March 18, 1975, pursuant to section 641, Tariff Act of 1930, as amended, and § 111.51(b), Customs Regulations, as amended, upon the specific requests of Bevon International, Inc., canceled with prejudice customhouse broker's license No. 3669 issued to it on February 17, 1965, for Customs collection district No. 16 (now the Customs District of Charleston, South Carolina) and customhouse broker's license No. 4999 issued to it on July 2, 1974, for the Customs District of Wilmington, North Carolina. The Commissioner's decision is effective as of March 18, 1975.

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

[FR Doc.75-7667 Filed 3-24-75;8:45 am]

[T.D. 75-70]

FOREIGN CURRENCIES—CERTIFICATION OF RATES

Rates of Exchange Certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
March 3, 1975	$0.0617
March 4, 1975	.0615
Belgium franc:	
March 3, 1975	$0.029470
March 4, 1975	.029340
March 5, 1975	.029290
March 6, 1975	.029280
March 7, 1975	.028975
Denmark krone:	
March 3, 1975	$0.1856
France franc:	
March 3, 1975	$0.2408
March 4, 1975	.2397
March 5, 1975	.2400
March 6, 1975	.2393
March 7, 1975	.2368
Germany deutsche mark:	
March 3, 1975	$0.4391
March 4, 1975	.4354
March 5, 1975	.4363
March 6, 1975	.4344
Japan yen:	
March 3, 1975	$0.003504
March 4, 1975	.003513
March 5, 1975	.003506
March 6, 1975	.003500
March 7, 1975	.003497
Netherlands guilder:	
March 3, 1975	$0.4278
March 4, 1975	.4250
March 5, 1975	.4262
March 6, 1975	.4225
Norway krone:	
March 3, 1975	$0.2050
March 4, 1975	.2047
March 5, 1975	.2046
March 6, 1975	.2045
March 7, 1975	.2028
Sweden krona:	
March 3, 1975	$0.2586
March 4, 1975	.2571
March 5, 1975	.2562
March 6, 1975	.2566
Switzerland franc:	
March 3, 1975	$0.4163
March 4, 1975	.4094
March 5, 1975	.4104
March 6, 1975	.4094

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

[FR Doc.75-7666 Filed 3-24-75;8:45 am]

[T.D. 75-68]

JOHN EDWARD BEVON, S.C.

Cancellation With Prejudice of Customhouse Broker's License

Notice is hereby given that the Commissioner of Customs on March 18, 1975, pursuant to section 641, Tariff Act of 1930, as amended, and § 111.51(b), Customs Regulations, as amended, upon the specific request of John Edward Bevon, Charleston, South Carolina, canceled with prejudice customhouse broker's license No. 3639 issued to him on October 19, 1964, for Customs collection district No. 16 (now the Customs District of Charleston, South Carolina). The Commissioner's decision is effective as of March 18, 1975.

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

[FR Doc.75-7668 Filed 3-24-75;8:45 am]

[Supp. to Dept. Cir. Pub. Debt Ser. No. 10-75]

Office of the Secretary

BONDS

Interest Rates

MARCH 21, 1975.

The Secretary of the Treasury announced on March 20, 1975, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 10-75, dated March 13, 1975, will be 8¼ percent per annum. Accordingly, the bonds are hereby redesignated 8¼ percent Treasury Bonds of 1990. Interest on the bonds will be payable at the rate of 8¼ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-7808 Filed 3-24-75;8:45 am]

DEPARTMENT OF DEFENSE

Engineers Corps, Department of the Army

WINTER NAVIGATION BOARD ON GREAT LAKES-ST. LAWRENCE SEAWAY

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of a meeting of the Winter Navigation Board to be held on 8 May 1975 at the Sheraton Motor Inn in Romulus, Michigan. The meeting will be in session from 10 a.m. until 4:30 p.m.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension investigations being conducted pursuant to Public Laws 91-611 and 93-251.

The primary purpose of the meeting is to discuss and obtain final Board approval of the Fiscal Year 1976 progam (FY 76 is the last full year of the currently authorized Demonstration Program). Other topics of discussion will conclude: results of the Copeland Cut test ice boom in the St. Lawrence River, a preliminary report on the St. Marys River model study, and a status report on the FY 76 Environmental Impact Statement.

The meeting will be open to the public subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is precluded because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone (313) 226-6770.

Dated: March 18, 1975.

By authority of the Secretary of the Army.

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

[FR Doc.75-7613 Filed 3-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

AREA MANAGER, FARMINGTON RESOURCE AREA, ALBUQUERQUE DISTRICT

Redelegation of Authority

1. Pursuant to the authority contained in part III, sec. 3.1 of Bureau Order No. 701 of July 23, 1964 (29 FR 10526) as amended, I hereby redelegate to the Area Manager of the Farmington Resource Area authority to take action with regards to tramroad permits pursuant to 43 CFR 2811.1.

2. *Effective date:* This redelegation will become effective May 1, 1975.

R. KEITH MILLER,
District Manager.

Approved: March 14, 1975.

B. BUFFINGTON,
Acting State Director.

[FR Doc.75-7616 Filed 3-24-75;8:45 am]

Bureau of Land Management

[Group 592]

CALIFORNIA

Notice of Filing of Plat of Survey

MARCH 18, 1974.

1. A plat of survey of the following described land, accepted October 29, 1974, will be officially filed in the California State Office, Bureau of Land Management, Sacramento, California, effective at 10 a.m. on May 1, 1975:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 18 E.,
Sec. 2, lots 1 to 4 inclusive, S½N½, S½;
Sec. 3, lots 1 to 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 10, lots 1 to 4 inclusive, E½, E½W½;
Sec. 11;
Sec. 14;
Sec. 15, lots 1 to 6 inclusive, NE¼, E½NW¼, E½SE¼.
The area surveyed totals 3,781.86 acres.

This plat also represents the dependent resurvey of the Metropolitan Water District of Southern California, Iron Mountain Wasteway Area, designed to establish the corners in their true positions based upon the map of the Colorado River Aqueduct, approved by the Assistant Secretary, Department of the Interior, July 30, 1940, pursuant to the Act of June 18, 1932 (47 Stat. 324) (L.A. 053539).

2. All of sections 2, 3, 11 and 14, and portions of sections 10 and 15 are within the bed of Danby Dry Lake. The surface of the land is flat and devoid of vegetation. Those portions of sections 10 and 15 that abut the perimeter of the lake are apt to support creosote bush and salt bush. These lands may be contaminated by unexploded ordnance.

3. All of the public lands are classified for multiple use management and will be open only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of this plat. All valid applications received at or prior to 10 a.m. on May 1, 1975, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The public lands have been and still are subject to the operation of the mining and mineral leasing laws.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.75-7618 Filed 3-24-75;8:45 am]

[NM 24750]

NEW MEXICO

Notice of Application

MARCH 17, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Pacific Pipelines has applied for a cathodic protection site on the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 4 E.,
Sec. 27, SW¼SW¼.

This cathodic protection station crosses national resource lands in Dona Ana County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1420, 1705 North Valley Drive, Las Cruces, NM 88001.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-7617 Filed 3-24-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-91]

A AND H COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), A and H Coal Co. has filed a petition to modify the application of 30 CFR 75.301 to its Skidmore Drift Mine, Spring Glen, Pennsylvania.

30 CFR 75.301, in pertinent part, provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air in any coal mine

reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

Petitioner requests that § 75.301 be modified for the subject mine to require that the minimum quantity of air reaching each working face be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

1. Air sample analysis history reveals that harmful quantities of methane do not exist in this mine.

2. There is no history of ignition, explosion or mine fire in this mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitched mines, present a dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause very uncomfortable, damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that application of the alternate standard will offer the same measure of protection afforded the miners under the existing standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 18, 1975.

[FR Doc.75-7696 Filed 3-24-75;8:45 am]

[Docket No. M 75-24]

BLUE DIAMOND COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Blue Diamond Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1405 to its Leatherwood and Owens Branch Mines, Leatherwood, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner's alternate method is described as follows:

1. In lieu of automatic couplers, pin-and-link couplers will be used. A metal handle (40" x ½" x 2") will be attached to each mine car. A metal spacer (2" x 8" x 1") will also be used. The metal handle will be connected to the pin to allow the pin to be raised and lowered in a 3-inch slotted pipe connected to the car.

2. A hand link aligner will be used to align the link of one car with the pin of an adjoining car. The aligner measures 37 inches in length.

3. The system described above will enable personnel to couple and uncouple cars without placing themselves between the ends of the cars.

4. Petitioner's alternate method will at all times provide the miners no less than the same measure of protection afforded by the application of the mandatory standard.

The petition is supported by diagrams detailing the alternate method proposed by Petitioner.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

MARCH 18, 1975.

[FR Doc.75-7697 Filed 3-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Economic Research Service

NATIONAL COTTON MARKETING STUDY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a)(2) of Pub. L. 92-463, notice is hereby given of a meeting of the National Cotton Marketing Study Committee established by Secretary's Memo 1852. The Committee will meet at 8:30 a.m. on Wednesday, April 30, 1975, in the Sheraton Palmetto Inn at 4295 Augusta Road, Greenville, S.C., and 9 a.m. on Thursday, May 1, 1975 in Room 107, Sirrine Hall (Textile Building) Clemson University, Clemson, S.C.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee meeting includes a review of study group progress, discussion of problem areas, and approval of plans for the final report.

The names of the appointees comprising the Committee, agenda and other information pertaining to the meeting may be obtained from Mr. Irving Starbird, Executive Secretary, Room 212, 500 12th Street SW., Washington, D.C. 20250 (202-447-8400).

AMOS D. JONES,
Chairman, National Cotton
Marketing Study Committee.

[FR Doc.75-7699 Filed 3-24-75;8:45 am]

Farmers Home Administration

[Designation Number A172]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in North Dakota:

Burleigh McLean

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 1 to November 1, 1974, in Burleigh County and drought June 1 to December 1, 1974, and a hailstorm with high winds and excessive rainfall July 15, 1974, in McLean County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 12, 1975, for physical losses and December 15, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 19th day of March 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-7722 Filed 3-24-75;8:45 am]

[Designation Number A170]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Dakota:

Hutchinson Pennington

The Secretary has found that this need exists as a result of a natural disaster consisting of drought July 1 to October 1, 1974, and frost September 2, 1974, in Hutchinson County and drought June 1 to October 23, 1974, in Pennington County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 12, 1975, for physical losses and December 15, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 19th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-7723 Filed 3-24-75;8:45 am]

Food and Nutrition Service

[FSP No. 1975-2.1]

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

Food Stamp Program; Correction

In FR Doc. 74-27496, appearing at page 41283, in the issue of Tuesday, November 26, 1974, in the Net Monthly Income column, the third entry from the bottom of the table now reading "$1,100 to $1,139.99" should read "$1,110 to $1,139.99."

Dated: March 20, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-7719 Filed 3-24-75;8:45 am]

Forest Service

COMMUNICATION SITES ON THE TONGASS AND CHUGACH NATIONAL FORESTS

Availability of Addendum to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared an addendum to the final environmental statement for Communication Sites on the Tongass and Chugach National Forests, USDA-FS-FES(Adm)R10-73-71.

The addendum concerns a proposed action to construct communication facilities at an additional ten locations on the Tongass National Forest in Alaska. The facilities will serve seven communication modes with the majority of the sites eventually serving two or more systems.

This addendum to the final environmental statement was filed with CEQ on March 14, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Alaska Region
Federal Office Building, Room 135
Juneau, Alaska 99802

Forest Supervisor, Chatham Area
Tongass National Forest
Lloyd Center Building
Sitka, Alaska 99835

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

U.S. Forest Service
P.O. Box 327
Yakutat, Alaska 99689

A limited number of single copies are available upon request to the Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99802.

Copies of the addendum to the final environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

C. A. YATES,
Regional Forester,
Alaska Region.

MARCH 14, 1975.

[FR Doc.75-7612 Filed 3-24-75;8:45 am]

SANTA CATALINA PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Santa Catalina Planning Unit, Coronado National Forest, USDA-FS-DES(Adm) R3-75-03.

The environmental statement concerns proposed alternative courses of management in a general way.

This draft environmental statement was transmitted to CEQ on March 14, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW
Albuquerque, New Mexico 87102

Coronado National Forest
Federal Building
301 West Congress
Tucson, Arizona 85702

A limited number of single copies are available upon request to the Forest Supervisor, Coronado National Forest, Federal Building, 301 West Congress, Tucson, Arizona 85702; and the Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Ken Weissenborn, Coronado National Forest, Federal Building, 301 West Congress, Tucson, Arizona 85702. Comments must be received on or before May 27, 1975, in order to be considered in the preparation of the final environmental statement.

W. L. EVANS,
Deputy Regional Forester, R3.

MARCH 14, 1975.

[FR Doc.75-7611 Filed 3-24-75;8:45 am]

VEGETATION MANAGEMENT

Availability of Draft Addendum; Selective Herbicides on the Deschutes, Fremont, Ochoco, and Winema National Forests, Oregon

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft addendum to the final environmental statement for vegetation management using selective herbicides on the Deschutes, Fremont, Ochoco, and Winema National Forests, Oregon, for the period July 1, 1975 through July 1, 1976. USDA-FS-R6-DES(Adm)75-11.

The draft addendum concerns a proposed use of herbicides 2,4-D, 2,4,5-T, silvex, dalapon, Amitrole-T, picloram, dicamba and atrazine to reduce the competition from native vegetation where it hampers forest management activities in Oregon. The proposed uses of the herbicides are for site preparation, release of conifers right-of-way maintenance, maintenance of physical facilities, range improvement work, and thinning and weeding of conifer plantations.

This draft addendum was transmitted to CEQ on March 17, 1975.

Copies are available for inspection during regular woking hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97208

Deschutes National Forest
211 N.E. Revere
Bend, Oregon 97701

Fremont National Forest
P.O. Box 551
Lakeview, Oregon 97630

Ochoco National Forest
P.O. Box 490
Prineville, Oregon 97754

Winema National Forest
P.O. Box 1390
Klamath Falls, Oregon 97601

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the draft addendum have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Written comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by May 17, 1975 in order to be considered in the preparation of the final addendum.

CURTIS L. SWANSON,
Regional Environmental Coordinator Region 6.

MARCH 18, 1975.

[FR Doc.75-7698 Filed 3-24-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CITY COLLEGE OF THE CITY UNIVERSITY OF THE CITY OF NEW YORK

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 73-00238-01-77030. Applicant: The City College of the City University of the City of New York, Department of Chemistry, 138th Street and Convent Avenue, New York, New York 10031. Article: NMR Spectrometer, Model JNM-MH-100. Date of denial without prejudice to resubmission: November 22, 1974.

Docket number: 74-000475-33-46040. Applicant: State University of New York, Health Sciences Center, Stony Brook, New York 11790. Article: Electron Microscope, Model EM 201C with side entry goniometer stage. Date of denial without prejudice to resubmission: September 25, 1974.

Docket number: 75-00038-85-46070. Applicant: U.S. Deparment of Interior Geological Survey, 345 Middlefield Road, Menlo Park, California 94025. Article: Scanning Electron Microscope, Model S 180 and Microanalysis specimen stage. Date of denial without prejudice to resubmission: November 4, 1974.

Docket number: 75-00047-80-23900. Applicant: University of California, Los Alamos Scientific Laboratroy, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Microplotter, Lighted Surface. Date of denial without prejudice to resubmission: November 11, 1974.

Docket number: 75-00083-33-46500. Applicant: University of Wisconsin, Purchasing Department, Peterson Office Building, Madison, Wisconsin 53706. Article: Utramicrotome, Model OM U3. Date of denial without prejudice to resumbission: November 11, 1974.

Docket number: 75-00125-33-46040. Applicant: Colorado State University, Purchasing Department, Fort Collins, Colorado 80521. Article: Electron Microscope, Model HS-9. Date of denial without prejudice to resubmission: November 4, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-7652 Filed 3-24-75;8:45 am]

INDIANA STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub.

L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00193–33–46040. Applicant: Indiana State University, I.U. School of Medicine, Terre Haute Center for Medical Education, 135 Holmstedt Hall, Terre Haute, IN 47809. Article: Electron Microscope, Model HU–12A with HK–6 Goniometer. Manufacturer: Hitachi Limited, Japan. Intended use of article: The article is intended to be used in the following research projects:

(1) Studies of the secondary structure of the RNA's of oncornaviruses,

(2) Studies of mechanisms of viral induced tumors and host mechanisms of resistance,

(3) Studies of lymphopoiesis and cellular migration in the bursa of Fabricius of the chick embryo.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 13, 1974). Reasons: The foreign article has a specified resolving power of 3 Angstroms (Å) point to point and is equipped with a goniometer stage with ±35° tilt, and 360° Azimuth with a guaranteed resolution of 3.4Å. The most closely comparable domestic instrument is the Model EMU–4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 23, 1974 that the characteristics of the foreign article described above are pertinent to the applicant's research studies. HEW further advises that the EMU–4C did not have a scientifically equivalent goniometer stage nor resolution at the time the article was ordered. We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–7653 Filed 3–24–75;8:45 am]

PHILADELPHIA COLLEGE OF OSTEOPATHIC MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00224–33–46040. Applicant: Philadelphia College of Osteopathic Medicine, 4150 City Avenue, Philadelphia, Pa. 19131. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for research in the following areas:

(1) Study of the female reproductive tract in the fertilization process and sperm physiology, an investigation concerned with the effect of the oviductal constituents of various hormones on the capacitation of spermatozoa.

(2) The structural organization of skeletal and cardiac muscle in normal and pathological material from man and animals.

(3) Experiments in the important process of genetic activity and genetic replication that occur in normal and viral infected cells, including protein-nuclear acid interactions during adeno-2 virus infection. The article will also be used to familiarize medical students with electron microscopy and to make the transition from light microscopy to electron microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (November 22, 1974). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (A). The most closely comparable domestic instrument available at the time the application was received by the U.S. Customs Service was the Model EMU–4C supplied by the Adam David Company. The Model EMU–4C has a specified resolving capability of 5Å We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 21, 1975 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that domestic instruments did not provide resolution equivalent to that of the foreign article when the application was received by Customs. We, therefore, find that the EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the application was received by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the U.S. Customs Service received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–7654 Filed 3–24–75;8:45 am]

STANFORD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during the ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00244–01–41700. Applicant: Stanford University, 820 Quarry Road, Palo Alto, California 94304. Article: Model 33 Mode Locked Dye Laser Oscillator. Manufacturer: Electro-Photonics Ltd., United Kingdom. Intended use of article: The article is intended to be used to study energy transport phenomena in solids. In particular, the migration of singlet Frenkel excitons in molecular crystals will be examined. An effort will be made to distinguish the coherent and incoherent modes of exciton transport. In addition, localization of a mobile exciton wave packet by an impurity and promotion of a localized excitation back into the exciton band will be studied. The article will also be used by graduate students in connection with fulfilling research requirements for obtaining Ph. D. degree in chemistry. In addition to gaining experience with laser equipment, the article will be the students basic tool in conducting solid state physics research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the

United States. Reasons: The foreign article provides the capability to provide pulse durations on the order of one picosecond. The National Bureau of Standards (NBS) advises in its memorandum dated February 28, 1975 that the article provides the capability stated above and finds it pertinent to the applicant's investigation of phenomena occurring in the time range of 10^{-2} to 10^{-9} seconds. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-7655 Filed 3-24-75;8:45 am]

UNIVERSITY OF CALIFORNIA, LIVERMORE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00199-65-27000. Applicant: University of California, Lawrence Livermore Lab., Mail Code L-127, P.O. Box 808, Livermore, California 94550. Article: Imacon-Camera System. Manufacturer: John Hadland Ltd., United Kingdom. Intended use of article: The article is intended to be used as an optical diagnostic in a variety of dynamic experiments on materials at high pressure and/or temperature. Specifically the article will be used to examine metals resistively heated to 10,000° K and solids shock loaded to several hundred giga pascals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for operation at a framing rate of 16 frames per event. The most closely comparable domestic instrument, the Model ID3, manufactured by Quantrad Corporation provides the capability for operation at a framing rate of only 3 frames per event. The National Bureau of Standards (NBS) advises in its memorandum dated February 26, 1975 that the capability of the article to provide 16 frames per event is pertinent to the applicant's intended use. NBS also advised that it knows of no available domestic image converter camera of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-7656 Filed 3-24-75;8:45 am]

UNIVERSITY OF CHICAGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00197-65-42700. Applicant: The University of Chicago, The James Franck Institute, 5640 S. Ellis Avenue, Chicago, Illinois 60637. Article: Ultraviolet Lamp. Manufacturer: Vacuum Generators Ltd., United Kingdom. Intended use of article: The article is intended to be used as light source for photo-electron spectroscopy studies of adsorption on metal surfaces in an ultra-high vacuum system. Electronic structure of adsorption complexes will be determined in such systems as carbon monoxide adsorption on transition metals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the combined specifications of a differentially pumped source which is not mounted with rubber O-rings. The most closely comparable domestic ultraviolet lamp, manufactured by McPherson Instrument Corporation, does not provide differential pumping and contains rubber O-rings, which render it unsuitable for use on an ultrahigh vacuum system. The National Bureau of Standards (NBS) advises in its memorandum dated February 24, 1975 that the combined specification of a differentially pumped source which is not mounted with rubber O-rings is pertinent to the applicant's use on an ultrahigh vacuum system, which requires ultrahigh vacuum flanges and the capability of baking to 250° centigrade. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-7657 Filed 3-24-75;8:45 am]

UNIVERSITY OF IOWA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00216-33-46040. Applicant: University of Iowa, Purchasing Department, Jefferson Building, Iowa City, Iowa 52242. Article: Electron Microscope, Model JEM 100C with Side Entry Goniometer & Scanning Device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to quantitate synaptic contacts in the central nervous system by an automated system which detects density due to staining of the structures under study.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered electron modes as well as scanning microdiffraction from microareas as small as 200 Angstroms in diameter. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 21, 1975 that the scanning capability of the foreign article described above is pertinent to the applicant's research studies. The most closely comparable domestic instrument is the Model EMU-4C electron microscope produced by the Adam David Company. HEW further advises that domestic transmission electron microscopes do not provide the pertinent scanning capability. We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-7658 Filed 3-24-75;8:45 am]

UNIVERSITY OF MIAMI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00210-56-190000. Applicant: University of Miami, Rosenstiel School of Marine and Atmospheric Science, 10 Rickenbacker Causeway, Miami, Florida 33149. Article: Vibrating Densimeter. Manufacturer: Universite de Sherbrooke, Canada. Intended use of article: The article is intended to be used in investigation of the effect of pressure on chemical processes which occur in the oceans. In these studies density, compressibility and expansibility measurements on seawater and aqueous solutions containing the salts which exist in seawater are made. Pairwise (cation-cation, cation-anion and anion-anion interactions of the major sea salts will also be studied. These interactions are studied by determining the volume change on mixing two electrolyte solutions (which is accomplished by measuring the density of the mixtures and the single components).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a vibrating flow densimeter which provides the capability for making density measurements in the shortest possible time (less than one minute for one measurement). The National Bureau of Standards (NBS) advises in its memorandum dated February 26, 1975, that the capability described above is pertinent to the applicant's research purposes. NBS also advises that it knows of no domestically available densimeter of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-7659 Filed 3-24-75;8:45 am]

UNIVERSITY OF MIAMI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00206-56-07520. Applicant: University of Miami, Rosenstiel School of Marine & Atmospheric Science, 4600 Rickenbacker Causeway, Miami, Fla. 33149. Article: Specific Heat (constant) (Differential) Flow Microcalorimeter. Manufacturer: Techneurop Inc., Canada. Intended use of article: The article is intended to be used to conduct heat capacity research on seawater and all of its constituent elements as a function of temperature (0 to 40° C, 5° intervals) and concentration (0 tol m, 0.5 intervals). Experimentally this will be accomplished by first passing water and then an aqueous electrolyte solution through the calorimeter. The article will also be used for research on the study of ionic interactions in seawater. Specifically this entails the measurement of heat capacities of binary electrolyte solutions having water as one component and salt as the other component.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 74-00147-56-07520 which was denied without prejudice to resubmission on August 7, 1974 for informational deficiencies. The foreign article possesses the highest available accuracy and a flow-type design which provides the capability for making a large number of measurements rapidly. The National Bureau of Standards (NBS) advises in its memorandum dated February 26, 1975 that the capabilities described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic microcalorimeter of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-7660 Filed 3-24-75;8:45 am]

UNIVERSITY OF MICHIGAN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00202-33-46040. Applicant: University of Michigan, Department of Anatomy, Medical School, Medical Science II, Ann Arbor, Michigan 48104. Article: Electron Microscope, Model Elmiskop 1A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used mainly in the investigation of microcirculatory beds of mammals. The research projects are combinations of cinemicrophotography and electron microscopy. The article wil also be used in the education and training of graduate and postgraduate students, as well as faculty in the Department of Anatomy and other departments of the medical school.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 19, 1974). Reasons: The foreign article has a magnification range from 200x or lower to 200,000 without a pole-piece change. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by the Adam David Company. The Model EMU-4C had with its standard pole-piece a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggested in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. It is noted that changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. Breaking the vacuum in the column induces the danger of contamination which would very likely lead to failure of the experiment. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 21, 1975, that low distortion micrographs in the light microscope range as well as at the high magnifications are pertinent to the purposes for which the foreign article is intended to be used. HEW also advised that domestic instruments did not have an equivalent magnification range or resolution when the article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scientific

value to the foreign article for such purposes as the article was intended to be used, at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-7661, Filed 3-24-75;8:40 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ALCOHOL RESEARCH REVIEW COMMITTEE

Meeting

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble the month of April 1975:

Alcohol Research Review Committee, April 23-25, 9 a.m., Embassy Row Hotel, 2015 Massachusetts Ave., NW, Washington, D.C., Open—April 23, 9-10 a.m.; Closed—Otherwise, Contact J. C. Teegarden, Ph. D., Parklawn Bldg., Rm. 6C-03, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4223.

Purpose: The Committee provides initial review of applications for basic research grants, applied research grants, and special grants, in such project areas as pharmacological, physiological, sociological and psychological aspects of alcohol use, incidence and prevalence of alcohol-related problems and makes recommendations to the Director, National Institute on Alcohol Abuse and Alcoholism and to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9 to 10 a.m., April 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Public Law 92-463 (5 U.S.C. App. I).

Substantive information may be obtained from the contact person listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the committee members is Mr. Harry Bell, Director, Office of Public Affairs, NIAAA, Rm. 6C-15, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852, Telephone No. 443-3306.

Dated: March 18, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-7662 Filed 3-24-75;8:45 am]

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Chemical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents and recommended occupational health standards on the following substances:

1. Acrylamide.
2. Allyl Chloride.
3. Boron Trifluoride.
4. Carbon Dioxide.
5. Epichlorhydrin.
6. Methylcyclopentadienyl Manganese Tricarbonyl.
7. Organic Tin Compounds.
8. Phosphorous Pentasulfide.
9. Phosphorus Pentachloride.
10. Phosphorus Trichloride.

Each criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances is requested to submit such information, with accompanying documentation to Acting Director, Office of Research and Standards Development, NIOSH, 5600 Fishers Lane, Park Building, Room 3-18, Rockville, MD 20852 within 90 days.

1. Establishment of safe occupational environment levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biological systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical agents and methodology for measuring levels of exposure to physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning these substances will be available for public inspection after the development of the respective criteria document.

Dated: March 19 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75-7688 Filed 3-24-75;8:45 am]

Food and Drug Administration

[DESI 5731; Docket No. FDC-D-555; NDA 10-750 etc.]

CERTAIN DRUGS CONTAINING PHENAGLYCODOL

Withdrawal of Approval of New Drug Applications

In a notice of opportunity for hearing (DESI 5731) which was published in the FEDERAL REGISTER of May 30, 1973 (38 FR 14180), the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of the drug products described below. The basis of the

proposed action was the lack of substantial evidence that the products are effective for their labeled indications. The single entity products have been used for relief of tension and the combination for relief of pain accompanied by tension. On June 29, 1973, the holder of the new drug applications requested a hearing, then on January 8, 1975, withdrew the request for hearing, stating that marketing of the products is being discontinued. Therefore, approval of the new drug applications is now being withdrawn.

NDA 10-750; Ultran capsules containing phenaglycodol; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.

NDA 11-439; Ultran tablets containing phenaglycodol; Eli Lilly & Co.

NDA 12-032; Darvo-Tran pulvules containing propoxyphene hydrochloride, aspirin, and phenaglycodol; Eli Lilly & Co.

No other person filed a written appearance of election as provided by the notice of May 30, 1973. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the new drug applications and all amendments and supplements applying thereto is withdrawn effective April 4, 1975.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: March 18, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-7665 Filed 3-24-75;8:45 am]

[DESI 8167; Docket No. FDC-D-375; NDA 8-167]

STRONTIUM LACTATE CAPSULES

Withdrawal of Approval of New Drug Application

A notice (DESI 8167) was published in the FEDERAL REGISTER of June 27, 1974 (39 FR 23293), pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, in which the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of the new drug application for strontium lactate capsules, described below. The basis of the proposed action was the lack of substantial evidence that the product is effective for its labeled indications related to osteoporosis, a bone disorder. Since the holder of the application did not contest the proposal, approval of the new drug application is now being withdrawn.

NDA 8-167; Strontolac Capsules (strontium lactate trihydrate); formerly marketed by Wyeth Laboratories, Division American Home Products Corp., Box 8299, Philadelphia, PA 19101.

All drug products which are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Divison of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the above-listed drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 8-167 and all amendments and supplements thereto, is withdrawn effective April 4, 1975.

Shipment in interstate commerce of the above product or any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: March 18, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-7664 Filed 3-24-75;8:45 am]

Office of Education

TECHNICAL ASSISTANCE FOR CHILD SERVICE DEMONSTRATION CENTERS CHILDREN WITH LEARNING DISABILITIES

Closing Date for Receipt of Proposals

Notice is hereby given that pursuant to the authority contained in Part G of the Education of the Handicapped Act, Title VI of Pub. L. 91-230 (awards for Special Programs for Children with Specific Learning Disabilities), funding under the program in Fiscal Year 1975 will be by competitive contracts awarded in accordance with the Federal Procurement Regulations contained in 41 CFR Parts 1 and 3. U.S. Office of Education Request for Proposals (RFP) No. 75-44 will be issued on or about March 18, 1975, with a closing date for receipt of proposals of May 6, 1975. The RFP is subject to the program requirements contained in Part G of the Education of the Handicapped Act, the regulations contained in 45 CFR Part 121j, published in the FEDERAL REGISTER on Thursday, February 20, 1975, at 40 FR 7428 et seq. For further information, interested parties are advised to refer to the OE Synopsis (No. 75-36) that was published in the Commerce Business Daily on March 3, 1975.
(20 U.S.C. 1461)

(Catalog of Federal Domestic Assistance number 13.520-Special Programs for Children with Specific Training Disabilities)

Dated: March 13, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-7700 Filed 3-24-75;8:45 am]

Public Health Service

REGIONAL HEALTH ADMINISTRATORS

Delegation of Authority

Notice is hereby given that on March 12, 1975, the Assistant Secretary for Health made the following delegation to the Regional Health Administrators. This delegation rescinds the delegation made to the Administrator, Health Services Administration on July 23, 1973.

1. I hereby delegate to the Regional Health Administrators those powers and authorities relating to the Comprehensive Health Services which were invested in the Director, Office of Economic Opportunity, by section 222(a)(4), title II (except sections 221 and 222(a)(3)), and title VI of the Economic Opportunity Act of 1964, as amended, and which were delegated to the Secretary in the delegation of authorities dated June 29, 1973 and approved by the President on July 6, 1973 (38 FR 19291, July 19, 1973) and redelegated to me by the Secretary by memorandum of July 11, 1973.

2. This delegation includes the authority to direct grantees under the above-mentioned sections of the Economic Opportunity Act of 1964 to convey property acquired in whole or in part with OEO funds and the authority to convey or effect the conveyance of such property as the agent or attorney-in-fact of such

grantees pursuant to any agreement between OEO and such grantees. The authorities specified in this paragraph may not be further redelegated.

3. These authorities delegated herein shall be exercised in accordance with such memoranda of understanding as have been or may be entered into by HEW and OEO.

4. This delegation is effective immediately and, except as indicated in paragraph 2, may be further redelegated.

5. I hereby rescind the delegation I made to the Administrator, HSA on July 23, 1973.

Dated: March 12, 1975.

RUPERT MOURE,
Executive Officer,
Public Health Service.

[FR Doc.75-7615 Filed 3-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[54-252]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Filing of Section 11(e) Plan to Effectuate Disposition of Gas Utility Properties

Notice is hereby given that The Connecticut Light and Power Company ("CL&P") P.O. Box 2010 Hartford, Connecticut 06101, and The Hartford Electric Light Company ("HELCO") P.O. Box 2370 Hartford, Connecticut 06101, both of which are electric and gas utility subsidiaries of Northeast Utilities ("Northeast"), a registered holding company, The Connecticut Gas Company ("Conn Gas"), a wholly-owned gas pipeline subsidiary of CL&P, and Northeast Utilities Service Company ("NUSCO") P.O. Box 270 Hartford, Connecticut 06101, Northeast's subsidiary service company, filed on February 18, 1975, a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 11, 12 and 13 of the Act and Rules 43, 44 and 81 thereunder as applicable to the following proposed transactions. All interested persons are referred to the joint declaration, which is summarized below, for a complete statement of the proposed transactions.

By Findings and Opinion and Order dated April 13, 1966, approving the formation of the Northeast Utilities holding-company system, the Commission found that the electric utility properties of the associate companies constitute an integrated electric utility system in conformity with the applicable standards of the Act. It stated that the status of the system's gas properties under common control with the electric system would be subject to determination in future proceedings. (Holding Company Act Release No. 15448.) These gas properties are owned by HELCO, CL&P and the latter's subsidiary, Con Gas, and are herein collectively referred to as "the gas properties."

To comply with section 11(b)(1), which essentially limits the operations of a registered holding company to a single integrated utility system, Northeast and its subsidiaries committed themselves to disposing of the gas properties. Accordingly, NUSCO, acting as agent for CL&P and HELCO, initiated negotiations for sale of the gas properties; and in order to facilitate such negotiations, CL&P applied for and was granted an exception from the competitive bidding requirements of Rule 50 in respect of the sale of the common stock of Conn Gas. (Holding Company Act Release No. 17905, March 7, 1973.)

It is stated that as a result of extensive negotiations with interested parties over a period of time, definitive proposals were received by NUSCO from four prospective purchasers: Connecticut Natural Gas Corporation ("CNG"), Financial Planning Associates, Greenwich Gas Company and Southern Connecticut Gas Company. In addition, a proposal was received from the Town of Wallingford, Connecticut ("Wallingford") for purchase of that portion of the gas properties which are located in the Wallingford District of CL&P's Central Division (the "Wallingford Properties").

After evaluating each of the final proposals submitted, the Board of Trustees of Northeast and Boards of Directors of CL&P and HELCO accepted Wallingford's proposal to purchase the Wallingford Properties and CNG's proposal to purchase all of the remaining gas properties. Purchase agreements, dated November 27, 1974, were executed with CNG ("CNG Agreement") and Wallingford ("Wallingford Agreement"). CNG, a Connecticut corporation, is a gas utility company; it serves approximately 112,000 customers in Connecticut and has annual revenues of approximately $45,000,000. Wallingford operates municipal electric, water and sewer facilities for its residents; it currently has no gas operations.

The CNG and Wallingford Agreements provide that the purchase price will be finally determined at the time of closing and will be based on the net book value as of December 31, 1972, of the respective properties purchased, plus or minus the change in net book value from December 31, 1972, to the end of the calendar month next preceding the closing date. The basic bid by CNG was 120 percent of net book value. The corresponding bid by Wallingford amounted to approximately 125 percent of net book value. It is represented that had September 30, 1974, been the closing date, CNG would have paid $134,500,000, of which $107,100,000 would have been paid to CL&P and $27,400,000 to HELCO; and Wallingford would have paid $4,000,000 to CL&P. It is stated that the aggregate purchase price is the highest amount CL&P and HELCO would have received from any combination of the various proposals submitted.

CL&P's obligations under the Wallingford Agreement are conditional upon the simultaneous sale of the remainder of the gas properties by CL&P and HELCO to CNG. Further, the sale to Wallingford is conditioned, among other things, on the approval by the Town Council of Wallingford of the issuance of bonds to finance the acquisition. In the event such conditions for the purchase by Wallingford are not met, CNG has indicated its willingness to acquire the Wallingford Properties on the same terms as those upon which it proposes to acquire the remaining gas properties. Accordingly, authority is sought herein for an alternative sale of the Wallingford Properties to CNG.

As a preliminary step to the sale of the gas properties (other than the Wallingford Properties) to CNG, Conn Gas will transfer all of its assets and liabilities to CL&P. The gas properties CL&P proposes to sell to CNG will therefore include the Conn Gas properties. The CNG Agreement provides that at or immediately prior to closing, CL&P will sell to CNG, for a nominal consideration, all of the stock of Conn Gas. It is contemplated that this arrangement will provide CNG the option of purchasing the gas properties directly or of causing Conn Gas, then its wholly-owned subsidiary, to purchase the same.

It is further proposed under the terms of the CNG and Wallingford Agreements that NUSCO will provide certain services to the purchasers for a period of up to six months. The purchasers will reimburse NUSCO for the full cost of any such services, and will reimburse CL&P and HELCO for their full costs of providing any services which the parties may agree upon in the period of transition.

A statement of the fees, commissions and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. The Public Utilities Commission of the State of Connecticut has jurisdiction over the proposed transactions. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person, may not later than April 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and

100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-7690 Filed 3-24-75;8:45 am]

[812-3763]

MUTUAL BENEFIT FUND AND MUTUAL BENEFIT GROWTH FUND

Order of Exemption

MARCH 18, 1975.

Notice is hereby given that Mutual Benefit Fund ("Benefit") and Mutual Benefit Growth Fund ("Growth") (collectively the "Applicants"), 520 Broad Street, Newark, New Jersey 07101, open-end, diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), filed an application on February 10, 1975 and an amendment thereto on March 11, 1975, pursuant to section 17(b) of the Act for an order of the Commission, exempting from the provisions of section 17(a) of the Act the proposed transfer by Growth of substantially all of its assets to Benefit in exchange for shares of common stock of Benefit and pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of Rule 22c-1 under the Act the determination of net asset values, for purposes of the exchange, at the close of trading on the New York Stock Exchange on the day immediately preceding the closing date of the proposed transaction. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Mutual Benefit Financial Service Company ("FISCO"), a wholly-owned subsidiary of The Mutual Benefit Life Insurance Company, is the investment adviser and distributor of both Benefit and Growth. Both funds have identical boards of directors and officers. Accordingly, each of the Applicants may be deemed to be affiliated persons of each other within the meaning of section 2 (a)(3) of the Act.

Benefit and Growth entered into an Agreement and Plan of Reorganization (the "Agreement") on February 4, 1975, whereby substantially all of the assets of Growth will be transferred to Benefit in exchange for Benefit common stock. Thereafter Benefit Shares will be credited to Growth's shareholders and Growth will be dissolved. The Agreement has been approved by the respective Boards of Directors of the funds and must further be approved by a vote of at least a majority of the outstanding voting securities of Growth and Benefit at meetings scheduled to be held on April 10, 1975 and April 17, 1975, respectively. Approval of the Agreement by Benefit assumes approval of the other proposals to be voted on by Benefit security holders including election of all directors and the continuance of an Investment Advisory Agreement with FISCO.

Prior to the closing date of the Agreement ("Closing Date") Growth will distribute substantially all its undistributed net investment income and any net realized capital gains. On the Closing Date, Benefit will issue to Growth the number of shares of common stock of Benefit determined by dividing the aggregate value of Growth's net assets transferred by the net asset value per share of Benefit common stock. The net asset value per share of Benefit and the aggregate net asset value of the assets of Growth, for purposes of the exchange, will be determined as of the close of trading on the New York Stock Exchange on the day immediately prior to the Closing Date on which the New York Stock Exchange is open for trading. Benefit shares will be credited to Growth's shareholders based upon the relative net asset values per share of Growth and Benefit common stock as of such date, and Growth will be dissolved.

It is the opinion of tax counsel to Benefit that for federal income tax purposes no gain or loss will be recognized by Growth or its shareholders upon the reorganization and the tax basis of the Benefit common stock credited to Growth shareholders will be the same as the adjusted basis and the holding period applicable to the Growth common stock.

As of December 31, 1974, Benefit and Growth had, respectively, net assets of $2,583,306 and $5,048,086, and net unrealized losses of $986,828 and $2,718,580. At the same date Benefit had net capital loss carryforwards approximating $7,000, $100,000 and $97,000 available to December 31, 1977, 1978, and 1979 respectively, and Growth had net capital loss carryforwards approximating $102,000, $452,000 and $188,000 available to December 31, 1977, 1978, and 1979 respectively. No adjustment is to be made to the net assets of Growth to reflect the tax benefits, if any, which may accrue to shareholders of the surviving fund through utilization of Growth's unrealized capital loss and realized capital loss carryforwards because, Applicants state, the realization of such benefits and the amount thereof are too indefinte due to the uncertainty that Benefit will be able to generate gains in sufficient amounts to offset the tax loss carryforwards.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the terms of the proposed transaction are reasonable and fair since Benefit will be issuing its shares in exchange for property at a price not less than the net asset value thereof and Growth shareholders will be credited Benefit common stock equal in value to Growth's net assets. Applicants also assert that the reorganization is expected to result in economies to the shareholders of Benefit and Growth with estimated expense savings of $24,050 annually. Growth shareholders will be benefited by a reduction in the advisory fee from .5 percent of average daily net asset value paid by Growth to the .4 percent paid by Benefit. Expenses such as custodian fees, insurance, audit fees, legal fees, registration fees, directors fees as well as other costs are expected to be less for the surviving combined fund than the present aggregate amount of such expenses encountered by the two separate funds independently. In addition Applicants state that shareholders of Benefit and Growth may be advantaged by (i) the greater investment flexibility and reduced need for liquidity which results from an improved cash flow and (ii) the possible reduction in brokerage rates payable by a larger single fund than by two smaller funds.

Applicants state that the aggregate expenses of the transaction are estimated at $43,800. Benefit and Growth will each bear the cost of printing and mailing their respective proxy material. The other costs in connection with the reorganization, including accounting and legal fees, transfer agent and custodian fees, and other fees and expenses to dissolve Growth and register shares of Benefit will be borne by the funds in proportion to their respective total net assets as of March 31, 1975. On the basis of this allocation approximately $15,590 of the total expenses would be borne by Benefit and $28,210 by Growth. However, FISCO has undertaken to pay the expenses of printing and mailing of proxies to the extent they exceed the amount of such expenses associated with regular annual meetings of shareholders, with a maximum undertaking of $5,000. Such excess expenses are estimated at $1,900 for Benefit and $1,300 for Growth. The expenses payable by each fund will be reduced accordingly.

Growth will reserve assets, from those to be transferred to Benefit, in an amount not in excess of $18,500, for the payment of expenses charged to it which are payable after the Closing Date. Any monies remaining from the reserve after Growth makes its expense payments will be paid over to Benefit, and Applicants represent that the amount reserved will be carefully anticipated so that any amount remaining after expense payments will be minimal.

The investment objective of both funds is appreciation of capital. Applicants state that the proposed transaction is consistent with their respective policies. The stockholders of Growth will receive shares of an open-end management company with similar investment objectives, fundamental policies and investment restrictions.

Presently, Benefit is offered only to separate accounts of the Mutual Benefit Life Insurance Company ("Insurance Co.") registered as unit investment trusts and to pension, profit-sharing or other employee benefit plans or trusts qualified for favorable tax treatment, whereas Growth is offered to anyone. The Agreement provides that prior to the Closing Date, Benefit will remove any limitations regarding eligible purchasers.

In order to serve as an authorized investment vehicle for registered separate accounts of Insurance Co., Benefit limits its investments in accordance with New Jersey law. Though adherence to the New Jersey requirements restricts freedom of investment by Benefit to some extent, Applicants state that the experience of Benefit has been that the limitations imposed by the New Jersey statutes have not been a hindrance to investing in securities of companies thought to possess substantial growth potential. Furthermore, Applicants represent that as a result of various economic and market factors Growth has not been able to fully utilize its relatively greater inevstment flexibility and in fact has never invested in securities which would have been unauthorized investments for Benefit. Applicants conclude that Growth shareholders will not be unduly disadvantaged by Benefit's somewhat more conservative investment orientation.

As Benefit has been primarily designed for shareholders eligible for deferred taxation, it follows a policy of not allowing the distinction between long-term and short-term capital gains to influence the sales of investment securities. Non tax-qualified Growth shareholders could be disadvantaged by this policy and the recognition of short term capital gains. Applicants state that in practice Benefit has realized only minimal net short-term capital gains in only two of the past four years, and in any event the surviving fund would have substantial tax-loss carry-forwards to offset future long- or short-term realized gains for some period of time.

The respective policies and restrictions of each fund and any differences therein, including limitations imposed on Benefit by New Jersey statutes and the policy and consequences thereof of Benefit not allowing the distinction between long-term and short-term capital gains to influence the sale of investment securities will be fully disclosed in the proxy materials to be submitted to stockholders of each fund in connection with the meeting of stockholders at which the reorganization will be voted upon.

As part of the Agreement, after Growth shareholders approve the proposed transaction, Benefit will determine whether the assets of Growth to be transferred to it are consistent with its investment objectives, policies or restrictions. If not, Growth will take all necessary steps to insure that the assets to be transferred will be consistent at the Closing Date.

RULE 22c–1

Rule 22c–1 promulgated under Section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell any such security except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase such security.

Applicants state that the literal requirements of Rule 22c–1 may not be met by the proposed transaction if such rule is deemed to apply to transactions involving the exchange of stock for assets because the net asset values per share of Benefit and Growth for purposes of the exchange are to be determined as of the close of trading on the New York Stock Exchange on the day immediately preceding the Closing Date on which such exchange is open for trading.

It is stated by Applicants that the purpose of Rule 22c–1 is to prescribe the time for pricing redeemable securities on typical daily purchase transactions by investment companies and is not designed to cover the type of non-recurring transaction contemplated by the Agreement.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 14, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–7691 Filed 3–24–75;8:45 am]

[70–5643]

NEW ENGLAND ELECTRIC SYSTEM

Proposed Amendment of Articles of Agreement and Declaration of Trust To Increase Authorized Shares of Common Stock and Order Authorizing Solicitation of Proxies

Notice is hereby given that New England Electric System ("NEES") 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(e) and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

NEES proposes to amend its Agreement and Declaration of Trust ("Agreement") to increase the number of shares of its common stock which NEES is authorized to issue from 20,000,000 to 30,000,000 shares. At the present time, 16,912,755 shares are outstanding and after the proposed issuance of 2,500,000 shares during April 1975 there will be 19,412,755 shares outstanding.

NEES intends to submit the proposed amendment of its Agreement and the proposed consent of its shareholders for their approval at the annual meeting to be held on April 22, 1975. In connection therewith, NEES proposes to solicit proxies from the holders of its common stock through the use of solicitation material which sets forth the proposal in detail. NEES also proposes to solicit proxies for the election of directors, shareholder proposals and any other business that may properly come before the meeting. The declaration states that the increase in the authorized shares requires an affirmative vote of a majority of the shares present or represented at the meeting. The proposed amendment to the Agreement increasing the number of authorized shares requires an affirmative vote of a majority of the shares present or represented at the meeting and a two-thirds vote of the Board of Directors.

It is stated that construction expenditures for the years 1975, 1976, and 1977

aggregate about $460,000,000 which include expenditures for improvements to subsidiaries facilities as well as proposed new generating facilities needed in order for subsidiaries to continue to provide reliable electric service to their customers. A substantial portion of such funds are to be obtained through the issuance and sale of NEES' common stock.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $85,000, including service fees, at cost, of New England Power Service Company, a wholly-owned subsidiary company of NEES, of $3,600. The declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 17, 1975, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, as amended, insofar as it proposes the solicitation of proxies from NEES' common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration, as amended, regarding the proposed solicitation of proxies from NEES' common stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-7692 Filed 3-24-75;8:45 am]

[811-2248]

WESTERN CAPITAL FUND, INC.

Application for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Western Capital Fund, Inc. ("Applicant") 18 East Monument Street, Colorado Springs, Colorado 80903, registered as an open-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act") filed an application pursuant to section 8(f) of the Act on February 11, 1975 for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant was organized as a Colorado corporation on April 1, 1971, under the name "Allservices Fund, Inc." On December 6, 1971, it filed a Notification of Registration on Form N-8A under the Act, and on February 16, 1972, it filed a Registration Statement on Form S-5 under the Securities Act of 1933 ("1933 Act"). On December 21, 1972, Applicant changed its name to Western Capital Fund, Inc. Its Registration Statement under the 1933 Act never became effective, and was withdrawn by Applicant on February 7, 1975.

Applicant represents that, pursuant to a resolution of its shareholders adopted on June 22, 1974, a committee was appointed by its president to work with a management consulting firm to develop a future course of operation for the Applicant, or develop viable alternatives to such operation, such as a sale. It was further resolved that if a viable course of action could not be developed, the Applicant should be deregistered with the Commission, its cash returned to its shareholders, and the dissolution of Applicant effectuated.

Applicant represents that no viable alternatives were conceived pursuant to said resolution. Accordingly, it has refunded all remaining cash to its shareholders, except for $4,439.81 which is being retained to defray the costs of winding up the Applicant. Applicant represents that it presently has fewer than 100 shareholders and that it is not making and does not propose to make a public offering of its securities. Applicant expects that its shareholders will consider full legal dissolution of the Applicant at the next shareholders meeting.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following April 14, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-7693 Filed 3-24-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ENGINEERING AND DEVELOPMENT PROGRAM

Consultative Planning Conference

The purpose of this notice is to announce a Consultative Planning Conference on the FAA Engineering and Development Program. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 1905, dated 24 December 1968, and 35 FR 17798, dated 19 November 1970.

The Department of Transportation announces that the conference will be held April 10, 1975, at 9 a.m., in conference room 6ABC, 800 Independence Avenue, SW, Washington, D.C. 20591.

The meeting will be open to the public and persons who wish to present views on the matters discussed may do so by submitting their views in writing to:

Associate Administrator for Policy Development and Review (Acting)
Attention: ASP-10

Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

In addition, persons who wish to attend the meeting may submit their written views at that time.

The FAA Engineering and Development Program is a broad program involving many projects which are of interest to many persons and organizations in the aviation community. Some of these projects have a substantial economic impact on aviation. The main purpose of this conference is to discuss mechanisms for affording the aviation community and the general public an opportunity to provide an input in shaping the FAA Engineering and Development Program.

Topics: 1. Present process for developing FAA Engineering and Development programs and projects.

2. User concerns and suggested methods of providing input into FAA's Engineering and Development Program.

THOMAS P. MESSIER,
Acting Director, Office of Aviation System Plans.

[FR Doc.75-7710 Filed 3-24-75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Notice of Meeting; Correction

In FR Doc. 75-6739 appearing at page 11933 in the FEDERAL REGISTER of March 14, 1975 the location of the April 8, 1975 meeting of the Railroad Operating Rules Advisory Committee is corrected to read:

Room 5332, Nassif Building, 400 Seventh Street, SW, Washington, D.C.

Dated: March 20, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc. 75-7713 Filed 3-24-75; 8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

BICENTENNIAL PROJECTS

Guidelines for FY 1975 Revenue Funds Matching Grant Assistance to Non-Profit Organizations

Public Comment. A Policy Statement of the American Revolution Bicentennial Board and implementing guidelines of the American Revolution Bicentennial Administration (ARBA) for a new program of matching grant assistance to non-profit organizations sponsoring programs of special national or international significance were published in the FEDERAL REGISTER on March 4, 1975 (40 FR 8984). Pursuant to such policy and guidelines, ARBA will make matching grant awards for Bicentennial projects of special national or international significance sponsored by non-profit organizations, subject to the availability of funds therefor, through the end of the fiscal year, June 30, 1975. The guidelines further provide that these grants will be made from among applications which are received on or before May 5, 1975. Accordingly, grants will be made from among applications which are postmarked on or before April 14, 1975.

Notwithstanding that section 553 of Title 5 of the United States Code exempts matters relating to grants from the rulemaking requirements of the Administrative Procedures Act, written comments concerning the policy and guidelines as published in the FEDERAL REGISTER on March 4, 1975, are invited from interested persons. All comments received will be available for public inspection at the ARBA, 2401 E Street NW., Room 7240, Washington, D.C. 20276, during regular business hours. All materials postmarked on or before April 14, 1975, will be considered. While the Administrator of the ARBA has determined, and hereby publishes, that the public interest would be best served by making these policies and guidelines effective immediately upon their initial publication in the FEDERAL REGISTER, all material will be considered and where appropriate amendments made to such policy and guidelines as the ARB Board may determine.

These comments will be useful to the Board in making any changes in the guidelines during the course of this program through June 30, 1975, and also if the Board determines to adopt a similar grant program after June 30, 1975.

Dated: March 20, 1975.

JOHN W. WARNER,
Administrator.

[FR Doc.75-7689 Filed 3-24-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27588; Order 75-3-61]

ALASKA AIRLINES, INC., ET AL.

Order Denying Stay

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of March, 1975.

In the matter of embargo notices filed by Alaska Airlines, Inc., Allegheny Airlines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

By Order 75-2-127, dated February 28, 1975, the Civil Aeronautics Board rejected embargo notices which had been filed by the nine air carriers listed below.[1] The notices advised that the carriers would refuse and/or limit carriage of substantially all hazardous materials. On March 5, 1975, the Air Line Pilots Association (ALPA) filed a petition for reconsideration and for stay of that order. The Board will consider the request for a stay without awaiting responses thereto, and will deny the request.[2] Action on the petition for reconsideration will be deferred until all parties and interested persons have had an opportunity to respond thereto.

In support of its petition, ALPA alleges error in the Board's order in that the carriers have a right under sections 404 and 1111 of the Federal Aviation Act of 1958 (the Act) to impose stricter standards for carriage of hazardous goods than the government's minimum safety standards and to reject cargo which they deem inimical to safety of flight. ALPA alleges that the Department of Transportation/Federal Aviation Administration (DOT/FAA) regulations do not require any carrier to accept any cargo but rather allow only the acceptance of properly labeled, packaged, etc., hazardous materials. ALPA asserts that the Board's own regulations are to the same effect, citing 14 CFR 221.104, 221.38 (a) (5) and 228.1.

These allegations miss the crux of the Board's rejection of the embargoes. The Board found that:

1. The carriers' embargoes gave notice that they would not accept a broad list of articles which are suitable for carriage under the regulations of the DOT/FAA and,

2. The embargoes would prohibit carriage of many items necessary for medical or other important purposes and were in derogation of the airlines' common carrier obligation to carry, and their statutory obligation to provide adequate service.

Contrary to the implication in ALPA's petition, the Board has not purported to determine whether the DOT/FAA regulations are minimum, or minimum and maximum standards, nor was the order premised on any theory that the airlines' obligation to carry traffic stems from those regulations. Rather, the Board considers that a carriers' refusal to carry traffic tendered in accordance with the safety regulations is inconsistent with its statutory obligation to provide adequate service, and with its duties assumed in the acceptance of a certificate of public convenience and necessity.

Special comment is also warranted on ALPA's assertion of a carrier's statutory right under section 1111 of the Act, to refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight. The Board does not accept this contention. ALPA's quotation of section 1111 omits a provision which is critical to the issues involved here. The sentence in section

[1] Alaska Airlines, Inc.; Allegheny Airlines, Inc.; Eastern Air Lines, Inc.; Frontier Airlines, Inc.; Hawaiian Airlines, Inc.; Ozark Air Lines, Inc.; Piedmont Aviation, Inc.; Trans World Airlines, Inc.; and Western Air Lines, Inc.

[2] ALPA has petitioned the United States Court of Appeals for the Second Circuit for review of the Board's order. Accordingly, the Board is considering the request for stay promptly for the convenience of the Court. As indicated, our action herein is for the convenience of the Court and does not pass upon the standing of ALPA in this proceeding.

1111(a) of the Act referred to by ALPA is therefore set forth in full:

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also reuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight. (Emphasis supplied)

It is clear from reading the entire section that Congress intended any carrier refusal to transport property for safety reasons to be subject to reasonable rules and regulations prescribed by the FAA Administrator. By answer in opposition to the ALPA petition, DOT similarly asserts that section 1111 does not confer a warrant for carriers to refuse transportation of hazardous materials which conform with applicable DOT/FAA regulations. Such regulations have been prescribed at length on what material may be carried in passenger-carrying aircraft as well as on all-cargo aircraft, the permissible amounts and packaging requirements therefor, what materials may not be carried, etc. The FAA Administrator having thus preempted this area of regulation,[3] no basis remains to conclude that carriers are free to pick and choose their traffic.

We turn next to ALPA's contention that the Board must reconsider or grant ALPA a hearing on the finding that items necessary for medical or other purposes are subject to the embargoes herein involved. ALPA argues that this statement was erroneous and that the Board would have been so aware if it had looked at ALPA's February 25 filing, where it explained in detail that the STOP program exempts from its ban a variety of medical materials which must be shipped by air to avoid delays.

* * * * *

[3] The language of the Act clearly requires this interpretation. The Secretary of Transportation has advanced contentions of the same import. See the complaint of the DOT in Docket 27488 wherein this position is vigorously set forth as follows:

"5. Because the FAA exercises exclusive jurisdiction to regulate safety in air commerce and because the FAA has, by regulation, provided for the safe carriage of radioactive and other hazardous materials, individual carriers are legally precluded from engaging in *ad hoc* regulation of the transportation of those materials in derogation of the statutory authority and responsibility of the DOT/FAA. DOT is therefore an 'interested person' to object to this usurpation of jurisdiction."

While the STOP program may now exempt a variety of medical materials, as ALPA asserts, the embargoes of the carriers did not and the Board's order of rejection was directed to those embargoes. Our order was based upon a comparative analysis of the materials which would be banned by the embargo notices filed by the carriers and of the DOT/FAA regulations relating to hazardous materials. It was not an order directed to ALPA or its member pilots.

In summary, ALPA urges Board acceptance of the STOP program and of carrier notices implementing it to avoid irreparable harm pending further administrative and judicial proceedings as set forth above. The Board finds no basis for error in its actions nor other reasons to grant the requested stay. To take such action would abrogate our statutory responsibilities to the shipping and consuming public by sanctioning pervasive refusals to carry shipments[4] required by the public.[5] We agree with DOT's statement that the carriers are in effect seeking to engage in *ad hoc* regulation of the carriage of hazardous goods through a series of embargoes of greater or lesser coverage. As noted above, we do not consider this consistent with their statutory obligations.

Upon consideration of the ALPA petition for a stay, the matters set forth above, and all relevant matters before the Board, the petition for stay will be denied.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958 and particularly sections 204(a) and 404 and the provisions of Part 228 of the Board's Economic Regulations (14 CFR Part 228),

It is ordered, That:

1. The request for a stay, contained in the petition of the Air Line Pilots Association, International, for reconsideration and for a stay in Docket 27588, is denied;

2. Action is deferred upon the request for reconsideration contained in Docket 27588 to permit time for responsive pleadings in accordance with the Board's Rules of Practice in Economic Proceedings; and

3. A copy of this order be served upon Alaska Airlines, Inc., Allegheny Airlines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Trans World Airlines, Inc., Western Air Lines, Inc. and the Air Line Pilots Association, International.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-7716 Filed 3-24-75;8:45 am]

OFFICE OF THE CONSUMER ADVOCATE

Notice of Presentations

Notice is hereby given that presentations will be made by the Office of the Consumer Advocate, Civil Aeronautics Board to travel agents on April 2, 1975 and to airline customer relations directors and representatives of indirect air carriers on April 4, 1975, at the second floor conference room, Administration Building, Los Angeles, Department of Airports, 1 World Way, Los Angeles, California 90009.

The meetings will be open to the public. Any member of the public wishing to participate in the meetings should contact the Office of the Consumer Advocate, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

This amends the March 12, 1975 announcement of these meetings which appeared at 40 FR 11635.

Dated at Washington, D.C., March 20, 1975.

[SEAL] JACK YOHE,
Director,
Office of the Consumer Advocate.

[FR Doc.75-7717 Filed 3-24-75;8:45 am]

[4] We need not and do not here reach the question of the extent of the authority of an air carrier to refuse to carry a particular shipment of hazardous goods based upon circumstances relating specifically to that shipment.

[5] The Board has received informal correspondence asserting that radio-pharmaceutical shipments have recently been refused by airline crews which in turn has resulted in failure to perform needed medical diagnosis.

[Docket 27104]

PAN AMERICAN-WESTERN ROUTE TRANSFER AGREEMENT

Notice of Change in Date for Oral Argument

Notice is hereby given that the oral argument in this proceeding, heretofore scheduled to be held before the Board on April 23, 1975 (40 FR 12150, March 17, 1975), has been rescheduled to April 22, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 19, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-7715 Filed 3-24-75;8:45 am]

[Docket 27035; Order 75-2-80]

WAGNER AVIATION LIMITED

Renewal Request; Order To Show Cause

Correction

In FR Doc. 75-4995, appearing at page 8118 in the issue for Tuesday, February 25, 1975, in the middle column on page 8119, the first complete paragraph, after the final line add the following "proved February 27, 1970."

COMMISSION ON CIVIL RIGHTS

CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m., on April 9, 1975, at the Holiday Inn, 900 E. Main, Meriden, Connecticut.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26

Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss plans for hearing on Public Employment.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-7681 Filed 3-24-75;8:45 am]

NEBRASKA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on April 11, 1975, at the Radisson-Cornhusker Hotel, 13th & M Street, State Suite I, Lincoln, Nebraska.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is a follow-up to prison project and to discuss new projects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-7682 Filed 3-24-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 5 p.m. on April 4, 1975, and at 6 p.m. on April 5, 1975 at the Ramada Inn, 1001 S. Interregional, Austin, Texas 78704.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is (1) Definition of the problems of the educational system in Texas, (2) Discussion of activities related to school finance taking place in other state, (3) Critique and assessment of the five major school finance bills introduced in the Texas Legislature, and (4) a legislative analysis of the processes and practical political prospects of these 5 bills.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-7683 Filed 3-24-75;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on May 2, 1975, at the John Marshall Hotel, 5th and Franklin Streets, Richmond, Virginia.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of the meeting is to plan 1975 SAC activities.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-7684 Filed 3-24-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ERDA-OWNED FOREIGN INVENTIONS

Notice of Availability for Licensing

The inventions listed below are the subject of U.S. Government-owned foreign patents and patent applications in the custody of the U.S. Energy Research and Development Administration and are available for licensing in accordance with AEC, now ERDA, Patent Licensing Regulations (Title 10 CFR, Part 81.61):

ARGENTINA

ARGENTINE PATENTS

197,626—Dynamic Multistation Photometric Analyzer for Serological Testing.
198,427—Dynamic Multistation Photometer-Fluorometer.
199,945—Minature Multistation Photometer Rotor Temperature Control.

ARGENTINE PATENT APPLICATION

252,023—Portable Dynamic Multistation Photometer-Fluorometer.

AUSTRALIA

AUSTRALIAN PATENTS

447,317—Production of Uranium and Plutonium Carbides and Nitrides.
447,754—Removal of Plutonium from Plutonium Hexafluoride-Uranium Hexafluoride Mixtures.
448,209—Non-Equilibrium Plasma for Natural Gas Processing.
448,503—Analytical Photometer with means for Measuring, Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
448,582—Photochromic Radiation Dosimeter.
449,012—Reductive Stripping Process for the Recovery of Uraninm from Wet-Process Phosphoric Acid.
449,017—Fluxless Aluminum Brazing.
451,326—Differential Pressure Nuclear Radiation Flux Detector.
452,582—Radiation Monitor With Background Compensation.
452,591—Gauging System.
452,594—Actuator System.
453,629—Thermoluminescence Dosimeter System.
454,299—Two-Dimensional Position-Sensitive Radiation Detector.
454,584—Pulsed Laser-Ignited Thermonuclear Reactor.
455,376—Aluminum Alloy.
455,693—Improved Reactor Safety Spray Solution.
455,998—Solid Filters.

AUSTRALIAN PATENT APPLICATIONS

43149/72—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
46264/72—Compact Dialyzer.
67746/74—Automated Sample-Reagent Loader.

AUSTRIA

AUSTRIAN PATENT

317,960—Treatment of Steel.

AUSTRIAN PATENT APPLICATION

A 3041/74—Automated Sample-Reagent Loader.

BELGIUM

BELGIAN PATENTS

731,708—Parallel Flow Hemodialyzer.
750,656—Parallel Flow Hemodialyzer.
784,557—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
788,759—Compact Dialyzer.
807,743—Rotor for Fluorometric Measurements in Fast Analyzer of Rotary Type.
808,836—Portable Dynamic Multistation Photometer-Fluorometer.
809,511—Miniature Multistation Photometer Rotor Temperature Control.
813,661—Automated Sample-Reagent Loader.
814,460—Diagnoses of Disease States by Fluorescent Measurements Utilizing Scanning Laser Beams.

BRAZIL

BRAZILIAN PATENT APPLICATION

9925/73—Portable Dynamic Multistation Photometer-Fluorometer.

CANADA

CANADIAN PATENTS

865,518—Parallel Flow Hemodialyzer.
889,429—Parallel Flow Hemodialyzer.
944,132—Cation-Exchange Conversion of Hydroxylamine Sulfate to Hydroxylamine Nitrate.
944,145—Cold Trap.
946,164—Process for Separation of Protactinium, Thorium and Uranium from Neutron-Irradiated Thorium.
946,345—Continuous Flow Liquid Centrifuge Characterized by Low Pressure Drop.
947,494—Improved Reactor Safety Spray Solution.
949,234—Electromagnetic Disturbance Neutralization Radiation Detector.
949,541—Actuator System.
950,168—Fluidized Bed Production of Uranium Monocarbide-Uranium Aluminide Mixtures.

950,709—Californium-Noble Metal Neutron Source Material.
952,290—Atmosphere Purification of Radon and Radon Daughter Elements.
952,739—High-Transition-Temperature Subconductors in the Nb-Al-Ge System.
955,473—Method for Production of Uniform Microspheres.
955,509—Tissue Collector.
957,831—Apparatus for Leaching Core Material from Sheared Segments of Clad Nuclear Fuel Pins.
958,130—Oscillating Monitor for Fissile Material.

CANADIAN PATENT APPLICATIONS

142,139—Hemodialyzer with Tapered Slit Blood Ports and Baffles.
149,663—Compact Dialyzer.
195,694—Automated Sample-Reagent Loader.

CHILE

CHILEAN PATENTS

27,820—Rotor for Multistation Photometric Analyzer.
28,001—Loading Disk for Photometric Analyzer of Rotary Cuvette Type.

CHILEAN PATENT APPLICATIONS

55/74—Portable Dynamic Multistation Photometer-Fluorometer.
393/74—Automated Sample-Reagent Loader.

DENMARK

DANISH PATENTS

124,013—Parallel Flow Hemodialyzer.
127,866—Liquid Centrifuge for Large-Scale Virus Separation.

DANISH PATENT APPLICATIONS

3199/72—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
4499/72—Compact Dialyzer.
453/74—Formaldehyde Based Disinfectants.
2006/74—Automated Sample-Reagent Loader.

FRANCE

FRENCH PATENTS

69.12304—Parallel Flow Hemodialyzer.
69.3338—Insulated Ducts for Nuclear Reactors.
69.33531—Refueling Apparatus and Method for Fast Reactors.
69.36628—Vessel for a Sodium-Cooled Reactor.
69.39835—Nuclear Reactor Fuel Element Hold-Down and Tightening Mechanism.
70.01633 Fast Sodium-Cooled Reactor Core Structure.
70.08220—Separation of Neptunium From Uranium Hexafluoride Containing the Same.
70.20407—Parallel Flow Hemodialyzer.
72.45982—Multisensor Particle Sorter.
73.32391—Neutron Activation Analysis System.
73.33484—Automatic Photomultiplier Tube Voltage Controller.
73.33845—Two Dimensional Coils for Electromagnetic Generation and Detection of Acoustic Waves.
73.34039—Energy Absorbing Structure to Prevent Damage to the Vessel Wall as a Result of the Effects of a Sodium-Water Reaction in a Sodium-Steam Generator.
73.35745—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
73.41881—Rotor for Fluorometric Measurements in Fast Analyzer of Rotary Type.
73.44847—Portable Dynamic Multistation Photometer-Fluorometer.

FRENCH PATENT APPLICATIONS

72/20019—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
72/32484—Compact Dialyzer.
74/02944—Formaldehyde Based Disinfectants.
74/12964—Automated Sample-Reagent Loader.

GERMANY

GERMAN PATENTS

1,471,509—Method of Preparing Uranium Dioxide Fuel Compacts.
1,962,267—Multistation, Single Channel Analytical Photometer and Method of Use.

GERMAN PATENT APPLICATIONS

P 20 24 635.9—Parallel Flow Hemodialyzer.
P 22 32 938.0—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
P 22 45 200.2—Compact Dialyzer.
P 24 16 899.8—Automated Sample-Reagent Loader.
P 24 04 423.3—Formaldehyde Based Disinfectants.

GREAT BRITAIN

BRITISH PATENTS

1,256,936—Parallel Flow Hemodialyzer.
1,282,338—Parallel Flow Hemodialyzer.
1,351,406—Fabrication of Bonded-Particle Nuclear Fuel Sticks.
1,354,558—Non-Equilibrium Plasma for Natural Gas Processing.
1,355,722—Apparatus for Leaching Core Material From Sheared Segments of Clad Nuclear Fuel Pins.
1,356,366—Production of Plasmas by Long-wavelength Lasers.
1,358,406—Small-Current Integrator.
1,359,406—Sulfur Oxide Activity Measurement.
1,359,530 Improved Reactor Safety Spray Solution.
1,359,981—Horizontal Vehicle Mounted Omnidirectional Loop Antenna Having a Shorting Stub.
1,360,149—Sodium Leak Detector.
1,360,151—Digital Radiation Dosimeter With Improved Integrating Pulse Ionization Chamber.
1,360,341—Method for Reducing the Oxygen in Certain Actinide Oxides to Less Than Stoichiometric Levels.
1,360,806—Laminar Flow Cell.
1,360,945—Method for the Purification and Recovery of Tributyl Phosphate Used in Reprocessing Nuclear Fuel.
1,361,366—Removal of Organic and Inorganic Iodine From a Gaseous Atmosphere.
1,363,176—A Hemodialyzer With an Accordian-Like Folded Membrane.
1,363,198—Production of Porous Metal Fluoride Pellets.
1,363,794—Compact Dialyzer.
1,364,198—Electromagnetic Disturbance Neutralization Radiation Detector.
1,364,331—Continuous Flow Liquid Centrifuge Characterized by Low Pressure Drop.
1,365,008—Sintering of Compacts of UN. (U,PU)N. and PuN.
1,366,158—Multiple Lens Camera for Obtaining Time-Sequential Images.
1,366,411—High - Transition - Temperature Subconductors in the Nb-Al-Ge System.
1,366,412—High - Transition - Temperature Subconductors in the Nb-Al-Ge System.
1,367,037—Oscillating Monitor for Fissile Material.
1,367,972—Anhydrous Hydrogen Fluoride Electrolyte Battery.
1,368,378—Ferroelectric-Type Optical Filter.
1,369,275—Nuclear Fuel Debris Retention Structure.
1,370,257—Superconductive Material and Method of Manufacture.
1,370,753—Filament Support Structure for Large Electron Guns.
1,371,448—Recovery of Purified Helium or Hydrogen from Gas Mixtures.
1,371,465—Rotor for Multistation Photometric Analyzer.
1,372,489—Plutonium Dissolution and Plutonium Alkoxide Product.
1,372,977—Adjusting Ferroelectric Ceramic Characteristics During Formation Thereof.
1,373,025—Electrical Surge Diverting Connector.
1,373,896—Preparation of $^{238}PU^{16}O_2$.
1,376,408—Reaction End-Point Recorder for Use With a Rotary Analytical Photometer.
1,376,431—Compact Laser Amplifier System.
1,380,035—Bifilar Helical Multiwire Proportional Chamber.
1,380,756—Multisensor Particle Sorter.
1,381,412—Method for Loading Resin Beads.

BRITISH PATENT APPLICATIONS

1051/74—Formaldehyde Based Disinfectants.
13505/74—Automated Sample-Reagent Loader.

HOLLAND

DUTCH PATENT APPLICATIONS

74/04,970—Automated Sample-Reagent Loader.

INDIA

INDIAN PATENT APPLICATION

692/Cal/74—Automated Sample-Reagent Loader.

ISRAEL

ISRAELI PATENT

39,168—High-Transition-Temperature Subconductors in the Nb-Al-Ge System.

ISRAELI PATENT APPLICATION

44,583—Automated Sample-Reagent Loader.

ITALY

ITALIAN PATENTS

866,563—Parallel Flow Hemodialyzer.
893,865—Parallel Flow Hemodialyzer.
963,770—Oscillating Monitor for Fissile Material.
964,408—Electromagnetic Disturbance Neutralization Radiation Detector.
967,429—Compact Dialyzer.
968,666—Sodium Leak Detector.
968,945—Ferroelectric Ceramic Longitudinal Electrooptic Scattering Mode Devices.
969,796—A Hemodialyzer With an Accordian-Like Folded Membrane.
971,324—Loading Disk for Photometric Analyzer of Rotary Cuvette Type.
971,413—Nuclear Fuel Debris Retention Structure.

ITALIAN PATENT APPLICATIONS

19,899 A/74—Formaldehyde Based Disinfectants.
21,381 A/74—Automated Sample-Reagent Loader.

JAPAN

JAPANESE PATENTS

704,349—A Scanning Electron Microscope.
716,135—Production of Metal Resistant to Neutron Irradiation.
717,152—A Method for Recovering Polonium-210 From Bismuth.
719,832—Nuclear Reactor Containment System for Metropolitan Sites.
722,058—A Universal Planar X-Ray Resonator.
725,094—Method for Preparing Stable Urania-Plutonia Sols.
728,796—Method for Preparing Stable Urania-Plutonia Sols.

728,827—Apparatus for Applying Liquid to the Interior of a Vessel.
731,290—Vessel for a Sodium-Cooled Reactor.
734,469—Multistation, Single Channel Analytical Photometer and Method of Use.
737,118—Ion Exchange Process for Recovering Americium and Curium.
737,119—Process for Making Carbon and Graphite Structures From Indene Derivatives.
738,553—Perroelectric Ceramic Materials.
743,627—Rotary Engine Compensating Eccentric.
743,643—Single Acting Follower Heart Assist Device.
1,037,304—Liquid Centrifuge for Large-Scale Virus Separation.
1,040,150—Air Sampling Method and Apparatus.

JAPANESE PATENT APPLICATIONS

29738/69—Parallel Flow Hemodialyzer.
85203/71—Solid Filters.
51811/72—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
91381/72—Compact Dialyzer.
12674/74—Formaldehyde Based Disinfectants.
42105/74—Automated Sample-Reagent Loader.

MEXICO

MEXICAN PATENT

127,475—A Hemodialyzer With an Accordian-Like Folded Membrane.

MEXICAN PATENT APPLICATIONS

148,902—Formaldehyde Based Disinfectants.
150,549—Automated Sample-Reagent Loader.

NORWAY

NORWEGIAN PATENT APPLICATIONS

2169/70—Parallel Flow Hemodialyzer.
2772/72—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
3266/72—Compact Dialyzer.
0267/74—Formaldehyde Based Disinfectants.
1324/74—Automated Sample-Reagent Loader.

PORTUGAL

PORTUGUESE PATENT APPLICATION

61,735—Automated Sample-Reagent Loader.

SOUTH AFRICA

SOUTH AFRICAN PATENT

73/2787—Production of Uranium Metal.

SPAIN

SPANISH PATENT APPLICATIONS

422,605—Formaldehyde Based Disinfectants.
425,009—Automated Sample-Reagent Loader.

SWEDEN

SWEDISH PATENTS

362,356—Method of Removing Radioiodine Values From a Gaseous Medium.
362,505—Photochromic Radiation Dosimeter.
364,572—Multiremanent Ferroelectric Ceramic Optical Device.
364,593—Two-Dimensional Position-Sensitive Radiation Detector.
365,617—Stimulated Exoelectron Emission Dosimeters.
365,981—Closed Fluid System Pressurization.
367,061—Improved Multistation Analytical Photometer and Method of Use.
367,255—Radiation Monitor with Background Compensation.
368,669—Self-Adaptive Welding Torch Controller.
368,881—Electrochemical Cell.
369,811—Electronically Switched Dynamic Brake for a D.C. Motor.
369,965—Electrochemical Air Pollution Monitoring Device and Method of Use Thereof.
370,326—Scavengers for Radioactive Iodine.
370,876—Centrifuge Separator.

SWEDISH PATENT APPLICATIONS

7334/72—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
11398/72—Compact Dialyzer.
762-6/74—Formaldehyde Based Disinfectants.
4747-3/74—Automated Sample-Reagent Loader.

SWITZERLAND

SWISS PATENTS

511,622—Parallel Flow Hemodialyzer.
545,749—Process for Producing Sintered Diamond Compact and Products.
549,209—Rotor for Multistation Photometric Analyzer.
549,797—Loading Disk for Photometric Analyzer of Rotary Cuvette Type.
556,678—Compact Dialyzer.

SWISS PATENT APPLICATIONS

1225/74—Formaldehyde Based Disinfectants.
4628/74—Automated Sample-Reagent Loader.

RUSSIA

RUSSIAN PATENT APPLICATION

2031184/26-25—Automated Sample-Reagent Loader.

Copies of the foreign patents can be purchased from the respective foreign patent offices. Copies of the foreign patent applications can be purchased from ERDA for thirty cents ($0.30) per page. When ordering copies of a foreign patent or foreign patent application it is necessary to identify the specific number and title of the patent or patent application.

Application forms for, inquries as to, and requests for a license should be directed to the Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C., 20545. Each application for a license should be accompanied by a ten dollar ($10.00) processing fee payable to the U.S. Energy Research and Development Administration.

Dated at Washington, D.C. this 20th day of March, 1975.

For the U.S. Energy Research and Development Administration.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.75-7705 Filed 3-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/213, FRL 349-5]

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 May 26, 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 on or before May 26, 1975, 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 May 26, 1975.

Dated: March 18, 1975.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED [OPP-32000/213]

EPA File Symbol 14651-RI. Agricultural Enterprises, Box 0, Fremont NB 68025. AGRI-BON AQUA 50 A 50-percent WETTABLE POWDER WITH RABON. Active Ingredients: 2-chloro-1-(2,4,5-trichloro phenyl) vinyl dimethyl phosphate 50.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA Reg. No. 264-172. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. PENAMINE LIQUID HERBICIDE. Active Ingredients: Amitrole (3-amino-1,2,4-triazole) 3.6 percent; Ammonium salt of 2,3,6-trichlorophenylacetic acid 6.4 percent; Atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) 10.9 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 5481–RIA. Amvac Chemical Corp., 4100 E. Wash. Blvd., Los Angeles CA 90023. ALCO TOMATO HOLD. Active Ingredients: Para-Chlorophenoxyacetic Acid 0.008 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1660–IN. Chemical Specialties Co., Inc., 51–55 Nassau Ave., Brooklyn NY 11222. VAM-O FORMULA #3 READY-TO-USE RAT AND MOUSE BAIT. Active Ingredients: 2-[(p-chlorophenyl) phenylacetyl]-1,3-indandione 0.005 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 7173–RAU. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. ROZOL RAT AND MOUSE ACTIVATED KILLER. Active Ingredients: 2-[p-chlorophenyl phenylacetyl]-1,3-indandione 0.005 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 4829–LE. Coastal Chemical Co., Div. of Coastal Industries, Inc., 190 Jony Dr., Carlstadt NJ 07072. ALGI-KLEER ALGAECIDE LIQUID. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) Dimethyl Benzyl Ammonium Chlorides 4.2 percent; n-Dialkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) Methylbenzyl Ammonium Chlorides 0.8 percent; Sodium Carbonate 2.5 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 7273–RUO. Crown Chemicals, 4995 N. Main St., Rockford IL 61101. CROWN CLEAN SWEEP HERBICIDE. Active Ingredients: Sodium Cacodylate 6.74 percent; Dimethylarsinic acid (Cacodylic Acid) 1.17 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1203–LN. Delta Foremost Chemical Corp., 3915 Air Park St., Memphis TN 38118. DELTA FOREMOST 4955–ES WEED ZAPPER. Active Ingredients: Petroleum Distillate 92.78 percent; n-Butyl Alcohol 5.00 percent; Bromocil (5-bromo-3-sec-butyl-6-methyluracil) 1.00 percent; Pentachlorophenol 1.00 percent; Other Chlorophenol 0.12 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA Reg. No. 352–375. E. I. duPont de Nemours and Co. (Inc.), Biochemicals Dept., Wilmington DE 19898. DU PONT LEXONE METRIBUZIN WEED KILLER. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50 percent. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 10638–I. Farm & Ranch Supply Co., 7890 E. 11th, Tulsa OK 74112. FARM AND RANCH BLOSSOM SPRAY. Active Ingredients: Parachlorophenoxyaceticacid 0.0066 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1486–EE. Ferro Chemical Corp., PO Box 46349, Bedford OH 44146. MICRO–CHEK 14. Active Ingredients: Dichlorophene [2,2' - methylenebis - (4-chlorophenol)] 100 percent. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 2517–RI. Geisler Pet Products, Inc., 3902 Leavenworth St., Omaha NB 68105. CAT FLEA AND TICK POWDER. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 2517–RT. Geisler Pet Products, Inc., 3902 Leavenworth St., Omaha NB 68105. DOG FLEA AND TICK POWDER. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 4931–RGA. Good–Life Chemicals, Inc., PO Box 687, Good–Life Dr., Effingham IL 62401. GOOD–LIFE CLEAN SWEEP A GRASS AND WEED KILLER. Active Ingredients: Disodium methanearsonate anhydrous 0.80 percent; Lithium salt of bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.48 percent; 2,4-Dichlorophenoxyacetic acid, sodium salt anhydrous 0.39 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 35049–R. Grand Laboratories, Inc., 2450 W. Grand Ave., Chicago IL 60612. GRAND ALGAECIDE. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 5 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 869–RLA. Green Light Co., PO Box 16192, San Antonio TX 78246. GREEN LIGHT VAPAM SOIL FUMIGANT. Active Ingredients: Sodium methyl dithiocarbamate 32.7 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 5905–UUE. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA SURGE GROWTH STIMULANT. Active Ingredients: Dinoseb (2-sec-butyl-4,6-dinitrophenol) 2.5 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 334–URI. Hysan Corp., 919 W. 38th St., Chicago IL 60609. B–SPRA GERMICIDAL SPRAY & WIPE CLEANER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) Dimethyl Benzyl Ammonium Chlorides 0.080 percent; n-Alkyl (50 percent C12, 30 percent C14, 17 percent C16, 3 percent C18) Dimethyl Ethylbenzyl Ammonium Chlorides 0.80 percent; Sodium Metasilicate 0.255 percent; Tetrasodium Salt of Ethylenediaminetetraacetic Acid 0.152 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 407–GON. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL 8 percent ZINEB DUST. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 8.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 407–GOR. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL SEED POTATO TREATMENT. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 8.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 1744–RE. Jones Chemicals Inc., 100 Sunny Sol Blvd., Caledonia NY 14423. SUNNY SOL BROM-O-RINGS FOR SWIMMING POOLS. Active Ingredients: Trichloro-S-Triazinetrione 96 percent; Sodium Bromide 2 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 1744–RG. Jones Chemicals Inc., 100 Sunny Sol Blvd., Caledonia NY 14423. SUNNY SOL BROM-O-RINGS 45 FOR SWIMMING POOLS. Active Ingredients: Trichloro-S-Triazinetrione 96 percent; Sodium Bromide 2 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 36480–R. Macco, PO Box 598, Middletown OH 45042. MACCO DIURON TECHNICAL. Active Ingredients: Diuron [3-(3,4-Dichlorophenyl)-1,1-Dimethylurea] 97.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 1021–RGUT. McLaughlin Gormley King Co., 8810 Tenth Ave., N. Minneapolis MN 55427. PYROCIDE BOOSTER CONCENTRATE 7235. Active Ingredients: Pyrethrins 2.00 percent; Piperonyl butoxide, technical [Equivalent to 13.34 percent (butylcarbityl) (6-propylpiperonyl) ether and 3.33 percent related compounds] 10.00 percent; Petroleum distillate 45.12 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 20375–RE. Nutmeg Chemical Co., 125 Market St., New Haven CT 06513. NUTMEG NC–71. Active Ingredients: Sodium 2,4,5-Trichlorophenate 8.5 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 20375–RG. Nutmeg Chemical Co., 125 Market St., New Haven CT 06513. NUTMEG NC–72. Active Ingredients: Sodium 2,4,5-Trichlorophenate 17 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 7001–ERE. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. BEST TURF FUNGICIDE 50 W. Active Ingredients: 4,6-Dichloro-*N*-(2-chlorophenyl)-1,3,5-triazin-2-amine 50 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 7001–ERG. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. BEST TURF FUNGICIDE 3G. Active Ingredients: 4,6-Dichloro-N-(2-chlorophenyl-1,3,5-triazin-2-amine 3 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 9605–L. Philadelphia Quartz Co., PO Box 840, Valley Forge PA 19482. FABRI–STAPH II. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 11.2 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 11.2 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 9349–I. Precision Laboratories, Inc., PO Box 12, Northbrook IL 60062. RAVAGE—NON-SELECTIVE VEGETATION KILLER. Active Ingredients: Prometon 2,4-bis (isopropylamino) 6-methoxy-s-triazine 3.73 percent; Petroleum distillate 80.91 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 3573–32. Proctor & Gamble Co., 11530 Reed Hartman Highway, Cincinnati OH 45241. OFF-SHOOT-T 85 HIGH ACTIVE FORMULA. Active Ingredients: Fatty Alcohols (C6-0.5 percent, C8-42 percent, C10-56 percent, C12-1.5 percent) 85 percent. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 10290–ET. Professional Chemical Co., Inc., PO Box 94071, 4517 Yale, Houston TX 77018. PROFESSIONAL HY KILL CONCENTRATED HERBICIDE. Active Ingredients: Sodium Cacodylate 3.47 percent; Dimethylarsinic Acid (Cacodylic Acid) 0.60 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA Reg. No. 359-564. Rhodia Inc., Agr. Div., PO Box 2009, 23 Belmont Dr., Somerset NJ 08873. BUCTRIL. Active Ingredients: Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) 33.8 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 359-601. Rhodia Inc., Agr. Div., 23 Belmont Dr., Somerset NJ 08873. BRONATE. Active Ingredients: Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) 31.7 percent; Isooctyl ester of 2-methyl-4-chlorophenoxyacetic acid 34.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 70-ENT. Rico Co., 1200 Fort Wayne National Bank Bldg., Fort Wayne IN 46802. KILL-KO RAT BLUES-D THRO PAC. Active Ingredients: Sodium Salt of Diphacinone (2-diphenylacetyl-1,3-Indandione) 0.0053 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 9779-EEG. Riverside Chemical Co., PO Box 171199, Memphis TN 38117. RIVERSIDE ANT BAIT. Active Ingredients: Dimethyl (2,2,2,-Trichloro-1-Hydroxyethyl) Phosphonate 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 11350-RN. Standard Paint & Varnish Co., PO Box 826, Harvey LA 70058. MARINE COATINGS 635 ALUM-A-TOX ANTI-FOULING BLUE. Active Ingredients: Tributyltin Flouride 7.5 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 11214-EU. Target Chemical Co., 17710 Studebaker Rd., Cerritos CA 90701. TARGET NIX ICE PLANT WEEDS. Active Ingredients: Magnesium Chloride Hexahydrate, MG CL2-6H20 64.76 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA Reg. No. 148-797. Thompson-Haywood Chemical Co., PO Box 9383, Kansas City KS 66140. T-H TECHNICAL CASORON. Active Ingredients: Dichlobenil (2,6-dichlorobenzonitrile) 99.5 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 623-UN. United Chemical Co., Inc., 5050 E. 52nd St., Kansas City MO 64130. UNITED HOSPITALS. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 6.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 6.25 percent; Tetrasodium ethylenediamine tetraacetate 3.60 percent. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1769-EAT. National Chemsearch, Div. of USACHEM, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 1.0 percent; Aromatic Petroleum Derivatives 0.6 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 7401-EAL. Voluntary Purchasing Groups, Inc., Box 460, Bonham TX 75418. FERTI-LOME HOME GARDEN BUG BAIT. Active Ingredients: Carbaryl (1-Naphthyl N-Methyl-carbamate) 4 percent; Methaldehyde 1 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 7401-EAN. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. HI-YIELD DECIMATE CONCENTRATE PLUS SURFACTANT. Active Ingredients: Monosodium Acid Metanearsonate 52 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM23

Republished Items

The following are corrections to the list of Applications Received published in the Federal Register February 19, 1975 (40 FR 7129).

EPA File Symbol 6811-UO. Research Prod. Co., 2423 Merrell Rd., Dallas TX 75229. DEFENSE RESIDUAL INSECTICIDE. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500 percent; Pyrethrins 0.052 percent. * * *. Originally published as Pyrethrins 0.52 percent.

EPA File Symbol 11350-RR. Standard Paint & Varnish Co., PO Box 826, Harvey LA 70058. STAN-GARD MARINE COATINGS 639 ALUM-A-TOX ANTI-FOULING WHITE. Originally published as STAN-GARD MARINE COATINGS 693.

The following is a correction to the list of Applications Received published in the Federal Register February 24, 1975 (40 FR 7964).

EPA File Symbol 1941-IN. Elco Manufacturing Co., 111 Third St., Pittsburgh PA 15215. ELCO VEGETATION KILLER EC. Active Ingredients: 2,4-bis (isopropylamino) 6-methoxy-s-triazine 3.73 percent; Petroleum distillate 80.91 percent. Method of Support: Application proceeds under 2(c) of interim policy. PM25

The following are corrections to the list of Applications Received published in the Federal Register February 27, 1975 (40 FR 8380).

EPA File Symbol 10200-EA. Professional Chemical Co., Inc., 4517 Yale, Houston TX 77018. DEEP SOUTH PUFFY POWDER. Method of Support: Application proceeds under 2(c) of interim policy. PM12 Method of Support not published in citation.

EPA File Symbol 1029-REA. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. ETHEX ETHION-4E MITICIDE-INSECTICIDE EMULSIBLE CONCENTRATE. Originally published as EPA File Symbol 1020-REA.

EPA File Symbol 201-GIN. Shell Chemical Co., 1025 Conn. Ave., NW, Suite 200, Washington DC 20036. BLADEX HERBICIDE AQUPOUS SLURRY. Product name not published in citation.

[FR Doc.75-7594 Filed 3-24-75;8:45 am]

[FRL 349-6]

SOUTH CAROLINA

Control of Discharges of Pollutants To Navigable Waters; Second Public Hearing and Request for Approval of Program

A second public hearing to consider the request of the State of South Carolina for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. 1251-1376 (Supp. 1973) (hereinafter, the "Act"), will be held on April 23, 1975, at 10 a.m., at Peeples Auditorium, Third Floor, J. Marion Sims Building, 2600 Bull Street, Columbia, South Carolina 29201.

An earlier public hearing to consider the South Carolina permit program was held on March 5, 1975, at 10 a.m. at the above address. Notice of this hearing appeared in the February 4, 1975, Federal Register (40 FR 5190). However, no prior notice of the March 5 hearing was published in South Carolina newspapers nor were such notices mailed in advance to persons known to be interested. Therefore, the above second public hearing will be held to ensure that interested persons who did not receive notice of the March 5 hearing have an opportunity to comment with respect to South Carolina's permit program. Notice of the latter hearing will be published in South Carolina newspapers and mailed to persons known to be interested at least 30 days in advance of the hearing. All comments received during both hearings and all written comments received by April 30, 1975, will be made part of the record and will be considered by EPA before taking final action on the South Carolina Request for State Program Approval.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to ensure that the Administrator, the public, or any other affected States, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's Guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in 40 CFR Part 124 in the Federal Register on December 22, 1972 (37 FR 28390).

The State of South Carolina proposed that the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, operate the NPDES program.

The Governor's request and the program description may be inspected at the offices of the South Carolina Department of Health and Environmental Control at the above address, or at the Regional Office of the United States Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Georgia 30309 (404) 526-5727.

The public hearing panel will consist of the Administrator, or his representative, who will serve as the presiding officer; the Deputy Commissioner for Environmental Quality Control, or his representative; and the Regional Administrator, Region IV, or his representative.

All interested persons wishing to attend, to comment upon, or to support or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by April 30, 1975, either in person or by mail to the Regional Office of the United States Environmental Protection Agency at the above address.

Oral statements will be received and considered but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

The hearing record will be left open for a period of seven days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

All comments or objections presented at the March 5, 1975, hearing, presented at the April 23, 1975, public hearing, or received by April 30, 1975, will be considered by EPA before taking final action on the South Carolina Request for State Program Approval.

RICHARD H. JOHNSON,
Acting Assistant Administrator for Enforcement.

MARCH 19, 1975.

[FR Doc.75-7604 Filed 3-24-75;8:45 am]

[FRL 348-6]

DISCHARGE OF POLLUTANTS: REGION IV

Administrative Order

In accordance with section 101(a) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1211 (a)), which encourages public participation in the enforcement of any plan established by the Administrator, notice is hereby given that an agreement has been reached between Jack E. Ravan, Regional Administrator, Region IV, and the International Paper Realty Corporation concerning certain property in Georgetown County, South Carolina. The agreement allows International Paper Realty Corporation to:

1. Construct a dike encompassing approximately seven (7) acres of land including three (3) acres, more or less, of salt barren and approximately four (4) acres of wetland vegetated predominantly by sea oxeye, *Borrichia frutescens;* glasswort, *Salicornia sp.;* and saltmarsh fimbristylis, *Fimbristylis sp.* with the southeast corner being fringed by black needlerush, *Juncus roemerianus.* The dike will be constructed inside and along the western boundary of the salt barren.

2. Excavate 4-acre lake within the black needlerush marsh fringe at the diked area stated above while leaving the southeast corner and the island of high ground within the present salt barren as a natural area.

3. Widen the north and south segments of the above referenced dike to maximum widths of 300 and 150 feet, respectively, for a distance of 450 and 350 feet, respectively, from the high ground for the purpose of road access and parking area for associated pile supported housing.

4. Excavate a 22-acre lake with accompanying 8.3-acre island in the freshwater area presently behind the existing dike located approximately 3600 feet (measuring through the center of the marsh) north of Litchfield Boulevard.

5. Widen the existing dike in paragraph 4 to the north side while not infringing upon the salt marsh on the south side of the dike.

6. Construct a road or dike generally located at the head of the freshwater area near the Corporation's northern property boundary for the purpose of access to the island created in paragraph 4 and continuing as access to the beach. Such road will be constructed so as not to impede drainage from adjacent property to the north.

7. Establish a salt marsh preserve totaling approximately 68 acres.

8. Install a water control structure connecting the proposed 22-acre lake to the existing tidal creek south of the lake dike.

9. Perform management and operation of the lake in cooperation with the United States Fish and Wildlife Service and the South Carolina Marine Resources Department.

The United States Environmental Protection Agency, Region IV, will receive, on or before April 4, 1975, written comments relating to the agreement. Comments should be addressed to Director, Water Enforcement Division, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309, and refer to AO No. 75-69(W).

The order may be examined at the office of the United States Environmental Protection Agency, Region IV, at the above-referenced address; Corps of Engineers, U.S. Army Engineer District, Charleston, Post Office Box 919, Charleston, South Carolina 29402, and the U.S. Fish and Wildlife Service, Post Office Box 12559, Charleston, South Carolina 29412. A copy of the order may be obtained in person or by mail from the United States Environmental Protection Agency, Region IV, office.

Dated: March 14, 1975.

JOHN C. WHITE,
Deputy Regional Administrator, Region IV.

[FR Doc.75-7835 Filed 3-24-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSTRUCTION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Construction Advisory Committee will meet Tuesday, April 15, 1975 at 10 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th & 14th Street NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to the interests and problems of the construction industry as they relate to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

1. Critique on Administration's Energy Program
2. Critique of FEA's Conservation Program
3. Recomendations on FEA's Proposal for a Central Governmental Clearing House of Major Energy Projects

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from The Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on March 20, 1975.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.75-7673 Filed 3-24-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP71-7, et al. and RP66-25]

ALABAMA-TENNESSEE NATURAL GAS CO.

Refund Flow-Through of Supplier Refunds

MARCH 17, 1975.

Take notice that Alabama-Tennessee Natural Gas Co. (Ala-Tenn) on December 9, 1974, tendered for filing a report that it has refunded $176,220 to its jurisdictional customers, as the flow-through of the jurisdictional portion of $398,750 (including interest) of refunds received from the supplier, Tennessee Gas Pipeline Co. in Docket Nos. RP71-57 and

RP72-51, applicable to the period January 10, 1971 through July 15, 1973. Ala-Tenn indicates that no interest was added to the amount of refunds flowed through since none is required under Commission orders in the above entitled proceedings.

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 March 28, 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.75-7625 Filed 3-24-75;8:45 am]

[Docket No. CP74-239]

ALASKAN ARCTIC GAS PIPELINE CO.

Supplements To Application

MARCH 18, 1975.

Take notice that on March 3, 1975, Alaskan Arctic Gas Pipeline Co. (Applicant), Suite 230, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006, filed in Docket No. CP74-239 the fourth and fifth supplements to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act all as more fully set forth in the supplements which are on file with the Commission and open to public inspection. The fourth supplement contains a statement of the consequences of changing the size of pipe used in Applicant's proposed pipeline system from 48 to 42 inches in diameter and the fifth supplement contains Exhibit H (Parts iii and v) (Gas Supply Data) and Exhibit I (Market Data), in compliance with §§ 157.14(a)(10) (iii) and (v) and 157.14(a)(11), respectively, of the Commission's regulations under the Natural Gas Act (18 CFR 157.14(a)(10) (iii) and (v) and (11)), and a statement of the effect upon the United States economy of the proposals advanced in the subject application.

By its application in the subject docket filed March 21, 1974,[1] Applicant seeks a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the Prudhoe Bay area on the North Slope of Alaska, eastward for approximately 195 miles to a point of interconnection at the Canadian border with the proposed facilities of Canadian Arctic Gas Pipeline Limited (CAG) for the account of various contract shippers. Applicant did not accompany said application with certain required exhibits including Exhibit H (Parts iii and v) and Exhibit I. Applicant states that the inclusion of these two exhibits in its fifth supplement completes the list of required exhibits to be filed with the subject application.

With regard to gas supply, Applicant explains that as a proposed contract carrier of natural gas it will not purchase any gas. Instead, gas to be shipped over its facilities is to be purchased by eight different companies,[2] or their affiliates, who have sought or will seek Commission authorization for the exportation and importation of such purchases through application pursuant to Section 3 of the Natural Gas Act.

In Exhibit I, Applicant states that it has no transportation sales to date, but it is informed that there are many companies desirous of contracting with Applicant to transport their purchased gas. Applicant further states that, if certificated, it will be the basic transporter of gas from the Alaskan North Slope and that in view of the great need for natural gas it proposes to transport the maximum amount of gas now estimated to be available to Applicant in its service area. Applicant claims to have based its present facilities and operations planning on the receipt, transportation and delivery of the following gas volumes:

Operating year	Annual volumes (millions of cubic feet)	Maximum peak day volumes (millions of cubic feet)
1	[1] 914,500	2,099
2	730,500	2,274
3	821,810	2,548
4	821,810	2,548
5	821,810	2,548
6	821,810	2,548

[1] 15 months.

Applicant states that its customers will be primarily pipeline companies which do not serve residential or commercial customers. Applicant proposes to serve its customers with a single class of transportation service.

Applicant claims generally that the proposed Alaskan-Canada-U.S. pipeline will promote the U.S. economic welfare while simultaneously increasing energy independence. Applicant alleges that both absolutely and relatively the proposed Alaskan-Canada-U.S. pipeline is desirable when evaluated from the perspective of the following economic criteria:

(1) Need for domestic energy, especially natural gas,
(2) Alternative costs to Alaskan gas,
(3) Alternative costs to overland transmission of Alaskan gas,
(4) Effect upon U.S. balance of payments, and
(5) Effect upon U.S. economy.

In support of its allegations Applicant states all of the following:

Recent acceleration of total energy consumption aggravated by a sharp deceleration in the growth of the natural gas supply gave rise to greater dependence upon oil for energy and, in turn, a greater dependence upon imported OPEC (Organization of Petroleum Exporting Countries) oil. The devastating economic impact on importing countries of the increase in price of OPEC oil demonstrates the need for energy independence. For without alternative sources of energy OPEC has no economic incentive to reduce prices in the foreseeable future.

Alaskan gas represents the largest single domestic source known to be available and accessible. Although the cost of Alaskan gas will be high by past standards, it will be competitive on a cost-per-Btu basis with OPEC oil (equivalent to about $2.14 per Mcf of natural gas). Furthermore, Alaskan gas will be a more reliable source of energy at a more predictable price in a form that is in short supply.

Were it not for the fact that the pipeline had to traverse two countries a large dimension, overland pipeline would be the most efficient, reliable and economical means of transporting Alaskan gas to U.S. markets. To avoid transporting Alaskan gas through Canada, however, an alternative method of transportation has been proposed. Under the alternative proposal North Slope Alaskan gas would be transported south through Alaska via a trans-Alaskan gas pipeline, liquefied, transported by tanker to California, regasified and then delivered to U.S. markets by means of new facilities and/or gas displacement.

The overland pipeline is the more advantageous alternative. Transmission energy of overland pipeline is expected to consume 10 percent of the gas produced, whereas a transmission process which entails gas liquefaction will consume from 18-29 percent of the gas produced depending upon the means of transporting the liquefied natural gas (LNG). Also, under the LNG alternative MacKenzie Delta area gas would be without access to a market because by present estimates the volumes there are too small by themselves to justify pipeline construction. The alternative, to carry such gas from Canada through Alaska to California and then back into Canada appears uneconomical. To the extent the overland pipeline alternative stimulates MacKenzie Delta area production for use in Canadian markets there will be less pressure for Canada to divert gas presently exported from Canada to the U.S. Furthermore, the existence of a pipeline through the U.S. and Canada will stimulate exploration in areas adjacent to the pipeline for further reserves (estimated at a potential of more than 100 billion Mcf) which might be transported at a low incremental cost. Finally, it is less expensive per

[1] The application was noticed in the FEDERAL REGISTER on April 15, 1974 (39 FR 13590).

[2] Columbia Gas Transmission Co., Michigan Wisconsin Pipeline Co., Natural Gas Pipeline Company of America, Northern Natural Gas Co., the Pacific Lighting Company System, the Pacific Gas and Electric Company System, Panhandle Eastern Pipeline Co. and Texas Eastern Transmission Co.

Mcf to transport the Alaskan gas to any point in the U.S. by overland pipeline than by LNG tanker.

Over the 10-year period 1976–1985, there will be a total accumulated current account balance of payments surplus of about $4.4 billion and a total accumulated capital account deficit of about $1.1 billion. Although the projected balance of payments effects are not large relative to the total U.S. balance of payments, they weight in favor of the subject application's proposal.

The construction of the proposed overland pipeline will create a total estimated demand for U.S. materials and labor of about $4.8 billion, much of which will be spent within three years after construction begins. This will have the effect of stimulating the U.S. economy and mitigating rising unemployment. This concludes the summary of Applicant's description of the national economic effect of its proposal.

Although the information submitted in the subject application heretofore has presumed the construction of a 48-inch pipeline, Applicant states that it has not determined whether it would be more desirable to install 42-inch pipeline instead. Applicant states that it may yet propose such a change. Accordingly, Applicant submits in its fourth supplement the consequences of using 42-inch pipeline and the amendments to the subject application that such proposal would necessitate. Applicant states that the specific exhibits for which such amendments are necessary are Exhibits F, F-IV, G, K, L, N, and P.

Exhibit F (Location of Facilities)—Applicant states that the utilization of a 42-inch diameter main line pipe would not alter the pipeline alignment or the location of any auxiliary facilities except that the measurement station at the system outlet would be relocated from compressor station CA-05 to compressor station CA-04. Applicant further states that compressor stations would be required on a 42-inch pipeline system during the first five operating years, which is not true of a 48-inch line.

Exhibit F-IV (Environmental Report)—Applicant states that the Environmental Report would be unchanged except for minor amendments by a change to utilize 42-inch pipeline.

Exhibit K (Cost of Facilities)—Based upon the same assumptions outlined in Exhibit K heretofore filed, Applicant states that if the main line were resized to 42-inch diameter and the resultant necessary compression and refrigeration facilities were added, total in-service construction costs (including allowance for funds used during construction) would approximate $598.2 million (as opposed to an estimated $592.0 million under the 48-inch pipeline design).

Exhibit N (Revenues, Expenses and Income—The application indicates that under the alternate 42-inch pipeline design Applicant will generate revenues of $139.7 million in 1981, its first full year of operations, declining to $111.2 million in 1986.

Exhibit L (Financing)—Applicant states that adoption of an alternative system design and the consequent change in capital costs would require amendments to its pro forma statements of cash flow, its pro forma balance sheets and its pro forma statements of income and retained earnings.

Exhibit P (Tariff)—Applicant states that its proposed tariff would be unchanged under the alternative 42-inch pipeline design but that its financial statement would be affected to the extent costs differ.

Any person desiring to be heard or to make any protest with reference to said supplements should on or before April 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.

Persons who have heretofore filed protests, petitions to intervene, or notices of intervention in the instant docket or in the consolidated proceeding in Docket No. CP75-96, et al., need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-7626 Filed 3-24-75; 8:45 am]

[Docket Nos. AR64-1, etc.]

AREA RATE PROCEEDING ET AL.

Order Directing Disbursement and Flow-Through of Refunds

MARCH 17, 1975.

On September 18, 1970, the Commission issued its Opinion and Order No. 586, establishing just and reasonable rates for jurisdictional sales of natural gas produced in the Hugoton-Anadarko area. (44 FPC 761). Pursuant to ordering paragraph (G) of Opinion No. 586, each respondent owing refunds was required to file with the Commission, with a copy to the purchaser, a refund report showing the amounts required to be refunded and the amount of interest thereon. Pursuant to ordering paragraph (H) of the Opinion the respondents were directed to retain the refund amounts pending and subject to further order of the Commission directing the disposition of those amounts. The above refund provisions were made applicable to numerous previously unconsolidated producer rate dockets by order issued in this proceeding on October 7, 1970. (44 FPC 1166).

By orders issued herein on March 18, 1974, April 8, 1974, and January 23, 1975, Phillips Petroleum Co., Panhandle Producing Co., and Western Natural Gas Co., respectively, were required to disperse their refund monies. We now require the remaining producers in this proceeding to disburse their refund monies.

Once the refund amounts have been disbursed to the respective purchasers, the question arises as to how and to what extent these refunds should be flowed through by the purchasers to their jurisdictional customers. More specifically, it is necessary to determine whether we should entertain claims by purchasers that they are entitled to retain for themselves all or part of the refund amounts.

The concept of "equitable entitlement" of pipeline purchasers to supplier refunds arose previously in the case of Texas Eastern Transmission Corp., 39 FPC 630 (1968) affirmed, Texas Eastern Transmission Corp. v. F.P.C., 414 F.2d 344 (5th Cir. 1969). In that proceeding the argument advanced was that because Texas Eastern paid increased rates to its suppliers during the refund period involved (1961–1964) and did not file tracking rate increases, Texas Eastern had "absorbed" its suppliers' increased rates, and, therefore, had legal and equitable rights to the refunds. While finding that, Texas Eastern could not claim right to the refunds as a matter of law, the Commission afforded Texas Eastern an opportunity through evidentiary hearing to show entitlement to the refunds if it could demonstrate it earned less than a just and reasonable return for the period involved.

On reaching the merits the Commission noted that Texas Eastern had not excepted to the Examiner's conclusion that in each of the three years involved Texas Eastern, in fact, earned substantially more than a reasonable rate of return and accordingly affirmed the Examiner and rejected Texas Eastern's refund entitlement claims. However, the Commission did not discuss or pose the question of the consumer's right to "equitable entitlement" to the refunds which would arise from Texas Eastern's admittedly excessive rates for the 1961–1964 period.

While the Commission took a very strict view of the issue, and indicated that it did not expect to entertain any such claims in the future (id. at 642) nevertheless one sentence in the opinion indicates that under certain limited circumstances, a pipeline could make a claim on supplier refunds. In discussing the circumstances under which such an opportunity would be afforded a pipeline, the Commission stated:

> We wish to make clear that the opportunity which we afforded Texas Eastern here to contend it was entitled to a portion of the refunds, because in the period in question it earned less than a reasonable return, will not be afforded to it or any other pipeline with respect to supplier refund obligations accruing subsequent to the date of this opinion. Moreover, it is only available to those pipelines who actually incurred increased costs as a result of effective supplier rate increases but did not file tracking rate increases.

Thus, by stating that "equitable entitlement" showings would not be afforded to pipelines with respect to refunds accruing subsequent to the date of Opinion No. 540, the Commission, by implication, indicated that "equitable entitlement" proceedings would be in order for refunds applicable to periods prior to Opinion No. 540.

We have given further consideration to the matter of possible pipeline entitlement to supplier refunds, and have concluded that the door to claims such as that made by Texas Eastern should be closed. As previously stated, the Commission found in Opinion No. 540 that neither the letter nor the spirit of the Natural Gas Act requires the Commission to entertain claims of "equitable entitlement" by pipelines to supplier refunds. We now further find that where we are not required to entertain such claims, we should not and will not do so. Consideration of pipeline "equitable entitlement" claims represents, in our view, a misapplication of the provisions of the Natural Gas Act, by permitting a pipeline in effect to file a rate increase application many years after the fact. Accordingly, any and all claims of entitlement by purchasers to the refunds herein ordered or to those previously refunded by Hugoton-Anadarko producers and presently being retained by the purchasers will be denied, and the full amount of refunds applicable to jurisdictional sales will be required to be flowed through by the pipelines to their jurisdictional customers.

We recognize that certain pipelines may have previously negotiated rate settlements approved by the Commission which preserved their right to an "equitable entitlement" showing upon final judicial disposition of the then pending Texas Eastern opinion.[4] While honoring such past Commission commitments we wish to make it clear that any pipeline making such claim whose earnings are found to be excessive shall be ordered to make appropriate refunds of all excessive amounts in addition to the flow-through of the applicable producer refunds. This condition is necessary in order to protect the ultimate consumers of natural gas from excess charges[5] and to provide the "complete, permanent, and effective bond of protection"[6] that Congress intended through enactment of the Natural Gas Act.

The Commission orders: (A) On or before June 1, 1975, each respondent seller owing refunds under Commission Opinion No. 586 shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under ordering paragraph (G) of Opinion No. 586, and the additional interest, if any, under ordering paragraph (H) of Opinion No. 586, (2) disburse the refunds to the purchaser, and (3) file a copy of a release from the purchaser with respect to such refunds.

(B) On or before June 1, 1975, each respondent seller owing refunds under the Commission's order of October 7, 1970, in this docket shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under ordering paragraph (c) of the order of October 7, 1970, and the additional interest, if any, under ordering paragraph (D) of the order of October 7, 1970, (2) disburse the refunds to the purchaser, and (3) file a copy of a release from the purchaser with respect to such refunds.

(C) On or before August 1, 1975, each purchaser shall submit three copies of a plan for the flow-through of the entire amount of refunds herein ordered and those previously refunded by Hugoton-Anadarko producers and presently being retained by the purchaser, applicable to jurisdictional sales, indicating the amount payable to each jurisdictional customer, the basis used to compute the amount payable, the periods involved, and the applicable docket numbers. Copies of the flow-through plans shall be served on each of the purchaser's jurisdictional customers and interested state regulatory commissions.

(D) Upon notification by the Secretary, and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(E) Except as hereinafter provided any and all claims by pipeline purchasers to retain all or any portion of their jurisdictional refunds are hereby denied.

(F) Pipelines having rate settlements approved by the Commission which allow for an "equitable entitlement" showing shall report to the Commission on or before August 1, 1975, whether they intend to pursue such claim.

(G) Any pipeline which elects to pursue its "equitable entitlement" claim pursuant to ordering paragraph (F) above and whose rates after review are found to be excessive, shall be required to refund all excessive amounts in addition to the flow-through of the applicable producer refunds.

(H) Any pipeline which elects not to pursue its "equitable claim" pursuant to ordering paragraph (F) above shall file its plan of refund pursuant to ordering paragraph (C) above.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-7648 Filed 3-24-75;8:45 am]

[4] See e.g. Transwestern's settlement at Docket No. RP67-8 approved by Commission order issued November 14, 1968. (38 FPC 1010)

[5] F.P.C. v. Hope Natural Gas Co., 320 U.S. 591 (1944).

[6] Atlantic Refining Co. v. Public Service Commission, 360 U.S. 378, 388 (1959).

[Docket No. E-8855, E-9037]

BOSTON EDISON CO.

Postponement of Hearing

MARCH 14, 1975.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge, the hearing date in the above-designated matter, fixed by notice issued February 26, 1975, is extended to April 15, 1975, at 10 a.m. (E.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-7627 Filed 3-24-75;8:45 am]

[Docket No. RM75-2]

BUDGET-TYPE APPLICATIONS—GAS PURCHASE FACILITIES

Order Denying Application for Rehearing

MARCH 18, 1975.

On February 18, 1975, Sea Robin Pipeline Co. (Sea Robin) filed in Docket No. RM75-2 an application pursuant to section 19(a) of the Natural Gas Act for rehearing of the Commission's Order No. 522 issued January 16, 1975, in said docket (53 FPC ——). Order No. 522, among other things, amended § 157.7 (b) of the regulations under the Natural Gas Act and § 2.58 of the general policy and interpretations to provide for budget-type gas-purchase facilities at a total estimated cost of 2 percent of the applicant's gas plant (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies) or $12 million, whichever is the lesser. Sea Robin objects to the 2 percent ceiling policy and requests that for companies operating strictly offshore the 2 percent ceiling for companies with a gross plant account in excess of $100,000,000 be eliminated.

Sea Robin states that the 2 percent total budget limitation is discriminatory when applied strictly to offshore pipeline systems and that it favors large natural gas companies whose offshore facilities are simply an extension of their onshore facilities. Sea Robin alleges that the 2 percent limitation defeats the purpose of the new rule since the total cost of installing offshore gathering facilities is very expensive and a single project could cost more than the total budget allowed Sea Robin thereunder. Sea Robin submits that the rules should be for the benefit of all companies and that certain companies, such as Sea Robin, should not be forced to rely on the discretionary grant of a waiver of the Commission's Regulations.

In its filed comments following the notice of this proceeding, Sea Robin made a similar suggestion to eliminate the 2 percent ceiling and the Commission in Order No. 522 found that sufficient justification has not been shown. If good cause can be shown, the Commission stated, a company can be granted a waiver of the cost limitation pursuant to § 157.7(b)(2) of the regulations. In fact, the Commission noted,

Sea Robin was granted such waiver in Docket Nos. CP72-45 and CP73-35, but the amounts actually spent were well within 2 percent of the amount recorded in Sea Robin's Account 101. In the subject application, Sea Robin states that the waiver procedure can afford a company a solution, but it does not guarantee what waiver will be granted. Sea Robin submits that, in fact, in 1974 it requested such a waiver in Docket No. CP74-53 and the Commission denied the request. However, in the order denying that request, the Commission found that Applicant had presented no evidence or study to support the requested waiver and in the order denying reconsideration, the Commission stated that Sea Robin has presented no further justification of waiver.[1]

Budget-type authorizations are for general application to all pipeline companies. Sea Robin states that its gas plant in Account 101 at the end of 1973 was $135,992,178. Under Sea Robin's proposal which would allow a total expenditure of up to $12,000,000, Sea Robin's total expenditure would be equivalent to 8.8 percent of its gas plant Account 101 whereas companies not coming within the requested exception would still be limited to the 2 percent ceiling. Under the current effective regulations, however, as the gross plant of any company increases, it is allowed a proportionately greater total budget expenditure. However, under the present regulations and upon good cause being shown, those companies seeking a variance from the cost limitations applicable to all companies have relief in the waiver provisions provided by § 157.7(b)(2) of the Commission's regulations covering applications for budget-type gas-purchase facilities.

The Commission finds: The Application for rehearing sets forth no facts or principles of law which were not fully considered in Order No. 522 or which, having now been considered, warranted any modification of said order.

The Commission orders: The Application for rehearing of Order No. 522 is denied.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-7649 Filed 3-24-75;8:45 am]

[Docket No. RI75-112]

CERTAIN PRODUCERS AND PIPELINE RESPONDENTS

Extension of Procedural Dates

MARCH 17, 1975.

On March 10, 1975, Shell Oil Company filed a motion for pre-hearing conference and on March 13, 1975 for extension of time for filing testimony as fixed by the order issued February 20, 1975, in the above-designated matter. On March 11, 1975, C & K Petroleum Company filed for clarification and relief. On March 12, 1975, Kerr-McGee Corporation filed a motion for extension of procedural dates and to require identification of reservoirs, and Continental Oil Company filed for extension of time. On March 13, 1975, Burmah Oil and Gas Company filed a motion to change the order of presentation of evidence or in the alternative for extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Pipelines' Testimony, April 11, 1975.
Service of Respondent Producers' Testimony, May 2, 1975.
Hearing, May 20, 1975 (10 a.m. e.d.t.).

All other issues raised by the above-motions remain for further action by the Commission.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7650 Filed 3-24-75;8:45 am]

[Docket No. CP75-240]

COLORADO INTERSTATE GAS CO.

Application

MARCH 18, 1975.

Take notice that on February 20, 1975, Colorado Interstate Gas Co., a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-240 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery on an exchange basis of natural gas to Mountain Fuel Supply Co. (Mountain Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a Gas Purchase and Exchange Agreement dated January 15, 1975, Applicant and Mountain Fuel propose to exchange certain volumes of gas available to Applicant from the Bear Creek area of eastern Wyoming.[1] Applicant states that Mountain Fuel has the option to purchase up to 25 percent of the volumes it receives from Applicant at Applicant's average cost (estimated initially to be 65.85 cents per Mcf adjusted for thermal content) plus 1 cent per Mcf to cover Applicant's gathering costs and that Mountain Fuel is to transport the remaining exchange volumes for Applicant at a rate of 4 cents per Mcf for gathering, transporting and treating the exchange volumes.

Applicant explains the terms of the exchange as follows: Applicant proposes to deliver approximately 2,143 Mcf of gas (at 14.65 psia) per day to Mountain Fuel at a point on Mountain Fuel's Spearhead Ranch gathering system in Converse County, Wyoming. Mountain Fuel will accept such volumes on a firm basis and will transport and deliver such volumes to an existing point of interconnection with the 16-inch pipeline of McCulloch Interstate Gas Corporation (McCulloch) in Converse County. In turn, McCulloch will transport, at the rate of 3.5 cents per Mcf, both the purchased and exchanged volumes for delivery to Applicant at a point of interconnection with Applicant's Powder River Lateral in Converse County. Applicant will then deliver the purchased volumes to Mountain Fuel at an existing delivery point from Applicant's 22-inch Wyoming main line near Green River, Wyoming.

The application indicates that Applicant and Mountain Fuel will attempt to balance the exchange gas monthly, with imbalances carried forward and adjusted as practicable the following month.

Applicant further indicates that the subject exchange will minimize costs to Applicant because the gas available to Applicant from the Bear Creek area is more proximate to Mountain Fuel's system than to Applicant's.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 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 or 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.75-7628 Filed 3-24-75;8:45 am]

[1] See orders issued January 22, 1974 (51 FPC ----), and March 8, 1974 (51 FPC----), in Docket No. CP74-53.

[1] Applicant indicates that the gas available to it from the Bear Creek area is presently purchased from Colorado Oil and Gas Corporation within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29).

[Docket No. CP75-261]

COLORADO INTERSTATE GAS CO.

Application

MARCH 18, 1975.

Take notice that on March 5, 1975, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-261 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery on an exchange basis of natural gas to Montana-Dakota Utilities Co. (MDU), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an Exchange and Gas Purchase Agreement dated January 24, 1975, Applicant proposes to deliver approximately 1,842 Mcf of gas (at 14.65 psia) per day from supplies which it controls in the South Big Coulee Field, Montana, to MDU at a mutually agreeable point on MDU's 8-inch pipeline in Stillwater County, Montana. The application indicates that MDU may purchase up to 25 percent of the volumes received at Applicant's average purchase cost (estimated initially to be 47.22 cents per Mcf adjusted for thermal content) plus 1 cent per Mcf to reflect Applicant's gathering, compression and dehydration costs. MDU will redeliver the volumes not purchased to Applicant at a point on MDU's pipeline in Elk Basin Field, Park County, Wyoming, it is stated. Applicant states that it will pay MDU a transportation charge of 6 cents per Mcf for such redelivered volumes. The application further indicates that the parties will attempt to balance the exchange gas monthly, with imbalances carried forward and adjusted as practicable the following month.

To effect the exchange, Applicant states that it intends to construct a meter setting and about 646 feet of 4-inch pipeline under the budget-type certification requested in Docket No. CP75-204.[1]

The application indicates that the subject exchange will minimize costs to Applicant because the gas available to Applicant in the South Big Coulee Field is more proximate to MDU's system than to Applicant's.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 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.75-7629 Filed 3-24-75;8:45 am]

[1] Notice of the application in Docket No. CP75-204 was published in the FEDERAL REGISTER on January 29, 1975 (40 FR 4343).

[Docket No. CI75-438]

COLEVE

Extension of Procedural Dates

MARCH 14, 1975.

In the matter of Coleve, a Joint Venture composed of Columbia Gas Development Corporation and Energy Ventures, Inc.

On March 13, 1975, Coleve filed a motion to extend the procedural dates fixed by order issued March 7, 1975, in the above-designated matter. The motion states that staff counsel has been notified and has no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Coleve's direct testimony and that of intervenor's supporting application, March 28, 1975.
Service of staff's testimony and that of intervenor's opposing application, April 11, 1975.
Service of company rebuttal, April 16, 1975.
Hearing, April 17, 1975 (10 a.m. E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7630 Filed 3-24-75;8:45 am]

[Docket No. CP75-259]

CONSOLIDATED GAS SUPPLY CORP.

Application

MARCH 18, 1975.

Take notice that on March 4, 1975, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75-259 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing April 1, 1975, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to contract for and attach to its system, with reasonable dispatch, supplies of natural gas which become available adjacent to its system or to the systems of other pipeline companies authorized to transport gas for Applicant or to connect supplies of natural gas authorized to be sold to other gas purchasers.

Applicant further states that the total cost of the proposed facilities will not exceed $4,000,000, the cost of any single onshore project will not exceed $1,000,000, and the cost of any single offshore project will not exceed $2,500,000. Applicant states that the proposed facilities will be financed in part from funds on hand and in part from funds to be obtained from its parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 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 revew 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.75-7631 Filed 3-24-75;8:45 am]

[Docket No. RP72-157; PGA75-6]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MARCH 14, 1975.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on March 4, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective April 1, 1975. Consolidated states that the proposed rate increase would generate $6.5 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Tennessee Gas Pipeline Company for effectiveness March 15, 1975, and Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation, and Transcontinental Gas Pipe Line Corporation, all to be effective April 1, 1975.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on April 1, 1975.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 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.75-7632 Filed 3-24-75;8:45 am]

[Docket No. CP69-295]

EASTERN SHORE NATURAL GAS CO.

Petition To Amend

MARCH 18, 1975.

Take notice that on February 19, 1975, Eastern Shore Natural Gas Co. (Petitioner), 114 East Main Street, Salisbury, Maryland 21801, filed in Docket No. CP69-295 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize Petitioner to sell and deliver 100 Mcf of gas per day to American Hoechst Corporation (Hoechst) in Delaware City, Delaware, and to reduce its authorized daily delivery volume to Stauffer Chemical Co. (Stauffer) by 100 Mcf (from 7050 Mcf to 6,950 Mcf), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

According to the petition, Hoechst is now the owner of a plant which was previously owned by Stauffer to which Petitioner has been rendering service under authority previously issued by the Commission in the instant docket. Petitioner states that Stauffer has agreed to relinquish 100 Mcf per day of its contract supply so long as this gas is needed to fulfill the terms of the natural gas contract between Hoechst and Petitioner. Petitioner further states that the proposed delivery will not require the construction of any new facilities and will not involve any physical change in service.

According to the contract, Hoechst will pay Petitioner a demand charge of $5.938 per Mcf of contract demand per month and a commodity charge of 97.5 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 7, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7633 Filed 3-24-75;8:45 am]

[Docket No. CP75-96]

EL PASO ALASKA CO.

Supplement To Application

MARCH 14, 1975.

Take notice that on March 3, 1975, El Paso Alaska Company (El Paso Alaska), P.O. Box 1492, El Paso, Texas 79978, filed a supplement to its application in Docket No. CP75-96 filed on September 24, 1974,[1] pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and liquefaction facilities in the State of Alaska, and the transportation of natural gas produced in the Prudhoe Bay area of Alaska to markets in the lower 48 states.[2] The instant filing is composed of eleven exhibits required under § 157.14 of the regulations under the Natural Gas Act (18 CFR 157.14) which were either omitted from the application of September 24, 1974, or have been revised. The application, as supplemented, in this docket is on file with the Commission and open to public inspection.

In its application filed on September 24, 1974, in the instant docket El Paso Alaska proposes a project, the Trans-Alaska gas project, designed to make Alaskan gas available to markets in the State of Alaska and in the lower 48 states. El Paso Alaska's Trans-Alaska project contemplates the movement of quantities of Alaskan gas from Prudhoe Bay area by pipeline to Gravina Point, Alaska, where the gas will be liquefied and loaded into liquefied natural gas (LNG) carrier vessels for transportation to Point Conception, California. There the LNG will be offloaded, stored and regasified, utilizing facilities to be constructed and operated by Western LNG Terminal Company (Western Terminal). Following regasification, El Paso Alaska indicates, the Alaskan gas will be transported and delivered, either directly or through displacement, to market areas in the lower 48 states, primarily by utilizing existing natural gas pipeline systems. The total estimated capital cost stated in the application of September 24, 1974, for the transportation components of the Trans-Alaska Project extending from Prudhoe Bay to Point Conception is $5.6 billion.

Exhibit D to El Paso Alaska's supplement indicates that El Paso Alaska is presently a wholly-owned subsidiary of El Paso Projects Development Company which is in turn a wholly-owned subsidiary of The El Paso Company.[3] The supplement states that El Paso Natural Gas Company is an affiliate of El Paso Alaska.

Exhibit F of the supplement contains El Paso Alaska's LNG Safety Report. The supplement states that the design, construction and operation of the proposed LNG Plant and LNG Carrier Fleet are a function of the nature of LNG. Because of this fact and the similarity of

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[1] Notice of the application was published on November 13, 1974 (39 FR 40075).

[2] In the application filed in the instant docket on September 24, 1974, El Paso Alaska indicated it had filed a number of the exhibits required by § 157.14 of the regulations under the Natural Gas Act (18 CFR 157.14) and that it was proceeding to complete the remaining exhibits. By order issued January 23, 1975, the Commission directed El Paso Alaska to complete its pending application in Docket No. CP75-96 on or before March 3, 1975. The instant filing is stated by El Paso Alaska to supplement its application in Docket No. CP75-96 to the extent of including therein exhibits and data heretofore omitted from the application of September 24, 1974, and additionally to revise certain exhibits submitted with the application.

[3] The El Paso Company owns all the outstanding shares of the El Paso Projects Development Company and 99.9993 percent of the voting securities of El Paso Natural Gas Company.

design and operational requirements for the LNG Plant, Marine Terminal and LNG Carrier Fleet El Paso Alaska has incorporated into Exhibits F–I, F–II, F–III, and F–IV of the supplement the safety analysis for these facilities.

The supplement describes LNG as a natural gas that has been condensed to the liquid state at a temperature of −259° F and is colorless and odorless. The predominant constituent of LNG is said to be methane which has one of the highest ignition temperature values of all common hydrocarbons. If released LNG flows as a liquid and accumulates in low places. It vaporizes rapidly as it absorbs heat, rising and dissipating in the air. The supplement indicates that LNG is not classified as a hazardous polluting substance affecting water and LNG vapor is not considered toxic nor is it a photochemically reactive hydrocarbon. El Paso Alaska states that LNG presents no hazard until released from its containment system in which event its primary hazard is the flammability of the LNG vapor which is generated upon release.

The supplement states that safety was a basis criterion in the selection of the plant site and in the design and operation plans of its facilities. The major conclusions of El Paso Alaska's safety study are stated to be that,

> The most credible spill at the LNG plant would occur as a result of a separation of a loading line at the point of connection to a full storage tank. Once spilled, the LNG would flow into a containment sump. The LNG vapor would disperse so that the concentration in the atmosphere would be less than 10 percent of the lower flammable limit by the time the vapor traveled 100 feet beyond the dike. The flammable region of LNG vapor would not reach an ignition source, and is not regarded as a hazard.
>
> Statistical analysis indicates that the most credible spill for the LNG carrier fleet would occur as a result of a collision between an LNG carrier and another large ship. In the vicinity of the Alaskan marine terminal, the predicted frequency of a collision which would produce a cargo spill is once in 2200 years. In the vicinity of the California marine terminal, the predicted frequency is once in 1,900 years.
>
> In the fire which would follow a collision and cargo release, thermal radiation would constitute a hazard for anyone within 0.8 nautical mile. In the vicinity of the Alaskan marine terminal, the most likely location for a collision is approximately six nautical miles from the nearest shoreline. In the vicinity of the California marine terminal, the most likely location for a collision is approximately five nautical miles from the nearest shoreline.
>
> The public would not be affected by thermal radiation.
>
> The most credible spill during a loading operation in the Alaskan marine terminal would occur as a result of a failure of the four articulated loading arms. Because potential ignition sources are strictly controlled at the LNG plant and the Alaskan marine terminal, the possibility of ignition of LNG vapor is precluded.

The supplement states that the need for additional energy supplies in the lower 48 states, whether from synthetic or natural gas sources, has become a recognized fact. El Paso Alaska states in Exhibit I of its supplement that its concept of the transportation of Alaskan gas to virtually any market area in the lower 48 states is based upon its determination that by 1980, substantial idle transmission capacity will exist, as a result of domestic supply decline, in most major interstate pipeline systems including those systems extending from the Anadarko Basin to the north and east and from the Gulf Coast area to the midwest, southeast and east.

The supplement states that as projected by Federal Power Commission Form No. 15 reports [4] filed with the Commission by major natural gas transmission companies, El Paso Alaska has determined that by 1980 existing major pipelines extending from the Anadarko Basin will suffer a capacity/supply imbalance resulting in an aggregate idle capacity of approximately 2,880,000 Mcf per day; while those pipelines extending from the Gulf Coast area will have idle capacities aggregating at least 7,161,000 Mcf per day.

The supplement states further that in order to assure necessary arrangements concerning its proposed method of transportating Alaskan gas to market areas in the lower 48 states, El Paso Alaska has executed contractual agreements with (1) Alaska LNG Shipping Company, dated February 25, 1975, concerning the shipping, via special cryogenic tankers, of liquefied Alaskan gas from Gravina Point, Alaska, to Point Conception, California, (2) Western Terminal [5] dated September 19, 1974, and February 27, 1975, concerning the terminaling, storage and regasification of those quantities of LNG transported from Alaska by LNG carriers to the State of California, and the redelivery of equivalent quantities of gas to El Paso Alaska or parties designated by El Paso Alaska, and (3) El Paso Natural Gas Company (El Paso Natural), dated February 28, 1975, respecting the pipeline transmission of natural gas in interstate commerce by El Paso Natural for El Paso Alaska in connection with the Trans-Alaska gas project.

The supplement indicates that El Paso Natural has prepared and furnished to El Paso Alaska certain information, including market data, demonstrating El Paso Natural's system capability to transport gas for delivery to other interstate pipeline companies for use in serving their respective market areas throughout the United States. El Paso Alaska states, however, that since large scale, commercial natural gas production has not yet commenced on Alaska's North Slope, the gas purchase contracts between the producers of the Alaskan gas and the various interstate pipeline companies are not yet available. El Paso Alaska asserts that these gas purchase contracts, when available, will demonstrate the demand for Alaskan gas as well as determine the various market areas to which the Alaskan gas will be contractually committed. The supplement states, accordingly, that the specific market areas in the lower 48 states to benefit from Alaskan supplies, the amounts of gas which will be available to such markets, the distribution of such supplies and all other matters related to the marketing of such gas cannot be projected with any degree of precision at this time. El Paso Alaska states, therefore, that the other data requirements of § 1.57.14(a) (11), Exhibit I-Market Data, of the Commission's regulations [18 CFR 157.14(a) (11)] cannot be satisfied at this time.

In Exhibit L of the supplement El Paso Alaska sets forth an illustrative plan for financing those facilities in Alaska—the 809 miles of 42-inch O.D. pipeline and LNG plant and terminal (the Alaskan facilities)—for which a certificate of public convenience and necessity is sought in the instant docket. The supplement states as a caveat that many factors, some of which are unknown at this time, will affect the financing as finally arranged. El Paso Alaska notes in particular that conditions in capital markets are unpredictable over the extended period which is expected to be required to obtain a certificate, make financial arrangements and construct the facilities.

The supplement states that the cost of the Alaskan facilities is estimated to be approximately $4 billion in 1973 dollars. El Paso Alaska's illustrative financing plan contemplates raising these funds in amounts which would result in a ratio of 75 percent debt and 25 percent equity at the time of full deliveries. El Paso Alaska states its objective is to maximize the amount of fixed-rate, long-term debt capital employed in the enterprise (regarding a 75 percent/25 percent ratio as a maximum and thereby to minimize the cost of funds. The supplement states that among other factors affecting El Paso Alaska's ability to maximize the use of debt are the provisions of the tariff and other contractual agreements subject to Commission approval which will directly affect the degree of security afforded prospective investors.

El Paso Alaska states that while one company cannot be expected to raise the required amount of financing it believes that the funds can be provided primarily by a large group of companies, which will be the beneficiaries of the project, contributing equity and contractual support for the issuance of debt securities. The supplement indicates that the primary source of the $3 billion debt is expected to be a combination of the United States institutional private placement market and United States banks while the source of the $1 billion equity portion of the

[4] Annual report of gas supply for certain natural gas pipelines, 18 CFR 260.7.

[5] On September 17, 1974, Western Terminal filed in Docket No. CP75–83 an application for conditional authorization to construct and operate certain facilities in southern California to receive, unload, store and vaporize liquefied natural gas and to construct certain pipeline facilities for the transportation of such vaporized LNG in interstate commerce.

financing is expected to be a large group of natural gas transmission and distribution companies which would enjoy the benefits of the addition of Alaskan gas to their supplies. El Paso Alaska states that the precise composition of this latter group of natural gas companies cannot be determined at this time but that it believes these companies will have the ability to enter into appropriate contractual arrangements to support the 75 percent of capitalization to be raised as debt.

The supplement states that both equity and debt investors in the proposed Trans-Alaska Project will require assurances that their investment goals will be met. The equity investors' goal is said to be assurance of an adequate return on their investment while the lenders' goal is an assured return of principal and interest under all conditions. The supplement indicates that the key elements, in establishing to the investors' satisfaction that their goals will be met, are the following:

(1) Satisfaction as to overall feasibility, including proven gas reserves, technical feasibility and assurance of markets;

(2) A tariff governing all transportation contracts which permits El Paso Alaska to pass through to the buyers of the gas all operating and financial costs incurred by El Paso Alaska under all circumstances including force majeure, and an adequate return on equity; and

(3) Contractual assurances or guarantees that the project contemplated will be completed and capable of operating as specified by El Paso Alaska. The source of these assurances cannot be precisely identified at this stage and must await the award of a certificate or at least a substantially more advanced status of the proceeding covering the instant application.

In Exhibit M of the supplement El Paso Alaska indicates that construction of the facilities proposed in Docket No. CP75–96 will be performed by independent contractors under contracts awarded on the basis of competitive bidding, if sufficient contractors are available; otherwise, such construction of facilities will be accomplished under negotiated contracts. El Paso Alaska states that it proposes to operate all facilities so constructed.

The supplement states that in order to effectuate the implementation of the Trans-Alaska gas Project, El Paso Alaska has executed the following contractual agreements which involve activities forming integral parts of the overall project:

(1) Alaska LNG Shipping Company, dated February 25, 1975, concerning the shipping, via special cryogenic tankers, of liquefied Alaskan gas from Gravina Point, Alaska, to Point Conception, California;

(2) Western Terminal, dated September 19, 1974, and February 27, 1975, concerning the terminaling, storage, and regasification of those quantities of LNG transported from Alaska by LNG carriers to the State of California, and the redelivery of equivalent quantities of gas to El Paso Alaska or parties designated by El Paso Alaska;

(3) Western Terminal, dated February 27, 1975, respecting the design, operating capability and other charectiristics of certain facilities to be constructed by Terminal Company at its Point Conception LNG Terminal Facilities; and

(4) El Paso Natural, dated February 28, 1975, respecting the pipeline transmission of natural gas in interstate commerce by El Paso Natural for El Paso Alaska in connection with the Trans-Alaska gas project.

The supplement states that other than the above-listed agreements no definitive arrangements involving construction, operation and management required in connection with the construction and operation of facilities or service to be rendered have been made at this time.

El Paso Alaska indicates in Exhibit O that it intends to record monthly provisions for depreciation utilizing the straight-line method on the cost of the facilities for which a certificate of public convenience and necessity is requested in the instant docket. El Paso Alaska proposes an initial annual composite rate of 4 percent except for items of General Plant, subject to adjustment during term of the project to depreciate facilities over the project life. Various items of General Plant are proposed to be depreciated at rates based on estimated useful life.

In Exhibit P to its supplement El Paso Alaska gives a narrative description of the principal characteristics of the proposed FPC gas tariff under which it proposes to render transportation service in connection with the Trans-Alaska gas project.* El Paso Alaska states that it does not presently visualize that it will purchase or sell Alaskan gas in connection with the Trans-Alaska gas project but will render a transportation service for the owners or purchasers of Alaskan gas (shippers) to move their gas to mutually agreeable delivery points along El Paso Alaska's proposed pipeline system within the State of Alaska and to delivery points in the lower 48 states.

The supplement states that under El Paso Alaska's tariff each shipper will furnish its allocable share of the gas required by El Paso Alaska for compressor fuel needs of the Alaskan pipeline system, for pipeline line pack and for other company uses and losses associated with the pipeline transportation of its gas by El Paso Alaska. El Paso Alaska states that each shipper which has tendered gas to it for destinations in the lower 48 states will furnish its allocable portion of the gas required for initial cool-down of El Paso Alaska's liquefaction plant and LNG storage tanks at Gravina Point and for the other company uses and losses associated with the operation of those facilities and shall also furnish, on a pro rata basis the fuel and line pack requirements of the LNG carriers used to transport its gas as LNG to southern California, the California regasification plant and the pipeline systems used to transport its gas to the ultimate point or points of redelivery in the State of California or to a point or points of redelivery from the pipeline transmission system of El Paso Natural. El Paso Alaska proposes to redeliver, or cause to be redelivered to each shipper or its designee, gas containing, in the aggregate, the same number of Btu's as to that contained in the gas tendered by that shipper to El Paso Alaska, reduced by that shipper's allocable share of the Btu's used between the point of receipt and the point of redelivery.

The supplement states further that El Paso Alaska's tariff shall provide that the charge to be paid by all shippers to El Paso Alaska for each month, in the aggregate, shall equal the total cost of service incurred by El Paso Alaska in that month in performing its transportation obligations, inclusive of a fair return on equity capital committed to the project.

El Paso Alaska's proposed tariff is planned to consist of five documents—three rate schedules, the service agreement to be executed between El Paso Alaska and each shipper and the general terms and conditions. El Paso Alaska states that the following rate schedules reflect three service classifications and do not necessarily constitute all of the classifications of service which it may ultimately seek authority to render in connection with the Trans Alaska gas project:

Rate Schedule T–1. Under this service classification, El Paso Alaska shall receive, transport and deliver natural gas to shippers or their designees at various points in the State of Alaska along the length of the Alaskan gas pipeline for ultimate consumption in Alaskan market areas.

Rate Schedule T–2. Under this service classification, El Paso Alaska shall cause the delivery of gas to shippers or their designees at points within the State of California and at the California-Arizona boundary.

Rate Schedule T–3. Under this service classification, El Paso Alaska shall cause the delivery of gas to shippers or their designees at mutually agreeable delivery points in the Permian Basin, Hugoton-Anadarko Basin and the Texas Gulf Coast areas.

In addition to the total estimated capital costs reflected in the application of September 24, 1974, of $5.6 billion for those transportation components of the project extending from Prudhoe Bay to Point Conception, California, the instant supplement reflects additional estimated capital costs of approximately $666 million attributable to the incremental facility additions necessary for the California transportation component of the project (the regasification plant and the incremental pipeline additions necessary to delivery gas to California-Arizona Border) and additional estimated capital costs for the illustrative transportation component extending from the California-Arizona Border to (1) the Anadarko Basin area in Kansas of $298 million or

* The supplement states El Paso Alaska is currently completing preparation of its proposed tariff and service documents and will file its pro forma Tariff on or before March 24, 1975.

(ii) the Texas Gulf Coast area of $388 million. All incremental components of the transportation plan from Prudhoe Bay to the Anadarko Basin or to the Texas Gulf Coast will result in a first full year incremental unit transportation cost ranging from $1.35 to $1.39 per million Btu, respectively. Such incremental unit transportation costs do not include charges for transportation through existing facilities of the California pipeline companies or El Paso Natural.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before April 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. Persons who have heretofore filed protests, petitions to intervene, or notice of intervention in the instant docket or in the consolidated proceeding El Paso Alaska Company, et al., Docket No. CP75-96, et al., need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7634 Filed 3-24-75;8:45 am]

[Docket No. E-9082]

KANSAS CITY POWER & LIGHT CO.

Cancellation of Rate Schedule

MARCH 17, 1975.

Take notice that Kansas City Power & Light Company (KCP&L), on October 29, 1974, tendered for filing a notice of cancellation of its Rate Schedule FPC No. 27 to be effective on December 31, 1974. The rate schedule is applicable to KCP&L's service to Iowa Power and Light Company (IP&L).

The interconnection covered by Rate Schedule FPC No. 27 is at 161 kv through a portion of the capacity of a transmission line owned by St. Joseph Light & Power Company. This transmission line is also used by St. Joseph Light & Power Company for service in its own area.

The 161 kv transmission capacity available to Kansas City Power & Light Company is negligible in comparison with the capacity of the 345 kv Twin Cities-Iowa-Omaha-Kansas City transmission line and is no longer considered adequate for interconnected operations. Any transactions with suppliers to the North would be under the Twin Cities-Iowa-Omaha-Kansas City Interconnection Coordinating Agreement (KCPL's Rate Schedule FPC No. 67).

Further, the 161 kv transmission line capacity released is of use to St. Joseph Light & Power Company for service to its own loads.

KCP&L states that a copy of the notice of cancellation was served upon IP&L.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7635 Filed 3-24-75;8:45 am]

[Docket No. RP73-23, PGA75-4]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Tariff Sheets

MARCH 18, 1975.

Take notice that on March 12, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing Tenth Revised Sheet No. 3-A and Tenth Revised Sheet No. 18-B to its FPC Gas Tariff, Original Volume No. 1.

Lawrenceburg states that these sheets are being filed to reflect a change in its cost of gas purchased from Texas Gas Transmission Corporation pursuant to Lawrenceburg's Purchased Gas Adjustment (PGA) Clause in its FPC Gas Tariff, Original Volume No. 1. Lawrenceburg requests an effective date of April 1, 1975, for this filing and requests waiver of the Commission's Regulations to enable this filing to become effective on that date.

Lawrenceburg states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 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.75-7636 Filed 3-24-75;8:45 am]

[Docket Nos. CP75-255, CI75-515]

MID LOUISIANA GAS CO. AND DOW CHEMICAL CO.

Applications

MARCH 17, 1975.

Take notice that on March 3, 1975, Mid Louisiana Gas Company (Mid Louisiana), Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP75-255, and that on February 24, 1975, The Dow Chemical Company (Operator) (Dow), P.O. Box 3387, Houston, Texas 77001, filed in Docket No. CI75-515 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing Mid Louisiana to continue to operate until December 31, 1975, facilities to receive natural gas proposed to be sold for resale by Dow and authorizing Dow to sell gas in interstate commerce for resale to Mid Louisiana until December 31, 1975, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Mid Louisiana requests authorization to retain in place and operate through December 31, 1975, certain gas purchase facilities constructed pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) in order to receive gas produced by Dow from the Clark Oil-C. Ellis Henican, et al. No. 1 Well in the Palmetto Bayou Area, Terrebonne Parish, Louisiana.

Mid Louisiana states that it has constructed the subject facilities for the purpose of receiving gas from Palmetto Bayou on the system of United Gas Pipe Line Company, since United's system extends into said field. Mid Louisiana further states that United receives for Mid Louisiana's account gas produced by Dow from the McMoRAN LL&E "C" No. 1 Well in the Biscuit Bayou Area, Terrebonne Parish. According to Mid Louisiana's application, United has agreed to receive gas delivered for Mid Louisiana's account in both fields and to redeliver gas to Mid Louisiana on an exchange basis and that Mid Louisiana has agreed to receive from United gas in Tensas Parish, Louisiana, and to redeliver equivalent volumes to United on an exchange basis.

Mid Louisiana relates that the facilities were put into operation so as to permit purchases from Dow in the Palmetto Bayou Field beginning February 19, 1975, for a 60-day period pursuant to emergency authorization contained in § 157.22 of the regulations under the Natural Gas Act. The delivery to United in the Biscuit Bayou Field also commenced on February 19, 1975, pursuant to the same authorization, according to Mid Louisiana. Mid Louisiana states that promptly thereafter it filed with United a joint application for temporary and permanent certificates of public convenience and necessity authorizing said delivery points for the purpose of exchanging gas from the two fields.

Mid Louisiana states that it constructed to deliver gas from the Palmetto Bayou Field 5,200 feet of 4½-inch O.D.

pipeline, a meter, tap and appurtenant facilities on United's existing 8-inch line in Terrebonne Parish, and that Dow installed a short segment of line between the LL&E well in the Biscuit Bayou Field to an existing delivery point to United. Mid Louisiana estimates the cost of the facilities it constructed at $61,000.

Mid Louisiana justifies its need for the subject gas due to declining gas supplies, the need for completion of essential storage injections and continuing serious curtailment on its system.

Dow has filed an application for authorization to continue to sell gas from the subject wells commencing at the end of the 60-day emergency sale begun on February 19, 1975, pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29). Dow proposes to sell an estimated 300,000 Mcf per month at 15.025 psia at a price of 65.79 cents per Mcf plus a 7-cent per Mcf tax adjustment reimbursement. The price of 65.79-cents is subject to Btu adjustment currently estimated at 3.28 cents upward.

Dow states that the production from the two wells cannot be delivered to its petrochemical plant located at Plaquemine, Iberville Parish, Louisiana. Dow states that it acquired the right in the subject wells and other production in south Louisiana for the sole purpose of acquiring gas reserves for delivery to the Plaquemine plant, and that in order to further evaluate the extent of the production being developed and to aid Mid Louisiana, Dow has agreed to make the subject gas available for a limited period. Dow further states that its willingness to commit the subject gas to the interstate market is absolutely dependent upon the production's from the wells being again available after December 31, 1975, for its original purpose.

Dow also contends that it and the other co-owners of the subject production rights qualify as small producers and that the contract price for the subject gas was agreed to only after the Commission announced in its Notice of Proposed Rulemaking issued September 9, 1974, in Docket No. R-393, that it proposes to permit small producers lawfully to collect rates of 150 percent of the base nationwide rate.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 4, 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) 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 petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that grants of the certificates 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 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 Applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7637 Filed 3-24-75;8:45 am]

[Dockets Nos. G-9356, G-9357, CI71-611]

MONSANTO CO. ET AL.

Petitions To Amend and Application To Terminate Proceeding on Application for Abandonment Authorization

MARCH 17, 1975.

Take notice that on March 7, 1975, Monsanto Company, et al., 1300 Post Oak Tower, 5051 Westheimer, Texas 77027, filed in Docket Nos. G-9356 and G-9357 petitions to amend the orders issuing certificates of public convenience and necessity in said dockets pursuant to section 7(c) of the Natural Gas Act so as to permit Petitioner to sell natural gas to Natural Gas Pipeline Company of America (Natural) and Transcontinental Gas Pipe Line Corporation (Transco) pursuant to the terms of a settlement agreement in the proceeding, Hilda B. Weinert and Jane W. Blumberg, et al., in Docket No. G-2730, et al., from the La Gloria Field, Brooks and Jim Wells Counties, Texas, all as more fully set forth in the petitions to amend, which are on file with the Commission and open to public inspection. Petitioner requests that the Commission terminates the proceeding on Petitioner's application for permission from the La Glorida Field to Transco, also pursuant to the hereinabove described settlement agreement.

Petitioner states that, in accordance with the revised settlement agreement in Docket No. G-2730, it has entered into a new contract with Transco and a contract amendment with Natural for the sale of gas from the La Gloria Field. The sale to Transco, originally authorized in Docket No. G-9356, according to Petitioner, is now covered by a contract with Transco dated November 7, 1974, to become effective on the date of Commission approval of the settlement in Docket No. G-2730. The new Transco contract provides for sales of initial estimated monthly volumes of 35,000 Mcf at 14.65 psia at the nationwide rate prescribed in § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

The sale of gas to Natural, according to Petitioner, is now governed by a contract between Petitioner and Natural which was amended as of August 31, 1974. The amended contract provides for volumes to be sold to Natural which are different from the volumes presently authorized to be sold to Natural pursuant to the certificate of public convenience and necessity issued in Docket No. G-9357. With respect to Natural, Petitioner states that no change in Petitioner's effective filed rates will be made as a result of the new contract amendment.

As a result of the foregoing, Petitioner requests that the certificates of public convenience and necessity in the subject dockets be amended accordingly so that Petitioner will be authorized in all respects to perform in accordance with the revised settlement.

Any person desiring to be heard or to make any protest with reference to said petitions to amend or said application to terminate abandonment proceeding should on or before April 8, 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.75-7638 Filed 3-24-75;8:45 am]

[Docket No. CP74-286]

NATURAL GAS PIPELINE CO. OF AMERICA

Postponement of Hearing

MARCH 17, 1975.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge, the hearing scheduled for April 1, 1975, in the above-designated matter, is postponed until April 8, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7639 Filed 3-24-75;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Notice of Cancellation

MARCH 18, 1975.

Take notice that on March 5, 1975 the Nevada Power Company (NPC) tendered for filing a notice of cancellation of their

contract with the California-Pacific Utilities Company designated Rate Schedule FPC No. 2.

NPC states that copies of this notice have also been sent to the California-Pacific Utilities Company and the Public Service Commission of Nevada.

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 April 1, 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.75-7640 Filed 3-24-75;8:45 am]

[Docket No. RP75-52]

STATE OF NORTH CAROLINA ET AL.

Notice Deferring Procedural Dates and Scheduling Prehearing Conference

MARCH 14, 1975.

In the matter of State of North Carolina and North Carolina Utilities Commission vs Transcontinental Gas Pipe Line Corp.

On March 3, 1975, State of North Carolina and North Carolina Utilities Commission filed a motion to suspend the procedural dates fixed by order issued January 31, 1975, as most recently modified by notice issued February 7, 1975, in the above designated matter, and to schedule a prehearing conference. On March 7, 1975, the American Textile Manufacturers Institute, Inc. filed a motion in support of the previous one and in the alternative for an extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred and a prehearing conference is scheduled for March 31, 1975, at 10 a.m. (e.d.t.). The Presiding Administrative Law Judge shall fix such further procedural dates as are required.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7641 Filed 3-24-75;8:45 am]

[Docket No. CP75-237]

NORTHERN NATURAL GAS CO.

Application

MARCH 14, 1975.

Take notice that on February 18, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-237 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to (i) extend for one year the short-term transportation and storage arrangement with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), (ii) provide for the long-term delivery of natural gas to Michigan Wisconsin for storage and redelivery, and (iii) extend for one year the authorization for the exchange of gas with Great Lakes Gas Transmission Company (Great Lakes), all as more fully set forth in the application on file with the Commission and open to public inspection.

By order issued September 6, 1974, in Docket No. CP73-29 Applicant was authorized to enter into a one-year storage arrangement with Michigan Wisconsin and a one-year exchange of natural gas with Great Lakes. In an effort to continue to provide adequate service to Applicant's customers in the face of continuing depletion of its gas reserves, Applicant proposes to extend for one year the aforementioned short-term arrangements with Michigan Wisconsin and Great Lakes and to enter into a long-term storage and redelivery arrangement with Michigan Wisconsin.

Under terms of an agreement between Applicant and Michigan Wisconsin dated April 4, 1972, as amended November 26, 1974, Applicant Wisconsin at the existing Janesville, Wisconsin, interconnection a total of 2.8 million Mcf of gas during the summer (March through October) of 1975 on those days when Applicant has gas available in excess of its customers' and its other storage injection requirements. Applicant states that Michigan Wisconsin will cause the injection of an equivalent volume of gas into underground storage facilities for redelivery to Applicant during the 1975-76 heating season. Applicant states that it will pay Michigan Wisconsin for the transportation and storage service 42.72 cents per Mcf of gas delivered by Applicant to Michigan Wisconsin.

Applicant also proposes to exchange 25,000 Mcf of gas per day with Great Lakes under terms of an agreement dated July 15, 1972, whereby Applicant will receive gas from Great Lakes through existing interconnections in Minnesota and Michigan and will deliver equivalent volumes to Michigan Wisconsin, for Great Lakes' account, near Janesville, Wisconsin, or to Great Lakes at the Wakefield, Michigan, interconnection.

In addition Applicant states that it has entered into a long-term agreement dated November 26, 1974, with Michigan Wisconsin whereby Applicant proposes to deliver to Michigan Wisconsin at the existing Janesville interconnection a total of 4,200,000 Mcf of gas each calendar year, commencing with the calendar year of 1975. It is stated that Michigan Wisconsin will cause the injection of equivalent volumes of gas into underground storage and will redeliver such volumes to Applicant during the withdrawal period (November 1 to the next succeeding March 1) by making physical delivery of gas to Great Lakes at Farwell, Michigan. Great Lakes will in turn deliver, by displacement, equivalent volumes to Northern at existing points of interconnection in Minnesota.

The application indicates that the long-term storage agreement calls for, (1) delivery by Applicant during the summer of 1975 of 2.1 million Mcf of gas to Michigan Wisconsin for use as base gas, (2) payment by Applicant to Michigan Wisconsin of a demand charge of $6.75 per month per Mcf of maximum daily quantity (42,000 Mcf) for each month, (3) a charge of 81 cents per Mcf of gas for any deficiencies in gas delivery by Michigan Wisconsin to Applicant during the withdrawal period, and (4) an unauthorized overrun charge against Applicant of $10 per Mcf of gas.

Applicant states that no additional facilities are required to effect the proposed transportation and storage or exchange of gas.[1]

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 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.75-7642 Filed 3-24-75;8:45 am]

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[1] Applicant states that pending in Docket No. CP75-21 is a request for authorization to construct and operate certain facilities which will be used, *inter alia*, in support of the instant lease storage arrangements with Michigan Wisconsin.

[Docket No. E-9230]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Certificate of Concurrence

MARCH 18, 1975.

Take notice that on March 10, 1975, Tucson Gas & Electric Company (TG&E) filed a certificate of concurrence to Southern California Edison Company's (Edison) filing of January 27, 1975 of a September 30, 1969 Interim Arrangement for Interconnected Operations (Navajo Interconnection Principles), and a September 13, 1974 Amendment No. 1 to the Navajo Interconnection Principles between the United States of America (Bureau of Reclamation), Arizona Public Service Company, Department of Water and Power of the City of Los Angeles, Nevada Power Company, Salt River Project Agricultural Improvement and Power District, TG&E, and Edison. TG&E states that Edison's filing was noticed on January 31, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 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.75-7643 Filed 3-24-75;8:45 am]

[Docket Nos. CP72-135, etc.]

TRANSCONTINENTAL GAS PIPELINE CORP. ET AL.

Order Consolidating Proceedings for Hearing and Decision, Establishing Procedures, and Setting Date for Hearing

March 17, 1975.

The above-proceedings concern the proposal of Sun Oil Company (Sun) (CI 68-527, CI 72-358) to arrange the transportation of gas for injection into its Fordoche Field oil reservoirs, Pointe Coupee and Iberville Parishes, Louisiana. Sun proposes to deliver gas to Transcontinental Gas Pipeline Corporation (Transco) (CP 72-142) from its Chacahoula Field reserves, Assumption and LaFourche Parishes, Louisiana. In order to avoid unnecessary construction of facilities, Sun will initially deliver gas to United Gas Pipeline Company (United) which has existing facilities in the Chacahoula Field. United will deliver this gas by means of a gas-for-gas exchange with Transco, and Transco will deliver a like quantity to Sun at Fordoche Field.

Sun also seeks authority to sell gas from the Chacahoula Field not used for injection purposes to Transco and to ultimately sell the gas used for injection purposes in the Fordoche Field to Transco at a later date.

On November 17, 1971, Transco filed in Docket No. CP72-135 an application for a certificate of public convenience and necessity authorizing the transportation of natural gas for Sun. Transco proposes to render this transportation service in order to enable Sun to carry out a pressure maintenance program in the Fordoche Field. This program requires sufficient natural gas to achieve a pressure necessary to prevent petroleum hydrocarbons from falling back into the reservoir through retrograde condensation and thereafter being unrecoverable. A pressure loss will also cause permanent damage to the reservoir and well. As a result of these factors, Sun states that it is losing substantial quantities of oil with resulting economic loss.[1]

Pursuant to an agreement between Sun and Transco entered into on September 15, 1971, Sun proposes to deliver, or cause to be delivered by United to Transco, pursuant to a gas exchange agreement between Transco and United dated November 15, 1971, up to 10,000 Mcf of natural gas per day (at 15.025 psia) on a firm basis from the Chacahoula Field for a five year term. Transco will deliver equivalent volumes of gas to Sun at an interconnection between their facilities in the Fordoche Field.

In addition to the firm service outlined above, the Transco-Sun agreement also provides for the transportation of up to 5,000 Mcf per day on an interruptible basis. The Transco-United exchange agreement will accommodate such additional volumes.

If volumes of natural gas available to Sun at the Chacahoula Field become insufficient or unavailable to support Sun's requirements in the Fordoche Field, Sun proposes to deliver the requisite volumes to Transco out of Sun's uncommitted gas reserves at a presently existing delivery point near the tailgate of Sun's Starr Gasoline Plant, Starr County, Texas.

For the firm transportation service (10,000 Mcf/d) between Chacahoula and Fordoche, Sun proposes to pay Transco the annual sum of $186,515 in equal monthly installments, which equates to 5.11 cents per Mcf. For all volumes not used by Sun below 10,000 Mcf per day, the payment to Transco will be reduced by 5.11 cents per Mcf. The rate for interruptible service is 5.11 cents per Mcf transported and is estimated to produce revenues of up to $93,257 per year. For the volumes of gas, if any, transported by Transco from the Starr County delivery point, Sun will pay Transco 13.5 cents per Mcf (at 14.7 psia).

Sun's delivery of gas to Transco from Chacahoula Field will be accomplished for the first five years of the transportation agreement by means of an exchange between Transco and United. Under the exchange agreement of November 15, 1971, between Transco and United, Sun will deliver the daily volumes to United in the Chacahoula Field and United will simultaneously redeliver equivalent volumes to Transco on a firm basis at an existing point of interconnection between the facilities of the two companies near Gibson, Terrebonne Parish, Louisiana.

The exchange volumes will not exceed 15,300 Mcf on any day. Since United already has transportation facilities in the Chacahoula Field, this proposal would avoid the necessity for the construction of extensive new facilities by Transco. Under the Transco-United agreement, Transco will construct, own, operate and maintain measurement facilities in the Chacahoula Field, which are estimated to cost $30,000. United will install and own a tap on its existing line at that point costing $2,690. United and Transco filed a joint application on November 22, 1971, in Docket No. CP72-140 for a certificate authorizing this exchange agreement.

On December 17, 1971, Sun filed an application for amendment of its certificate issued in Docket No. CI68-527 to include the dedication of the recoverable gas reserves, if any, to be produced in the Chacahoula Field, and transported by Transco for injection by Sun in the Fordoche Field. The gas is to be delivered to Transco at a later date upon termination of Sun's pressure maintenance program.[2] The agreement dated October 14, 1971, also amends the contract term and pricing provisions. The contract term is extended until March 14, 1988, and thereafter for such period of time as shall be required to permit Transco to receive the quantities of gas, if any, then remaining in the reservoirs committed to the agreement. The amended pricing provision provides for a rate of 28.0 cents/Mcf for the next 4 years (after November 1, 1971) with 2.0 cents/Mcf periodic increases occurring every 4 years thereafter. Sun states it is willing to accept the applicable area price for future sales to Transco.[3] The Public Service Commission of New York filed a petition to intervene and request for formal hearing on February 22, 1972.

On April 5, 1972, Sun filed a supplement in which it agreed that none of the gas from the Chacahoula Field transported by Transco for injection at Fordoche would be utilized by Sun for the transportation agreement with Transco of April 27, 1967, despite anything to the

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[1] Temporary certificate was issued to Transco on May 26, 1972.

[2] Transco stated in its application filed on January 20, 1975, in Docket No. CP75-210 (p. 3) that:

"In order to evaluate the effectiveness of the program to date and to conduct various tests therefor, Sun plans to reduce the gas injections for a limited period of time." A notice of withdrawal of application was filed on January 21, 1975.

[3] Sun was issued a permanent certificate in Docket No. CI68-527 for sales from the basic acreage located in the Fordoche Field on July 16, 1971.

contrary in Sun's contract with Transco.[4]

On December 10, 1971, Sun filed an application in Docket No. CI72-358 for a certificate of public convenience and necessity authorizing the sale of gas to Transco in the Chacahoula Field, pursuant to a gas purchase contract dated September 15, 1971. This contract provides that Sun will deliver to Transco from the Chacahoula Field only such volumes of gas, if any, which Sun, in its sole opinion, determines are available after all other delivery obligations and requirements of Seller are fulfilled.[5] Sun, by telegram filed April 28, 1972, has advised that since it is obligated to pay Transco a monthly payment for transporting the Chacahoula extraneous gas volumes to be injected in the Fordoche Field and since there might be times when mechanical or reservoir problems prevent full or partial gas injection at the Fordoche Field, that gas transported to Fordoche and not injected will remain in Transco's system as a sale. Thus, this Chacahoula sales contract was designed only to provide Transco with the Chacahoula extraneous gas volumes and afford Sun contemporaneous relief under the transportation agreement when full daily volumes were not being transported by Transco. Sun states that it was never contemplated that there will be any commitment of reserves or delivery of any fixed volumes of gas.

The projects proposed in these proceedings appear to involve no long or short term environmental impairment.

In Kansas Pipe Line & Gas Company and North Dakota Consumers Gas Company, 2 FPC 30 (1939), the Commission held that applicants who contend that "public convenience and necessity" require or will require the construction of facilities for the transportation of natural gas must show that they possess a supply of natural gas adequate to meet the demands it is reasonable to assume will be made upon them. In the light of this long-standing policy by the Commission, a formal hearing should be held to determine whether Sun's applications should be granted where no reserves are dedicated to the proposed long-term project. Specifically, it should be determined whether a long term, firm transportation certificate should be issued where no gas reserve dedication has been made. It should also be determined whether Sun is entitled to new gas prices for the native gas in the Fordoche Field dedicated prior to October 1, 1968, since Sun was issued a permanent certificate in Docket No. CI68-527 for sales from the basic acreage and reservoirs located in the Fordoche Field. Finally, there should be a determination of the basis for the proposed 20 year firm transportation agreement and volume of gas to be transported in light of Sun's refusal to commit reserves to the project.

[4] This agreement provided for transportation of gas by Transco to Marcus Hook, Pennsylvania for consumption in Sun's refineries.

[5] Transco on January 3, 1975, by letter of Counsel requested Commission action on applications for permanent certificate in this docket and in CP72-135 and CP72-140.

The Commission finds: (1) The proceedings listed at the head of this order involve common questions of fact and law and should be consolidated for hearing and decision.

The Commission orders: (A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) Pursuant to authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's regulations under the Natural Gas Act, a public hearing will commence on April 29, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, respecting the matter set forth above and more fully set forth in the applications in these dockets and designated as Transcontinental Gas Pipeline Corporation, *et al.*, Docket Nos. CP72-135, *et al.*

(C) Applicants and persons in support of the applications shall serve prepared testimony in support thereof, including prepared testimony of witnesses and exhibits, on the office of the Administrative Law Judges, the Commission's staff and every party to this proceeding on or before April 10, 1975.

(C) Applicants and persons in supbe hereinafter designated by the Chief Administrative Law Judge shall preside at the hearings and, in his discretion, shall control the proceedings thereafter.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-7644 Filed 3-24-75;8:45 am]

[Docket No. CP75-265]

UNITED GAS PIPE LINE CO. AND TENNESSEE GAS PIPELINE CO.

Application

MARCH 18, 1975.

Take notice that on March 10, 1975, United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP 75-265 a joint application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing Applicants to exchange natural gas on a best efforts basis and by mutual dispatching arrangement at several existing points of interconnection of the systems of the two companies and at proposed new delivery points on Tennessee's 30-inch pipeline near Glenmora, Louisiana, in Rapides Parish and on United's pipeline in Cox Bay Field, Plaquemines Parish, Louisiana, and authorizing United to construct 2.0 miles of 2-inch pipeline and a measuring station at the proposed new delivery point near Glenmora, said facilities to be operated by Tennessee, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicants state that the proposed exchange will assist each applicant in maintaining greater flexibility and reliability on its system and will minimize the need for additional facilities. Applicants further state that the proposed exchange will enable each applicant to assist the other at times when operating difficulties on the respective systems can be alleviated by deliveries of natural gas.

Pursuant to the exchange agreement between United and Tennessee dated November 13, 1974, deliveries shall be balanced on a best efforts basis so that such deliveries will be as nearly equal as practical over periods of reasonable duration, which mean, unless otherwise agreed to, periods not to exceed six months.

The only facilities proposed to be constructed are two miles of 2-inch pipeline near Glenmora to a point on Tennessee's 30-inch pipeline located in section 27, Rapides Parish, Louisiana, and a meter and regulating station. The application states that these facilities would permit delivery to Glenmora of up to 900 Mcf of gas per day. The cost of said facilities is estimated at $102,249. Applicants state that the construction of these facilities and the exchange between Applicants will obviate the need for 12 miles of pipeline to deliver gas to Glenmora.

The application states that Glenmora's own pipeline has deteriorated in recent years and is in need of replacement and that Glenmora has requested United, pursuant to an existing agreement, to construct a pipeline to Glenmora.

The other new exchange point proposed in the instant application is in Cox Bay Field, where Watson Oil Company will deliver gas to United for the account of Tennessee at the inlet side of United's existing meter and regulating station located in section 26, T18S, R15F, Plaquemines Parish, Louisiana. United proposed to redeliver equivalent volumes of gas to Tennessee at any mutually agreeable existing and authorized point of exchange. No facilities are proposed for this new exchange point.

The other points, already existing, at which United and Tennessee have agreed to exchange gas on a best efforts basis are as follows:

(a) The point of interconnection of Tennessee's 30-inch line and United's 30-inch line near Louetta, in Harris County, Texas;

(b) The point of interconnection of United's 18-inch line with Tennessee's Compressor Station 47, near West Monroe, Ouachita Parish, Louisiana;

(c) The point of interconnection of Tennessee's 30-inch line and United's 30-inch line, near Chauncey, Hancock County, Mississippi;

(d) The point of interconnection of Tennessee's Muskrat Line and United's 30-inch line near Bayou Sale, St. Mary Parish, Louisiana;

(e) The point of interconnection where United's 16-inch line crosses Tennessee's 16-inch and 24-inch lines near the Weeks Island Field, Iberia Parish, Louisiana;

(f) The point of interconnection between Tennessee's line and United's line in Vermilion Parish, Louisiana;

(g) The point of interconnection between Tennessee's 16-inch line and United's 20-inch line in Calcasieu Parish, Louisiana;

(h) The point of interconnection between Tennessee's 12-inch line and United's 12-inch line in Cameron Parish, Louisiana;

(i) The point of interconnection between Tennessee's line and United's line in Four Isle Dome Field, Terrebonne Parish, Louisiana;

(j) The point of interconnection between Tennessee's line and United's line in Lapeyrouse Field, Terrebonne Parish, Louisiana;

(k) United's platform in Bastian Bay Field, Plaquemines Parish Louisiana;

(l) The point of interconnection between Tennessee's line and United's line in Quarantine Bay Field, Plaquemines Parish, Louisiana;

(m) Champlin Petroleum Company's Gulf Plains Plant, located in Nueces County, Texas;

(n) Sun Oil Company's Red Fish Bay Plant located in San Patricio County, Texas;

(o) Atlantic-Richfield Oil Company's Bayou Sale Plant located in St. Mary's Parish, Louisiana;

(p) Other points in the gas supply area where, upon mutual agreement of the parties, delivery can be accomplished for the account of either or both parties.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7645 Filed 3-24-75;8:45 am]

[Docket No. E-9318]

UPPER PENINSULA POWER CO.

Application

MARCH 17, 1975.

Take notice that on March 10, 1975, Upper Peninsula Power Company (Applicant, filed a Supplement and Amendment to its application in Docket No. E-7463 with the Federal Power Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue unsecured promissory notes not to exceed $19,500,000 face value at any one time outstanding.

The Applicant is incorporated under the laws of the State of Michigan with its principal business office at Houghton, Michigan and is engaged in the electric utility business in a 4,460 square mile area in the upper peninsula of Michigan with a population of approximately 140,000.

The Applicant proposes to issue unsecured promissory notes, payable to such bank or banks from which the Applicant may borrow funds for periods not exceeding twelve months from the date of original issue or renewal thereof, as the case may be, such notes, issued either originally or upon renewal from time to time, to have maturity dates not later than June 30, 1977.

The interest rate on the Notes to be issued to commercial banks not for resale to the public will be at a rate not exceeding one-half of one percent over the floating prime rate in effect from time to time, meaning by "prime rate" the lowest rate at which the banks to whom the notes are payable are then making short term commercial loans to depositors.

The proceeds from the sale of the Notes will be used, pending permanent financing, to refinance short term notes previously issued, for fuel stock requirements and to finance a portion of the Applicant's construction program which will total approximately $8,689,800 in 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 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.75-7646 Filed 3-24-75;8:45 am]

[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Further Extension of Time

MARCH 14, 1975.

On March 12, 1975, Western Massachusetts Electric Company filed a motion to extend the procedural dates fixed by order issued July 19, 1974, as most recently modified by notice issued January 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, April 4, 1975. Hearing (unchanged), April 8, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-7647 Filed 3-24-75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST COMMUNITY BANCORPORATION

Acquisition of Bank

First Community Bancorporation, Joplin, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of The McDonald County Bank, Pineville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 18, 1975.

Board of Governors of the Federal Reserve System, March 19, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-7712 Filed 3-24-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby

determined that the establishment of an ad hoc Advisory Group on Science Programs as hereinafter identified, is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation in his capacity as Science Adviser by the National Science Foundation Act of 1950, as amended, and in accordance with Reorganization Plan No. 1 of 1973 (38 FR 9579) and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A–63, Revised.

1. *Name of group.* Ad Hoc Advisory Group on Science Programs.

2. *Purpose.* To provide an independent source of advice to the President's Science Adviser concerning selected science programs. The initial task for the Group will be a review of the long-term strategy for space science, particularly as defined by the Outlook for Space Study being conducted by NASA. The Group will also be asked on a selective basis to advise on the directions and content of federallysupported science programs, as directed by the Science Adviser.

3. *Effective date of establishment and duration.* The Group is established, effective April 9, 1975 and after filing of the charter with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Group's duration shall be two years from the effective date.

4. *Membership.* The membership of the Group shall be fairly balanced in terms of the points of view represented and the Group's function. Membership of the Board will involve fifteen to twenty individuals drawn from within and outside the Federal Government and selected for their professional expertise in relevant fields such as: Astronomy and Physics: Lunar, Planetary, and Earth Sciences; Biology and Medicine; Engineering and Social Sciences. Additional criteria to insure proper balance shall include: Adequate working experience from the points of view of industry, university, government, and professional community. Committees will be appointed under the Group as necessary to deal with specific areas. There will be no discrimination on the basis of race, color, national origin, religion or sex.

5. *Group operation.* The Group will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92–463), Foundation policy and procedures, OMB Circular No. A–63, Revised, and other directives and instructions issued in implementation of the Act. Four to six two-day meetings of the Group will be held in any one calendar year with committee meetings as necessary. Meetings will be held at a time and place to be determined by the President's Science Adviser or his designee. Agenda for each meeting will be developed cooperatively between the Group Chairperson and the President's Science Adviser. Meetings will be structured in a manner which permits discussion of non-agenda items.

H. GUYFORD STEVER,
Director.

MARCH 19, 1975.

[FR Doc.75-7603 Filed 3-24-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Supplemental Notice

In connection with the April 3–5, 1975 meeting of the NRC Advisory Committee on Reactor Safeguards previously noticed, the following should be noted.

Documents related to the Fulton Generating Station Units 1 and 2 are available in the local NRC Public Document Room at the following location rather than at the address previously noticed.

Lancaster County Library
125 North Duke Street
Lancaster, Pennsylvania 17602

Dated: March 19, 1975.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-7704 Filed 3-24-75;8:45 am]

[Docket Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR–39 and Amendment No. 4 to Facility Operating License No. DPR–48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Station Units 1 and 2, located in Zion, Lake County, Illinois. These amendments are effective as of the date of issuance.

These amendments incorporate a change to the Technical Specifications that allows a battery bank that is not required for a shutdown unit to be used through cross tie breakers to supply d.c. power to a d.c. distribution system for an operating unit.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commision has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 3, 1975, (2) Amendment No. 7 to License No. DPR–39 and Amendment No. 4 to License No. DPR–48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 14th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-7703 Filed 3-24-75;8:45 am]

[Docket Nos. 50-483A, 50-486A]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 & 2)

Order

Oral argument on the joint petition for intervention of the Coalition for the Environment, St. Louis Region, and Utility Consumers Counsel of Missouri having been directed to be held on April 1, 1975 at the Hearing Room of the Atomic Safety and Licensing Board Panel in Bethesda, Maryland by a memorandum and order of this Board dated February 24, 1975, and the petitioners having expressed inability to appear in Bethesda, Maryland for such argument, *it is ordered:*

1. So much of the memorandum and order of February 24, 1975 as directs oral argument is rescinded.

2. The joint petitioners are granted 10 days from the date of this order within which to respond to the answers to the joint petition filed by the Applicant and the NRC Staff.

The Atomic Safety and Licensing Board, designated to rule on petition for intervention.

Issued this 20th day of March, 1975 at Bethesda, Maryland.

JOHN M. FRYSIAK,
Member.
SIDNEY G. KINGSLEY,
Member.
MARSHALL E. MILLER,
Chairman.

[FR Doc.75-7848 Filed 3-24-75;8:45 am]

POSTAL RATE COMMISSION

RECOMMENDED DECISIONS AND ORDERS

Availability of Index

MARCH 19, 1975.

Notice is hereby given of the availability of the Index to Recommended Decisions and Orders by the Postal Rate Commission.

Until further notice, a copy may be obtained free of charge in the Commission's Reading Room at its offices located in Suite 500, 2000 L Street NW., Washington, D.C., or by mail request to the Secretary of the Commission, Postal Rate Commission, 2000 L Street NW., Washington, D.C. 20268.

By Direction of the Commission.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-7701 Filed 3-24-75;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEES

Charter Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), the Veterans Administration announces the renewal by the Administrator of Veterans Affairs of the following committees for an additional period of two years.

Name of committee	Original expiration date	New expiration date
VA Voluntary Service National Advisory Committee.	Feb. 5, 1975	Feb. 5, 1977
VA Wage Committee.....	Mar. 7, 1975	Mar. 7, 1977

Dated: March 20, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-7730 Filed 3-24-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ALASKA

Availability of Federal-State Extended Benefits and Federal Supplemental Benefits

Leland T. Dalby, Director of the State of Alaska Division of Employment Security, has determined that there was a State "on" indicator in Alaska for the week ending on January 4, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 19, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Alaska for the week ending on January 4, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 19, 1975.

A program for the payment of Federal-State Extended Benefits in Alaska is contained in that State's unemployment compensation law, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. During an Extending Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits, after they have exhausted their rights to regular unemployment benefits.

In addition, the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869, provides further rights to unemployment benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted their rights to regular unemployment benefits and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States such as Alaska, which have entered into an Agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period is the thirteenth week for a State "on" indicator and is the first week following the three-month period for a National "on" indicator. An Extended Benefit Period and a Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator. An Extended Benefit Period will last for a period of at least 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period and a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in a State is less than 4.0 per centum for a 13-week period, and when the rate of insured unemployment nationally is less than 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period and a Federal Supplemental Benefit Period actually ends with the third week following the week for which there is both a State and National "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the State of Alaska, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

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

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-7606 Filed 3-24-75;8:45 am]

KENTUCKY AND MISSISSIPPI

Availability of Federal-State Extended Benefits and Federal Supplemental Benefits

The heads of the employment security agencies of the States of Kentucky and Mississippi have determined that there was a State "on" indicator in their respective States for the week ending on January 18, 1975, and an Extended Benefit Period therefore commenced in each of those States with the week beginning on February 2, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in each of the States of Kentucky and Mississippi for the week ending on January 18, 1975, and a Federal Supplemental Benefit Period therefore commenced in each of those States with the week beginning on February 2, 1975.

A program for the payment of Federal-State Extended Benefits in Kentucky and Mississippi is contained in those States' unemployment compensation laws, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. During an Extended Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits, after they have exhausted their rights to regular unemployment benefits.

In addition, the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869, provides further rights to unemployment benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted their rights to regular unemployment benefits and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States such as Kentucky and Mississippi, which have entered into an Agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in Kentucky and Mississippi are satisfied when the rate of insured unemployment in each of those States reaches 4.0 per centum and remains at or above that level for 13 weeks, and this rate of insured unemployment equals or exceeds 120 per centum of the average of the rates of insured unemployment for the corresponding 13-week period in each of the two preceding calendar years. Alternatively, an Extended Benefit Period and a Federal Supplemental Benefit Period may begin in each of those States when the rate of insured unemployment nationally reaches 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period is the

thirteenth week for a State "on" indicator and is the first week following the three-month period for a National "on" indicator. An Extended Benefit Period and a Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator. An Extended Benefit Period will last for a period of at least 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period and a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in the State is less than 4.0 per centum for a 13-week period, or the rate of insured unemployment is less than 120 percentum of the average of the rates of insured unemployment for the corresponding 13-week period in each of the two preceding calendar years, and also the rate of insured unemployment nationally is less than 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period and a Federal Supplemental Benefit Period actually ends with the third week following the week for which there is both a State and National "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the States of Kentucky and Mississippi, or who wish to inqure about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

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

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-7607 Filed 3-24-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 728]

ASSIGNMENT OF HEARINGS

MARCH 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 129291 Sub 8, McDaniel Motor Express, Inc., now assigned April 21, 1975, at Columbus, Ohio, will be held in Room 2, Public Utilities Commission of Ohio, 111 N. High Street, instead of Room 235 Federal Office Building, 85 Marconi Blvd.

MC 107107 Sub 441, Alterman Transport Lines, Inc., now being assigned June 2, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 504 Sub 102, Harper Motor Lines, Inc., now being assigned June 10, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C., for prehearing conference.

MC 138036 Sub 7, J & S, Inc., now being assigned June 17, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 Sub 717, National Trailer Convoy, Inc., now being assigned June 17, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111545 Sub 198, Home Transportation Company, Inc., now being assigned June 17, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140124, T-Emp Corp, now being assigned June 19, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107012 Sub 207, North American Van Lines, Inc., now being assigned June 24, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118520 Sub 10, Alaska Truck Transport, Inc., now assigned March 25, 1975, at Seattle, Washington is cancelled and application is dismissed.

MC 111545 Sub 203, Home Transportation Company, Inc., now assigned May 5, 1975 at Washington, D.C. is cancelled and application is dismissed.

Ex Parte No. 277 Sub 3, 1975 Investigation, Adequacy of Intercity Rail Passenger Service, continued to April 1, 1975 (2 days), in Room 100, Florida Public Service Commission Hearing Room, Voyager Insurance Co. Bldg., 2255 Phyllis St., Jacksonville, Fla., and April 4, 1975 (1 day), in Room 208 Federal Bldg., 51 S.W. First Ave., Miami, Fla.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-7738 Filed 3-24-75;8:45 am]

[Amdt. No. 8; Application No. 33]

CENTRAL STATES MOTOR COMMON CARRIERS AGREEMENT

Section 5a Application

MARCH 4, 1975.

The Commission is in receipt of an application of the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed February 27, 1975 by:

M. A. Godecker, General Manager, Central States Motor Freight Bureau, Inc., 5440 South Cicero Ave., Chicago, Ill. 60638, (attorney-in-fact).

and by their attorneys:

J. P. Wolonsky, Central States Motor Freight Bureau, Inc., 5440 South Cicero Ave., Chicago, Ill. 60638,

John W. McFadden, Jr., 618 Perpetual Building, Washington, D.C. 20004.

The Amendments involve: (A) Broadening the articles of incorporation and the by-laws to include intrastate motor common carriers of property as eligible members; (B) revise the location of the general offices of the Bureau to be in the State of Illinois, in lieu of the City of Chicago; change the territorial offices from Class 4 (Michigan) members, to Lansing in lieu of Detroit; for Class 6 (Illinois) members, to Hinsdale, in lieu of Chicago, and eliminate all references to territorial Class 9 (Southern) and redesignate present Class 10 (Southwestern) as Class 9; (C) eliminate section 9(e) of Article III (breach of members duty or obligation) as a ground for expulsion from membership; (D) revise article IV, sec. 2 (territorial agency agreements) by substitution in paragraph 6 thereof Illinois Trucking Association, Inc., in lieu of Central Motor Freight Association, Inc., strike paragraph (9) relating to Southern territory and redesignate paragraph (10) as paragraph (9); (E) change the title of General Manager to Executive Vice President and the title of Assistant General Manager to General Manager; (F) permit the Board of Directors discretion to set the time and place of annual meeting, in lieu of holding such meetings at Chicago; and (G) eliminate the filing necessity for 125 copies of a written objection (appeal) to a recommended disposition of the standing rate committee.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before April 14, 1975. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-7736 Filed 3-24-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

MARCH 19, 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 1065.1(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 4, 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 4484 (Sub-No. E1), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING COMPANY, 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, from points in Ohio to points in Maryland. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E2), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more, (when transported on trailers), and *related construction equipment, materials*, and *supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight requires the use of special equipment or the use of special handling, between points in Ohio, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E3), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Ohio, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E4), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require speical handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies*, when the transportation is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Ohio, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E5), filed May 15, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials*, and *supplies*, when the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Ohio, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E6), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, material*, and *supplies*, when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Ohio, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E7), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Bldg., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, material*, and *supplies*, when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Kentucky, on the one hand, and, on the other, points in that part of New York west of New York Highway 34, including points on the indicated highway. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E8), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials*, and *supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Indiana, on the one hand, and, on the other, points in that part of New York west of New York Highway 34, including points on the indicated highway.

The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E9), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Illinois, on the one hand, and, on the other, points in that part of New York west of New York Highway 34, including points on the indicated highway. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E10), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment or special handling, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials*, and *supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling between points in Michigan, on the one hand, and, on the other, points in that part of New York west of New York Highway 34, including points on the indicated highway. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E11), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials* and *supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between all points in Michigan, on the one hand, and, on the other, points in Ohio on and east of Ohio Highway 7 from New Matamoras in Monroe County to Andover in Ashtabula County. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E12), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between all points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Ohio in the counties of Ashtabula, Trumbull, Mahoning, Stark, Carroll, Columbiana, Jefferson, Harrison, Belmont, Guernsey, Tuscarawas, Noble, Monroe, Morgan, Washington, Athens, Meigs, and Gallia. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E13), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between all points in Michigan, on the one hand, and, on the other, points in West Virginia in and east of the counties of Monroe, Greenbrier, Webster, Braxton, Gilmer, Ritchie, Tyler, Wetzel, Marshall, Ohio, Brooke, and Hancock. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422 west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E14), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, *self-propelled* articles, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in that part of Michigan on and west of Michigan Highway 94, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E15), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles* each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Illinois, on the one hand, and, on the other, points in Hancock, Ohio, Brooke, Marshall, Wetzel, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Randolph, Pendleton, Tucker, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E16), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which, because of size or weight, require the use of special equipment or the use of special handling, between points in Illinois, on the one hand, and, on the other, points in Ashtabula, Trumbull, Portage, Mahoning, Columbiana, Carroll, Jefferson, Harrison, Belmont, and Monroe Counties, Ohio. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E17), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies*, when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in Indiana, on the one hand, and, on the other, points in Harrison, Jefferson, Carroll, Columbiana, and Mahoning Counties, Ohio, points in that part of Belmont County, Ohio, on and east of Ohio Highway 9 and on and north of Ohio Highway 148, and points in that part of Trumbull County, Ohio, on and south of Ohio Highway 82 and on and east of Ohio Highway 45. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E18), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials*, and *supplies*, when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Indiana, on the one hand, and, on the other, points in Hancock, Ohio, Brooke, Marshall, Wetzel, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Randolph, Pendleton, Tucker, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E19), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Kentucky, on the one hand, and, on the other, points in West Virginia, in the counties of Hancock, Brooke, Ohio, Marshall, and Monongalia. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E20), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Kentucky, on the one hand, and, on the other, points in Ashtabula, Trumbull, Mahoning, Columbiana, and Jefferson Counties, Ohio, and points in that part of Belmont County, Ohio on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E21), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hefner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Ohio on and north of U.S. Highway 250 to points in Virginia on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E22), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Michigan, on the one hand, and, on the other, points in Virginia on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E23), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or

weight require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Indiana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E24), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation, of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Michigan, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E25), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in West Virginia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E26), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in West Virginia, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E27), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Illinois, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E28), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight, require the use of special equipment or the use of special handling, between points in West Virginia, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of points in Pennsylvania on and west of U.S. Highway 15.

No. MC 4484 (Sub-No. E29), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials*, and *supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in Delaware, on the one hand, and, on the other, points in Hancock, Brooke, Ohio, and Marshall Counties, W. Va. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E30), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in New Jersey, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E31), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials*, and *supplies* when the transportation thereof is incidental to

the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in New York in the counties of Niagara, Erie, Cattaraugus, and Chautauqua, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E32), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 19223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which because of size or weight require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, from points in Hancock, Brooke, Ohio, and Marshall, Counties, W. Va., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E33), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Ave., Pittsburgh, Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in New York on and west of New York Highway 34, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40.

No. MC 4484 (Sub-No. E34), filed May 16, 1974. Applicant: MOORE-FLESHER HAULING CO., 100 Hafner Bldg., Pittsburgfl Pa. 15223. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials*, and *supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, between points in New York on and west of New York Highway 31, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40.

No. MC 29886 (Sub-No. E50), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor), the transportation of which, because of size or weight, require the use of special equipment, from points in Pennsylvania to points in Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line.

No. MC 29886 (Sub-No. E51), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment*, the transportation of which, because of size or weight, require the use of special equipment, between points in Lyon, Sioux, Plymouth, Woodbury, Monona, Osceola, O'Brien, Cherokee, Ida, Sac, Buena Vista, Clay, Dickinson, Emmet, Palo Alto, Pocahontos, Kossuth, Humboldt, Winnebago, Hancock, Wright, Worth, Cerro Gordo, Franklin, Mitchell, Floyd, Howard, Chickasaw, Winneshiek, and Allamaukee Counties, Iowa, on the one hand, and, on the other, points in Porter, LaPorte, Starke, St. Joseph, Marshall, Elkhart, Kosciusko, LaGrange, Noble, Whitley, Allen, DeKalb, and Steuben Counties, Ind. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line.

No. MC 29886 (Sub-No. E52), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, other than truck tractors, from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in Washington, Idaho, Oregon, California, Nevada, Utah, Arizona, New Mexico, Vermont, Maine, New Hampshire, Massachusetts, those in Montana on and west of U.S. Highway 89, and those in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y.

No. MC 29886 (Sub-No. E53), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors), (1) from those points in New York on and west of U.S. Highway 15 to those points in and north of Oconto, Shawano, Portage, Wood, Monroe, and Vernon Counties, Wis., those in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 69 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, those in Missouri and Arkansas, on and west of U.S. Highway 65, and those in Mississippi on and north of a line beginning at the Mississippi-Louisiana State line and extending along Interstate Highway 20 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line; (2) from Buffalo and Lewiston, N.Y., to points in the United States (except Ohio,

New York, Pennsylvania, and West Virginia); and (3) from Buffalo and Lewiston, N.Y., to those points in, south, and west of Lucas, Wood, Hancock, Wyandot, Marion, Delaware, Licking, Mashingum, Noble, and Washington Counties, Ohio, points in West Virginia, except those in Hancock, Brooke, Ohio, and Marshall Counties, W. Va., and those in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y.

No. MC 29886 (Sub-No. E54), filed June 4, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, structural steel, contractors' equipment*, and *such commodities* which require special equipment and handling because of their size and weight, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of New York.

No. MC 29886 (Sub-No. E55), filed June 4, 1974. Applicant: DALLAS & MAVIS, 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, from those points in Illinois on, west, and south of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 31 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line to points in Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Pennsylvania (except those in Washington, Greene, and Fayette Counties, Pa.), those in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, and those in North Carolina on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 29886 (Sub-No. E56), filed June 4, 1974. Applicant: DALLAS & MAVIS, 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment, machinery, and supplies*, which, because of size or weight, require special handling or the use of special equipment, except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk, (1) between those points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission, which are located in Missouri, on the one hand, and, on the other, points in Ohio, those in the lower peninsula of Michigan and those in the upper peninsula of Michigan on and east of Interstate Highway 75, those in Pennsylvania on and west of U.S. Highway 219, and those in New York on and west of a line beginning at Rochester, N.Y. and Extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line (Indiana and the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone) *; and (2) between points in Illinois, on the one hand, and, on the other, points in Ohio, those in the lower peninsula of Michigan and those in the upper peninsula of Michigan on and east of Interstate Highway 75, those in Pennsylvania on and west of U.S. Highway 219, and those in New York on and west of a line beginning at Rochester, N.Y. and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 245, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line (Indiana) *. The purpose of this filing is to eliminate the gateways as indicated by the asterisks above.

No. MC 30280 (Sub-No. E71), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 501 to Durham, N.C., thence along U.S. Highway 70 to Raleigh, N.C., thence along U.S. Highway 401 to junction U.S. Highway 421, thence along U.S. Highway 421 to Southport, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of (1) Danville, Va., and (2) Mayfield, N.C.

No. MC 30280 (Sub-No. E72), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from New York, N.Y., to points in Georgia. The purpose of this filing is to eliminate the gateways of (1) Danville, Va., (2) Reidsville, N.C., (3) Charlotte, N.C., and (4) Greenville, S.C.

No. MC 30280 (Sub-No. E73), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Wilmington, Del., to points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 15 to Creedmore, N.C., thence along North Carolina Highway 50 to Raleigh, N.C., thence along U.S. Highway 70 to Goldsboro, thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Southport, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of (1) Baltimore, Md., (2) Danville, Va., (3) Mayfield, N.C., and (4) Wilmington, Del.

No. MC 30280 (Sub-No. E74), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Sussex County, N.J., to points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along North Carolina Highway 86 to junction U.S. Highway

70, thence along U.S. Highway 70 to Durham, N.C., thence along U.S. Highway 15 to Sanford, N.C., thence along North Carolina Highway 87 to Elizabethtown, N.C., thence along U.S. Highway 701 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., (2) Danville, Va., and (3) Mayfield, N.C.

No. MC 30280 (Sub-No. E75), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Essex, Hudson and Union Counties, N.J., to points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 15 to Creedmoor, N.C., thence along North Carolina Highway 50 to Raleigh, N.C., thence along U.S. Highway 70 to Smithfield, N.C., thence along Interstate Highway 95 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction U.S. Highway 421, thence along U.S. Highway 421 to Southport, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of (1) Danville, Va., and (2) Mayfield, N.C.

No. MC 30280 (Sub-No. E76), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Middlesex County, N.J., to points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along North Carolina Highway 62 to Burlington, N.C., thence along North Carolina Highway 87 to Pittsboro, N.C., thence along U.S. Highway 15 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., (2) Danville, Va., and (3) Mayfield, N.C.

No. MC 30280 (Sub-No. E77), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Morris County, N.J., to points in North Carolina on and West of a line extending south from the North Carolina-Virginia State line along U.S. Highway 501 to Durham, thence along North Carolina Highway 55 to Erwin, thence along U.S. Highway 421 to Southport, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., (2) Danville, Va., and (3) Mayfield, N.C.

No. MC 30280 (Sub-No. E79), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Cumberland, Gloucester, and Salem Counties, N.J., to points in Georgia. The purpose of this filing is to eliminate the gateways of (1) Baltimore, Md., (2) Danville, Va., (3) Reidsville, N.C., (4) Charlotte, N.C., and (5) Greenville, S.C.

No. MC 30280 (Sub-No. E80), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Monmouth and Somerset Counties, N.J., to points in that part of Georgia on and west of a line beginning at Augusta, Ga., thence along U.S. Highway 25 to Brunswick, Ga., thence along Toll Road to St. Simons Island, Ga. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., (2) Danville, Va., (3) Reidsville, N.C., (4) Charlotte, N.C., and (5) Greenville, S.C.

No. MC 30280 (Sub-No. E81), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Hudson, Bergen, Passaic, Sussex, Essex, Morris, Union, and Middlesex Counties, N.J., to points in Georgia. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., (2) Danville, Va., (3) Reidsville, N.C., (4) Greenville, S.C.

No. MC 30280 (Sub-No. E82), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from New York, N.Y., to points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 1 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Southport, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Danville, Va., and Mayfield, N.C.

No. MC 30280 (Sub-No. E83), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in Cumberland, Gloucester and

Salem Counties, N.J., to points in that part of South Carolina on and west of a line beginning at the South Carolina-North Carolina State line, thence along South Carolina Highway 5 to junction South Carolina Highway 97, thence along South Carolina Highway 97 to Chester, S.C., thence along U.S. Highway 321 to Columbia, S.C., thence along Interstate Highway 26 to Orangeburg, S.C., thence along U.S. Highway 21 to Hunting Island, S.C. The purpose of this filing is to eliminate the gateways of (1) Baltimore, Md., (2) Danville, Va., (3) Reidsville, N.C., (4) Charlotte, N.C., and (5) Greenville, S.C.

No. MC 30280 (Sub-No. E84), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in Cumberland, Gloucester, and Salem Counties, New Jersey, to points in but part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 501 to Durham, N.C., thence along U.S. Highway 70 to Raleigh, N.C., thence along U.S. Highway 401 to junction U.S. Highway 421, thence along U.S. Highway 421 to Southport, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of (1) Baltimore, Md., (2) Danville, Va., and (3) Mayfield, N.C.

No. MC 30280 (Sub-No. E85), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodiites in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Monmouth and Somerset Counties, N.J., to points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along North Carolina Highway 62 to Burlington, N.C., thence along North Carolina Highway 49 to Ramseur, N.C., thence along North Carolina Highway 22 to Carthage, N.C., thence along U.S. Highway 15 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, then along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of New York, N.Y., Danville, Va., and Mayfield, N.C.

No. MC 30280 (Sub-No. E86), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Bergen and Passaic Counties, N.J., to points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 15 to Creedmoor, N.C., thence along North Carolina Highway 50 to Raleigh, N.C., thence along U.S. Highway 70 to Goldsboro, N.C., thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Southport, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., (2) Danville, Va., and (3) Mayfield, N.C.

No. MC 30280 (Sub-No. E92), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Danville, Va., on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateways of Reidsville, N.C., Charlotte, N.C., and Greenville, S.C.

No. MC 30280 (Sub-No. E93), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B, explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Danville, Va., on the one hand, and, on the other, points in that part of South Carolina on and west of a line beginning at the South Carolina-North Carolina State line, thence along South Carolina Highway 18 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 773, thence along South Carolina Highway 773 to junction South Carolina Highway 391, thence along South Carolina Highway 391 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction South Carolina Highway 68, thence along South Carolina Highway 68 to Yemassee, S.C., thence along U.S. Highway 21 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of (1) Mayfield, N.C., (2) Charlotte, N.C., and (3) Spartansburg, N.C.

No. MC 30280 (Sub-No. E94), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Norfolk, Va., to points in that part of South Carolina on and west of a line beginning at the South Carolina-North Carolina State line, thence along Interstate Highway 126 to Spartanburg, S.C., thence along South Carolina Highway 9 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to North Augusta, S.C. The purpose of this filing is to eliminate the gateways of (1) Reidsville, N.C., (2) Charlotte, N.C., and (3) Greenville, S.C.

No. MC 30280 (Sub-No. E95), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, 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 Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, and Nottoway Counties, Va., on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateways of (1) Burlington, N.C., (2) Charlotte, N.C., and (3) Greenville, S.C.

No. MC 30280 (Sub-No. E98), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box

1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Norfolk, Va., to points in that part of Georgia on and west of a line beginning at Augusta, Ga., thence along U.S. Highway 25 to Waynesboro, Ga., thence along Georgia Highway 56 to Swainsboro, Ga., thence along U.S. Highway 1 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateways of (1) Reidsville, N.C., (2) Charlotte, N.C., and (3) Greenville, S.C.

No. MC 30280 (Sub-No. E99), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Norfolk, Va., to points in that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line, thence along North Carolina Highway 62 to Burlington, N.C., thence along North Carolina Highway 87 to Pittsboro, N.C., thence along U.S. Highway 15 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC 30280 (Sub-No. E100), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, 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 Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward and Nottoway Counties, Va., on the one hand, and, on the other, points in that part of South Carolina on and west of a line beginning at the South Carolina-North Carolina State line, thence along South Carolina Highway 150 to Gaffney, S.C., thence along South Carolina Highway 105 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to Chester, S.C., thence along U.S. Highway 321 through Columbia, S.C., thence along South Carolina Highthence along U.S. Highway 21 to Frogmore, S.C. The purpose of this filing is to eliminate the gateways of (1) Burlington, N.C., (2) Charlotte, N.C., and (3) Spartanburg, S.C.

No. MC 30837 (Sub-No. E1), filed May 17, 1974. Applicant: KENOSHA AUTO TRANSPORT CORP., 4200 39th Avenue, Kenosha, Wisc. 53140. Applicant's representative: Albert P. Barber (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *School buses*, in secondary movements, in driveaway service, from Lima, Ohio, to points in Arizona, California, Colorado, Florida, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming (Union City, Ind.)*; (2) *new automobiles and new trucks*, in secondary movements, in truckaway service, from New York, N.Y., to New Albany, Indiana, points in Illinois, and points in that part of Ohio, bounded by a line beginning at the Ohio-Indiana State line thence along U.S. Highway 36 to the junction of U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line (points in that part of Kentucky bounded by a line extending from Louisville, Ky., south along U.S. Highway 31W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to junction U.S. Highway 25W, thence along U.S. Highway 25W to Corbin, thence along U.S. Highway 25 to Richmond, thence along U.S. Highway 227 to Paris, thence along U.S. Highway 27 to the Kentucky-Ohio State line, and thence along the Kentucky-Ohio State line to Louisville and point of beginning including points on the indicated portions of the highways specified and those in Kentucky within five miles of the Ohio River)*; (3) *new foreign-made automobiles*, in secondary movements, in truckaway service, from New York, N.Y., to points in California, Idaho, Nevada, Oregon, Utah, and Washington (Kenosha, Wisc.)*;

(4) *Used automobiles*, in secondary movements, in truckaway service, between points in Arizona, California, Nevada, Oregon, and Washington, on the one hand, on the other, West Springfield, Pa., New Albany, Ind., points in Wayne County, Mich., and Warren Township, Macomb County, Mich., points in Ohio, and points in that part of Kentucky bounded by a line extending from Louisville, Ky., south along U.S. Highway 31W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to junction U.S. Highway 25W, thence along U.S. Highway 25W to Corbin, thence along U.S. Highway 25 to Richmond, thence along U.S. Highway 227 to Paris, thence along U.S. Highway 27 to the Kentucky-Ohio State line, and thence along the Kentucky-Ohio State line to Louisville and point of beginning, including points on the indicated portions of the highways specified and those in Kentucky and West Virginia within five miles of the Ohio River (points in Illinois)*; (5) *self-propelled street sweepers*, weighing less than 15,000 pounds, each (except those which because of size or weight require the use of special equipment or special handling), and *parts, attachments*, and *accessories*, therefor, when moving therewith, from Newark, N.J., to points in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. Restriction: The authority granted immediately above is restricted against the transportation of shipments destined to Canada moving through the ports of entry located in North Dakota at or near the United States-Canada Boundary line (Indianapolis, Ind.)*;

(6) *Motor vehicles* (not including trailers), in initial movements, in driveaway and truckaway service, and moving on Government Bills of Lading, from Baltimore, Md., to points in Illinois, points in Wayne County, Mich., and Warren Township, Macomb County, Mich., and points in that part of Kentucky bounded by a line extending from Louisville, Ky., south along U.S. Highway 31W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to junction U.S. Highway 25W, thence along U.S. Highway 25W to Corbin, thence along U.S. Highway 25 to Richmond, thence along U.S. Highway 227 to Paris, thence along U.S. Highway 27 to the Kentucky-Ohio State line, and thence along the Kentucky-Ohio State line to Louisville and point of beginning, including points on the indicated portions of the highways specified, and those in Kentucky and West Virginia within five miles of the Ohio River (points in Ohio)*; (7) *foreign-made automobiles*, in secondary movements, in truckaway service from ports in California, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia (Kenosha, Wisc.)*; (8) *display materials*, in shipper-owned demonstration vehicles, in driveaway service, between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Nebraska, Colorado, Oklahoma, and Texas (points in North Dakota, South Dakota, Wyoming, Utah, and New Mexico)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 37248 (Sub-No. E4), filed May 31, 1974. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INC., P.O. Box 4988, Martinsville, Va. 24112. Applicant's representative: T. C. Clark (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rayon yarn and cloth, cotton yarn*

and warps, empty beams, spools, cases, and containers for rayon and cotton yarn warps, *Rayon mill and cotton mill machinery, supplies and equipment*, between Cumberland, Md., on the one hand, and, on the other, points in North Carolina, points in Tennessee within 150 miles of Wythe County, Va., points in Virginia on and south of U.S. Highway 460, and Anderson, Charleston, and Greenville, S.C. The purpose of this filing is to eliminate the gateways of Covington, Roanoke and Lynchburg, Va., points in North Carolina within 50 miles of Winston-Salem, N.C., points in Wythe County, Va.

No. MC 83539 (Sub No. E63), filed May 16, 1974. Applicant: C & H TRANSPORTATION, INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as require special handling or rigging because of size or weight, between points in Alabama, on the one hand, and, on the other, points in Arizona and Colorado (points in Texas)*; (2) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), and related contractors' equipment, material, and supplies, which are parts thereof, when their transportation is incidental to the transportation of commodities which because of size or weight, require the use of special equipment, between points in Alabama, on the one hand, and, on the other, points in Idaho (points in Kansas, Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (3) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts* thereof when moving in connection therewith, between points in Alabama, on the one hand, and, on the other, points in Illinois and Indiana (Nashville, Tenn., and points in Tennessee within 50 miles of Nashville, and points in Kentucky)*;

(4) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment and *related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation of carrier of commodities which by reason of size, or weight, require the use of special equipment, between points in Alabama, on the one hand, and, on the other, points in Iowa, South Dakota, and Nebraska (Nashville, Tenn., and points in Tennessee within 50 miles of Nashville, and points in Missouri)*; (5) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies*, which are parts of commodities the transportation of which, by reason of size or weight require the use of special equipment, when moving in connection therewith, between points in Alabama, on the one hand, and, on the other, points in Michigan (Nashville, Tenn., and points in Tennessee within 50 miles of Nashville, points in Missouri)*; (6) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts* thereof, when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require the use of special equipment, between points in Alabama, on the one hand, and, on the other, points in Missouri (Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*; (7) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except boats), and related machinery parts and related contractors' materials and supplies which are parts thereof, when their transportation is incidental to the transportation of said carrier of commodities which by reason of size or weight, require special equipment, between points in Alabama, on the one hand, and, on the other, points in Montana (Wichita, Kans., and points in Colorado)*;

(8) *Such commodities* as require special handling or rigging because of size or weight, (a) between points in Alabama, on the one hand, and, on the other, points in New Mexico (points in Texas)*, and (b) between points in Alabama, on the one hand, and, on the other, points in Wyoming (points in Texas and Colorado)*; (9) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except boats), and *related contractors' materials and supplies* which are parts thereof, when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight, require special equipment, between points in Alabama, on the one hand, and, on the other, points in North Dakota (points in Missouri and South Dakota, and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*; (10) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts* thereof, when moving in connection with said commodities, between points in Alabama, on the one hand, and, on the other, points in Oregon and Washington (points in Kansas)*; (11) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* which are parts thereof, when their transportation is incidental to the transportation of commodities which by reason of size or weight, require special equipment (except aircraft and missiles, and parts thereof), between points in Alabama, on the one hand, and, on the other, points in South Carolina (points in Georgia)*; (12) *Such commodities*, as require special handling or rigging because of size or weight (except boats), between points in Alabama, on the one hand, and, on the other, points in Utah (points in Texas and Colorado)*; (13) *Heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment or handling (except aircraft and missiles, and parts thereof), between points in Alabama, on the one hand, and, on the other, points in Virginia (points in North Carolina)*;

(14) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation by carrier of commodities the transportation of which by reason of size or weight, require the use of special equipment (except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines), between points in Alabama, on the one hand, and, on the other, points in Wisconsin (points in Kentucky and Illinois, and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*; (15) *Such commodities* as require special handling or rigging because of size or weight (except aircraft and missiles, and parts thereof), between points in Arizona, on the one hand, and, on the other, points in South Carolina (points in Texas and Georgia)*; (16) *Such commodities*, as require special handling or rigging because of size or weight (except boats), between points in Arizona, on the one hand, and, on the other, points in North Dakota and South Dakota (points in Colorado)*; (17) *Such commodities*, as require special handling or rigging because of size or weight, (a) between points in Arizona, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Mississippi, and Oklahoma (points in New Mexico)*, (b) between points in Arizona, on the one hand, and, on the other, points in Connecticut and Massachusetts (points in Texas and Philadelphia, Pa.)*, (c) between points in Arizona, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, and Tennessee (points in Texas)*, (d) between points in Arizona, on the one hand, and, on the other, points in Louisiana (points in Texas)*, (e) between points in Arizona, on the one hand, and, on the other, points in Maryland (points in Texas and Pennsylvania)*, (f) between points in Arizona, on the one hand, and, on the other, points in Michigan (points in New Mexico and Illinois)*, (g) between points in Arizona, on the one hand, and, on the other, points in Missouri and Nebraska (points in New Mexico and Kansas)*, (h) between points in Arizona, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania (points in Texas)*, (i) between points in Arizona,

on the one hand, and, on the other, points in West Virginia (points in Texas, and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville) *, and (j) between points in Arizona, on the one hand, and, on the other, points in Wisconsin (points in New Mexico) *;

(18) *Heavy machinery*, requiring special handling and equipment because of size or weight, between points in Arkansas, on the one hand, and, on the other, points in Colorado (Wichita, Kans.) *; (19) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation by carrier of commodities the transportation of which, by reason of size or weight, require the use of special equipment (except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines), between points in Arkansas, on the one hand, and, on the other, points in the Lower Peninsula of Michigan (points in Illinois) *; (20) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment (except boats), and *related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation by said carrier of commodities which, by reason of size or weight, require special equipment, between points in Arkansas, on the one hand, and, on the other, points in Utah, Wyoming, and Montana (points in Colorado and Wichita, Kans.) *; (21) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require the use of special equipment, between points in Arkansas, on the one hand, and, on the other, points in Nebraska (points in Kansas) *;

(22) Commodities, the transportation of which, because of size or weight, require the use of special equipment, and *parts* thereof, when moving in connection with such commodities, (a) between points in Arkansas, on the one hand, and, on the other, points in Oregon (points in Kansas and Oklahoma) *, (b) between points in Arkansas, on the one hand, and, on the other, points in Washington (points in Oklahoma) *, and (c) between points in Arkansas, on the one hand, and, on the other, points in West Virginia and Virginia (Nashville, Tenn., and points in Tennessee within 50 miles of Nashville) *; (23) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation of commodities which by reason of size or weight, require special equipment (except aircraft and missiles, and parts thereof), between points in Arkansas, on the one hand, and, on the other, points in South Carolina (points in Georgia) *; (24) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except boats), and *related machinery parts* and *related contractors' materials* and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight, require special equipment, (a) between points in California, on the one hand, and, on the other, points in Colorado, North Dakota, South Dakota, and Wyoming (points in Utah) *, (b) between points in California, on the one hand, and, on the other, points in Montana (points in Oregon, Utah, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mon.) *, and (c) between points in California, on the one hand, and, on the other, points in Tennessee (points in Utah, Colorado, and Wichita, Kans.) *;

(25) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except aircraft and missiles, and parts thereof), between points in California, on the one hand, and, on the other, points in Georgia (points in South Carolina) *; (26) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (restricted against the transportation of steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building construction and moving machinery, from Benton Harbor, Mich., to points in Montana, North Dakota, South Dakota, and Wyoming), between points in Colorado, on the one hand, and, on the other, points in Connecticut (points in Wyoming, and Philadelphia, Pa.) *; (27) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts* thereof when moving in connection with such commodities, between points in Colorado, on the one hand, and, on the other, points in Florida, Georgia, Mississippi, North Carolina, and Tennessee (Wichita, Kans.) *;

(28) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation by carrier of commodities the transportation of which by reason of size or weight require the use of special equipment (except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines), between points in Colorado, on the one hand, and, on the other, points in Kentucky (Wichita, Kans., and points in Missouri and Illinois) *; (29) *Such commodities* as require special handling or rigging because of size or weight, between points in Colorado, on the one hand, and, on the other, points in Louisiana (points in Texas) *; (30) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except boats), and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight, require the use of special equipment, (a) between points in Colorado, on the one hand, and, on the other, points in Pennsylvania (points in Wyoming) *; and (b) between points in Colorado, on the one hand, and, on the other, points in Washington (points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.) *;

(31) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, which are parts thereof, when their transportation is incidental to the transportation of commodities which by reason of size or weight, require special equipment (except aircraft and missiles, and parts thereof), between points in Colorado, on the one hand, and, on the other, points in South Carolina (Wichita, Kans., and points in Georgia and North Carolina) *; (32) *Commodities*, the transporation of which, because of size or weight, require the use of special equipment, (a) between points in Connecticut, on the one hand, and, on the other, points in Idaho, Oregon, and Washington (Philadelphia, Pa., and points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.) *, (b) between points in Connecticut, on the one hand, and, on the other, points in Wyoming, Texas, South Dakota, North Dakota, and Montana (Philadelphia, Pa.) *, (c) between points in Connecticut, on the one hand, and, on the other, points in New Mexico (Philadelphia, Pa., and points in Texas) *, (d) between points in Connecticut, on the one hand, and, on the other, points in Oregon (Philadelphia, Pa., and points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.) *; and (e) between points in Connecticut, on the one hand, and, on the other, points in Maryland (Philadelphia, Pa.) *;

(33) *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between points in Alabama, on the one hand, and, on the other, points in Idaho (points in Kansas, Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.) *, and (b) between points in Colorado, on the one hand, and, on other other,

points in Washington (points in that of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; and (34) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (a) between points in Alabama, on the one hand, and, on the other, points in Arizona, Colorado, and New Mexico (points in Texas)*, (b) between points in Alabama, on the one hand, and, on the other, points in Illinois and Indiana (points in Kentucky, and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*, (c) between points in Alabama, on the one hand, and, on the other, points in Iowa, Nebraska, and South Dakota (points in Missouri, and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*, (d) between points in Alabama on the one hand, and, on the other, points in Michigan (points in Kentucky, Illinois, and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*, (e) between points in Alabama, on the one hand, and, on the other, points in Montana (Wichita, Kans., and points in Colorado)*,

(f) Between points in Alabama, on the one hand, and, on the other, points in North Dakota (points in Missouri, South Dakota, and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*, (g) between points in Alabama, on the one hand, and, on the other, points in Oregon and Washington (points in Kansas)*, (h) between points in Alabama, on the one hand, and, on the other, Utah and Wyoming (points in Texas and Colorado)*, (i) between points in Arizona, on the one hand, and, on the other, Arkansas, Florida, Georgia, Louisiana, New Jersey, New York, Pennsylvania, and Tennessee (points in Texas)*, (j) between points in Arizona, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, Mississippi, and Oklahoma (points in New Mexico)*, (k) between points in Arizona, on the one hand, and, on the other, points in Iowa, Missouri, and Nebraska (points in New Mexico and Kansas)*, (l) between points in Arizona, on the one hand, and, on the other, points in North Carolina, South Carolina, and West Virginia (points in Texas and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*, (m) between points in Arizona, on the one hand, and, on the other, points in North Dakota and South Dakota (points in Colorado)*, (n) between points in Arkansas, on the one hand, and, on the other, points in Colorado (Wichita, Kans.)*, (o) between points in Arkansas, on the one hand, and, on the other, points in Montana, Utah, and Wyoming (Wichita, Kans., and points in Colorado)*, (p) between points in Arkansas, on the one hand, and, on the other, points in Oregon and Nebraska (points in Kansas)*,

(q) between points in Arkansas, on the one hand, and, on the other, points in Oregon and Washington (points in Oklahoma)*, (r) between points in Arkansas, on the one hand, and, on the other, points in Virginia and West Virginia (Nashville, Tenn., and points in Tennessee within 50 miles of Nashville)*, (s) between points in California, on the one hand, and, on the other, points in Colorado, North Dakota, South Dakota, and Wyoming (points in Utah)*, (t) between points in California, on the one hand, and, on the other, points in Georgia (points in North Carolina)*, (u) between points in California, on the one hand, and, on the other, points in Montana (points in Oregon, Utah, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*, (v) between points in California, on the one hand, and, on the other, points in Tennessee (points in Utah, Colorado, and Wichita, Kans.)*, (w) between points in Colorado, on the one hand, and, on the other, points in Tennessee, Florida, Georgia, Mississippi, and North Carolina (Wichita, Kans.)*, (x) between points in Colorado, on the one hand, and, on the other, points in Louisiana (points in Texas)*, (y) between points in Colorado, on the one hand, and, on the other, points in Pennsylvania (points in Wyoming)*, and (z) between points in Colorado, on the one hand, and, on the other, points in Virginia (Wichita, Kans., and Nashville, Tenn., and points in Tennessee within 50 miles of Nashville, Tenn.)*.

Restriction: The operations authorized in (1)–(15), (17)(c), (17)(i), (20)–(23), (27), (29), and (31) above are restricted against the stringing and/or picking up of pipe in connection with the construction and dismantling of main or trunk pipelines, between points in Louisiana, Mississippi, and North Carolina. The operations authorized in (3), (5), (14), (17)(a), (17)(d), (17)(f), (17)(g), (19), and (28) are restricted against the transportation of heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, between points in Illinois, on the one hand, and, on the other, points in Mississippi, Louisiana, those in Arkansas on U.S. Highway 61. The operations authorized in (2), (4), (9), (17)(g), (21), (28), (34(c), (34)(e), (34)(f), and (34)(k) above are restricted against the transportation of (1) any shipment which originates at St. Louis or Kansas City, Mo., and which is destined to any points in Missouri, Kansas, or Iowa, or (2) any shipment which originates at any points in Missouri, Kansas, or Iowa, and which is destined to St. Louis and Kansas City. The operations authorized in (2), (4), (9), (17)(g), (21), and (28) above are restricted against the transportation of cast iron pressure pipe and fittings and accessories therefore when moving with such pipe, from Council Bluffs, Iowa.

The operations authorized in (30)(a), (32)(a), (32)(b), and (32)(d) above, are restricted against the transportation of steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building construction and moving machinery, from Benton Harbor, Mich., to points in Montana, North Dakota, South Dakota, and Wyoming. The operations authorized in (5) above is subject to the condition that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and (2) of related contractors' equipment, materials, and supplies when their transportation is incidental to the transportation of carrier of commodities which, because of size or weight, require the use of special equipment. The operations authorized in (2), (4), (9), (17)(g), (21), and (28) above are subject to the condition that the carrier shall not engage in the stringing or picking up of pipe along main or trunk pipeline rights of way, other than in the transportation, stringing or picking up of pipe (1) in connection with river crossings of pipeline and (2) in connection with the operation, repair, and maintenance of pipelines. The operations authorized in (17)(b), (17)(e), (17)(h), (26), (30)(a), (32)(a)–(d) above, are subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipelines. The operations authorized in (30)(a), (32)(a), (32)(b), and (32)(d) above, are restricted against the transportation of steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building construction and moving machinery, from Benton Harbor, Mich., to points in Montana, North Dakota, South Dakota, and Wyoming. The operations authorized in (5) above is subject to the condition that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The operations authorized in (33) and (34) above, are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway indicated by the asterisk above.

No. MC 95540 (Sub-No. E328) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER June 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 58 to Mercer; thence along Pennsylvania Highway 19 to but excluding Pittsburgh, thence along Pennsylvania Highway 5 to but excluding Uniontown, thence along Pennsylvania Highway 40 to the Pennsylvania-West Virginia State line to Green Bay, Wis. The purpose of this filing is to eliminate the gateway of points in New York. The

purpose of this correction is to include the destination point.

No. MC 95540 (Sub-No. E447) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER January 30, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products* and *articles distributed by meat packinghouses* as described in A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except canned goods as set forth in List C of the Appendix), from those points in Ohio on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to its junction with Interstate Highway 76, thence along Interstate Highway 76 to its junction with Ohio Highway 21, thence along Ohio Highway 21 to its junction with Ohio Highway 585, thence along Ohio Highway 585 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 25/42, thence along U.S. Highway 25/42 to the Ohio-Kentucky State line to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga. The purpose of this correction is to include the destination points.

No. MC 97841 (Sub-No. E9) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 20, 1975. Applicant: GENERAL HIGHWAY EXPRESS, INC., P.O. Box 727, Sidney, Ohio 45365. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Middletown, Ohio, on the one hand, and, on the other, those points in Ohio on or bounded by a line beginning at Toledo, Ohio, and extending along Ohio Highway 2 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 11, thence along Ohio Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 2. The purpose of this filing is to eliminate the gateway of Sidney, Ohio. The purpose of this correction is to clarify the highway descriptions.

No. MC 107107 (Sub-No. E3), filed June 4, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in New York on and east of New York Highway 14 to points in Mississippi (Sylvester, Ga.)*; (2) *Candy and confectionery* and *related advertising material*, from New York, N.Y., and points within 15 miles thereof, to points in Louisiana (Pensacola and Tallahassee, Fla.)*; (3) Meat, meat products, and meat by-products, as defined by the Commission, from New York, N.Y., to points in Alabama, Louisiana, Mississippi, and those in Georgia on and south of U.S. Highway 280 (except Savannah, Ga.) (Florida)*; and (4) *Food* and *food ingredients* requiring temperature control in transit from New York, N.Y., and points within 15 miles thereof, to points in Wayne, Lowndes, Ware, and Glynn Counties, Ga. (Jacksonville, Fla.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107403 (Sub-No. E648), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline* and *fuel oil*, in bulk, in tank vehicles, from Syracuse, N.Y., to points in Kentucky and Ohio (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of Bradford, Pa., and Congo, W. Va.

No. MC 107403 (Sub-No. E649), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline* and *fuel oil*, in bulk, in tank vehicles, from Syracuse, N.Y., to points in Indiana and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Bradford, Pa., and Canton, Ohio.

No. MC 107403 (Sub-No. E651), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicarbonate of soda* (dry) and *sodium carbonate* (monohydrated, dry), in bulk, in hopper and mechanical dicharge type vehicles, from the facilities of Church and Dwight Co., Inc., at Syracuse, N.Y., to points in Indiana, Kentucky, and Michigan. The purpose of this filing is to eliminate the gateways of Erie, Pa., and Ashtabula, Ohio.

No. MC 107403 (Sub-No. E652), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, in bulk, in tank vehicles, from Solvay, N.Y., to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateway of Springfield, Mass.

No. MC 107403 (Sub-No. E655), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicarbonate of soda* (dry) and *sodium carbonate* (monohydrated, dry), in bulk, in hopper and mechanical discharge type vehicles, from the facilities of Church and Dwight Co., at Syracuse, N.Y., to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of Erie, Pa., Ashtabula County, Ohio, facilities of B.F. Goodrich in Milan Township, Ind.

No. MC 108449 (Sub-No. E90), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C., St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, from the terminal of Duluth Petroleum Products, near Duluth, Minn., and points within two miles thereof, to points in South Dakota. The purpose of this filing is to eliminate the gateway of the terminal of the Williams Brothers Pipe Line Co., at or near St. Cloud, Minn.

No. MC 108449 (Sub-No. E91), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C., St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Grand Forks, N. Dak., and points within 10 miles thereof, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC 108449 (Sub-No. E92), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C., St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Grand Forks, N. Dak., and points in North Dakota within ten miles thereof, to points in the Upper Peninsula of Michigan. The purpose of this filing

is to eliminate the gateway of McGregor, Minn.

No. MC 108860 (Sub-No. E1), filed May 30, 1974. Applicant: DAWES TRANSFER, INC., Milwaukee, Wis. Applicant's representative: Richard Ward, Suite 618, Perpetual Bldg., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment*, and *supplies* used in the construction and maintenance of highways which because of their size or weight require special equipment; and (2) Self-propelled articles weighing 15,000 pounds or more which are described in (1) above which do not require the use of special handling and special equipment and related machinery, tools, parts, and supplies moving in connection therewith, between points in Wisconsin north of a line beginning at LaCrosse, Wis., and extending along U.S. Highway 16 to Wisconsin Dells, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wis.; points in Minnesota within 25 miles of the Iowa-Minnesota State line and of the Minnesota-Wisconsin State line; and points in Iowa on, east, and north of a line beginning at LaCrosse, Wis., and extending along U.S. Highway 16 to Wisconsin Dells, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wis.; points in Minnesota within 25 miles of the Iowa-Minnesota State line and of the Minnesota-Wisconsin State line; and points in Iowa on, east, and north of a line beginning along U.S. Highway 65 at the Minnesota-Iowa State line extending along U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Illinois south of U.S. Highway 6 and on and north of Illinois Highway 9 (except points in Rock Island and Mercer Counties as to Iowa). The purpose of this filing is to eliminate the gateways of points in Wisconsin south of a line beginning at LaCrosse, Wis., and extending along U.S. Highway 16 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis.

No. MC 112801 (Sub-No. E9), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with petroleum base, in bulk), from points in that part of Ohio on, east, and south of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E10), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base), in bulk, from points in that part of Indiana on and south of U.S. Highway 40 to points in that part of Wisconsin on and west of U.S. Highway 51. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 113459 (Sub-No. E91), filed May 14, 1974. Applicant: H. J. JEFFERIES 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: *Self-propelled tractors* (other than truck-tractors designed for highway operation), each weighing 15,000 pounds or more, from points in that part of Iowa on and east of Interstate Highway 35, to points in Alaska. Restriction: The operations authorized above are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113678 (Sub-No. E22), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza*, and *pizza pie ingredients*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to those points in Oklahoma on and west of Oklahoma Highway 95; to those points in Texas on and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line and to points in New Mexico (Denver, Colo.*; (2) *Frozen bakery products* and *pizza pie ingredients*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to those points in Oklahoma on and west of Oklahoma Highway 95; to those points in Texas on and west of a line beginning at the Texas-New Mexico State line, extending along U.S. Highway 285 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line, and to points in New Mexico (Julesburg, Colo.)*;

(3) *Dairy products* and *vegetable food products*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to points in Arizona (points in Colorado east of the Continental Divide)*; (4) *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to points in Montana, those points in South Dakota on and west of Montana 73, those points in Oklahoma on and west of Oklahoma Highway 95, and those points in Texas on and west of a line beginning at the Texas-New Mexico State line, and extending along U.S. Highway 285 to junction Texas Highway 17, thence along Texas Highway 17 to Junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line, (Greeley, Colo.)*, and (b) from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to those points in South Dakota on and west of South Dakota Highway 73 (Sterling, Colo.)*; (5) *Frozen foods*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to points in Washington, Oregon, Idaho, and Montana (except those in Valley, Daniels, Sheridan, Roosevelt, McCone, Richland, Dawson, Garfield, Prairie, and Wibaux Counties, Mont) (Denver Colo.)*; (6) *Pickles*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to points in Arizona and Utah (Denver, Colo.)*.

Restriction: The authority granted in (1), (2), (3), (4), (5), and (6) above, is restricted against the transportation of nonfrozen products, except when moving with frozen products. (7) *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to points in Colorado (except Denver) (Lexington, Nebr.)*; (8) *Fresh meats and packinghouse products*, from points in the New York, N.Y., commercial zone, as defined by the Commission, and from Philadelphia, Pa., to Denver, Colo. (Omaha, Nebr.)*. Restriction: (1) The authority granted in (7) and (8) above, is restricted against the transportation of frozen products. (2) The authority granted in all of the above sections is restricted to the transportation of traffic moving in mechanically refrigerated vehicles. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E38), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Canned dairy*

products and canned vegetable food products, from Chicago, Ill., to points in Arizona. 2. *Frozen edible meats, frozen edible meat products, and frozen meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago, Ill., Des Moines and Ottumwa, Iowa; and Omaha, Nebr., to points in Washington, Oregon, and Idaho. 3. *Pickles*, from Chicago, Ill., Des Moines and Ottumwa, Iowa and Omaha, Nebr., to points in Arizona and Utah. RESTRICTION: The operations authorized in (1), (2), and (3) above are restricted to the transportation of traffic moving to or from the facilities of meat packinghouses. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113678 (Sub-No. E39), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, liquids in bulk, in tank vehicles), from the facilities of the Platte Valley Packing Company located at or near Darr, Nebr.; a. to Chicago, Ill. (Des Moines, Iowa)*, b. to Detroit, Mich. (Spencer, Iowa)*, c. to points in Montana (Greeley, Colo.)*.

2. *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the facilities of the Platte Valley Packing Company located at or near Darr; a. to Chicago, Rockford, Aurora, Kankakee, and Plainfield, Ill. (Fort Dodge, Iowa)*, b. to points in Arizona, California, and Nevada (Denver, Colo.)*.

3. *Frozen edible meats, frozen edible meat products and frozen meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Platte Valley Packing Company located at or near Darr (Dawson County), Nebr., to points in Oregon, Washington, and Idaho (Denver, Colo.)*.

Restriction: The service authorized in (1), (2), and (3) above, is restricted to the transportation of shipments originating at the facilities of the Platte Valley Packing Company, located at or near Darr, Nebr. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114211 (Sub-No. E1010), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products, and byproducts), and *fittings* and *accessories* therefor when moving with such pipe, from Bensonville, Ill., to points in Utah and Arizona, with no transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Griffin Pipe Products Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E1011), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and their by-products), and *fittings and accessories* therefor when moving with such pipe, from Lone Star and Bond, Tex., to points in Idaho, and to points in that part of Utah on and north of a line beginning at the Colorado-Utah State line extending along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-Utah 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 of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E1012), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products and byproducts), and *fittings* and *accessories* therefor when moving with such pipe, from Sivan and Tyler, Tex., to points in Idaho and points in that part of Idaho on and north of a line beginning at the Utah-Wyoming State line extending along Interstate Highway 80 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah 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 of Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E1013), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), and *fittings* and *accessories* therefor when moving with such pipe, from Gainsville and Hillsboro, Tex., to points in Idaho and points in that part of Utah on and north of a line beginning at the Idaho-Utah State line extending along U.S. Highway 89 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Idaho-Utah 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 of Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E1014), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* and fittings and accessories therefor when moving with such pipe, from Coshocton, Ohio, to points in Montana, North Dakota, South Dakota, Nebraska, Wyoming, Colorado, and New Mexico; to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 81 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Texas State line; points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 166, thence along U.S. Highway 166 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Oklahoma State line; and to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 183 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S.

Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 83, thence along U.S. Highway 83 south to Laredo, Tex., 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 of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E1016), filed July 3, 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* (except commodities, the transportation of which, because of size or weight, requires special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from Walford, Iowa, to points in that part of Arizona on and south of a line beginning at the Arizona-California State line extending along U.S. Highway 66 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-New Mexico State line; to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction New Mexico Highway 136, thence along New Mexico Highway 36 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Texas-New Mexico State line; and to points in that part of California on and south of a line beginning at Santa Cruz, Calif., thence along California Highway 1 to junction California Highway 152, thence along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-California State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Nebraska City and Beatrice, Nebr., and Claremore, Okla.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-7734 Filed 3-24-75;8:45 am]

[Notice No. 253]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 25, 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 April 14, 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-75577. By order of March 25, 1975, the Motor Carrier Board approved the transfer to Joe Nash, doing business as AAA Ace Automobile Transport, San Antonio, Tex., of the operating rights in Certificate No. MC 107227 (Sub-No. 36) issued April 29, 1955, to Insured Transporters, Inc., Fremont, Calif., authorizing the transportation of automobiles, embezzled, repossessed, abandoned, stolen, and wrecked (but rolling on their own wheels), in driveaway and towaway service, between points in the United States. John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75672. By order of March 25, 1975, the Motor Carrier Board approved the transfer to Ace Moving & Storage Company, Inc., Omaha, Nebr., of a portion of the operating in Certificate No. MC 36738 issued December 23, 1940 to Fidelity Storage & Van Co., Inc., Omaha, Nebr., authorizing the transportation of household goods between points in Nebraska, Kansas and Iowa. Donald L. Stern, 7100 W. Center Road, Omaha, Nebr. 68106, attorney for applicants.

No. MC-FC-75708. By order entered March 25, 1975, the Motor Carrier Board approved the transfer to Moeller Trucking Co., a corporation, North Lima, Ohio, of that portion of the operating rights set forth in Certificate of Registration No. MC 120276 (Sub-No. 2), issued June 28, 1965, to Kenyon Motor Express, Inc., North Lima, Ohio, evidencing a right to engage in transportation in interstate or foreign commerce of property from and to Steubenville, Ohio. David A. Turano, 100 E. Broad St., Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-75711. By order entered March 25, 1975, the Motor Carrier Board approved the transfer to Pat's Tow Service, Inc., Cambridge, Mass., of the operating rights set forth in Certificate No. MC 116866, issued March 26, 1971, to Pat's Towing Service, Inc., Cambridge, Mass., authorizing the transportation of wrecked, disabled and repossessed motor vehicles (except trailers designed to be drawn by passenger automobiles), in truckaway service requiring the use of wrecker equipment, between points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut. John Hession, 439 Trapelo Rd., Belmont, Mass. attorney for transferee and Bernard Goldberg, 620 Mass. Ave. Cambridge, Mass. 02139, attorney for transferor.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-7737 Filed 3-24-75;8:45 am]

[Notice No. 30]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 19, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestants can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 534TA), filed March 11, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, the lower peninsula of Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin, restricted to traffic originating at the plantsite of Ragu Foods, Inc., at Owensboro, Ky., and destined to points in the named destination states, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 50069 (Sub-No. 497TA) (Correction), filed February 27, 1975, published in the FEDERAL REGISTER issue of March 12, 1975, and republished as corrected this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals, rolling processing fluids, and lubricating oils*, in bulk, in tank vehicles, from Columbus, Ohio to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *ingredients, and raw materials used in the manufacture of liquid chemicals, rolling processing fluids and lubricating oils*, in bulk, in tank vehicles, from points in Smackover, Ark.; Savannah, Ga.; Itasca, McCook, Cicero and Chicago, Ill.; Hammond, Jeffersonville, Ind.; Ft. Wayne, and Plymouth, Ind.; Ashland, Ky.; Elkridge, Md.; Austin, Minn.; St. Louis, Mo.; Weehawken, N.J.; Buffalo, N.Y.; Bradford, Marcus Hook, Petrolia, Franklin and Philadelphia, Pa.; Houston, Tex.; Norfolk, Va.; Milwaukee, Cudahy and Madison, Wis.; and Lake Charles, La.; to the plantsites of the Ironsides Company of Columbus Ohio, for 180 days. Supporting shipper: The Ironsides Company, 270 West Mound St., P.O. Box 1999, Columbus, Ohio 43216. Send protests to: Keigh D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604. The purpose of this republication is to include the destination points.

No. MC 107403 (Sub-No. 933TA), filed March 11, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Amelia, La., to Augusta, Ga., Brunswick, Ga., Foley, Fla., for 180 days. Supporting shipper: W. D. Vinzant, Vice President, Division Manager, SI Lime Company, Pelican State Div., P.O. Box 1637, Morgan City, La. 70380. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 113740 (Sub-No. 4TA), filed March 11, 1975. Applicant: FLEMING-BABCOCK, INC., Box 107, Platte City, Mo. 64079. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates*, in dump vehicles, from Kansas City, Mo., to points in Kansas west of U.S. Highway 183, and to points in Iowa north of U.S. Highway 18, for 180 days. Supporting shipper: Carter-Waters Corporation, 2440 West Pennway, Kansas City, Mo. 64108. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119305 (Sub-No. 12TA), filed March 6, 1975. Applicant: C. ROBERT NATTRESS AND DONALD NATTRESS, doing business as B & D TRUCKING SERVICE, 33 W. Garfield Avenue, Norwood, Pa. 19074. Applicant's representative: Ralph C. Bussrt, Jr., 448 School House Lane, Philadelphia, Pa. 19144. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from the plantsite of Specialty Bakers, Inc., in Marysville, Pa., to points in the District of Columbia Commercial Zone, Greenbelt and Baltimore, Md., for 180 days. Supporting shipper: Specialty Bakers, Inc., 450 S. State Road, Marysville, Pa. 10753. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 119493 (Sub-No. 136TA), filed March 11, 1975. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196 Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured animal and poultry feeds and ingredients* (except in bulk) and (2) *empty bags, empty bags in mixed shipments of manufactured animal and poultry feed and ingredients* (except in bulk), (1) from Muscatine, Iowa to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, West Virginia and Pennsylvania; and from Joplin, Mo., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, West Virginia and Kentucky; (2) from Joplin, Mo., to Muscatine, Iowa, for 180 days. Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133106 (Sub-No. 50TA), filed March 11, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is manufactured or distributed by Warner-Lambert Company and related advertising material, from the plantsites and storage facilities utilized by Warner-Lambert Company, at or near Anaheim, Calif., to South Brunswick, New Jersey, Atlanta, Ga., Elk Grove Village, Ill., and Grand Prairie, Tex., under continuing contract with Warner-Lambert Co., for 180 days. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, N.J. 07950. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 135423 (Sub-No. 3TA) (Correction), filed February 24, 1975, published in the FEDERAL REGISTER issue of March 12, 1975, and republished as corrected this issue. Applicant: FRANKLIN GORDON, Rural Route 1, Manilla, Ind. 46150. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed mixing salt*, from Manistee and St. Louis, Mich., to Rushville, Ind., (2) *animal feed, dry*, in bags, from Slinger, Wis., to Rushville, Ind.; (3) *dog food*, in bags, from Muscatine, Iowa, to Rushville, Ind.; (4) *calcium chloride flakes*, in bags, from Effingham, Ill., to Rushville, Ind., (5) *soybean meal and corn gluten feed*, from Decatur, Ill., to Rushville, Ind. Restriction: The operations authorized hereinabove are limited to a transportation service to be performed under a continuing contract or contracts with Cargill, Inc., Nutrena Feed Division, of Minneapolis, Minn., for 180 days. Supporting shipper: Cargill, Ind., Nutrena Feed Division, 7228 Galloway, Indianapolis, Ind. 46260. Send protests to: James W. Mabermahl, District Supervisor, Bureau of Operations; Interstate Commerce Commission, Century Building, 36 S. Penn. St., Indianapolis, Ind. 46205. The purpose of this republication is state Manistee & St. Louis, Mich., in lieu of Manistee & St. Louis, Mo.

No. MC 135913 (Sub-No. 8TA), filed March 10, 1975. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Ile, Mich. 48138. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coated foundry sand*, in containers, from the facilities of International Minerals and Chemical Corporation, Industrial Materials and Foundary Division, at or near Rockwood, Mich., to points in Kentucky, Illinois, Wisconsin, Indiana, Ohio, Pennsylvania, West Virginia, Maryland, Virginia, and New York, and (2) *Materials and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodity in (1) above, from points in Kentucky, Illinois, Wisconsin, Indiana, Ohio, Pennsylvania, West Virginia, Maryland, Virginia, and New York, to the facilities of International Minerals and Chemical Corporation, Industrial Materials and Foundry Division, at or near Rockwood, Mich. (3) *Foundry core compounds and high temperature bonding mortar and cement* (except in bulk), from the facilities of International Minerals and Chemical Corporation, Industrial Materials and Foundry Division, at or near Rockwood, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin; and

(4) *Materials and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (3) above, from points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin, to the facilities of International Minerals and Chemical Corporation, Industrial Materials and Foundry Division, at or near Rockwood, Mich. (5) *Silica flour*, from points in Perry and Knox Counties, Ohio, to the facilities of International Minerals and Chemical Corporation, Industrial Materials and Foundry Division, at or near Rockwood, Mich., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Industrial Materials and Foundry Division of International Minerals and Chemical Corporation, of Libertyville, Ill., for 180 days. Supporting shipper: International Minerals and Chemical Corp., Industrial Materials and Foundry Division, 17350 Ryan Road, Detroit, Mich. 48212. Send protests to: Melvin F. Kirsch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 136848 (Sub-No. 6TA), filed March 7, 1975. Applicant: JAMES BRUCE LEE AND STANLEY LEE, doing business as, LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, Ill. 61764. Applicant's representative: Edward F. Stanula, 77 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, fibreboard and leather board*, from Madison, Ind., to Bridgewater, Mass.; Milwaukee, Wis.; Franklin, Tenn.; St. Louis, Mo.; Cape Girardeau, Mo.; and Hanover, Pa. and (2) *Offal; hide trimmings or pieces; chrome or leather scrap, ground or not ground; and tannery by-products*, from Milwaukee, Wis.; Boone Terre and Cape Girardeau, Mo.; Hanover, Pa.; Salem, Mass.; and Nashville, Tenn., to Madison, Ind., for 180 days. Supporting shipper: Thomas Robinson, Vice President, Robus Products Corporation, 4201 Wilson Ave., P.O. Box 736, Madison, Ind. 47250. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 136032 (Sub-No. 9TA), filed March 3, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Drugs and medicines, viz: intravenous solutions, nutritional and anti-coagulant solutions distilled water* (plain or saline), in glass or plastic containers; expendable administration sets; in vehicles equipped with mechanical refrigeration (1) from Glendale and Irvine, Calif., to points and places in the United States on and east of U.S. Highway 85, (2) between Irvine and Glendale, Calif., and Milledgeville, Ga., for 180 days. Supporting shipper: McGaw Laboratories, Division of American Hospital Supply Corp., Box K, Milledgeville, Ga. 31061. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 139623 (Sub-No. 4TA), filed March 10, 1975. Applicant: ADKINS TRANSFER, INC., 2537 Eighth Avenue, Huntington, W. Va. 25701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, crated and/or uncrated, between Dunbar, W. Va., on the one hand, and, on the other, points in Cabell and Wayne Counties, West Virginia; Boyd, Floyd, Greenup, Johnson, Lawrence, Magoffin, and Pike Counties, Kentucky and Lawrence County, Ohio. Service to points in Cabell and Wayne Counties, W. Va., is restricted to shipments that are stopped off in transit for partial loading and/or unloading, for 90 days. Supporting shipper: General Electric Company, 2516 Charles Avenue, Dunbar, W. Va. 25064. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 140568 (Sub-No. 2TA), filed March 10, 1975. Applicant: DELIVERIES UNLIMITED, INC., 125 Magazine Street, Boston, Mass. 02119. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computer parts*, between Nashua, N.H.; Manchester, N.H.; and Portland, Maine, on the one hand, and, on the other, Lowell, Lawrence, and Framingham, Mass., for 180 days. Supporting shipper: Honeywell Information Systems, Inc., 200 Smith St., Waltham, Mass. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 140648 (Sub-No. 2TA) (Correction), filed February 27, 1975, published in the FEDERAL REGISTER issue of March 12, 1975, and republished as corrected this issue. Applicant: FRANKS & SON, INC., Route 1, Box 108a, Big Cabin, Okla. 74332. Applicant's representative: James E. Frasier, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden products, including tongue depressers, cervical scrapers, toothpicks, ice cream spoons and wood turning; clothes pins, plastic eating utensils, and sporting goods, including sleds*, (1) from Strong, Maine, to Milwaukee, Wis.; (2) from Strong, Maine to Los Angeles, Calif., and Milwaukee, Wis.; (3) from Wilton, Maine to Dallas, Tex., and New Orleans, La.; (4) from Wilton, Maine to Seattle, Wash., Denver, Colo.; and Billings, Mont.; (5) from Wilton, Maine to Los Angeles, Calif.; and Phoenix, Ariz.; (6) from Wilton, Maine to San Francisco, Calif.; (7) from Skowhegan, Maine to Los Angeles & Oakland, Calif., and Seattle, Wash., for 180 days. Supporting shippers: Strong Woods Products, Inc., Strong, Maine 04983. Solon Mfg., Co., Inc., Solon, Maine 04979. Forester Mfg., Co., Wilton, Maine 04294. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 140722 TA, filed March 7, 1975. Applicant: DOBBINS TRUCK LINES, INC., 108 South Main Street, Thomas, Okla. 73669. Applicant's representative: James L. Zahorsky, 110 North Maine Street, Thomas, Okla. 73669. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New John Deere farm machinery and parts therefor*, from John Deere Company, factories and parts depots, located at or near Waterloo, Ankeny and Ottumwa, Iowa; East Moline and Moline, Ill.; and Kansas City, Mo.; to all points within the state of Oklahoma lying west of U.S. Highway 81, for 180 days. Supporting shippers: Combs Equipment, Inc., Box 693, Woodward, Okla. 73801. Mangum Equipment, Inc., P.O. Box 580, Mangum, Okla. 73554. Brown & Hulin, Inc. Box 766, Hobart, Okla. 73651. Midwest Farm Supply Co., Box 603, Elk City, Okla. 73644. Houston Hulin, Inc., 111 S. College, Cordell, Okla. 73632. Dobbins Bros., Impl., Co., Inc., Thomas, Okla. 73669. Dobbins Equipment Co., Inc., Watonga, Okla. 73772. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 140723 TA, filed March 11, 1975. Applicant: ARLIN CURTISS, doing business as ARLIN CURTISS FEED SERVICE, 405 North 12th Street, Montevideo, Minn. 56265. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from ports of entry on the International Boundary Line, between the United States and Canada, located in North Dakota, Montana and Minnesota, to points in Minnesota, for 180 days. Supporting shippers: Nohl Chemical and Fertilizer Service, Hancock, Minn. 56244. Cargill, Inc., Bloomquist, Minn. Cargill, Inc., Gluek, Minn. Hector Ag. Supply, Hector, Minn. 55342. Trimont CO-op, Trimont, Minn. 56176. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-7735 Filed 3-24-75;8:45 am]

federal register

TUESDAY, MARCH 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 58

PART II

DEPARTMENT OF HEALTH EDUCATION AND WELFARE

Office of Education

■

GUARANTEED STUDENT LOAN PROGRAM

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 177]

GUARANTEED STUDENT LOAN PROGRAM

Notice of Proposed Rulemaking

Notice is herby given that, pursuant to the authority contained in section 432 (a)(1) of the Higher Education Act of 1965, as amended (20 U.S.C. 1082(a)(1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 177 of Title 45 of the Code of Federal Regulations, by amending §§ 177.44 and 177.49 and adding § 177.52, as set forth below. The purpose of these amendments is to clarify the amount of loss which will be paid by the Commissioner on default claims submitted by lenders holding loans which are insured under the Federal Insured Student Loan Program (Subpart E of 45 CFR Part 177) and to specify the responsibilities of lenders prior to filing such claims.

Under the Federal Insured Student Loan Program (FISLP), the Commissioner issues a certificate of insurance for a loan made to an eligible student by an eligible lender, insuring the loan against losses incurred by the lender because of the student's failure to repay the loan. For this purpose, an eligible lender may be a bank or other financial or credit institution, or agency or instrumentality of a State, or an institution of higher education or a vocational school, as those terms are defined in the Higher Education Act. The Act and the regulations further provide that insured loans may be transferred or assigned by an eligible lender to another eligible lender. If the student fails to repay the loan, the holder of the loan may file a claim with the Commissioner to be reimbursed for the "unpaid balance of the principal amount and interest."

(20 U.S.C. 1080(a)).

Several questions have been raised regarding how the amount of the unpaid balance of the loan should be computed in situations in which the student borrower may have claims or defenses which he could assert against the original lender or a subsequent holder of the loan. Although it has been generally understood and accepted that a promissory note made under the FISL Program is not a negotiable instrument and that a purchaser of such a note cannot become a "holder in due course," as those terms are defined by commercial law, questions have still remained concerning the proper interpretation and application of the Act and regulations. The major issues relate to: (1) Defenses which the student borrower may have concerning the origination of the loan; (2) the rights of a holder who has obtained the loan by transfer or assignment from the lender; (3) the treatment to be accorded refunds to which the student borrower has become entitled; (4) the consequences of an educational institution closing during an academic term; and (5) whether a lender which is not an educational institution but which has a special relationship to an educational institution, should be required to assume certain responsibilities or risks beyond those of other nonschool lenders.

1. *Defenses on the loan.* The FISLP Program is designed to insure lenders against the student's failure to repay the loan. It does not insure the lender, or a subsequent holder, against such legal defenses as fraud or forgery on the part of the lender or third parties in the making of the loan which would be available to the student. In addition, the Act, particularly at 20 U.S.C. 1077, and the regulations provide for a number of requirements which must be met if a loan is to be insurable. Subject to the provisions of the proposed amendment to § 177.44, the Commissioner will not guarantee a lender or a subsequent holder against a loan failing to be in compliance with these requirements.

The amendment to § 177.44 would permit a non-school lender, acting in good faith and without information to the contrary, to rely upon the certification provided by the educational institution that the student is eligible for an FISLP loan and upon the assurances and the information provided by the student to establish his eligibility. The Commissioner, in effect, would insure such a lender against such certifications and assurances being false or inaccurate. However, lenders which purchased loan notes that were originated by a school (as specified in more detail in the proposed § 177.52(c)) would not be insured against false certifications made by the school in the making of the loan. Lenders in these two situations would be expected to pursue their legal remedies against the school. The proposed regulation thus encourages a lender to make a sound professional judgment regarding the practices of a school before purchasing loans originated by the school.

The proposed § 177.52 states that the Commissioner will take cognizance of legal defects affecting the initial validity or insurability of a loan and, subject to § 177.44(b), will deduct from the default claim amounts attributable to such defects. This provision is intended primarily to cover intentional misrepresentations, fraud, forgery and other knowing or intentional acts undertaken in order to obtain Federal insurance for a loan which would not be eligible for such insurance. In addition to such legal defects as these, there are a number of other requirements imposed by the authorizing legislation or the regulations for the FISL Program which could give rise to defects impairing the insurability of a loan. An example of such a defect would be the lender obtaining an endorsement in contravention of section 427(a)(2) of the Act (20 U.S.C. 1077(a)(2)). Since such an endorsement would, under the terms of section 427, render the loan uninsurable, the Commissioner could not reimburse a lender on a default claim filed for a loan bearing such an endorsement. Defects such as this one may, however, be remedied, with the Commissioner's approval, if he determines that no one has been adversely affected by the defect and that it can be remedied on a timely basis.

Thus, if a lender discovers such an unauthorized endorsement and, with the agreement of the student, deletes the unauthorized endorsement from the student's promissory note prior to the student becoming delinquent in his payments and prior to the time any party (other than the lender) has relied upon the endorsement, the Commissioner will not deem the loan to have been void ab initio. Rather, the Commissioner will view the defect as having been harmless up to the time of its deletion and will ratify the insurability of the loan.

2. *Transfers and assignments of FISLP notes.* The statute (20 U.S.C. 1079(d)) and the regulations (45 CFR 177.49) provide for the transfer and assignment of FISLP notes, even though such notes are not negotiable instruments. However, in order to provide the student and the subsequent holder of the note with as much protection as possible, the regulations require that notice of such transfer or assignment be given to the student, and to the Office of Education, if the rights or responsibilities regarding any payments on such loan are affected by the transfer or assignment. (See 45 CFR 177.49(b).) The proposed amendments set forth in this Notice attempt to clarify what statements must be included in such notices of transfer and to establish the legal consequences, as they relate to default claims, of a failure to comply with the notice requirement.

It should be noted that the regulation does not necessarily require the assignee of the loan to send the notice to the student; rather it would permit the notice to be sent by either the assignor or the assignee. However, if the assignee relies on the assignor to send the notice, the assignee would bear the risk that such notice was not sent. Thus, if proper notice has not been given to the student borrower, and the student has made payments to the assignor of the note which have not been passed on to the assignee or otherwise taken into consideration in computing the amount of the unpaid balance submitted on a default claim, the Commissioner would deduct the amount of such payments from the amount of the default claim which he would pay to the assignee.

Another specific situation concerning the transfer of FISL notes that is covered by the proposed amendment occurs when the lender has obtained from the student borrower a written statement authorizing the educational institution to pay any refunds which become due to the student directly to the lender. This issue in discussed in detail below, under the next heading.

3. *Treatment of unpaid refunds.* This issue arises most often in cases in which the original lender was an educational institution, although it can arise in cases where a non-school lender has obtained an authorization to have the refund paid directly to it, rather than to the student.

The proposed amendments specify that, under certain circumstances, a refund which has become due but has not been paid will be treated as a payment by the student on the loan and that, under other circumstances, the lenders and assignees of loans will have some responsibility to attempt collection of such refunds, but as to such lenders and assignees, such refunds will not otherwise be treated as payments by the student.

An unpaid refund would be treated as a payment by the student, and would be deducted from a default claim (if it has not already been taken into consideration in determining the amount of the unpaid balance), whenever the educational institution which owes the funds to the student is the original lender and has filed the default claim. An unpaid refund would be treated, in the same manner, as a payment by the student in any case in which the loan was made by the educational institution which owes the refund to the student and was transferred to another eligible lender after the refund became due. For this purpose, the date the refund became "due" is the date on which the student's entitlement first became established (by withdrawal, by notification to the school, or by failure to attend class or submit lessons), rather than the date within which payment of the refund must be made. Thus, the assignee of the loan would bear responsibility for pursuing its own remedies against the school. This should encourage a lender which is contemplating purchasing a loan from a school lender to inquire about the status of the student or to obtain an assurance from the institution protecting it against the risk of a refund having become into existence prior to the transfer.

The responsibilities of lenders with respect to unpaid refunds in other situations would be dependent on whether the original lender had been an educational institution and, if so, whether the loan had been transferred from the original lender to another eligible holder of the loan.

If the original lender was not an educational institution, the holder of the loan at the time of the student's default would be responsible for making a diligent effort to collect the refund from the school. If the student had previously signed an authorization to have the school pay the refund directly to the lender, this would mean that any assignee of the loan would be responsible for obtaining an assignment of the authorization and seeking to collect on it from the school. If the student had not signed such an authorization prior to becoming delinquent on the loan, the diligence required of the holder of the loan would include a diligent effort to obtain an assignment from the student of his right to the refund and, if successful, a diligent effort to collect the refund from the school. A lender which exercised such diligence, but was nonetheless unable to collect the refund, would be reimbursed by the Commissioner for the full unpaid balance of the loan. The Commissioner, under section 430(d) of the Act (20 U.S.C. 1080(b)), is subrogated to the rights of a lender to whom he has paid a default claim and he would then exercise these rights to seek collection of the refund. If, however, a lender failed to exercise the diligence called for in this regard, the Commissioner would deduct from the default claim any amounts included therein which represented the refund which was due. In that event, the lender would be expected to pursue whatever remedies it might have against the student, the school or a prior holder of the loan.

If the original lender was an educational institution, and the loan had not been transferred to another lender (or, if transferred, has been repurchased by the original lender), an unpaid refund due from such institution would, as noted above, be considered a payment by the student and would be deducted from the default claim filed by such institution.

If the original lender was an educational institution and the loan has been transferred, so that another lender is holding the loan at the time of the student's default, an unpaid refund which became due prior to the transfer would, as noted above, be treated as a payment by the student and deducted from the claim filed by the holder. In addition, any payments which the student made to the school after the transfer which the subsequent holder authorized to be made or knowingly permitted to be made would be deducted from the holder's default claim, even if the school has not transmitted such payments to the holder. In this instance, the holder would be expected to pursue any remedies it had against the school. (Similarly, as discussed above, if the student had not been given proper notice of the transfer, or if such notice were given belatedly, any payments made to the school by the student prior to or in the absence of such notice, would be deducted from the holder's default claim and the holder would be expected to pursue its remedies against the school.) With respect to unpaid refunds which become due after the transfer, the holder would be required to exercise the same diligence in attempting to collect the refund from the school that is required of non-school lenders generally (see discussion above). Such diligence includes obtaining an assignment of any authorization which the student has signed to have his refund paid to the lender or, if no such authorization had been signed previously by the student, a diligent effort to obtain from the student an assignment of his own right to the payment of the refund. As discussed above, if the holder exercised such diligence but was not able to collect the refund from the school, it would be reimbursed on a default claim for the full amount of the unpaid balance of the loan and the Commissioner would assume responsibility or collecting the refund from the school.

4. *Consequences of a school terminating its teaching activities.* If a loan has been made by an educational institution and if the institution for any reason has terminated its teaching activities during the academic period for which the loan was made, with the result that the student is unable to obtain the academic services for which he enrolled, the Commissioner will not reimburse the institution, or any subsequent holder of the loan, for the full amount of the unpaid balance of the loan. Since the loan was made solely and specifically to enable the student to enroll in school, the school's termination of its teaching activities would result in a failure of consideration on the student's enrollment agreement with the school, thereby giving rise to a defense which is good on the loan not only against the school, but also against a subsequent holder of the loan. A lender purchasing loans which have been made by a school lender must, therefore, bear responsibility for making a reasonable, professional judgment that the institution has the resources and administrative capability to provide the services for which the student obtained the loan.

Should this situation arise, the institution, or the subsequent holder of the loan upon learning of the school's closing, would be required to submit a "default" claim promptly to the Commissioner. The holder of the loan would be required not to make any attempt to collect payments from the student and not to hold the loan during the normal grace period available to the student before he becomes obligated to begin payments. The holder of the loan would be reimbursed on its default claim on a pro rata basis for the services which the student received prior to the school's termination. That is to say, the amount which the holder would be reimbursed would bear the same ratio to the total amount of the student's loan as the amount of the services provided to the student would bear to the total amount of services which would have been provided to him had the school not closed.

Under these circumstances, the Commissioner would be subrogated to any rights which the holder of the note might have had, under applicable law, to receive payments from the student. The Commissioner will determine whether the student has any obligation, based on the facts and the applicable law, to make repayment on the loan. If it is determined that the student does have such obligation, the Commissioner will, after the expiration of the grace period, seek to collect such payments.

5. *Lenders having special relationships with schools.* It is apparent that there are circumstances in which a lender, although not an educational institution, could have established a relationship with an educational institution which might result in the lender not exercising the independent judgment and responsibility in making loans which would otherwise be expected of a non-school lender. Such circumstances include cases in which the lender and the institution have mutual financial interests and cases in which the lender has delegated its normal loan-making activities to the school.

The purposes of the program, particularly the interests of the students and the Federal Government appear to be best served in such circumstances if the lenders are required to assume responsibilities or bear risks beyond those of other non-school lenders.

Section 177.52(c) of the proposed amendments would define certain relationships between a lender and a school which would result in the loans made by the lender being treated as if they were made by a school and transferred to the lender. Thus, lenders with such relationships, unlike other non-school lenders, would bear the risk that a refund had become due prior to the disbursement of the loan, would bear the risk that payments had been made to the school by the student in the absence of adequate information about his repayment responsibilities, would have to make a diligent effort to collect an unpaid refund from the school, and would bear some risk in the case the institution terminated its teaching activities prior to the conclusion of the academic period for which a loan was made.

The relationships giving rise to such additional responsibilities would be (i) a school owning a majority of the voting stock of the lender; (ii) the lender having common ownership or management with one or more institutions and a majority of the loans made under the FISL Program by the lender are to the students at such institution; and (iii) the lender has delegated to a school substantially all of the loan-making functions and responsibilities which a non-school lender would ordinarily exercise.

Subdivision (iii) of this provision is not to be construed as authorizing or encouraging lenders to adopt the practice of delegating a lender's normal responsibilities to an educational institution. Rather, such a practice is discouraged and its use could raise serious questions regarding the lender's exercise of the requisite care and diligence in making loans. This provision is merely intended to establish that any lender which engages in such a practice will be held to assume additional risks.

Public comment. All interested parties are invited to submit written comments, suggestions or objections regarding these proposed amendments to the regulations to the Associate Commissioner, Office of Guaranteed Student Loans, Room 4051, Regional Office Building #3, Seventh and D Streets, SW., Washington, D.C. 20202. All relevant material received on or before April 24, 1975, will be considered. (Such response to this notice will be available for public inspection on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.)

(Catalog of Federal Domestic Assistance No. 13.460: Guaranteed Student Loan Program)

Dated: March 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 18, 1975.

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

Part 177 of Title 45 of the Code of Federal Regulations is amended as follows:

§ 177.42 [Amended]

1. Section 177.42 is amended by deleting paragraph (d) and by redesignating paragraph (e) as paragraph (d).

2. Section 177.44 is amended by designating the undesignated paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 177.44 Eligibility for insured loans.

* * * * *

(b) In making a loan under this part, a lender which is not an institution of higher education or a vocational school, acting in good faith and in the absence of information to the contrary, may rely upon the certifications provided by an institution and upon the assurances and other information provided by a student pursuant to paragraph (a) of this section. A lender which, by transfer or assignment pursuant to § 177.49 of this part, obtains possession of a loan which has been made by an educational institution may, acting in good faith and in the absence of information to the contrary, rely upon the assurances and information provided by a student to such institution pursuant to paragraph (a) of this section, but such transferee or assignee shall not be entitled to rely upon the certifications provided by an educational institution pursuant to paragraph (a) of this section in the making of the loan. In making a loan under this part, a lender which is not an educational institution, but for which the conditions set forth in paragraph (c) of § 177.52 exist, acting in good faith and in the absence of information to the contrary, may rely upon the assurances and information provided by a student pursuant to paragraph (a) of this section, but shall not be entitled to rely upon the certifications of the educational institution provided thereunder.

3. Paragraph 177.49(b) is revised, to read as follows:

§ 177.49 Transfer of insured loan.

* * * * *

(b) The Commissioner shall be notified of any assignment of a note insured under this subpart if the right to receive interest payments has also been assigned. The borrower shall be notified of the assignment of any note insured under this subpart if the assignment results in his being required to make installment payments or direct other matters connected with the loan to another party. Such notice to the borrower shall contain a clear statement of all of the borrower's rights and obligations, both as to the assignor and the assignee, including a statement regarding the consequences of any payments made to the assignor, or any prior holder of the loan, subsequent to receipt of the notice and, if applicable, the effect of the assignment on any authorization previously signed by the borrower with respect to payment of refunds due under § 177.63 of this part.

4. A new § 177.52 is added, to read as follows:

§ 177.52 Determination of amount of loss on default claims.

The amount of loss to be paid on claims filed pursuant to § 177.48, for loans for which the application for insurance commitment was received by the U.S. Office of Education prior to July 1, 1972 or between August 19, 1972 and February 28, 1973 (or, with respect to claims based on the borrower's death or total and permanent disability, for loans made prior to December 15, 1968), shall be equal to the unpaid balance of the principal amount of such loan other than any interest or any other charges which may have been added to, and become part of, the principal amount of the loan. For loans for which such applications were received between July 1 and August 18, 1972 or after February 28, 1973 (and, with respect to claims based on the borrower's death or total and permanent disability, for loans made on or after December 15, 1968), the amount of the loss to be paid on claims filed pursuant to § 177.48 shall be equal to the unpaid balance of the principal and interest. In determining what amount of such balance is unpaid, the Commissioner shall take cognizance of legal defects affecting the initial validity or insurability of the loan which arise under the Act, the regulations set forth in this part, or applicable State law. Subject to the provisions of § 177.44(b) of this part, the Commissioner shall deduct from the claim any amounts included therein which are attributable to legal defects deriving from fraud, forgery or intentional misrepresentations on the part of the borrower, the educational institution or the lender or deriving from non-compliance with the statutory conditions and elements set forth in sections 425 and 427 of the Act. In determining whether deductions should be made which are attributable to other defects, the Commissioner shall consider whether there is any evidence of an intention to mislead or defraud and whether the lender, in making the loan, failed to exercise care and diligence commensurate with prudent business practices. In addition, the Commissioner will determine the amount of the unpaid balance in accordance with the following rules:

(a) *Loans made by lenders which are not educational institutions.* If the loan for which a claim has been filed was originally made by an eligible lender which was not an institution of higher education or a vocational school, the unpaid balance shall be the amount of the loan, minus any payments which have been properly made to the holder of the loan by the borrower or on the borrower's behalf. If, however, the lender has obtained the borrower's authorization to have the educational institution in which the borrower is enrolled pay directly to the lender any refund from the institution to which the borrower becomes entitled, the lender must make a diligent effort to collect such refund prior to filing the claim; if the lender fails to make

such efforts, the Commissioner will deduct from the claim any amount included therein which is attributable to such refund. If the claim has been filed by an eligible lender which did not make the loan, but has obtained it by transfer or assignment, the transferee or assignee shall not be entitled to any payment under this section greater than that to which the transferor or assignor would be entitled under this section. In particular, the Commissioner shall deduct from the claim any amounts included therein which are attributable to payments made by the borrower to a prior holder of the loan prior to, or in the absence of, proper notice of the transfer or assignment to the borrower in accordance with § 177.49(b) of this part. If the loan for which a claim has been filed was made by an eligible lender which is not an educational institution, but for which the conditions set forth in paragraph (c) of this section exist, the Commissioner will determine the amount of the loss on such claim in accordance with the rules set forth in paragraph (b)(2) of this section.

(b) *Loans made by educational institutions.* (1) If the loan for which a claim has been filed was originally made by an eligible institution of higher education or vocational school, and the claim has been filed by such lender, the Commissioner shall deduct from the claim any amounts included therein which are attributable to either (i) a refund which the institution is obligated to make pursuant to § 177.63 of this part; or (ii) any portion of the program of study which the student was unable to complete due to the institutions' termination of its teaching activities during the period of time for which the student obtained a loan under this part. If the situation described in paragraph (b)(1)(ii) of this section arises, the lender shall not make any effort to collect on the loan from the student, shall not hold the loan during the grace period provided for in § 177.46(d) of this part, and shall promptly file a claim pursuant to § 177.48. The Commissioner shall reimburse the lender in an amount which bears the same ratio to the total amount of the loan as the amount of the educational services which the student received before the institution terminated its teaching activities bears to the total services which he would have received, during the period for which the loan was obtained, had the institution not terminated its teaching activities. The Commissioner will then determine whether, after the grace period has expired, the student is obligated to make any repayments on the loan and, if so, in what amount.

(2) If the loan for which a claim has been filed was originally made by an eligible institution of higher education or vocational school, but the claim has been filed by another eligible lender which obtained the note by transfer or assignment, the Commissioner shall deduct from the claim any amounts included therein which are attributable to (i) a refund which the institution became obligated to make, pursuant to § 177.63 of this part, prior to the transfer or assignment; or (ii) any payments made to the institution (or any other prior holder of the loan) which the lender filing the claim authorized to be made or knowingly permitted to be made, or which were made prior to or in the absence of a proper notice of the transfer or assignment having been sent to the student in accordance with § 177.49(b) of this part; or (iii) any portion of the program of study which the student was unable to complete due to the institution's termination of its teaching activities during the period of time for which the student obtained a loan under this part. The Commissioner will not deduct from the claim an amount which would be attributable to a refund which the institution became obligated to make after the date of the transfer or assignment, if the lender, prior to filing the claim, has made a diligent effort to obtain an assignment from the student of the right to receive such refund and, if the lender received such assignment from the student, has made a diligent effort to collect such refund from the institution. If, however, the student, prior to the transfer or assignment of the loan by the institution, had signed an authorization for the institution to apply the refund to the unpaid balance of the loan, the transferree or assignee will be held responsible for obtaining an assignment of such authorization and for making a diligent effort, prior to filing a claim, to collect such refund from the institution; if the lender fails to make such effort, the Commissioner will deduct from the claim any amount included therein which is attributable to a refund which the institution is obligated to make. If a lender holding a loan that was made by an educational institution has knowledge that the institution has terminated its teaching activities during the period of time for which the student obtained a loan under this part, the lender shall not make any effort to collect on the loan from the student, shall not hold the loan during the grace period provided for in § 177.46(d) of this part, and shall promptly file a claim pursuant to § 177.48; the lender will be reimbursed an amount which bears the same ratio to the total amount of the loan as the amount of the educational services which the student received before the institution terminated its teaching activities bears to the total services which he would have received, during the period for which the loan was obtained, had the institution not terminated its teaching activities. The Commissioner will then determine whether, after the grace period has expired, the student is obligated to make any repayments on the loan, and, if so, in what amount.

(c) *Loans made by lenders having special relationships with educational institutions.* For purposes of this section, a loan which has been made by a lender which is not an educational institution shall be treated, in accordance with paragraph (b)(2) of this section, as if it were a loan made by an educational institution and transferred to the lender on the date of the initial disbursement of the loan, in any case in which the lender: (i) has a majority of its voting stock held by an educational institution; or (ii) has common ownership or management with one or more educational institutions and more than 50 percent of the loans made under this part by the lender have been made to students at such institution; or (iii) has delegated to an educational institution substantially all of the functions and responsibilities normally performed by a lender prior to making a loan, such an interviewing the applicant for the loan, explaining the applicant's responsibilities under the loan, obtaining completion of necessary forms, obtaining necessary documentation, and (subject to § 177.48(b) of this part) verifying that the student is eligible for the loan.

(20 U.S.C. 1080, 1082(a)(1))

[FR Doc.75-7582 Filed 3-24-75;8:45 am]

federal register

TUESDAY, MARCH 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 58

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES PROGRAMS

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Parts 51a, 203]

MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES PROGRAMS OF PROJECTS

Notice of Proposed Rulemaking

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 amend Subpart A of Part 51a of Title 42, Code of Federal Regulations, by the insertion therein of five new sections. The purpose of the new sections is to implement sections 505(a) (8), (9), and (10) of the Social Security Act. Those provisions require that, effective July 1, 1974, each State, in order to be entitled to payments from allotments under section 503, must include in its State plan for maternal and child health services and services for crippled children "program[s] (carried out directly or through grants or contracts) of projects described in" sections 508, 509, and 510 of the Act. The new sections are intended to implement this requirement with respect to the five types of projects "described in" sections 508, 509, and 510:

1. Projects for maternity and infant care (section 508(a)(1)).

2. Projects for intensive infant care (section 508(a)(2)).

3. Projects for family planning services (section 508(a)(3)).

4. Projects for health of children and youth (section 509(a)).

5. Projects for dental health of children (section 510(a)).

The provisions of the proposed new sections in the form of proposed guidelines have been widely disseminated to the respective State maternal and child health agencies and to projects formerly supported by grants under sections 508, 509, and 510, and have been the subject of considerable discussion and consultation between such agencies and organizations, as well as other groups to whom the guidelines have been made available, and Federal program administrators. Accordingly, and in view of the need to promulgate final regulations at an early date to assist States in developing their final fiscal year 1975 maternal and child health State plans, it is requested that interested persons forward their comments to the address set forth below on or before April 24, 1975.

One point that should be emphasized is that the proposed regulations, in carrying out the Congressional intent expressed in sections 505(a) (8), (9), and (10), in no way change the goal of Title V of the Social Security Act: to provide quality health services for prospective mothers, infants, and children, particularly in urban and/or low-income areas where access to quality care is otherwise limited. And, although these proposed regulations contain provisions describing the method by which projects may be reduced in terms of areas or populations served if funds are limited (see, e.g., § 51a.124(c)(9)), it is the intention of the Secretary that existing projects should be maintained at their current strength whenever possible, by whatever means are consistent with the policies of, and funds available to, the States. It should also be noted that nothing in such regulatory provisions affects the requirement imposed by section 516(a)(2) of the Act that, in order to be eligible for a supplementary allotment under sec. 516, a State must have in effect arrangements which the Secretary finds will provide for the continuation of appropriate services to population groups previously receiving services from funds under sections 508, 509, 510 (whether or not a State has designated its existing project(s) among its programs of projects).

Further, the proposed regulations, in line with sections 505(a)(8), (9), and (10) of the Act, require the inclusion of programs of projects carried out by the State agency directly or through grants and contracts, without reference to the source of funds for the support of such projects. As a matter of program policy, therefore, it has been concluded that such programs may include projects supported in whole or in part by funds appropriated under Federal statutes other than Title V of the Social Security Act. Such inclusion is of course conditioned upon such projects meeting the applicable requirements of Title V and these regulations; and no such other Federal support, or any non-Federal expenditures required as a condition of such support, may be counted toward the non-Federal financial participation required pursuant to Title V. Specifically, family planning services projects supported by grants to State maternal and child health agencies under Title X of the Public Health Service Act are in general suitable for inclusion in the program of projects for family planning services required by § 51a.125 of the proposed regulations. Other projects will be evaluated against the applicable regulations on a case-by-case basis.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to Part 51a, Subpart A, to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6-17, 5600 Fishers Lane, Rockville, Md. 20852, on or before April 24, 1975. All comments received in response to this notice will be available for public inspection in the above-named office during regular business hours.

It is therefore proposed to amend Subpart A of Part 51a of Title 42 as set forth below.

Dated: March 17, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: March 19, 1975.

CASPAR W. WEINBERGER,
Secretary.

1. Part 203 and Subparts B and C of Part 51a are revoked.

2. Subpart A of Part 51a is amended by redesignating §§ 51a.123—132 thereof as §§ 51a.128–137, respectively, and adding thereto the following new sections:

§ 51a.123 Program of projects for maternity and infant care.

(a) The State plan shall incorporate by reference documents providing for a program of projects (carried out by the State agency directly or through grants and contracts) described in section 508(a)(1) of the Act, particularly in areas with concentrations of low-income families, which offers reasonable assurance of satisfactorily helping to reduce (1) the incidence of mental retardation and other handicapping conditions caused by complications associated with childbearing and (2) infant and maternal morbidity and mortality, through provision of necessary health care to prospective mothers (including, after childbirth, health care to mothers and their infants) who have or are likely to have conditions associated with childbearing or who are in circumstances which increase the hazards to the health of mothers or their infants (including those which may cause physical or mental defects in the infants).

(b) The Secretary, in determining whether the program of projects described in the documents incorporated by reference offers reasonable assurance of achieving the above-stated objectives, will take into consideration the degree to which such program of projects provides for:

(1) Appropriate diagnostic, preventive, prenatal, and postnatal health care and services, including hospital care and delivery services, and family planning services, for women and infants within the area served by the program of projects.

(2) The prompt delivery of care and services.

(3) Procedures to insure coordination and continuation of care and services, including active follow-up of cases.

(4) Income standards for determining eligibility for treatment services, which are to be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care.

(5) Staff and/or consultants in the State maternal and child health program, or in each project, that will insure adequacy of services.

(6) Arrangements for the provision of services to those women and infants within the area served by the program of projects for whom the program of projects cannot provide care.

(7) The coordination of health care and services provided under the program with, and utilization (to the extent feasible) of, other health and welfare resources.

(8) Other medical care as defined in § 51a.101(l) of these regulations.

(c) The State plan shall contain the following assurances:

(1) That the program of projects will provide services particularly in areas with concentrations of low-income families, with priority given to the areas having the greatest need for such services, whether urban or rural.

(2) That diagnostic and preventive prenatal and postnatal services will be available without charge to all women, and diagnostic and preventive services will be available without charge to all infants, within the area served by the program of projects.

(3) That treatment services (including labor and delivery services and correction of defects) will be available only to women and infants who would not otherwise receive them because they are from low-income families or for other reasons beyond their control.

(4) That services will be available to patients from outside the area served by each project only if it is determined by the project director that provision of such services will best promote the purposes of the program of projects under this section.

(5) That treatment will be provided to women and infants who are not from low-income families but who would not otherwise receive such services for reasons beyond their control only if such treatment does not reduce the delivery of necessary services to women and infants from low-income families. In those instances where charges are made for treatment services provided to women and infants who are not from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care. Full disclosure of such payment scales and the factors by which they are applied shall be made available to the payors and providers as well as to the patients and their families. The established basic payment schedule shall not exceed actual costs. Every reasonable effort will be made to collect from third-party payment sources (including Government agencies) which are authorized or under legal obligation to make such payments. Where the cost of care and services furnished by or through the program of projects is to be reimbursed by a Government agency, a written agreement with that agency is required. Reimbursement may be made either to the project or directly to the provider, in accordance with such agreement.

(6) That the program of projects will be administered by the State maternal and child health program unit, either directly or through grants or contracts, and that each project within such program of projects will be under the direction of a single director, responsible for the overall direction of the project, who will be a full-time employee of that project: *Provided*, That the State agency may, in particular cases, approve the appointment of a project director who is employed less than full time where the State agency finds that such appointment is consistent with the purposes of the program.

(7) That medical care and services provided by each project will be under the direction and responsibility of a physician with appropriate training and experience.

(8) That determinations of eligibility for services under each project will be made by the project director or a member of the project staff designated by him, and will be in accordance with the Act, these regulations, and the policies and procedures promulgated thereunder, and in accordance with the approved State plan.

(9) That to the extent that funds are inadequate for the provision of necessary health care, the program of projects will be curtailed in terms of areas or population served, or similar factors, and not in terms of the care and services provided under the program.

§ 51a.124 Program of projects for intensive infant care.

(a) The State plan shall incorporate by reference documents providing for a program of projects (carried out by the State agency directly or through grants and contracts) described in section 508 (a)(2) of the Act, particularly in areas with concentrations of low-income families, which offer reasonable assurance of satisfactorily helping to reduce (1) the incidence of mental retardation and other handicapping conditions caused by complications associated with childbearing and (2) infant and maternal morbidity and mortality, through the provision of necessary health care to infants, during the first year of life, who have any conditions or who are in circumstances which increase the hazards to their health.

(b) The Secretary, in determining whether the program of projects described in the documents incorporated by reference offers reasonable assurance of achieving the above-stated objectives, will take into consideration the degree to which the program of projects provides for:

(1) Appropriate services for intensive care of infants, including surgical and specialized consultative services, and for follow-up care of the infant during the first year of life.

(2) The prompt delivery of care and services.

(3) Transportation for the infant and parent, as appropriate.

(4) Procedures to insure coordination and continuation of care and services, including active follow-up of cases.

(5) Income standards for determining eligibility for treatment services, which are to be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care.

(6) Staff and/or consultants in the State maternal and child health program, or in each project, that will insure adequacy of services.

(7) Arrangements for the provision of services to those infants within the area served by the program of projects for whom the program of projects cannot provide services.

(8) Coordination of necessary health care and services provided under the program with, and utilization (to the extent feasible) of, other health and welfare resources.

(9) Other medical care as defined in § 51a.101(i) of these regulations.

(c) The State plan shall contain the following assurances:

(1) That the program of projects will provide services particularly in areas with concentrations of low-income families, with priority given to the areas having the greatest need for such services, whether urban or rural.

(2) That services will be available only to infants who would otherwise not receive them because they are from low-income families or for other reasons beyond their control.

(3) That services will be available to infants from outside the area served by each project only if it is determined by the project director that provision of such services will best promote the purposes of the program of projects under this section.

(4) That services will be provided to infants who are not from low-income families but who would not otherwise receive such services for reasons beyond their control only if such treatment does not reduce the delivery of necessary services to infants from low-income families. In those instances where charges are made for services provided to infants who are not from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care. Full disclosure of such payment scales and the factors by which they are applied shall be made available to the payors and providers as well as to the patients and their families. The established basic payment schedule shall not exceed actual costs. Every reasonable effort will be made to collect from third-party payment sources (including Government agencies) which are authorized or under legal obligation to make such payments. Where the cost of care and services furnished by or through the program of projects is to be reimbursed by a Government agency, a written agreement with that agency is required. Reimbursement may be made either to the project or directly to the provider, in accordance with such agreement.

(5) That the program of projects will be administered by the State maternal and child health program unit, either directly or through grants or contracts, and that each project within such program of projects will be under the direction of a single director, responsible for the overall direction of the project, who will be a full-time employee of that project: *Provided*, That the State agency may, in particular cases, approve the appointment of a project director who is employed less than full time where the State agency finds that such appointment is consistent with the purposes of the program.

(6) That medical care and services provided by each project will be under

the direction and responsibility of a physician with appropriate training and experience.

(7) That determinations of eligibility for services under each project will be made by the project director or a member of the project staff designated by him, and will be in accordance with the Act, these regulations, and the policies and procedures promulgated thereunder, and in accordance with the approved State plan.

(8) That to the extent that funds are inadequate for the provision of necessary health care, the program of projects will be curtailed in terms of areas or population served, or similar factors, and not in terms of the care and services provided under the program.

§ 51a.125 Program of projects for family planning services.

(a) The State plan shall incorporate by reference documents providing for a program of projects (carried out by the State agency directly or through grants and contracts), described in section 508 (a)(3) of the Act, particularly in areas with concentrations of low-income families, which offers reasonable assurance of satisfactorily helping to reduce (1) the incidence of mental retardation and other handicapping conditions caused by complications associated with childbearing, and (2) infant and maternal morbidity and mortality, through the provision of family planning services.

(b) The Secretary, in determining whether the program of projects described in the documents incorporated by reference offers reasonable assurance of achieving the above-stated objectives, will take into consideration the degree to which the program of projects provides for:

(1) Counseling and interpretation to individuals of the services offered by the project, and public education and information services.

(2) Medical services that include a medical examination under the direction of a physician with special training and experience in family planning, and the services of allied health personnel.

(3) Comprehensiveness and continuity in the health management and supervision of patients receiving family planning services.

(4) The prompt delivery of family planning services.

(5) Income standards for determining eligibility for family planning services, which are to be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of such services.

(6) Staff and/or consultants in the State maternal and child health program, or in each project, that will insure adequacy of services.

(7) Arrangements for the provision of services for those women within the area served by the program of projects for whom the program of projects cannot provide care.

(8) The coordination of health care and services provided under the program with, and the utilization (to the extent feasible) of, other health and welfare resources.

(c) The State plan also shall contain the following assurances:

(1) That the program of projects will provide services particularly in areas with concentrations of low-income families with priority given to the areas having the greatest need for such services, whether urban or rural.

(2) That a variety of medically approved methods of family planning, including the rhythm method, will be available and supplied to all persons within the area served by the program of projects.

(3) That family planning services and supplies include at least physician's consultation, examination, and continuing supervision, necessary laboratory examinations and tests; medically approved contraception through chemical, mechanical, or other means; surgical procedures for voluntary sterilization; and evaluation of women for infertility and referral to other appropriate resources when services are not provided by the project.

(4) That treatment services will be available only to women who otherwise would not receive them because they are from low-income families or for other reasons beyond their control.

(5) That services will be provided without regard to age or marital status.

(6) That services will be available to women from outside the area served by each project only if it is determined by the project director that provision of such services will best promote the purposes of the program of projects under this section.

(7) That services will be provided to women who are not from low-income families but who would not otherwise receive such services for reasons beyond their control only if the provision of such services does not reduce the delivery of services to persons from low-income families. In those instances where charges are made for services provided to persons who are not from low-income families, such charges shall be applied flexibly, with due regard to family size and income and the family's other financial responsibilities in relation to the cost of such services. Full disclosure of such payment scales and the factors by which they are applied shall be made available to the payors and providers as well as to the patients and their families. The established basic payment schedule shall not exceed actual costs. Every reasonable effort will be made to collect from third-party payment sources (including Government agencies) which are authorized or under legal obligation to make such payments. Where the cost of care and services furnished by or through the program of projects is to be reimbursed by a Government agency, a written agreement with that agency is required. Reimbursement may be made either to the project or directly to the provider, in accordance with such agreement.

(8) That the program of projects will be administered by the State maternal and child health program unit, either directly or through grants or contracts. However, where there is a separate unit of the State agency with specific responsibility for family planning services, the program of projects may be conducted in that unit subject to the requirements of § 51a.104(a). Each project within such program of projects will be under the direction of a single director, responsible for the overall direction of the project, who will be a full-time employee of that project: *Provided*, That the State agency may, in particular cases, approve the appointment of a project director who is employed less than full time where the State agency finds that such appointment is consistent with the purposes of the program.

(9) That family planning medical services provided by the project will be under the direction and responsibility of a physician with appropriate training and experience.

(10) That determinations of eligibility for services under each project will be made by the project director or a member of the project staff designated by him, and will be in accordance with the Act, these regulations and the policies and procedures promulgated thereunder, and in accordance with the approved State plan.

(11) That the program of projects will be in addition to the demonstration services referred to in § 51a.117.

(12) That to the extent that funds are inadequate for the provision of necessary family planning services, the program of projects will be curtailed in terms of areas or population served, or similar factors, and not in terms of the care and services provided under the program.

§ 51a.126 Program of projects for health of children and youth.

(a) The State plan shall incorporate by reference documents providing for a program of projects (carried out by the State agency directly or through grants and contracts), described in section 509 (a) of the Act, which offers reasonable assurance of satisfactorily promoting the health of children and youth of school or preschool age, particularly in areas with concentrations of low-income families, through provision of health care and services of a comprehensive nature for children and youth of school age, or for preschool children (to help them prepare for school).

(b) The Secretary, in determining whether the program of projects described in the documents incorporated by reference offers reasonable assurance of achieving the above-stated objectives, will take into consideration the degree to which the program of projects provides for:

(1) Medical and dental care, including screening, diagnosis, preventive services, treatment, correction of defects,

and aftercare, the scope and content of which are to be in accordance with generally recognized medical standards; e.g., preventive services must include periodic check-ups and necessary immunizations; diagnosis must include thorough medical and dental examinations and indicated laboratory tests and speciality examinations; treatment must include services of medical and dental paramedical practitioners; inpatient and outpatient hospital services, and such other care and services as are medically indicated, must be provided.

(2) The prompt delivery of care and services.

(3) Procedures to insure coordination and continuation of care and services, with active follow-up of cases.

(4) Income standards for determining eligibility for treatment services, which are to be applied flexibly with due regard for family size and income, and the family's other financial responsibilities in relation to the cost of required care.

(5) Staff and/or consultants in the State maternal and child health program, or in each project, that will insure adequacy of services.

(6) Arrangements for the provision of services to those children and youth within the area served by the program of projects for whom the program of projects cannot provide care.

(7) Coordination of health care and services provided under the program with, and utilization (to the extent feasible) of other health, welfare, and education resources.

(8) Other medical care as defined in § 51a.101(i) of these regulations.

(c) The State plan shall contain the following assurances:

(1) That the program of projects will provide services particularly in areas with concentrations of low-income families, with priority given to the areas having the greatest need for such services, whether urban or rural.

(2) That screening, diagnostic, and preventive services will be available without charge to all children and youth within the area served by the program of projects.

(3) That treatment, correction of defects, and aftercare will be available only to children and youth who otherwise would not receive such services because they are from low-income families or for other reasons beyond their control.

(4) That the program of projects will provide comprehensive dental care and services including diagnostic, screening, preventive services, treatment, correction of defects, and aftercare.

(5) That services will be available to patients from outside the area served by each project only if it is determined by the project director that the provision of such services will best promote the purposes of the program of projects under this section.

(6) That treatment, correction of defects, and aftercare will be provided to children and youth who are not from low-income families but who would not otherwise receive such services for reasons beyond their control only if such treatment does not reduce the delivery of necessary services to children and youth from low-income families. In those instances where charges are made for treatment services provided to children and youth who are not from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care. Full disclosure of such payment scales and the factors by which they are applied shall be made available to the providers as well as to the patients and their families. The established basic payment schedule shall not exceed actual costs. Every reasonable effort will be made to collect from third-party payment sources (including Government agencies) which are authorized or under legal obligation to make such payments. Where the cost of care and services furnished by or through the program of projects is to be reimbursed by a Government agency a written agreement with that agency is required. Reimbursement may be made either to the project or directly to the provider, in accordance with such agreement.

(7) That the program of projects will be administered by the State maternal and child health program unit, either directly or through grants or contracts, and that each project within such program of projects will be under the direction of a single director, responsible for the overall direction of the project, who will be a full-time employee of that project: *Provided*, That the State agency may in particular cases approve the appointment of a project director who is employed less than full time where the State agency finds that such appointment is consistent with the purposes of the program.

(8) That medical care and services provided by each project will be under the direction and responsibility of a physician with appropriate training and experience.

(9) That determinations of eligibility for services under each project will be made by the project director or a member of the project staff designated by him and will be in accordance with the Act, these regulations and the policies and procedures promulgated thereunder, and in accordance with the approved State plan.

(10) That to the extent that funds are inadequate for the provision of comprehensive health care, the program of projects will be curtailed in terms of areas served or age levels of children served, or similar factors, and not in terms of the care and services provided under the program.

§ 51a.127 Program of projects for dental health of children and youth.

(a) The State plan shall incorporate by reference documents providing for a program (carried out by the State agency directly or through grants and contracts) of projects, described in section 510(a) of the Act, which offers reasonable assurance of satisfactorily promoting the dental health of children and youth of school or preschool age, particularly in areas of concentrations of low-income families, through the provision of projects of a comprehensive nature for dental care and services for children and youth of school age or preschool age.

(b) The Secretary, in determining whether the program of projects described in the documents incorporated by reference offers reasonable assurance of meeting the above-stated objectives will take into consideration the degree to which the program of projects provides for:

(1) Appropriate screening, diagnosis, preventive services, treatment, correction of defects, and aftercare.

(2) The prompt delivery of care and services.

(3) Procedures to insure coordination and continuation of care and services, including active follow-up of cases.

(4) Income standards for determining eligibility for treatment services, which are to be applied flexibly with due regard for family size and income, and the family's other financial responsibilities in relation to the cost of required care.

(5) Staff and/or consultants in the State maternal and child health program, or in each project that will insure adequacy of services.

(6) Arrangements for the provision of services to those children within the area served by the program of projects for whom the program of projects cannot provide care.

(7) The coordination of health care and services provided under the program with, and utilization (to the extent feasible) of, other health, welfare, and education resources.

(8) Appropriate referral for other medical care if needed.

(c) The State plan shall contain the following assurances:

(1) That the program of projects will provide services particularly in areas with concentrations of low-income families, with priority given to the areas having the greatest need for such services, whether urban or rural.

(2) That diagnostic, screening, and preventive services will be available without charge to all children within the area served by the program of projects.

(3) That treatment, correction of defects, or aftercare will be available only to children who otherwise would not receive such services because they are from low-income families or for other reasons beyond their control.

(4) That services will be available to children from outside the area served by each project only if it is determined by the project director that provision of such services will best promote the purposes of the program of projects under this section.

(5) That treatment, correction of defects, and aftercare will be provided to children and youth who are not from low-income families but who would not otherwise receive such services for reasons beyond their control only if such treatment does not reduce the delivery of necessary services to children from low-income families. In those instances where charges are made for treatment services provided to children who are not

from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care. Full disclosure of such payment scales and the factors by which they are applied shall be made available to the providers as well as to the patients and their families. The established basic payment schedule shall not exceed actual costs. Every reasonable effort will be made to collect from third-party payment sources (including Government agencies) which are authorized or under legal obligation to make such payments. Where the cost of care and services furnished by or through the program of projects is to be reimbursed by a Government agency, a written agreement with that agency is required. Reimbursement may be made either to the project or directly to the provider, in accordance with such agreement.

(6) That the program of projects will be administered by the State maternal and child health program unit, either directly or through grants or contracts. However, where there is a sepaarte unit of the State agency with specific responsibility for dental health services, the program of projects may be conducted in that unit subject to the requirements of § 51a.104(a). Each project within such program of projects will be under the direction of a single director, responsible for the overall direction of the project, who will be a full-time employee of that project: *Provided*, That the State agency may, in particular cases, approve the appointment of a project director who is employed less than full time where the State agency finds that such appointment is consistent with the purposes of the program.

(7) That dental care and services provided by each project will be under the direction and responsibility of a dentist with appropriate training and experience.

(8) That determinations of eligibility for services under each project will be made by the project director or a member of the project staff designated by him and will be in accordance with the Act, these regulations and the policies and procedures promulgated thereunder, and in accordance with the approved State plan.

(9) That to the extent that funds are inadequate for the provision of comprehensive dental care and services, the program of projects will be curtailed in terms of areas served or age levels of children served, or similar factors, and not in terms of the care and services provided under the program.

(10) That the program of projects will be in addition to the demonstration services referred to in § 51a.117.

(d) The State plan may provide, in its program of projects, for research looking toward the development of new methods of diagnosis or treatment, or demonstration of the utilization of dental personnel with various levels of training.

[FR Doc.75-7674 Filed 3-24-75;8:45 am]